



Wessex
Learning Trust
We Learn Together!

Staff Sickness Absence Policy

Date approved by Trust Board: September 2019
Review Date: September 2020

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Wessex Learning Trust Staff Sickness Absence Policy

This policy will be reviewed by the Board of Directors annually.

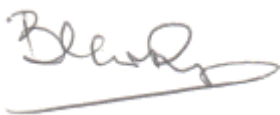
A handwritten signature in black ink that reads "Gavin Ball". The signature is written in a cursive style with a large, sweeping initial 'G'.

Signature:

Name: Mr Gavin Ball

Position: Executive Headteacher

Date: 28 November 2019

A handwritten signature in black ink that reads "Brian Kirkup". The signature is written in a cursive style with a large, sweeping initial 'B'.

Signature:

Name: Mr Brian Kirkup

Position: Chair of the Board

Date: 28 November 2019

1. Introduction

1.1 This policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way. Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example injuries, recurring conditions, or a serious illness requiring lengthy treatment).

1.2 We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.

1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time. We may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.

2. Scope and Purpose

2.1 This policy covers all employees at all levels and grades regardless of status including those employees who are in their probationary period.

2.2 The purpose of the policy is to ensure that staff understand the expectations of the relevant Academy in terms of attendance at work. In applying this policy we aim to ensure that attendance is managed appropriately and consistently and that employees receive relevant support.

3. Definitions

Short-term sickness absence - any absence that lasts between half and 20 days' (four weeks).

Long term sickness absence – any absence that lasts for a continuous period of longer than four weeks.

4. Disabilities

4.1 We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out in paragraph 15 of this policy), 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 you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform your Headteacher.

5. Sickness Absence Reporting Procedure

5.1 All employees are required to follow their individual Academy reporting procedures. However, in general if you are taken ill or injured while at work you should report this to your line manager/Headteacher. Line managers should make arrangements for anyone who is unwell to be accompanied home AND/OR to receive medical treatment where necessary.

5.2 If you cannot attend work because you are ill or injured you must follow the individual Academy reporting procedure. As a minimum, you must inform your line manager by telephone. The following details should be provided:

- The nature of your illness or injury.
- Contact details.
- Any outstanding or urgent work that requires attention.

5.3 When you are absent you must keep your Academy informed as to when you are likely to return. This may have to be done daily in some situations and where this is necessary please telephone after 4.00pm rather than each morning.

5.4 Teachers who are absent from their Academy are required to set work for classes. Where absence is known in advance you are required to leave lesson plans and work for all your classes. For unexpected absence you must telephone or email your Headteacher/line manager (or follow individual Academy procedures) to set work.

5.5 You should expect to be contacted during your absence by your manager or the Headteacher who will want to enquire after your health and be advised, if possible, as to your expected return date.

6. Evidence of Incapacity

6.1 For absences of less than seven days, staff are required to submit a self-certification form to their Headteacher/line manager on their return to work.

6.2 For absences longer than seven days, staff must obtain a Doctor's Medical Certificate (a 'Statement of Fitness for Work') on the eighth day and submit it to their Headteacher/line manager. If your absence continues, further medical certificates must be provided to cover the whole period of absence.

6.2 If your doctor provides a certificate stating that you 'may be fit for work' you should inform your Headteacher/line manager immediately. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return to work interview (see paragraph 11). If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.

6.3 Where we are concerned about the reason for absence, or frequent short-term absence, we may require a medical certificate for each absence regardless of duration; we reserve the right to withdraw self-certification. In such circumstances, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.

6.4 In cases of extended or repeated absence the relevant Academy will conduct a return to work interview (see paragraph 11) and may seek to obtain a medical report from Occupational Health.

6.5 Where an employee is absent immediately prior to their Academy closure period, they will continue to be deemed as being absent for the purposes of recording sickness and statutory and/or contractual sick pay during the relevant Academy closure period, unless they provide a fit note indicating they are fit to return to work. The cost of fit note will be covered by the relevant Academy if applicable.

7. Unauthorised Absence

7.1 Cases of unauthorised absence will be dealt with under a Disciplinary Procedure. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.

7.2 If you do not report for work and have not telephoned your Headteacher/line manager to explain the reason for your absence, the relevant Academy reserves the right to try to contact you, by telephone and/or in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

8. Sick Pay

8.1 You should refer to your contract for details of the sick pay to which you are entitled.

8.2 If a period of sickness absence is, or appears to be, occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, you must immediately notify your Headteacher of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, you must cooperate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.

8.3 Failure to properly report your absence or to provide medical or self-certification could lead to your pay being suspended.

9. Keeping in Contact during Sickness Absence

9.1 If you are absent on sick leave you should expect to be contacted from time to time by your Headteacher, line manager or other member of the Leadership Group in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.

9.2 If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager or Headteacher at any time.

10. Medical Examination

10.1 The relevant Academy may, at any time in operating this policy, ask you to consent to a medical examination by our Occupational Health advisor and/or a doctor nominated by us (at our expense).

10.2 You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.

10.3 Failure to agree to a reasonable request may be considered under the Disciplinary Policy.

11. Return to Work Interviews

11.0 If you have been absent on sick leave for more than 7 days you will have a return-to-work interview with either your Headteacher, line manager or another member of the leadership group.

11.1 A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.

11.2 Where your doctor has provided a certificate stating that you 'may be fit for work' we will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.

12. Returning to Work from Long-term Sickness Absence

12.1 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meeting procedure (see paragraph 13), we will, where appropriate and possible, support returns to work by:

- Obtaining medical advice;
- Making reasonable adjustments to the workplace, working practices and working hours;
- Considering redeployment; and/or
- Agreeing a return to work programme with everyone affected.

12.2 If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract.

13. Sickness Absence Meeting Procedure

13.1 We may apply this procedure whenever we consider it necessary, including, for example, if you:

- Have been absent due to illness on a number of occasions;
- Have discussed matters at a return to work interview that require investigation; and/or
- Have been absent for more than:
 - five days or more in a sixth month period and/or
 - three or more occasions of absence in a six month period
- The policy may still be applied where the employee persistently falls just below the trigger points and where the absence is perceived to be a problem.

13.2 Unless it is impractical to do so, we will give you five days written notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.

13.4 The meeting will be conducted by the Headteacher or another person in the leadership group. Other members of staff may be present, for example your line manager. You may bring a companion with you to the meeting (see section 14).

13.5 You must take all reasonable steps to attend the meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform the member of staff conducting the meeting who will seek to agree an alternative time. A meeting may be adjourned if further information is required or consideration is

required to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

13.6 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to the employee in writing within five days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

13.7 If, at any time, the Headteacher or member of leadership group considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

14. Right to be accompanied at Meetings

14.1 You may bring a companion to any meeting or appeal meeting under this procedure. Your companion may be either a trade union representative, a paid official of a trade union, or a work colleague. You should provide their details to the individual conducting the meeting, in good time before it takes place.

14.2 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish. Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting.

14.3 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

15. Stage 1: First Sickness Absence Meeting

15.1 This will follow the procedure set out in section 13 and 14 on the arrangements for and right to be accompanied at sickness absence meetings.

15.2 The purposes of a first sickness absence meeting may include:

- Discussing the reasons for absence;
- Where you are on long-term sickness absence, determining how long the absence is likely to last;
- Where you have been absent on a number of occasions, determining the likelihood of further absences;
- Considering whether medical advice is required or, if already obtained, what that advice is;
- Considering what, if any, measures might improve your health and/or attendance;
- Determining a way forward, action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure;
- Warning you that your employment may be at risk if your attendance does not improve.

16. Stage 2: Further Sickness Absence Meeting(s)

16.1 Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in paragraphs 13 and 14 on the arrangements for and right to be accompanied at sickness absence meetings.

16.2 The purposes of further meeting(s) may include:

- Discussing the reasons for and impact of your ongoing absence(s).
- Where you are on long-term sickness absence, discussing how long your absence is likely to last.
- Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- Considering your ability to return to/remain in your job in view both of your capabilities and the needs of the relevant Academy and any adjustments that can reasonably be made to your job to enable you to do so.
- Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
- Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a return to work programme.
- If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
- Determining a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.

17. Stage 3: Final Sickness Absence Meeting

17.1 Where you have been warned that you are at risk of dismissal, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out in paragraphs 13 and 14 for the arrangements for and right to be accompanied at sickness absence meetings.

17.2 The purposes of the meeting will be:

- To review the meetings that have taken place and matters discussed with you.
- Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
- To consider any further matters that you wish to raise.
- To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
- To consider the possible termination of your employment.

17.3 Termination will normally be with full notice or payment in lieu of notice.

18. Appeals

18.1 You may appeal against the outcome of any stage of this procedure and you may bring a companion to an appeal meeting (see section 14). An appeal should be made in writing, stating the full grounds of appeal, to the Headteacher within five days of the date on which the decision was sent to you.

18.2 Unless it is not practicable, you will be given five days written notice of an appeal meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required. You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.

18.3 Where practicable, an appeal meeting will be conducted by the Headteacher or Governor who will be senior to the individual who conducted the sickness absence meeting.

18.4 Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision. Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible within five days of the appeal meeting. There will be no further right of appeal.

18.5 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

19. Review

19.1 The policy will be reviewed by the Wessex Learning Trust Board annually or sooner in the light of operating experience and or changes in legislation or further issued guidance from the Department for Education.