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EVERYONE MATTERS  
SCHOOLS TRUST

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# Sickness Absence Policy

## Everyone Matters Schools Trust Central Policy



<b>Policy Owner</b>	Principal and Trustees
<b>Scope of the Policy</b>	This policy applies to all of the school community
<b>Last reviewed by trustees</b>	<b>February 2022</b>
<b>Next review due</b>	<b>February 2025</b>
<b>Summary of key changes</b>	No changes
<b>Committee Responsible</b>	

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HEAD OFFICE  
HIGHER LANE RAINFORD ST HELENS  
MERSEYSIDE WA11 8NY  
COMPANY NO: 10455406 10455406

## **1. SCOPE AND PURPOSE**

- 1.1 This Policy is designed to establish a framework for the effective management of employee sickness absence taking into account both the welfare of employees and the requirements of the Academy to deliver an effective service and education to its pupils. It aims to enhance the delivery of education through improved cost efficiency.
- 1.2 This Policy does not form part of any employee's contract of employment and it may be amended at any time. The Academy may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.
- 1.3 For the avoidance of doubt this policy may be used concurrently with the relevant Capability Policy and the Disciplinary Policy.

## **2. WHO IS COVERED BY THIS POLICY?**

- 2.1 This policy covers all employees at all levels and grades, including senior managers, officers, employees, trainees, part-time and fixed-term employees (collectively referred to as **employees** in this policy).
- 2.2 It does not apply to agency staff and self-employed contractors.

## **3. WHO IS RESPONSIBLE FOR THE POLICY?**

- 3.1 The Trust Board has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust Board has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal
- 3.2 The Senior Leadership Team has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

## **4. DISABILITIES**

- 4.1 The Academy is aware that sickness absence may result from a disability. At each stage of the sickness absence procedure, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- 4.2 If an employee considers that they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager and Director of Business and Finance.

## **5. GENERAL PRINCIPALS**

- 5.1 The Trust Board expects the Academy to:
  - never ignore sickness absence;

- always monitor attendance
- ensure that short term absences do not go unnoticed;
- take swift action if the absence is work related;
- keep accurate, up to date, employee attendance records;
- develop and maintain an atmosphere that encourages people to come to work;
- deal with each person as an individual;
- handle attendance problems promptly and sensitively, in a supportive manner;
- treat all staff fairly and consistently;
- Keep the Trust Board informed about the Academy's sickness absence rate.

## **6. EMPLOYEE OBLIGATIONS**

### **6.1 Employees are expected to:**

- comply with the Academy's sickness notification procedure;
- ensure medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work;
- take and follow the medical advice and treatment offered;
- keep in regular touch (consistent with the relevant medical condition) and inform the Cover Manager and Director of Business and Finance, of any significant developments affecting the period of absence;
- attend medical appointments promptly;
- arrange, where possible, for any medical (including dental) appointments to take place at the start or end of the working day to minimise disruption to the working day and make up any lost time.

## **7. SICKNESS NOTIFICATION PROCEDURE**

- 7.1 Employees must contact the Academy in accordance with their Contract of Employment and this policy.
- 7.2 Brief details of the reason for absence and, if possible, some indication of a return to work date should be given during this contact. The position in relation to current workload should be discussed in order to help the Academy make appropriate cover arrangements.
- 7.3 If the absence is the result of an accident or an injury sustained at work, then this information must be made known. Employees should indicate if the incident has been reported, when it was reported and to whom.
- 7.4 Employees need to notify the Cover Manager each morning by 7.30am if they are unfit for work. However, where an absence lasts more than 7 calendar days and doctor's statement has been provided, an employee no longer needs to ring the Cover Manager on a daily basis.

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- 7.5 The Conditions of Service for Teachers in England and Wales (the Burgundy Book) stipulate that a self-certificate should be completed from no later than the fourth day of absence.
- 7.6 A doctor's Statement of Fitness for Work must be provided by all employees where sickness absence lasts beyond 7 calendar days.
- 7.7 The doctor's statement must be forwarded to the Director of Business and Finance, or nominated person, to reach them on or before the eighth day of absence.
- 7.8 If more than one doctor's statement is required for any period of absence, an employee must keep the Director of Business and Finance, or nominated person, informed of developments every two weeks. This is to ensure that the educational needs of the Academy are fulfilled and to give an employee the opportunity to indicate if there are any ways in which the Academy can support them and to give them the opportunity (if they wish it) to be kept up to date with developments in the Academy.
- 7.9 The requirement for weekly contact may be relaxed by the Academy if a doctor's Statement of Fitness for Work indicates that such contact would hamper an employee's return to work or by agreement between an employee and the Academy.
- 7.10 The Academy may suspend an employee on medical grounds (medical suspension) while it investigates an employee's health condition or if the medical evidence suggests the employee is not fit for work. Such period should be on full pay and no longer than is absolutely necessary.

## **8. RETURN TO WORK DISCUSSIONS**

- 8.1 After **every** absence, the Director of Business and Finance or representative must discuss with the employee:
- the reasons for the absence;
  - the appropriate notification has been completed;
  - their fitness to work;
  - whether there are any issues which require particular support from the Academy;
  - complete the return to work form.
- 8.2 A record of this return to work discussion should be placed on an employee's personnel file.
- 8.3 Line managers may also use the return to work discussion as an opportunity to bring employees up to date with developments within the Academy during their absence.
- 8.4 Because of the nature of a medical condition, an employee may prefer not to discuss the reasons for absence with the Director of Business and Finance and in that case the discussion may be held with the Principal.

## **9. EMPLOYEE ASSISTANCE PROGRAMME**

- 9.1 The Academy has purchased an Employee Assistance programme available to all staff which guarantees 5 counselling sessions to start within 5 days of contact. This is to help staff waiting for GP referrals for counselling services.

## **10. OCCUPATIONAL HEALTH REFERRAL**

- 10.1 Occupational Health if appropriate should be utilised at an early stage to ensure that the parties have up-to-date medical information to support the employee and to support informed decision making. This will encourage adequate support is put in place at an early stage based on medical advice which may prevent absences and improve attendance.
- 10.2 The Academy may at any time it considers appropriate refer an employee to Occupational Health for an assessment of:
- their health;
  - the impact of their health on their attendance at work;
  - the impact of their health on their fitness to perform the duties required to perform their particular role;
  - the impact of their health on their ability to attend formal meetings or interviews under any other procedure;
  - what steps the Academy could take to improve their health and/or attendance.

*Employees are expected to cooperate with such referrals.*

- 10.3 If an employee decides not to engage with the Occupational Health referral the Academy will proceed to make decisions without the benefit of medical advice.
- 10.4 Before making any decision to dismiss on notice under this Sickness Absence Policy and Procedure the Academy will have referred an employee for at least one Occupational Health Assessment.
- 10.5 Employees may also request a referral to Occupational Health which in most cases should be supported by the Academy to assist in improving attendance and supporting an employee.
- 10.6 The Academy will meet with an employee after an occupational health assessment to discuss the contents of the occupational health report whether as part of a formal absence review meeting or simply as part of its on-going commitment to the welfare of its employees.

## **11. INFORMAL WARNING**

- 11.1 The Academy will endeavour to raise concerns about absence at an early stage and will seek to deal with matters informally where appropriate. This may include mentioning to an employee that their absence is a cause for concern and that they are approaching a trigger under the formal procedure.

## **12. ABSENCE REVIEWER, FINAL ABSENCE REVIEWER AND APPEAL MANAGER**

- 12.1 The personnel responsible for each stage of this policy depends on the role the relevant employee performs.

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12.2 The following table describes the normal course of action although this may be subject to change depending on the circumstances of the individual case.

<b>Employee Level</b>	<b>Absence Reviewer</b>	<b>Final Absence Reviewer</b>	<b>Appeal Manager (re Written Warnings)</b>	<b>Appeal Manager (re Dismissal)</b>
<b>[Principal/Head Teacher]</b>	<b>Chair of Trustees/Chief Executive Officer</b> or a non-staff Governor nominated by the <b>Chair of Trustees/Chief Executive Officer</b>	<b>Trustee/Director' Absence Panel appointed by the Chair of Trustees/Chief Executive Officer</b>	A non-staff <b>Trustee/Director</b> appointed by the <b>Chair of Trustees/Chief Executive Officer</b>	<b>Trustee/Director</b> Appeal Panel, appointed by the <b>Chair of Trustees/Chief Executive Officer</b>
Other Leadership Spine	<b>Principal</b>	<b>Chair of Trustees/Chief Executive Officer</b> or a non-staff <b>Trustee/Director</b> nominated by the <b>Chair of Trustees/Chief Executive Officer</b>	A non-staff <b>Trustee/Director</b> nominated by the <b>Chair of Trustees/Chief Executive Officer</b>	<b>Trustee/Director'</b> Appeal Panel
Other Teaching Staff	A member of the Leadership Team (other than the <b>Principal</b> appointed by the <b>Principal</b> )	<b>Principal</b>	<b>Chair of Trustees/Chief Executive Officer</b> or a non-staff Governor nominated by the <b>Chair of Trustees/Chief Executive Officer</b>	<b>Trustee/Director</b> Appeal Panel
Other Support Staff	A person appointed by the <b>Principal</b>	<b>Principal</b>	<b>Chair of Trustees/Chief Executive Officer</b> or a non-staff <b>Trustee/Director</b> nominated by the <b>[Chair of Governors/Chair of Trustees/Chief Executive Officer]</b>	<b>Trustee/Director'</b> Appeal Panel

### **13. Persistent Intermittent Absence**

- 13.1 Persistent intermittent sickness absence can be defined as frequent short-term absences from work that are normally sporadic and attributable to minor ailments, in many cases unconnected.
- 13.2 Managerial problems are created by the frequency of the absence and the reasons behind the absence. It can only be addressed effectively through proper monitoring systems and effective management action.
- 13.3 Whilst each case of sickness absence should be considered individually, the following triggers will normally lead to a Formal Absence Review Meeting:
- sickness absence of 10 or more days in any rolling 12 month period;
  - three or more periods of sickness absence of any duration in a 12 month period;
  - any levels of absence which show a trend or pattern e.g. Friday – Monday absences, monthly dates (e.g. last Friday every month) and any other notable dates.

### **14 LONG TERM ABSENCE**

- 14.1 Long-term absence is where an employee is absent from work for four weeks or more as the result of a serious health problem. It can normally be distinguished from frequent intermittent absence in that it tends to be continuous and usually can be traced to an underlying medical condition.
- 14.2 An absence lasting 4 weeks will normally lead to a Formal Absence Review Meeting in appropriate circumstances.

### **15. FORMAL ABSENCE REVIEW MEETINGS**

- 15.1 The aim of the formal process is to support the employee and improve attendance and reduce absence levels. Therefore, the welfare of the employee should be a key consideration throughout all informal and formal meetings.
- 15.2 At a Formal Absence Review Meeting an employee will have the opportunity to:
- present any medical evidence in their possession;
  - make suggestions of reasonable adjustments (if applicable) that could be made;
  - be informed that they have the right to be accompanied by an accredited Trade Union representative or workplace colleague.

### **16. Formal Responses**

- 16.1 The Academy is aware that sickness absence may result from a disability. At each stage of the absence review meetings particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of

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the job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

16.2 The Absence Reviewer may (in addition to making an Occupational Health referral) in appropriate cases, undertake the following formal responses:

- **Reasonable adjustments to working arrangements**

These will vary on a case by case basis depending on the medical condition identified.

- **A First Written Warning**

In the context of a persistent intermittent absence, this is a warning that if the employee is absent from work for two or more days in the period of the next twelve months they will be at risk of a Final Written Warning. In the context of a long term sickness absence, this is a warning that if an employee is not fully back to work within between 4-12 weeks there will be a further Formal Absence Review Meeting. The precise number of weeks will be set by reference to the available medical evidence.

- **A Final Written Warning**

In the context of a persistent intermittent absence this is a warning that if an employee is absent from work at all in the period of the next twelve months they will be at risk of a dismissal.

In the context of long term sickness absence this is a warning that if an employee is not fully back to work within between 4-12 weeks (dependent on medical advice available) they will be referred to the Final Absence Reviewer which could lead to termination of employment. The precise number of weeks will be set by reference to the available medical evidence.

16.3 The Final Absence Reviewer may (in addition to the responses available to the Absence Reviewer) in appropriate cases undertake the following response:

- **Dismissal with Notice**

In coming to such a decision in relation to a case of persistent intermittent absence the Final Absence Reviewer will consider:

- the total absence and pattern of absence;
- the available medical prognosis;
- advice from occupational health;
- the reasons advanced for the absence;
- how long the employee has worked for the **Academy**
- is the job a key job? If so, how long can the Academy effectively function without that contribution;
- what additional demands has the persistent intermittent absence generated for other employees and the **Academy**;
- whether other reasonable adjustments (if applicable) have been considered



- whether other reasonable adjustments (if applicable) have been made and if so whether they were effective.

16.3.2 In coming to such a decision in relation to a case of long-term absence, the Final Absence Reviewer will consider:

- the available medical prognosis;
- advice from occupational health;
- is complete recovery likely and, if so, when;
- how long the employee has worked for the Academy;
- is the job a key job? If so, how long can the Academy effectively function without that contribution;
- what additional demands has the absence generated for other employees and the Academy;
- whether alternative employment or a transfer is available, suitable and acceptable;
- whether ill-health retirement has been explored including whether any condition has been diagnosed as being terminal. The Trust will, depending on the likely length of any terminal illness, not normally dismiss an employee with a terminal illness whose prognosis is likely to result in death within a relatively short period of time (to be judged objectively by the Academy);
- whether the absence has been caused by industrial disease or injury/assault;
- whether other reasonable adjustments (if applicable) have been considered;
- whether other reasonable adjustments (if applicable) have been made and if so whether they were effective.

16.4 An employee may appeal against the written warning or dismissal in writing within 10 days of being sent the warning or the notification of termination.

16.5 The fact of the appeal does not delay the commencement of any period under any warning or of any notice period.

16.6 If an employee's contract contains a payment in lieu of notice clause, the Academy may exercise that clause to bring the contract to an end with immediate effect.

16.7 Any appeal should normally be heard within 20 days of the notice of appeal being received.

## **17. GOVERNOR BODY PANELS**

17.1 Trustee Absence and Appeal Panels shall comprise three non-staff Trustees not previously involved in the matter.

17.2 In the event that there are insufficient numbers of Trustees available to participate in a Panel, the Chair of Trustees may appoint associate members.

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## **18. RIGHT TO BE ACCOMPANIED**

- 18.1 If an employee is the subject of any Formal Absence Review Meeting, they may be accompanied by a companion who must be either a willing work colleague or an accredited trade union representative.
- 18.2 The employee must let the relevant Reviewer or Manager know who the companion will be at least 2 days before the relevant meeting.
- 18.3 If the employee has any particular need, for example, a disability which causes them a substantial disadvantage, adjustments may be made to the procedure to allow them to participate and in limited circumstances this may include allowing them to be accompanied by someone else other than is listed in paragraph 0.
- 18.4 The companion can address the meeting in order to:
- put forward the case for the employee
  - sum up the case for the employee;
  - respond on behalf of the employee to any view expressed at the meeting.
- 18.5 The companion can also confer with the employee during the meeting.
- 18.6 The companion has no right to answer questions on behalf of the employee, or to address the meeting if the employee does not wish it, or to prevent them from explaining their case.
- 18.7 Where the employee has identified the companion to the relevant Reviewer or Manager and the companion has confirmed in writing to the relevant Reviewer or Manager that they cannot attend the date or time set for the meeting, the relevant Reviewer or Manager may postpone the meeting provided that the employee has suggested an alternative date within 5 days of the original date set by the Academy to a date or time agreed where possible with the companion provided that it is reasonable.

## **19. TIMING OF MEETINGS UNDER THIS PROCEDURE MAY:**

- 19.1 Timings of meetings under this procedure may:
- need to be held when the employee was timetabled to teach;
  - exceptionally be held during planning preparation and administration (**PPA**) time if this does not impact on lesson preparation provided the appropriate PPA time is given back to the affected employee;
  - be held after the end of the Academy day;
  - not be held on days on which the employee would not ordinarily work.
- 19.2 Meetings may take place in the absence of an employee in the event that they are not able to attend a scheduled meeting and it is considered appropriate by the Academy to do so in the relevant circumstances.

## **20. VENUE FOR MEETINGS**

- 20.1 Meeting are usually held on site however can be held off the Academy site to minimise any distress to the employee.

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