

# ILL-HEALTH AND SICKNESS RELATED ABSENCE MANAGEMENT POLICY AND PROCEDURE FOR ALL STAFF

This policy was agreed by the SRET Board on: (and supersedes all previous policies relating to this area)		19/07/2023
Signed by:.....		
(Chair of the SRET Board)		
Implemented:		
Review date:	18/07/2024	
Author:	Model Wiltshire Policy adopted in 2018 and reviewed by Tracey Allman, SRET HR Officer, on 18/07/2023	

This model policy will apply where adopted to both teaching and non-teaching staff working in Academies and has been agreed with the following recognised unions: ATL, NUT, NAHT, NASUWT, ASCL, Unison and GMB.

## INDEX

1. Introduction .....	3
2. Policy Statement .....	3
3. Scope .....	3
4. Promoting good health, managing health and safety and risk .....	3
5. Sickness absence reporting procedure .....	4
6. Sustaining injury/ill-health through work activities .....	4
7. Return to work interview .....	5
8. Monitoring sickness and sickness absence .....	5
9. Episodes of sickness absence and trigger points .....	5
10. Managing short term sickness absence .....	6
10.1 Stage 1 - First formal sickness advisory meeting .....	6
10.2 Stage 2 - Second formal sickness advisory meeting .....	6
10.3 Stage 3 - Third formal sickness advisory meeting .....	7
10.4 Stage 4 – Formal attendance hearing with a staffing panel .....	7
10.5 The right to appeal – short term absence process .....	7
11. Managing long term sickness absence .....	8
11.1 Stage 1 – first formal sickness advisory meeting .....	8
11.2 Stage 2 – second formal sickness advisory meeting .....	8
11.3 Stage 3 – third formal sickness advisory meeting .....	11
11.4 Stage 4 – formal attendance hearing .....	12
12. Non-attendance at sickness absence meetings .....	12
13. Disability and sickness absence .....	12
14. Disability and time off to attend medical appointments .....	13
15. Accessing and maintaining sickness records .....	13
16. Injury/ill-health through work activities .....	14
17. Third party claims .....	14
18. Medical suspension .....	14
19. Sickness absence and holiday entitlement .....	14
20. Sick pay entitlement .....	15
21. Medical appointments .....	16
22. Medical advice on fit notes .....	16
23. Roles and responsibilities .....	17
24. Interpretation, variation and termination .....	18
APPENDIX 1 .....	19

## **1. Introduction**

- 1.1 This Policy and Procedure covers the management of ill-health and sickness issues for Somerset Road Education Trust (SRET). Specifically, this covers the responsibilities of Directors, Governors, Executive Principal, Head of Schools and employees in managing sickness absence including both long term and frequent short-term periods of absence.
- 1.2 This Policy and Procedure is to be used in conjunction with other School Policies and Procedures, including the Disciplinary Procedure and Capability Procedure if there are issues which overlap these policies.
- 1.3 This Policy and Procedure supersedes all previous policies, procedures and codes of practice in relation to managing sickness absence in schools.

## **2. Policy Statement**

- 2.1 SRET is committed to ensuring that this policy and its application reflect the School's Equal Opportunities at Work Policy. This means treating people fairly regardless of their colour, race, ethnic or national origin, language, religion or belief, gender or gender reassignment, marital status, sexuality, disability, age, or any illness or infection. In particular, SRET recognises its responsibility to meet all its legal obligations for managing staff with underlying health issues in line with the Equality Act 2010 (Disability).
- 2.2 SRET is committed to evaluating the effectiveness of this policy by recording, monitoring and analysing sickness absence levels in the school, with the aim of working towards a reduction in absence levels.
- 2.3 This policy applies to the handling of sickness absence both paid and unpaid. Entitlement to occupational sick pay is determined by the conditions of employment under which the member of staff is employed and compliance with the school's reporting of sickness absence procedures.
- 2.4 All information in relation to staff sickness absence will be held in accordance with the General Data Protection Regulations and Data Protection Act 2018.

## **3. Scope**

- 3.1 The policy applies to all employees of SRET including teachers and support staff as appointed in accordance with the Schools Standards and Framework Act 1998 and the Education Act 2002.
- 3.2 This policy and procedure does not apply in cases of poor performance where an employee's performance is not up to the standard required in the role. In these cases the school's capability policy and procedure should be used instead. The school's capability policy and procedure should also be used if the employee's disability or health issue is affecting their work but they are not absent from work due to sickness.

## **4. Promoting good health, managing health and safety and risk**

- 4.1 Executive Principal, Head of Schools and governing bodies have a responsibility to promote good health and to identify and remove significant risks to employees from their work and the working environment.

- 4.2 All employees have a responsibility to follow all the guidance given to them and not to place themselves or others at risk as a result of their actions.
- 4.3 Executive Principal/Head of Schools/Line Managers and employees must follow the Health & Safety Policy, procedures and advice of the Trust's Occupational Health & Safety Team. It is the responsibility of all staff to report any risk or potential risk to the Executive Principal/Head of School/Line Manager via the school's incident reporting system.

## **5. Sickness absence reporting procedure**

- 5.1 Head of Schools must confirm and communicate how and when staff should let the school know of their absence from work and ensure that all their staff know, understand and apply these rules. This should be made clear for each of the work patterns that staff may work. This may be found in Appendix 1 as each school within SRET has individual reporting procedures.
- 5.2 If an employee is unable to attend work because of illness, they must notify the Head of School (or their nominee) as early as possible and within the agreed time set for the school on the first day of their illness. Please read Appendix 1 in addition to this.
- 5.3 It is not acceptable to send the school a text/email message or leave a message unless it is locally agreed for your whole school.
- 5.4 From the 8th calendar day (including weekends and non-working days) of the employee's sickness absence the employee is required to submit a medical statement of fitness for work (fit note), signed by a registered doctor or other appropriate medical practitioner with a reason for absence. The fit note may explain that they are not fit for work or if they are fit for work, it may indicate whether they are able to carry out certain aspects of their role. Further fit notes must be provided for the duration of the absence.
- 5.5 The Head of School (or their nominee) will maintain reasonable regular contact with the employee throughout the period of absence and the employee should be available and contactable during their normal working hours if physically and mentally able. The purpose of such is not to set or require work but could include enquiries on where work items can be found or to update employee on progress or outcomes. This may be done on occasions via a third party e.g. when an employee is in hospital and unable to contact the school.
- 5.6 If an employee is absent from work for no apparent reason this will be classed as an unauthorised absence. If an employee fails to comply with the school's sickness reporting procedures this will be viewed as unauthorised absence and therefore treated as misconduct and will be investigated in line with the disciplinary policy and procedure. Failure to comply includes:
- Failure to notify the Head of School (or his/her nominated person for such reporting) of any sickness absence.
  - Failure to supply a fit note on the 8th day of sickness absence and further fit notes to cover the period of absence may lead to the withholding of pay.

## **6. Sustaining injury/ill-health through work activities**

Employees have a responsibility to report all accidents or incidents at work and any work-related ill-health. Decisions about entitlement to sick pay will be determined by the conditions of employment under which the member of staff is employed.

## **7. Return to work interview**

After each and every episode of sickness absence the Head of School/Line Manager/HR Officer must arrange and carry out a “return to work” interview with the employee as early as possible on the day they return. The aim of the meeting is to enable the Head of School/Line Manager/HR Officer to identify any factors that might be contributing to the employee’s absence and any reasonable adjustments or support required. At this meeting the Head of School/Line Manager/HR Officer will complete the return to work interview form to record the discussions and any issues raised. These forms should be returned and kept by HR for a period of 12 months.

- 7.2 Where the Head of School/Line Manager/HR Officer identifies a clear pattern of sickness absence or where there is a cause for concern the employee will be referred to Occupational Health for advice. The employee must be notified in advance that they are being referred.

## **8. Monitoring sickness and sickness absence**

- 8.1 Head of Schools have a responsibility to consider all the possible factors which may influence the level of sickness absence within their school and, acting on advice and support from Schools HR Advisory (or their own HR Provider where relevant) and Occupational Health, take forward actions to improve sickness absence rates.
- 8.2 Head of Schools have a responsibility to monitor the sickness absence level of their staff both on an individual and group basis. As part of this, they should review the sickness absence records of their staff on a regular basis and identify where there appear to be patterns of sickness absence that are higher than average rates (as determined by local and national indicators) and other non-attendance.
- 8.3 Where Head of School/HR Officer has initial concerns about the health or sickness absence of their staff they should discuss these sensitively and compassionately with the employee on an individual and confidential basis. These discussions may include whether help or advice from Occupational Health would be beneficial.

## **9. Episodes of sickness absence and trigger points**

- 9.1 The Head of School may take action at any point of a sickness absence if they feel it is causing concern but they are required to take action if the trigger points are reached. Trigger points for Short Term absence can be found at point 10 and trigger points for Long Term Absence can be found at point 17.
- 9.2 For the purpose of managing absence using trigger points an episode includes (but is not limited to) the following examples:
- An employee is feeling unwell at work and goes home ill after lunch - the afternoon will be recorded as sickness absence.
  - An employee is feeling unwell in the morning and does not attend work until later that morning - the time before attending work will be recorded as sickness absence.
  - An employee is feeling unwell and informs their Head of School/Line Manager that they will not be attending work for the day - the day will be recorded as sickness absence.
- 9.3 If an employee is covered by the provisions of the Equality Act 2010 (Disability) the trigger points will be treated on a case by case basis. The Head of School/HR Officer will review the case and discuss it with Schools HR Advisory team (or their own HR provider where relevant) for appropriate action.

- 9.4 Each time a school employee reaches a 'trigger point' the Head of School/Line Manager should discuss the case and agree the appropriate action with the Schools HR Advisory team (or their own HR provider where relevant) to maintain consistency. In some cases, a short discussion with the employee to explore the reasons for their absence may be sufficient, or a referral to Occupational Health might be appropriate. In other cases, the Head of School / Line Manager may inform the employee that they will monitor their absence over a specified period and, if the pattern continues, they will seek further advice from Occupational Health and the Schools HR Advisory team (or their own HR provider where relevant).

## **10. Managing short term sickness absence**

Short term sickness is defined as absence where there are frequent short periods of absence such as viral illnesses e.g. colds and flu. The Head of School may take appropriate action at any point regarding an employee's sickness absence if they feel that it is causing concern but they are required to take action if the employee reaches the following trigger points:

- 4\* separate incidents of absence over a 6-month period; (*part-days or hours of absence will be treated as an episode*) or,
- Absences of 10 or more working days over a continuous 12-month period.

*\*All absence, including days when employees have not worked their full contracted hours due to sickness will be included in this calculation.*

### **10.1 Stage 1 - First formal sickness advisory meeting**

- 10.1.1 If the Head of School/Line Manager/HR Officer has concerns about an employee's absence or they meet the trigger points stated in 10 above, they will arrange to meet with the employee to discuss the absence. At the meeting the Head of School/HR Officer will discuss with the employee the need for a referral to occupational health to ensure that the employee has an opportunity to discuss their health in confidence with a health professional. The Head of School will then complete the occupational health referral form and forward this to the SRET Occupation Health Provider.
- 10.1.2 It is a condition of employment that the employee is required to be available for an assessment with occupational health either face to face or by telephone. If the date/time of the appointment provided by occupational health is not suitable the employee should contact them to arrange an alternative date/time. If the employee fails to co-operate with the occupational health referral process, a decision regarding the way forward would be made by the Head of School or staffing panel based on the available information.
- 10.1.3 Occupational health will provide a report to the Head of School/HR Officer to advise them whether there are any underlying health causes relating to the employee's sickness absence. The report will contain advice about whether the employee is fit to return to work and their ability to maintain the required levels of attendance.

### **10.2 Stage 2 - Second formal sickness advisory meeting**

- 10.2.1 The employee will be invited to attend a second formal sickness advisory meeting with their Head of School/Line Manager/HR Officer to discuss the occupational health report and to determine how they can achieve an acceptable level of attendance. If appropriate the Head of School/Line Manager/HR Officer will set a review period (between 6-12 weeks) for improvement.

10.2.2 During the meeting the Head of School will also outline the consequences of the employee's failure to make an improvement which may lead to any of the sanctions of the disciplinary policy and procedure including dismissal.

10.2.3 After the meeting, the employee will be informed of the outcome of the meeting in writing and if a review period has been set. The letter will also confirm this period with the employee and the date of the review meeting.

### **10.3 Stage 3 - Third formal sickness advisory meeting**

10.3.1 The employee will be invited to attend a third meeting at the end of the review period to discuss their case and whether they have made the required improvement in attendance.

10.3.2 If the employee has maintained the required improvement the formal process will cease providing there is no repetition of poor attendance at work with or without an underlying health reason within the next 12 months. The next 12 months will therefore be considered to be a formal monitoring period.

If the employee has failed to make the required improvement and attendance has not been satisfactory during the 12-month monitoring period the Head of School/HR Officer will decide whether to extend the period for 1 month or advise the employee that a formal attendance hearing will be set up.

### **10.4 Stage 4 – Formal attendance hearing with a staffing panel**

10.4.1 The employee will be required to attend a formal attendance hearing if they have failed to make the required improvements in their attendance or have subsequently had a repetition of a period of short-term absence within 12 months monitoring period.

10.4.2 The employee will be given 5 working day's written notice and will be given the right to be accompanied by a Trade Union Representative or work colleague.

10.4.3 The formal attendance hearing will be held as a governors' staffing panel. A letter confirming the staffing panel's decision will be sent to the employee within 5 working days of the meeting. The outcome of the staffing panel held as a formal attendance hearing will vary according to individual circumstances but can include any of the sanctions as below:

- Extend the review/monitoring period.
- First written warning – which will remain on file for 12 months.
- Final written warning – which will remain on file for 18 months.
- Dismissal.

### **10.5 The right to appeal – short term absence process**

The employee will have the right to lodge an appeal against the outcome of stage 4 in accordance with the school's appeals policy and procedure by writing to the Clerk to the Governors within 5 working days of the date on which they receive the letter. The employee must state on their appeal form the reason for their appeal.



## **11. Managing long term sickness absence**

Long term sickness is defined as absence where there is a longer period(s) of absence. It usually occurs with a higher number of days of sickness absence but over few episodes. Examples include (but are not limited to) significant medical conditions such as clinical depression, back conditions/injuries, multiple sclerosis, and breaks or fractures to bones.

Trigger points for long term sickness absence are:

- If the employee has 28 days continuous absence (including non-working days and weekends) with no immediate or known prospect of a return to work.
- A serious and potentially long-term illness or injury is reported (e.g. back injury, clinical depression or stress).
- It has been reported that the absence is due to identifiable work-related issues.

### **11.1 Stage 1 – first formal sickness advisory meeting**

11.1.1 If the Head of School/Line Manager/HR Officer has concerns about an employee's absence or they meet the trigger points stated in point 17, they will arrange to meet with the employee to discuss the absence.

11.1.2 At the meeting the Head of School/Line Manager/HR Officer will discuss with the employee the need for a referral to occupational health to ensure that the employee has an opportunity to discuss their health in confidence with a health professional. The Head of School will then complete and submit the occupational health referral form.

11.1.3 The employee will be required to be available for an assessment with occupational health either face to face or by telephone. If the date/time of the appointment provided by occupational health is not suitable the employee should contact them to arrange an alternative date/time. If the employee fails to co-operate with the occupational health referral process, a decision regarding the way forward would be made by the Head of School or staffing panel based on the available information.

11.1.4 Occupational health will provide a report to the Head of School/HR Officer to advise them whether there are any underlying health causes relating to the employee's sickness absence. The report will contain advice about whether the employee is fit to return to work, their ability to maintain the required levels of attendance and the likely timescales for these to be achieved.

### **11.2 Stage 2 – second formal sickness advisory meeting**

The employee will be invited to attend a second formal sickness advisory meeting with their Head of School/HR Officer to discuss the occupational health advice and the options (stated below) available under the sickness absence management policy and procedure.

Options for both support and teaching staff may include:

11.2.1 Option 1 – consideration of a further period of absence / review to enable recovery

Depending on occupational health advice a further review period of up to 12 weeks may be considered to review progress. This will enable the employee to seek treatment if required and allow the necessary support or reasonable adjustments to be in place to enable their return to work.



A further referral to occupational health may be required to ensure that an up to date assessment of the employee's health can be made and to identify timescales and prospects of a return to work.

Following this review period and occupational health referral (if appropriate) the Head of School will arrange a further formal sickness advisory meeting to discuss the absence case and any progress with the employee.

#### 11.2.2 Option 2 – returning to the existing post (including a phased return)

If the employee is returning to work in their current post occupational health may advise that this is done on a phased return basis for a period of between 2 – 6 weeks. A phased return to work is where an employee's working hours are increased week by week until they reach the level of their usual contractual hours. The phased return to work arrangements can be agreed to be in place for anytime between 2 – 6 weeks. It would be unusual for a phased return programme to exceed 6 weeks.

During formal phased return to work arrangements of up to 6 weeks the employee will not suffer any financial detriment providing that they adhere to the agreed arrangements and remain at work for the duration of the programme. The employee will be paid their usual contractual salary and the hours that the employee is absent from work during the phased return will not be reflected in their sickness absence record or deducted from their sickness entitlement.

If the phased return to work is for more than 6 weeks, is unsuccessful or the employee requires a second phased return arrangement in a continuous 12-month period the Head of School will discuss with the Schools HR Advisory (or their own HR Provider where relevant) how these phased return to work arrangements can be supported in terms of paid / unpaid time.

##### *Phased return to work – Information about teaching staff*

Under the Conditions of Service for School Teachers in England and Wales (Burgundy Book) arrangements, where a teacher is on sick leave on 31st March in any year, no new entitlements shall begin until the teacher has resumed duty and the period from April 1st until the return to duty is regarded as part of the preceding year's entitlement for the purpose of the teacher's sick pay scheme.

Where a teacher is returning to work under Option 2 with a phased return, occupational health will only support this where there is a full expectation that the teacher is fit enough to resume their duties and have a reasonable expectation of successfully completing the suggested period of phased return. The Head of School should consider their operational requirements but seek to accommodate the occupational health recommendation where practicable. Although a phased return is where working hours are increased week by week until the employee reaches the level of their usual contractual hours, under 'Burgundy Book' arrangements a return to work on a phased return is considered to be 'resumed duties', this could retrigger sick pay entitlements for a teacher.

In these situations, where occupational health advise a graduated return to work, the arrangements will be discussed with the Head of School and the Schools HR Advisory (or their own HR Provider where relevant) before being confirmed to the employee. The Head of School will need to submit a phased return to work form.

### *Support Staff - Sickness absence during a phased return to work*

During formal 'phased return to work' arrangements (up to 6 weeks) the employee will suffer no financial detriment by returning to work on this basis, providing that they adhere to the agreed arrangements and remain at work for the duration of the programme. When an employee returns to work on a phased basis they will be paid their usual contractual salary and the pay will be accredited as 'phased return pay' for the hours that they are not in work.

If sickness absence occurs during a phased return programme, sick pay entitlements will be triggered and the phased return arrangement will end. In exceptional circumstances, where a phased return of more than 6 weeks is agreed, for the additional weeks (i.e. above 6) the level of payment that the employee receives will be adjusted depending on the number of hours that they work during those weeks and the sickness entitlement that they had reached prior to returning to work. For example, a full-time employee in receipt of half sick pay prior to returning to work, on week 7 of a phased return in working 17 hours for that week would receive pay for 18.5 hours (equivalent to the half sick pay that they would of received if off sick). If however that same employee was in receipt of no sick pay prior to returning to work and worked 17 hours they would only be paid for 17 hours. (Please note that pay adjustments, including any deductions may need to be made in the next available pay period).

### *Support Staff - What happens if the phased return to work is unsuccessful?*

In the event of an unsuccessful phased return, or the necessity of a second phased return arrangement in a rolling 12-month period it will be up to the Head of School in discussion with the Schools HR Advisory (or their own HR Provider where relevant) and Occupational Health to consider how any further phased return to work programmes are supported in terms of paid / unpaid time. In using their discretion they will take into account the following factors:

- An employee's service and previous attendance record.
- The length, success / failure of a previous phased return programme during the last 12 months.
- The level of occupational sick pay that they are receiving.
- The particular circumstances and nature of the case.
- Whether longer term adjustments are required rather than a further phased return.
- The relevant terms and conditions of their employment.

If a Head of School agrees to pay an employee for their contractual salary for the duration of a second phased return, the pay will be accredited as 'phased return to work pay' for the hours that they are not in work during this agreed period.

#### 11.2.3 Option 3 – returning to the existing post (with reasonable adjustments)

The Head of School will determine with the employee whether there are any reasonable adjustments to be made to support them in returning to their post.

#### 11.2.4 Option 4 – consideration of redeployment on health grounds

Based on occupational health advice, it may be necessary to consider redeployment of the employee on health grounds. However, this is not always possible to arrange within a school. If the employee is returning to different work in the school through a re-deployment the Head of School will consider whether this is carried out on a

phased return basis for a period of between 2 – 6 weeks. Redeployment on health grounds must be mutually agreed and can only be considered after all the options (listed above) have been explored and determined as unsuitable and that the sickness absence management policy and procedure has been followed. Redeployment into a lower graded position will be paid the rate for the job.

#### 11.2.5 Option 5 – ill-health retirement (provided that criteria are met)

Where it is not practical for the employee to return to their existing post with/without reasonable adjustments or redeployed into suitable alternative employment, occupational health may recommend ill-health retirement. Occupational health's recommendation for an ill-health retirement will be assessed against specific criteria and the employee's eligibility will be assessed by a suitably qualified physician. If the employee meets the ill-health retirement criteria occupational health will recommend that they are permanently unfit or unfit for the foreseeable future and are therefore unable to perform the duties of their post.

##### *Support staff – ill-health retirement*

If the employee is support staff and belongs to the Somerset Road Pension Scheme (PS) and has the required length of membership in the scheme then they will be considered for an application for permanent ill-health retirement following the recommendation from occupational health. The employee will need to meet specific criteria set by the Somerset Road PS and should seek advice from their Pensions Service. The employee has a right of appeal against the occupational health decision for ill-health retirement.

##### *Teachers - ill-health retirement*

The Teachers' Pensions Scheme (TPS) administer the Teachers' Superannuation Scheme and determine whether or not a teacher has become incapable through infirmity of mind or body of serving efficiently as a teacher in pensionable service. Therefore, where it has not been possible for an employee to return under the options above and where the employee belongs to the Teacher's Pension scheme consideration should be given to an application for ill-health retirement. A teacher's application for ill-health retirement will normally require a medical opinion from the Occupational Health Medical Advisor in order that a report can be submitted to Teachers Pensions with his/her application for Infirmity Allowances. If ill-health retirement is approved then a retirement date will be agreed with the employee. From this date they will receive their TPS lump sum and pension payments.

#### 11.2.6 Option 6 – warning of termination of contract on grounds of capability due to ill-health

If there are no suitable alternative options (listed above) the Head of School will consider formally warning the employee that their employment may be terminated if a firm and early date for return cannot be agreed.

### **11.3 Stage 3 – third formal sickness advisory meeting**

- 11.3.1 Once all options stated in the Ill-health Sickness Related Absence Management Policy and procedure have been explored, the Head of School will discuss the absence case with the employee to determine that there are no further suitable alternative options available. During the meeting the Head of School/Line Manager will inform the employee that unless a firm and early date for a return to work can be agreed their employment could be terminated.

- 11.3.1 The Head of School will confirm to the employee in writing that they are recommending that their case be heard at a formal attendance hearing by a staffing panel.

#### **11.4 Stage 4 – formal attendance hearing**

- 11.4.1 The employee will be required to attend a formal attendance hearing, which will be held as a governors' staffing panel, if there is no defined reason for them not returning to work including:

- All alternative options (listed above) are not suitable.
- They have refused any suitable alternative offer of employment.

- 11.4.2 The employee will be given 5 working day's written notice of the hearing and they will have the right to be accompanied.

- 11.4.3 A letter confirming the staffing panel's decision will be sent to the employee within 5 working days of the meeting. The outcome of this formal attendance hearing can include dismissal.

- 11.4.4 Right of appeal – long term absence process

The employee will have the right to appeal the outcome of stage 4 in accordance with the school's appeals policy and procedure. The employee must state in their appeal form the reason for their appeal.

#### **12. Non-attendance at sickness absence meetings**

- 12.1 Whilst the school will take all reasonable steps to assist their employees to return to work, it is not possible to wait indefinitely for a health condition to improve. Employees should be available for contact from the school and to attend meetings during their normal working hours if physically and mentally able. If an employee fails to attend a sickness absence meeting, they will be contacted by the school to establish the reason for the non-attendance and they will be informed in writing of the date and time of the rescheduled meeting. The employee can send a representative to the meeting or make a written submission if they are unable to attend.

- 12.2 If the employee fails to attend the re-scheduled meeting or fails to give reasons for their non-attendance the meeting may proceed in their absence. The case will be referred to occupational health to obtain up to date details of the sickness and a decision may then be taken on the basis of the available evidence.

- 12.3 If an employee is absent from work due to stress or depression, the school will look to follow these guidelines as it is in the best interests of all parties to not delay decisions relating to absence.

#### **13. Disability and sickness absence**

- 13.1 The Equalities Act 2010 supports the previous Disability Discrimination Act definition that a disabled person as someone 'who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'.

- 13.2 If an employee wishes to do so, they are able to declare their disability by completing the Disability Self Declaration Form. Should they feel that they have a disability, as defined above at 24.1, they should inform the Head of School who should take specialist advice by contacting Schools HR Advisory. If an employee is off sick due

to their disability/impairment their absence will be recorded by completing the disability leave and sickness form.

- 13.3 If an employee has a disability, the school is required by law to consider reasonable adjustments in the workplace. Reasonable adjustments may include (but are not limited to):

- Provision of additional software or equipment such as a special chair, screen or an adapted keyboard.
- Changing the working environment (e.g. making a door easier to open or changing the height of shelves).
- Providing other assistance.

#### **14. Disability and time off to attend medical appointments**

- 14.1 If an employee has a disability as defined as above in paragraph 24.1 they may request to take time to attend an appointment relating to their impairment/disability by completing the disability Leave and Sickness form. The time off will not be recorded as sickness absence and the school will record this time taken separately.

- 14.2 It is reasonable to authorise up to 20 episodes in a year for time off to attend an appointment relating to an employee's impairment/disability. This will be agreed based upon the school's business requirements. Employees will be required to provide the Head of School with a doctor's note outlining the circumstances.

- 14.3 Time taken should be used for appointments or hospitalisation including (but not limited to):

- Hospital, doctor or complementary medicine practitioner appointments or treatment.
- Assessment/tests.
- Training with guide/hearing/assistance dog.
- Recovery time after a blood transfusion or dialysis treatment.
- Counselling/therapeutic treatment.

#### **15. Accessing and maintaining sickness records**

- 15.1 Accurate records are not only mandatory for statutory sick pay but are essential for monitoring sickness/absence. The Head of School is responsible for monitoring sickness absence in the school. All information will be processed in accordance with the General Data Protection Regulations and Data Protection Act 2018.

- 15.2 Under the Access to Medical Records Act 1988 it is not possible for occupational health to request a medical report from any doctor who is responsible for an employee's physical or mental health without the individual's consent. Employee's may be required to complete the access to medical reports consent form. If an employee gives this consent they also have the right:

- To see the medical report before it is supplied to occupational health.
- To ask the doctor to amend any part of the report which they consider to be inaccurate or misleading.
- If the doctor declines to amend the report, to attach a written statement giving their views on its content.
- To withdraw their consent to the report being supplied.

## **16. Injury/ill-health through work activities**

Individual employees have a responsibility for reporting all accidents or incidents at work and any work-related ill-health. They should notify their Head of School and complete the appropriate form:

- Accidents and near misses resulting in injury and where no injury has been sustained must be reported by using the accident/near miss report and investigation form held by the school.
- Incidents of verbal abuse, assault and anti-social behaviour which cause injury or distress must be reported using the personal incident reporting form held by the school.

## **17. Third party claims**

If an employee is absent due to an accident or injury involving a third party where damages may be recoverable (i.e. road accidents) they will need to complete the potential third party notification form. In these circumstances, the employee's normal sick pay may be regarded as a loan, pending receipt of damages from a third party. If the employee's claim is successful and they receive damages, they will be required to refund any sickness pay received up to the total sickness allowance paid. Where sickness allowance is repaid, the period of absence will be excluded from the calculation of future periods of sickness allowance.

## **18. Medical suspension**

- 18.1 In certain circumstances the Head of School may be required to suspend an employee from work on medical/health and safety grounds if they perceive there to be a risk either to them or others. If an employee returns to work and the Head of School feels that an employee is unfit to carry out their job role despite the employee stating that they are fit, they may decide to suspend the employee on medical grounds.
- 18.2 The Head of School will discuss their concerns with the employee and seek advice from the Schools HR Advisory (or their own HR Provider where relevant) and Occupational Health. The employee will have the right to appeal against this decision in line with the school's appeals procedure.

## **19. Sickness absence and holiday entitlement**

- 19.1 During periods of long-term sickness absence support staff who work whole year will be entitled to continue to accrue the statutory level of holiday entitlement. In the event that an employee who works whole year has a pre-booked holiday / or wishes to take annual leave during a period of sickness absence they must inform their Head of School/Line Manager of this intention so that sick pay may be suspended for the period of annual leave and to enable this time to be accredited as 'annual leave'. On the employee's return from 'annual leave' sick pay will commence again. It is the Head of School's/Line Manager's responsibility to inform the Schools HR Payroll Administration Team of any pay adjustment. If an employee has accrued statutory holiday entitlement and has been unable to use 'annual leave' during their sickness absence they will be permitted to carry the leave over to the next year. They will need to discuss with their Head of School/Line Manager the timeframe when this leave can be taken so that unreasonable levels of leave entitlement do not build up.
- 19.2 Teaching staff entitlements to sick pay are based on working days meaning teaching and non-teaching days within 'directed time'. Teachers are not expected to work during school closure periods and would normally take any holiday entitlements when



the school is closed therefore it is unlikely that teachers would have any booked holiday during directed time. It can be assumed therefore that the sickness entitlement for teachers is not normally affected by annual leave.

## **20. Sick pay entitlement**

### **20.1 Support staff**

Entitlement to occupational sick pay is determined by the conditions of employment under which support staff are employed and their length of service with local government.

The maximum payable in any one 12-month period is:

During your 1 <sup>st</sup> year of service	1 month full pay (and after completing 4 months service you will receive 2 months half pay)
During your 2 <sup>nd</sup> year of service	2 months full pay and 2 months half pay
During your 3 <sup>rd</sup> year of service	4 months full pay and 4 months half pay
During your 4 <sup>th</sup> and 5 <sup>th</sup> year of service	5 months full pay and 5 months half pay
After 5 years' service	6 months full pay and 6 months half pay

### **20.2 Teaching staff**

Provided the appropriate conditions are met, a teacher absent from duty because of illness (which includes injury or other disability) shall be entitled to receive in any one year, sick pay as follows:

During the 1 <sup>st</sup> year of service	full pay for 25 working days (and, after completing 4 months' service, half pay for 50 working days);
During the 2 <sup>nd</sup> year of service	full pay for 50 working days and half pay for 50 working days
During the 3 <sup>rd</sup> year of service	full pay for 75 working days and half pay for 75 working days;
During the 4 <sup>th</sup> and successive years	full pay for 100 working days and half pay for 100 working days

For the purpose of calculating a teacher's entitlement during a year, a year is deemed to begin on 1st April and end on 31st March of the following year. Where a teacher starts service after 1st April in any year, the full entitlement for that year will be applicable. Where a teacher is on sick leave on 31st March in any year, no new entitlements shall begin until the teacher has resumed duty and the period from April 1st until the return to duty is regarded as part of the preceding year's entitlement for the purpose of this scheme. When a teacher moves to another employer, any sick pay paid during the current year by the previous employer shall be taken into account in calculating the amount and duration of sick pay payable by the new employer.

For the purpose of the sick pay scheme for teaching staff, "working days" means teaching and non-teaching days within "directed time", as specified in the School Teachers' Pay and Conditions Document.

### **20.3 All staff**

20.3.1 Statutory Sick Pay is paid as part of sick pay whilst employees are in receipt of full pay entitlement. It is paid in addition to sick pay when the entitlement reduces to half



pay, as long as when the two amounts are added together they do not exceed the employee's normal pay.

- 20.3.2 If an employee is employed on a temporary contract of less than 13 weeks duration and they have less than 13 weeks continuous service, they will not be entitled to occupational sick pay but may be entitled to Statutory Sick Pay. Employees should contact the Department for Work and Pensions (DWP) for further information.
- 20.3.3 For a new employee, Statutory Sick Pay may be affected by payments made to them by a previous employer. If an employee was issued with a leaver's statement form SSP 1(L) by his/her last employer, the employee should notify the Head of School on appointment to the school. If they subsequently fall sick for 4 days or more within the first 8 weeks of employment they must pass this statement to the Head of School no later than the seventh day of absence.
- 20.3.4 In certain circumstances, Statutory Sick Pay will not be payable by the school. If an employee is excluded from Statutory Sick Pay, they may be entitled to other sickness benefits. Their entitlement will depend on the national insurance contributions which they have paid, and the employee should contact the Department for Work and Pensions (DWP) for further information.
- 20.3.5 If an employee is on sick leave and in receipt of sick pay they are unable to undertake paid employment elsewhere. This may result in any of the sanctions of the disciplinary policy and procedure including dismissal.
- 20.3.6 If an employee holds multiple contracts with the school or a number of schools the nature of illness should be considered to determine whether the employee could continue to carry out these other roles.

## **21. Medical appointments**

- 21.1 Every effort should be made by employees to attend medical appointments (i.e. Doctor / Dentist appointments) in their own time. If this is not possible, how this time is taken should be agreed with the Head of School.
- 21.2 If an employee needs to attend an appointment (for example treatment at hospital as an outpatient) in work time then this should be recorded as sickness absence.
- 21.3 If an employee has a pre-planned appointment such as a scheduled operation this should also be recorded as sickness absence. Employees should inform the Head of School as soon as possible of any medical arrangements.

## **22. Medical advice on fit notes**

- 22.1 Suggestions from doctors relating to support are provided as advice only and are not binding. In circumstances where occupational health advice recommends an alternative approach, this advice will take precedence over that of the doctor. It is for the employer to make the final decision as to whether the support identified by the doctor can be accommodated.
- 22.2 If it is not possible to accommodate a doctor's advice on a fit note regarding support for an employee the Head of School will explain this to the employee and agree a review date or return to work date. In these circumstances the fit note will be regarded as if the advice had been 'not fit for work' and the employee will be referred to occupational health for an assessment.

- 22.3 It would be impractical to obtain advice from occupational health on all cases involving adjustments recommended by medical practitioners. The Head of School will discuss this with the employee and planned returns to work should be based on operational requirements and common sense. In complex cases or cases where an employee is not able to return to their full contractual duties within the agreed timeframe or no agreement can be reached then the Head of School should seek further advice from the Schools HR Advisory (or their own HR Provider where relevant) or occupational health.

## **23. Roles and responsibilities**

### **23.1 Employee responsibilities**

Employees have a responsibility to co-operate with the procedures within this policy and to engage with the process at all times including:

- Attending work regularly and to only make use of the sickness procedures when they are genuinely too ill to come to work.
- Appropriately notifying the Head of School (or nominated person) if they are not able to attend for work.
- Maintaining regular contact with the Head of School (or nominated person) whilst absent and advising them of any changes to their condition and attending meetings as and when required.
- Sending in fit notes / medical notes to the Head of School (or nominated person) in line with the Trust's absence management policy and procedure.
- Attending for occupational health assessments in support of their health.
- Reporting any concerns that they have that might have a detrimental effect on their health, wellbeing and ability to attend for work.
- Not engaging in activities or work elsewhere while they are absent that might have a detrimental impact on their recovery or that is some way not conducive to supporting their return to work.
- Agree with the school frequency and preferred method of contact which will be maintained throughout absence.
- Employees are encouraged to seek support from their union representative at the earliest opportunity.

### **23.2 Head of School and school management responsibilities**

All Head of Schools (and other line managers in schools) have a responsibility to apply this policy and procedure fairly and consistently to promote good health for their employees and to identify and remove significant risks from their work and working environment including:

- Following the health, safety and welfare policy procedures and advice of the school.
- Communicating the sickness absence management policy to all employees and ensuring that they are aware of the sickness reporting procedure.
- Ensuring that employees know the school's protocol for notifying/confirming their sickness absence.
- Maintaining reasonable contact with absent employees on a regular basis.
- Conducting return to work interviews with each employee after each period of absence.
- Monitoring the sickness absence levels of employees individually and as a group to identify where patterns of absence appear.
- Considering the advice from occupational health and to decide on and implement the appropriate action with advice from the Schools HR Advisory if required.

- Discussing the occupational health report with employees.
- Investigating any absences not covered by a fit note if the reason for absence is in doubt.
- Maintaining a record of all sickness absence management discussions with your employees. These records should be maintained for a period of 12 months.
- Processing all information in relation to employee absence in accordance with the General Data Protection Regulations and Data Protection Act 2018.
- To agree with the employee/ their representative, the frequency and preferred method of contact which will be maintained throughout absence.

### 23.3 Schools HR Advisory responsibilities

The role of Schools HR Advisory is to provide advice and guidance on this policy and procedure and to support the school management where appropriate. This may include attending formal absence meetings when this is required in complex cases.

### 23.4 Occupational health responsibilities

23.4.1 Occupational health has a responsibility for providing a professional assessment of the physical and psychological health of employees and their ability to carry out the tasks required of the job, keeping accurate records and providing suitable reports.

23.4.2 Occupational health (with the employee's permission) may seek further medical information about their condition from their doctor or medical specialist, to ensure the most appropriate recommendations are forwarded to the school to maximise the support for an employee at work.

23.4.3 Occupational health is not a treatment service, but an advisory service. Following an occupational health assessment a confidential report will be provided to the Head of School with information to allow decisions to be made to support an employee's health at work. An individual is entitled to have a copy of their own report. It is the responsibility of the Head of School to make decisions regarding appropriate action and implementation of the recommendations of occupational health.

## 24. **Interpretation, variation and termination**

Any questions as to the interpretation of this policy shall be referred to the Schools HR Advisory body Messrs Stone King, Solicitors

## **APPENDIX 1**

### **Absence Reporting Procedures for each of the schools within SRET**

Sickness Absence Reporting Procedure - Point 5 (in main policy refers)

#### **Wyndham Park Infants' & St Mark's CofE Junior School**

##### Unplanned absence (day one)

Employees are expected to telephone the Head of School via the school mobile before 7.00am. Emails and text messages are not acceptable. Employees are also expected to communicate their absence with their line manager, including duties to be covered and any provision for classwork etc.

##### Planned absence (day two onwards)

- Employees are expected to give daily updates to the school office by telephone in good time for cover to be organised.
- If absence is known about the day before, employees should telephone the office before 4.00pm, ensuring they speak to office staff. An answerphone message is not sufficient.
- If absence is known about after 4.00pm, employees should telephone the Head of School before 7.00am on the day of absence.
- The Head of School or office will liaise with Year Leaders to determine the best type of cover and organise as appropriate.
- Employees are also expected to communicate their absence with their line manager, including duties to be covered and any provision for classwork etc.

#### **Exeter House School**

Exeter House School expects a telephone call from the employee reporting their own absence on day one of their illness, followed by regular updates. This call must be made to the school absence line no later than 7.30am on the first morning of illness. If an answering message has been left please ring back to speak to a member of staff later in the day. It is not acceptable to send a text message/email or send a message with a friend or partner.

Please also refer to document Sickness Absences and Processes 2023 for further details.