



Managing Sickness Absence Policy and Procedure

For Employees in Voluntary Aided Schools

Version Autumn 2021

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1. INTRODUCTION

1.1. The Governing Body recognises that its employees are its most valuable asset and resource. Employees, who are absent from work due to sickness, need to be treated with consideration and respect. Sickness absences may be related to a disability.

1.2. The Governors expect managers to manage sickness absence in a manner that is fair and consistent and complies with employment legislation. Every effort needs to be made to assist staff in their recovery and return to work. However, the needs of an individual employee suffering from sickness must also be balanced against the needs of the school and our commitment to providing our pupils with a high standard of education.

1.3. This policy will be reviewed every two years.

2. SCOPE

2.1. This procedure applies to all permanent and fixed term employees who have completed their probationary period.

2.2. The same policy, procedures and principles for resolving absence issues will be applied to both teaching and support staff.

3. LEGISLATION

3.1. This policy must always be applied fairly in accordance with employment law and the Equality Act 2010 and health and safety legislations.

3.2. Sickness absence may amount to a disability under the Equality Act 2010. Where this is a possibility, specialist advice will be obtained from occupational health to establish any reasonable adjustments which will need to be considered and implemented to the employee's working systems or environment to enable them to return to work on a sustained basis.

3.3. It is acknowledged that disability is by no means generally synonymous with sickness or absence from work. However, guidance recognises that some employees with a disability will have conditions that are from time to time relevant in terms of sickness absence management.

3.4. The definition of a person with a disability is a person with a physical or mental impairment, which has a long-term adverse effect on their ability to carry out normal day-to-day activities.

4. CONFIDENTIALITY

4.1. Information about sickness absences must be handled carefully in accordance with the Data Protection Act and the General Data Protection Regulation to ensure that sensitive details remain confidential.

5. REPORTING PROCEDURES

5.1. It is important that all staff absent from work due to sickness follow the school's local procedure for reporting absence. Any persistent failure to follow the procedure could result in the disciplinary procedure being invoked.

6. TIME OFF TO ATTEND MEDICAL APPOINTMENTS

6.1. Staff will be allowed paid time off to attend appointments with their doctor dentist or medical specialist where these are supported by an appointment card or letter. This will not be recorded as sickness absence.

6.2. Appointments should be made at the beginning or at the end of the school day to minimise the impact on the school. If this is not possible then the school will ask for evidence that this is the case. Staff who work during term time will arrange non-urgent appointments during school closures.

6.3. Pregnant staff are entitled to time off for antenatal appointments and, although there is no statutory right to time off work, any time off work for IVF treatment will be treated in the same way as any other medical appointment as outlined above. If an employee receiving IVF is signed off sick as a result of the treatment then the school will treat this in the same way as any other sickness absence.

7. SICK PAY AND ENTITLEMENT

7.1. The sick pay and sick leave terms and conditions are as outlined in the employee's contract of employment.

8. SICKNESS DURING HOLIDAYS

8.1. If employees are sick on a public holiday they will not qualify for time off in lieu at a later date.

8.2. If all year round employees, such as premises staff, are sick whilst taking annual leave, the absence will be classified as sickness as long as the employee produces a certificate of sickness from a registered medical professional, regardless of the length of the absence.

9. SUPPORT

9.1. Employees will be referred to occupational health to ensure that the school understands how it can support them in their role and will make every effort to implement any recommendations made by the medical professional.

10. BREACHES OF THE ABSENT MANAGEMENT POLICY

10.1. On the rare occasions where an employee breaches the absence management policy or procedure this will be handled under the Disciplinary Procedure. Examples of conduct that may be subject to a disciplinary action are:

- Taking part in activities that are inconsistent with the cause of absence or prejudicial to recovery;
- Failing to comply with the requirements of the Absence Management Policy;
- Making a false claim of incapacity for work due to sickness;
- Altering the content of medical certificates; and
- Carrying out other employment whilst on sick leave without permission

This list is not exhaustive.

11. SHORT TERM SICKNESS ABSENCE MANAGEMENT

11.1. Occasional short-term sickness

11.1.1. A member of Senior Leadership Team ('SLT') or other relevant member of staff with line management responsibilities will hold a return to work discussion with an employee after every period of short-term absence, no matter how short. This is to ensure that the employee is fit to return to work, to ask if the school needs to take any action to aid the return to work and to ensure that the relevant certification has been received / completed.

11.1.2. The line manager will document all stages of the procedure and ensure that the return to work form is completed.

11.2. Repetitive and persistent short-term sickness

11.2.1. Cases of repetitive and persistent short-term sickness need to be handled in a reasonable and consistent manner. Prompt action is important, to ensure that any underlying issues are identified, so that the appropriate support can be put in place.

11.2.2. If there is a concern about the level of sickness absence, it will be expressed informally to the employee at an early stage, during a return to work discussion. Appropriate support will be offered, as necessary, and the employee will be made aware in a non-threatening way that there is a pattern of short-term absence which is considered unsatisfactory and the impact it is having on the teaching and learning, or overall service provided by the school to pupils.

11.2.3. In most cases, an informal discussion at a return to work meeting may suffice and the level of attendance will improve. However, in those circumstances where an employee's attendance continues to be unsatisfactory, the formal procedure will be used.

11.2.4. The line manager needs to use their discretion and consider individual circumstances when making a decision as to the particular stage at which the issue will be addressed through an absence review meeting.

11.2.5. It is a reasonable expectation that employees will achieve at least the same level of attendance expected of pupils (97%). If it falls below this, or if one of the following conditions applies, then the formal sickness absence management procedures will be considered:

- Seven days absence within any rolling twelve month period (pro-rata for part-time staff);
- Three separate absences within any six month period; or
- Whenever a combination of odd days or longer periods and patterns of absence causes concern.

11.3. Absence Review Meeting

11.3.1. An absence review meeting will be arranged between the employee's line manager and the employee as soon as short term absence has been identified as a problem.

11.3.2. The aims of this meeting are to:

- Highlight to the employee that their time off is a cause for concern;
- Allow the employee to provide information about any medical problems or other personal issues affecting their attendance; and
- Identify any appropriate support for the employee.

11.3.3. If an underlying medical problem is suspected, the individual will be referred to Occupational Health. If there are no underlying reasons identified for the absences, assurance about a sustained improvement in the employee's attendance pattern will be established. The outcome of the meeting will be recorded in writing, with a copy for the employee to sign. Where appropriate, support will be provided, in the form of assistance with making arrangements for treatment, or temporary adjustments to working hours. In the case of a temporary reduction in hours the school will continue to pay the full salary for no longer than half a term.

11.3.4. After this meeting the employee will be allowed reasonable time to demonstrate an improvement in their attendance. This monitoring period will be up to one term, although in some cases a longer period may be agreed incorporating a further absence review meeting.

11.4. First Formal Review Meeting

11.4.1. If the employee's attendance does not improve sufficiently after the absence review meeting, the Executive Headteacher / Headteacher / Head of School / Deputy Headteacher will arrange a first formal review meeting.

11.4.2. The employee will be given a ten working days notice of the meeting and advised of their right to be accompanied by a trade union representative or work colleague. The employee will be allowed one postponement, but the meeting may proceed without the presence of their trade union representative if there is more than one postponement.

11.4.3. The meeting may take place concurrently with other procedures such as grievance, disciplinary, or capability.

11.4.4. The aim of this meeting is to:

- Continue to discuss the employee's sickness absence;
- Identify reasons for the lack of improvement;
- Agree to refer, or to re-refer, the employee to Occupational Health;
- Discuss any reasonable adjustments which the school may need to take to help the employee;
- Advise the employee of the implications for their employment if their attendance does not improve;

- Highlight to the employee that if there is not a significant improvement on a sustained basis, a second formal review meeting or a contractual review meeting will take place; and
- Inform the employee that their attendance will be closely monitored for a specified period.

11.4.5. The outcome of the first formal review meeting will be confirmed in a letter to the employee within five working days. It may alert the employee to any implications for their employment in the event that there is no improvement in their attendance.

11.4.6. Referrals to Occupational Health may take place in parallel with any formal action. If an employee does not give consent to a referral to Occupational Health, or the medical advice available proves inconclusive, the employee will be asked to a further meeting with the Executive Headteacher / Headteacher / Head of School / Deputy Headteacher. During this discussion the employee will be told the level of improvement required in their attendance and warned of the consequences if this does not happen. As outlined in the Burgundy Book for teachers and the Green Book for support staff, the employee will be reminded that their cooperation with Occupational Health is set out as a condition of their employment.

11.4.7. If, following a referral to Occupational Health, no underlying reasons are identified and there has been no improvement in attendance, the school will consider the following to decide on any further action based on:

- Length of service of the employee;
- The employee's performance;
- The likelihood of the employee improving their attendance;
- The availability of alternative suitable work for the employee
- The effect of the employee's absence on teaching and learning or overall service provided by the school to pupils.

11.5. Second Formal Review Meeting

11.5.1. If the employee's attendance record does not improve sufficiently after the first formal review meeting a second formal review meeting will be arranged.

11.5.2. The second formal review meeting will follow the format of the first.

11.5.3. An outcome of the second formal review may be to give notice to the employee that, in the event of them not achieving an improvement in their attendance over a specified period, a contractual review meeting will be convened to determine if the employee has the capability to continue in employment.

11.6. Contractual Review Meeting

11.6.1. If the employee's attendance record does not improve sufficiently following the second review meeting, or the employee was warned after the first formal meeting that a contractual meeting would be the next step, a contractual review meeting will be arranged. By this stage, the employee will have been given every opportunity to improve their attendance to an acceptable level on a sustained basis. If all efforts have failed, the school has a duty to

consider termination of the contract of employment on the grounds that the employee is unable to meet their contractual obligations to work.

11.6.2. School's management must provide evidence that the employee has been given a chance to improve their attendance by allowing a reasonable period of time between the first formal review and the contractual review.

11.6.3. A letter will be sent to the employee, giving them a ten working day notice of the contractual review meeting, and also advising them of their right to be accompanied by a trade union representative or a work colleague. The letter will outline the employee's sickness record to date and inform them that, as a result of the review, a decision may be made to terminate their contract of employment.

11.6.4. The Chair of Governors will convene a panel of three governors to hear the case, or delegate responsibility to the Executive Headteacher or the Headteacher. A Human Resources adviser will be present to ensure that the process and the decision making is fair and legally compliant.

11.6.5. The purpose of the contractual review meeting is to:

- Consider medical evidence where it is available and appropriate. If the employee would like the Chair of the Panel to consider new or additional evidence this must be provided at least three working days before the contractual review meeting;
- Consider possible ways to improve the employee's attendance. The Chair may, if appropriate, defer any decision to terminate the employment contract in order to seek further advice.
- Consider if the employee is unfit to carry out the duties of their post; is unable to sustain an acceptable level of attendance; and determine if the employee should be dismissed on the grounds of incapability with contractual notice.

11.6.6. The employee must be informed of the outcome of the decision of the contractual review meeting within five working days, and advised of their right to appeal against dismissal.

11.6.7. Appeals must be made in writing, stating the ground for the appeal, and lodged with the Chair of Governors within ten working days of the date on the outcome letter.

11.6.8. The contractual review meeting will be clerked and minutes will be made available to the employee on receipt of a letter requesting an appeal.

11.7. Appeal

11.7.1. Appeals will be heard by a panel of three governors. On occasion it may be necessary to ask members from another LDBS governing body to be part of the panel to enable the appeal to be held in a timely manner.

11.7.2. Appeals must be made in writing to the Chair of Governors within ten working days of the date on the outcome letter from the contractual review meeting and state the grounds for the appeal.

11.7.3. The Chair of Governors will then write to the employee, giving details of the appeal hearing which will be convened as soon as possible on receipt of the employee's written appeal. The employee will be advised in writing of their right to be accompanied by a trade union representative or a work colleague.

11.7.4. The Chair of the Appeal Panel will confirm the outcome of the appeal, within ten working days of the Appeal Hearing.

12. MANAGING LONG TERM SICKNESS ABSENCE

12.1. Informal contact

12.1.1. If an employee has been absent from work due to sickness and this extends into a second continuous week, the employee is expected to make contact directly, or through a third party, with the school, in order to update them about the situation. The school may also make contact in a sensitive manner, giving due consideration to the employee's wellbeing. On occasion, the school may make contact with the employee's nominated next of kin.

The frequency of contact will be established and discussed with the employee or their representative. A record of the contact will be kept.

12.2. Formal contact

12.2.1. Long term sickness absence will normally be either a continual absence of twenty working days or more, or a shorter absence, but of a more serious nature and one of a series of absences, as the result of an underlying condition.

12.2.2. A referral will be made to Occupational Health to:

- Establish the state of the employee's health;
- Offer assistance and support to the employee;
- Obtain an opinion on the likelihood of a sustained return to work; or
- Consider any reasonable adjustments recommended by Occupational Health if the employee has a disability under the Equalities Act 2010

12.2.3. The employee will be informed of the referral to Occupational Health and consent will be sought from them. The school will handle any such communication with sensitivity, via a letter, email, telephone or through a nominated representative, to allay any concerns the employee may have and to maintain appropriate contact.

12.2.4. If it appears that the employee will be absent for a considerable period of time, or when a terminal illness has been diagnosed, the school's management may need to assess the situation with the Chair of Governors. In either circumstance, it may be that no further action will be necessary, except for maintaining an appropriate level of contact with the employee. Employees who are absent due to long term sickness absence will be notified when their sick pay reverts to half pay or they exhaust their entitlement to contractual sick pay or Statutory Sick Pay.

12.3. Return to Work

12.3.1. In many cases a phased or gradual return to normal hours and responsibilities within a fixed timescale is a key way to facilitate a sustained return to work. Any arrangement will take into account both the needs of the individual and the needs of the school. A meeting to prepare the employee's return to work will be arranged, considering any advice from Occupational

Health, and the employee may wish to be accompanied by their trade union representative. In some cases, it may be appropriate to consider redeploying the employee, where possible, for either a fixed term or on a permanent basis.

12.3.2. Where an employee is recovering from a mental health condition, careful consideration will be given to taking steps to minimise undue pressure and a stress risk assessment may be undertaken.

12.3.3. Provision will be made to enable those recovering from long term illness or injury to return in a supported manner and the school will work with other agencies such as 'access to work'.

12.4. First Formal Review Meeting

12.4.1. If it is unclear when, or if, the employee will return to work, the Executive Headteacher / Headteacher / Head of School / Deputy Headteacher will write to the employee inviting them to a first formal review meeting, giving them a ten working day notice. The employee will be advised that they are entitled to be accompanied by their trade union representative or a work colleague and also to provide details of their sickness record and any Occupational Health reports.

12.4.2. The purpose of this meeting will be to determine:

- The medical treatment that the employee is receiving and the prognosis for recovery;
- What the school can reasonably put in place to help the employee to return to work, including any reasonable workplace adjustments;
- Whether it is reasonable for the school to wait for the employee to return to work;
- The likelihood and length of any continuing or repeated absences; and
- To advise the employee of the implications of their continued absence.

12.4.3. Such meetings are very difficult and will be conducted as sensitively as possible. and in a neutral venue where requested. The school management will conduct meetings with the employee's trade union representative, acting on their behalf, if necessary. Outcomes from this meeting will be confirmed to the employee in writing within five working days of the meeting.

12.4.4. The school may decide to move straight to a contractual review meeting depending on the information revealed in the meeting.

12.5. Second Formal Review Meeting

12.5.1. Where the employee's attendance does not improve, or if further medical evidence is produced suggesting that the situation has changed, then a second formal review meeting will be arranged. This meeting will follow the same format as the first formal review meeting.

12.5.2. The employee may be warned that they will be asked to attend a contractual review meeting if there is no improvement within a fixed timescale, to determine if the employee can continue in employment.

12.6. Contractual Review Meeting

12.6.1. Where there is no improvement in the employee's condition, or the prognosis for a return to full health is protracted, a contractual review meeting will be arranged.

The Chair of Governors will convene a panel of three governors to hear the case. A Human Resources adviser will be present to ensure that the process and the decision making is fair and legally compliant.

12.6.2. The employee will be given a ten working day notice of the contractual review meeting and advised that they may be accompanied by a trade union representative or a work colleague. The employee will receive a report containing their attendance record and they will be informed that as a result of the review a decision may be made to terminate their contract of employment with notice. If the employee would like the Chair of the Panel to consider new or additional evidence this must be provided at least three working days before the contractual review meeting. The purpose of the contractual review meeting is to consider:

- The medical treatment that the employee is receiving and the prognosis for recovery;
- The likelihood and length of any continuing or repeated absences;
- Whether it is reasonable for the school to wait for the employee to return to work;
- What the school can reasonably put in place to help the employee to return to work, -
Check the potential for redeployment or any other reasonable adjustments that may still need to be considered.
Check the appropriateness of ill-health retirement.
- Consider if the employee is unfit to carry out the duties of their post; is unable to sustain an acceptable level of attendance; and determine if the employee should be dismissed on the grounds of incapability with contractual notice.

The employee must be informed of the outcome of the decision of the contractual review meeting within five working days, and advised of their right to appeal against dismissal.

The contractual review meeting will be clerked and minutes will be made available to the employee on receipt of a letter requesting an appeal.

12.7. Appeal

12.7.1. Appeals will be heard by a panel of three governors. On occasion it may be necessary to ask members from another LDBS governing body to be part of the panel to enable the appeal to be held in a timely manner.

12.7.2. Appeals must be made in writing to the Chair of Governors within ten working days of the date on the outcome letter from the contractual review meeting and state the grounds for the appeal.

12.7.3. The Chair of Governors will then write to the employee, giving details of the appeal hearing which will be convened as soon as possible on receipt of the employee's written appeal. The employee will be advised in writing of their right to be accompanied by a trade union representative or a work colleague.

12.7.4. The Chair of the Appeal Panel will confirm the outcome of the appeal, within ten working days of the Appeal Hearing.

13. LEAVE OF ABSENCE AND SPECIAL LEAVE

13.1. Employees who work on a term time only basis are not expected to take time off during term time except in exceptional circumstances and the school will follow the leave of absence and special leave procedure. Where requests for special leave are declined and the employee is absent on the date(s) requested they may be asked to produce a medical certificate. If the employee incurs any costs in requesting a certificate from their GP, it will be reimbursed by the school.

13.2. In the event that an employee does not contact the school or produce a medical certificate, this will be viewed as an unauthorised absence and may be addressed using the Disciplinary Procedure.

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