

Sickness, sick pay and managing absence

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1.About this policy

This policy applies to employees of the Trust only. It does not form part of any employee's terms and conditions of employment and is not intended to have any contractual effect. The Trust reserves the right to amend this policy at any time. This policy applies to all members of staff within the Trust. In the event of any conflict between this policy and the STPCD or the Green Book. This policy shall take precedence.

2.Sickness Absence Notification and Certification Requirements

Teaching staff

For absences not known in advance, the following steps should normally be taken when informing absence and upon returning to work after an absence.

Teaching staff are required to contact the Headteacher before 7am on the first day of absence (this must be in the form of a verbal conversation), informing him or her of:

- the fact of their sickness absence;
- the reasons for it;
- its expected duration; and
- the action the employee is intending to take e.g. visiting their G.P, seeking advice from a pharmacist etc.

Teaching staff must contact the Headteacher on each day of absence (before the start of their normal teaching day) to ensure that appropriate work is being set for the classes.

In exceptional circumstances when it is not practical to contact the Headteacher on the first or subsequent days of absence, each department should have contingency arrangements to ensure appropriate work is being set.

When a member of teaching staff intends to return to work after a period of absence (except where the return is on the expiry of a medical certificate) he or she should inform the Headteacher **before** 7am on the day he or she returns to work.

Absence records will be kept by the HR Office who will provide statistics for:

- Chief Executive Officer (CEO)
- the Headteacher; and

Non-teaching support staff

For absences not known in advance the following steps must be taken when informing absence and upon returning to work after an absence.

Employees are required to notify their Line Manager by 7am on the first day of sickness absence (this must be in the form of a verbal conversation).

Employees should notify their Line Manager personally by telephone informing him or her of:

- the fact of their sickness absence;
- the reasons for it;
- its expected duration;
- the action the employee is intending to take e.g. visiting their G.P, seeking advice from a pharmacist etc; and
- any scheduled work that needs to be completed.

Employees must contact the Headteacher on each day of absence unless the absence is for a prescribed period of time. In this situation the employee would be expected to contact the Headteacher/Line Manager before the expiration of this agreed length of absence to update them as to whether the absence will continue or they are planning to return to work.

Absence records will be kept by the HR Office who will provide statistics for the Chief Executive Officer (CEO).

Sickness absence during Industrial Action

An employee who is absent due to sickness on any day strike action is called must provide a medical certificate. We will reimburse employees who are charged by their doctor if they have a receipt.

3.General notification requirements applicable to all staff

Voicemails, text messages, e-mails or messages left with colleagues will not satisfy the Trust's sickness absence notification requirements and may result in any absence being deemed to be unauthorised (and hence subject to disciplinary action) and in the forfeiture of sickness payments, if any, that the employee would have otherwise been entitled to.

Notification must be by the employee him or herself unless his or her incapacity is such that this is not possible in which case the employee should authorise a family member or friend to contact the appropriate person in his or her stead.

The Academy will notify the HR Office by 4pm of any staff absences that day via email to HR@diamondlearningtrust.com. The information will then be entered on the relevant payroll form.

It is essential that employees keep the Headteacher/Line Manager updated on the circumstances of their absence and its estimated duration and employees are required, where they have not indicated a likely return date on the first day of their sickness absence, to telephone their Headteacher/Line Manager on each subsequent day of absence.

Where an employee's sickness absence lasts more than seven calendar days the employee is required to notify Headteacher/Line Manager of the fact. A Medical Certificate stating that he or she is not fit for work and the reason(s) why, completed and signed by a medical practitioner must be forwarded to his or her Headteacher/Line Manager to cover the period of absence. Thereafter Medical Certificates must be submitted for any continued sickness absence on a weekly basis, or at those intervals determined by the employee's medical certificate itself.

If an employee's doctor provides a certificate stating that he or she "may be fit for work", the employee should inform their Headteacher/Line Manager immediately. The Academy, with advice from HR, will discuss with the employee any additional measures that may be needed to facilitate a return to work, taking account of medical advice. This may take place at a Return to Work meeting on the employee's return to work after a period of sickness absence or during ongoing sickness absence as appropriate.

During any period of sickness absence employees may be required to respond to any enquiries from the Academy/Trust during normal working hours, to receive home visits from authorised Trust personnel and to liaise with Occupational Health, where the Trust considers this is required.

On return from a period of sickness absence of less than 7 days, employees are required to complete a sickness absence self certification form and submit this to his or her Headteacher/Line Manager.

Failure to comply with the Trust's sickness absence notification and certification procedures above may result in rendering the employee's absence unauthorised and hence subject to disciplinary action which may result in the delay or forfeiture of payments for sickness absence that the employee might have otherwise been entitled to had they complied.

Employees will be required to attend a Return to Work meeting on their return to work after any period of sickness absence. This will usually be held by the employee's Headteacher/Line Manager or HR and during the meeting the reasons for the employee's absence will be discussed and the employee's Medical Certificate(s) as appropriate will be considered.

Long term or frequent absences may, in certain circumstances, lead to the termination of the employee's employment with the Trust in accordance with the Trust's Managing Sickness Absence Policy and Procedure.

From time to time it may be necessary for the Trust to require the employee to be examined by and obtain a medical or occupational health report from an employee's doctor, a medical practitioner nominated by the Trust or an occupational health adviser to gather information about the employee's medical condition, its probable effect on the employee's future attendance at work or ability to do his or her job. Employees are required to co-operate with the Trust in obtaining such information and should be aware that failure to do so may constitute a breach of the terms of his or her contract of employment with the Trust and result in the Trust having to proceed with sickness absence management without the benefit of specialist advice and assistance on the basis of the existing information available to it.

Employees' have certain rights under the Access to Medical reports Act 1988. Should the Trust find it necessary to obtain a medical report concerning an employee's fitness for work or any other

relevant matter the employee will be asked for his or her written consent. At the time of the request the employee will be advised of his or her rights under the Act.

4.Sick Pay

Statutory Sick Pay

Employees who are absent from work because of sickness will normally be entitled to receive Statutory Sick Pay (SSP) from the Trust provided they meet the relevant criteria.

Once the criteria have been met, SSP is not normally payable for the first three days of sickness absence, unless the employee has been absent and in receipt of SSP within the previous eight weeks. Thereafter the Trust will normally pay SSP at the statutory rate in force for a maximum of 28 weeks to employees who are eligible for SSP and who have satisfied the Trust's sickness absence and notification requirements above. The Trust reserves the right to withhold payment of SSP where an employee fails to follow the correct procedure.

If two periods of incapacity from work of four or more days (PIW) occur within 56 days of each other they are linked to form one PIW. Each PIW has an entitlement of 28 weeks payment and SSP is paid on a daily basis, in respect of qualifying days, which are those days normally worked.

Trust Sick Pay

The Trust also operates a Trust Sick Pay Scheme in accordance with the national conditions of service for teaching staff and the National Conditions of service for national joint council (NJC) staff. All payments made under this scheme will include SSP payments where they fall due.

Teaching Staff:

Teaching staff are entitled to the following sick pay in respect of bona fide sickness absence notified and certified in accordance with the required procedure set out above:

During the first year of continuous service	Full Pay for 25 working days and after completing 4 calendar months' service, half pay for 50 working days
During the second year of continuous service	Full pay for 50 working days and then half pay for 50 working days
During the third year of continuous service	Full pay for 75 working days and half pay for 75 working days
During the fourth and subsequent years of continuous service	Full pay for 100 working days and half pay for 100 working days

For the purposes of the above scheme:

- “working days” means teaching and non-teaching days within “directed time” or in the case of a Headteacher, normal working days; and
- For the purposes of the above scheme a “year” is deemed to be a rolling 12-month period.

The above entitlement will be pro-rated for part-time employees.

Support Staff:

Support staff are entitled to the following sick pay in respect of bona fide sickness absence notified and certified in accordance with the required procedure set out above:

During the first year of continuous service	1 month's full pay and after completing 4 months service, 2 months half pay
During the second year of continuous service	2 months full pay and 2 months half pay
During the third year of continuous service	4 months full pay and 4 months half pay
During the fourth and fifth year of continuous service	5 months full pay and 5 months half pay
During the sixth and subsequent years of service	6 months full pay and 6 months half pay

For the purposes of the above, one month means the employee's normal working days over the period of a calendar month and the above entitlement will be pro-rated for part-time employees.

The employee's length of service for the above purposes will be calculated from the first day of sickness absence.

For the purposes of the above scheme a “year” is deemed to be a rolling 12-month period.

The calculation of Trust Sick Pay will take into account any previous payments of Trust Sick Pay made in the year (as defined above in relation to Teaching and Support Staff) immediately before the first day of the current sickness absence.

Employees should claim any Social Security sickness benefits such as invalidity or incapacity benefits to which they may be entitled and are required to notify the Trust of any such payments which the Trust will deduct from the employee's School Sick Pay.

The rules of the Trust Sick Pay Scheme do not imply that termination of employment may not take place before payment of Trust Sick Pay has been exhausted.

5.Managing Sickness Absence

There are four key aims of this policy:

- To understand the causes of any absence and the effect it will have on the employee's ability to do their job
- To work with employees to deal with health, work or welfare problems, including work-related stress
- To explore any options which could help employees to improve attendance or facilitate their return to work
- To keep employees informed, in good time, about where they stand (particularly if their job is at risk)

In addition, the Trust will bear in mind:

- Employees' rights to medical confidentiality
- Employees' expectation of fair and consistent treatment

6.Meetings under this Policy

Meetings under this policy will be arranged during your normal working hours, and therefore you should be available to attend, and must take all reasonable steps to do so. Failure to do so without good reason may be treated as misconduct.

Please note that the mere fact of being signed off by your GP as unfit to work does not of itself mean you are unfit to attend a meeting. Unless the nature of your ill-health is such that you are unable to attend, you would normally be expected to attend.

Where a companion is accompanying you to a meeting and where your companion is unavailable to attend at the time specified you should immediately inform HR who will seek to agree an alternative time within a reasonable period (normally 5 working days). If this is not possible, you would be expected to find an alternative companion.

A meeting may be adjourned if HR/The Headteacher is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Confirmation will be given to you in writing within 5 days following a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable) of:-

- the issues discussed;
- any decisions made or actions agreed at a meeting;
- the reasons for such;
- any measures or support agreed;
- the consequences of failure to improve; and
- the right of appeal.

Accompaniment

All employees will have the right to be accompanied by a work colleague or an accredited trade union official at any Formal Absence Review, Final Absence Review, Consideration of Dismissal Hearing, or Appeal Hearing in accordance with the Disciplinary Policy and Procedure.

At the informal stage of the process, no right to accompaniment applies.

Disabilities

We are aware that sickness absence may result from a disability. At each stage 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.

The Trust may also adjust the process where appropriate. For example, to accommodate an employee's disability:-

- trigger points may be adjusted;
- meetings may be held off-site or by telephone;
- while no right to accompaniment applies at the informal stage of the process, the Trust may extend this right in appropriate circumstances;
- at the Trust's discretion, you may be permitted to bring a companion who is not a work colleague or union representative (for example, a family member) where this will help overcome particular difficulties caused by a disability; or
- the Trust may, in appropriate circumstances, elect not to impose disciplinary warnings in relation to disability related absence. This shall not however prevent the absence management procedure from moving to the next stage.

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 the Headteacher or your Line Manager.

6.Trigger Points

The purpose of the Trust specifying trigger points is to enable the Headteacher/Line Managers to take prompt action to deal with sickness absence, alert employees that their level of sickness absence is causing concern, and identify potential problems and to deal with them effectively before they escalate.

It is not always necessary for a trigger point to be reached before action is taken. The Head Teacher/Line Manager may take action at any time, (for example, referring an employee to Occupational Health), if they have concerns about an underlying cause of sickness and/or there is a significant impact on the service.

The Trust's current trigger points are:

- either 7 or more working days absence due to sickness in the preceding 12 months; or
- 3 or more absences due to sickness of whatever length within the preceding 3 months; or
- any pattern of part day absences, absences on certain days (e.g. Mondays or Fridays) or known "busy" days; or
- above average absence levels for the Trust; or
- no adequate reason given for the absence.

7. Referrals to the Occupational Health Provider

The Trust has access to an Occupational Health service and may use this to obtain expert medical advice:

- To provide appropriate support to employees
- To aid decision-making in sickness absence cases

The Trust may refer an employee to the Occupational Health service at any point if they are concerned about the impact of an employee's health on their work or attendance. Referrals will also take place at appropriate points throughout the process set out in this policy.

It is likely that a referral will take place when an employee has been on sick leave for 4 continuous weeks, or the Trust receives a medical certificate indicating that an absence of this length is anticipated.

8. Informal Absence Review

When you have met a trigger point above, or the Trust otherwise considers that your sickness absence level is a cause for concern, you may be asked to attend an informal review meeting with HR.

The basis for the Trust's concerns about your sickness absence and the reason for the meeting being called will be confirmed in writing. A reasonable opportunity for you to consider this information before a meeting will be provided.

In the case of **continuous absence** HR will discuss with you:

- the reason for your absences;
- the anticipated duration of your absence;
- the treatment and care you are receiving;
- whether it is necessary for the Trust to consider taking reasonable measures to facilitate your return to work;
- whether medical evidence is required to assess your fitness to return to work and if any changes are necessary to assist you;
- if your continued absence may lead to a formal absence review; and
- a time-scale for review.

In the case of **repeated absences**, HR will discuss with you:

- the reason for your absences;
- the anticipated duration of any further absences;
- the treatment and care you have received;
- any medication taken and any expected side effects;
- whether it is necessary for the Trust to consider taking reasonable measures to assist you in the workplace and to minimise the occurrence of repeated absences;
- whether medical evidence is required to assess your fitness and if any changes are necessary to assist you;

- targets to improve your attendance if necessary over a set period of time.

9. Formal Absence Review

This stage applies where the situation continues beyond the provisions of the informal stage above. In some instances the situation (including the nature of the absence or its anticipated duration) may mean that the Trust would consider it appropriate to commence the process at this formal stage, without it being necessary to conduct an Informal Absence Review meeting first.

The Headteacher will hold a formal absence review meeting with you which will be arranged and conducted in accordance with the procedure set out in the Trust's Disciplinary Policy and Procedure (the Trust will make arrangements to hold this meeting at a convenient location if you are unable to attend the workplace).

For **continued absence**, the purpose of the meeting will be to discuss:

- the reasons for and impact of your absence;
- the anticipated duration of your absence;
- if it has not been obtained, consider whether medical evidence is required. If it has been obtained, consider the advice that has been given and whether further advice is required;
- whether it is necessary for the Trust to consider taking reasonable measures to facilitate your return to work, which may include consideration of adjustments that can reasonably be made to assist you in your current role, or any possible redeployment opportunities;
- your ability to return to your job in view of your capabilities and the Trust's operational needs;
- action that will be taken and a time-scale for review and/or a further meeting. This may, depending on steps that have already been taken and the nature of the absence(s), include a written warning in accordance with the Disciplinary Policy and Procedure.

For **repeated absences**, the purpose of the meeting will be to discuss:

- the reasons for and impact of your absences;
- if you have met the targets set at the informal stage;
- the anticipated duration of any further absences;
- if it has not been obtained, consider whether medical evidence is required. If it has been obtained, consider the advice that has been given and whether further advice is required;
- whether it is necessary for the Trust to consider taking reasonable measures to assist you in the workplace and to minimise the occurrence of repeated absences. This may include consideration of adjustments that can reasonably be made to assist you in your current role, or any possible redeployment opportunities;
- your ability to remain in your job in view of your capabilities and the Trust's operational needs;

- action that will be taken and a time-scale for review and/or a further meeting. This may, depending on steps that have already been taken and the nature of the absence(s), include a written warning in accordance with the Disciplinary Policy and Procedure.

You can appeal against a decision to give a written warning, within 10 working days of receiving it, to the Clerk of the Board of Directors in accordance with the disciplinary appeals procedure set out in the Disciplinary Policy and Procedure.

Where an appeal is upheld, a further review meeting will be set and the procedure will be resumed at the formal stage.

10.Final Absence Review

This stage applies where there is an unacceptable continued absence or pattern of absences calling into question your capability to carry out the requirements of your job.

Alternatively, in exceptional instances the Trust may receive clear Occupational Health advice that the anticipated duration of the absence means that the Trust would consider it appropriate to commence the process at this Final stage, without it being necessary to conduct Informal or Formal Absence Review meetings first.

You will be required to attend a meeting with the Headteacher which will be arranged and conducted in accordance with the Disciplinary Policy and Procedure, who will review the meetings that have taken place and the matters that have been discussed with you.

If an acceptable level of attendance has been achieved the procedure can be halted but may be resumed at this stage if a similar level of absence recurs within one year.

Where you are unable to achieve an acceptable level of attendance by the time of the meeting, the Headteacher may, depending on the nature of the absence(s), issue a final warning in writing in accordance with the Disciplinary Policy and Procedure. This should state that the situation is unacceptable and that dismissal will be considered unless the necessary improvement is achieved within a specified period.

You can appeal against a decision to give a final warning, within 10 working days of receiving it, to the Clerk of the Board of Directors in accordance with the disciplinary appeals procedure set out in the Disciplinary Policy and Procedure.

Where such appeal is upheld, a date for further review will be set and the procedure will be resumed at the final stage.

11.Consideration of Dismissal Hearing

You will be warned that you are at risk of dismissal, and invited you to a hearing at which your continued employment will be considered.

Any such consideration will be by the Headteacher. In the case of proceedings involving the Headteacher, consideration will be by the Lead Executive Headteacher.

The purposes of the hearing will be to discuss:

- 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 this policy, 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 any reasonable options for redeployment on medical grounds before making any recommendation for dismissal (where redeployment is an option identified by Occupational Health).
- To consider the possible termination of your employment.

The grounds for consideration of dismissal will be that you are incapable of fulfilling your duties by reason of continued absence(s).

Any dismissal will be on notice or payment in lieu of notice.

Your right to appeal will be in accordance with the Trust's Disciplinary Policy and Procedure. 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.

12.Unauthorised absence

Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.

Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence. It is the responsibility of an employee to ensure that they have completed a 'Sickness Absence Self Certification' form and that this has been signed by the Headteacher and given to HR immediately on their return from sickness absence. Any absence that is not reported in the correct manner will be deemed unauthorised and therefore unpaid.

If, at any time, the Headteacher 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.

13.III Health Retirement

Where the relevant employee is a member of the LGPS or the TPS, the Trust will consider whether Ill-Health retirement before making any recommendation for dismissal.

Support Staff: In accordance with the Local Government Pension Scheme (LGPS), the Headteacher will satisfy themselves that they have exhausted all reasonable options in accordance with this procedure, including consideration of a phased return/adaptations to duties/working patterns/alternative employment, before requesting an assessment under ill health retirement. If on the basis of the facts it is evident that there is not likely to be a return to work in the foreseeable future and no likelihood of being fit, the employer may consider make a referral to Occupational Health for ill health retirement.

Teachers: In accordance with the Teachers' Pension Scheme, the request for an assessment under ill health retirement should be issued by the Headteacher. In that case, the Headteacher has to satisfy themselves that they have exhausted all reasonable options in accordance with this procedure, including consideration of a phased return/adaptations to duties/working patterns/alternative employment. If on the basis of the facts it is evident that there is not likely to be a foreseeable return to work in the future and no likelihood of being fit, the Trust may consider making a referral to Occupational Health for ill health retirement. However, in addition the Teachers' Pension Scheme also allows the ill health retirement process to be instigated by the teacher themselves. Teachers who may be eligible to apply for ill health retirement should initially advise their Headteacher of their situation.

For all staff, the Headteacher should have normally have met with the employee and their representative to discuss the options including the ill health retirement process.

If ill health retirement is confirmed by Occupational Health the Headteacher will confirm the decision in writing.