



Registered Charity 1171812

# Sickness Policy

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## 1. Aims

This policy aims to:

- Set out our Trust's approach to staff sickness, including the procedures for reporting sickness and how we manage sickness absence fairly
- Support all parties in managing staff sickness and absence effectively and consistently, to ensure a fair and transparent approach across the Trust that complies with our duties under the Equality Act 2010
- Set out our approach to requests for time off outside of annual leave or leave covered by other policies
- Help create and maintain a happy and healthy working culture in which staff are encouraged to look after their physical and mental wellbeing

## 2. Legislation and Guidance

This policy meets the requirements of:

- [Data Protection Act 2018](#)
- [Employment Rights Act 1996](#)
- [Employment: Statutory Code of Practice](#)
- [Equality Act 2010](#)

It also reflects best-practice guidance set out in:

- [The Advice, Conciliation and Arbitration Service \(Acas\)'s guidance on holiday, sickness and leave](#)
- The Health and Safety Executive (HSE) [incident reporting in schools](#)

## 3. Scope

### 3.1 Eligibility

This policy applies to all staff who are employed directly by the Trust.

### 3.2 Exceptions

This policy does not apply to staff who are:

- Taking maternity or paternity leave.

## 4. Data Protection

All discussions and sensitive medical and personal information about staff members' sickness and other absence will be treated confidentially by all parties concerned. This data will be collected, used and stored in line with the Data Protection Act 2018.

## 5. Roles and Responsibilities

### 5.1 The Senior Leadership Team (SLT)

The SLT are responsible for making sure that:

- This sickness and absence policy is applied consistently across our school and that it is in line with equality legislation
- All staff are aware of this policy and their responsibilities

### 5.2 Line managers

Line managers have day-to-day responsibility for this policy. If staff have questions about this policy, they should refer to their line manager in the first instance.

Line managers are responsible for:

- Considering all valid requests for time off equally, fairly, and according to the needs of the school and pupils
- Supporting staff and managing ill-health matters confidentially and sensitively, and in line with the Data Protection Act 2018
- Promoting positive working arrangements, including monitoring workload and maintaining effective communication with staff

### 5.3 Board of Trustees

The Board of Trustees has delegated approval of this policy to the Health and Safety/Finance Committee and hold the SLT to account for its implementation.

### 5.4 Other staff

Staff are expected to:

- Follow the procedures set out in this policy
- Adhere to the stated timescales when responding to or appealing the Trusts requests or decisions

## 6. Procedure for Reporting Sickness Absence

We encourage staff to keep an open dialogue with their line manager regarding their health to help us:

- Identify absence problems early on
- Support staff wherever possible, including with rehabilitation and return to work

If a staff member is taken ill or injured while at work, they should report or be taken to their line manager to be given permission to leave work, if appropriate. Line managers should make arrangements for anyone who is unwell to be accompanied home or to receive medical treatment where necessary.

If a staff member is unable to attend work because of illness or injury, they should:

- Contact a member of the Senior Leadership Team no later than 1 hour before the start of their working day.
- Explain the nature of their illness or injury and provide an estimate of when they are able to return to work
- Agree with the Business Manager how and when to keep in touch (see more in section 6.2 below) and confirm contact details
- Advise on any urgent or outstanding work-related matters that need attention

If the staff member is too unwell or otherwise unable to contact the school, they should:

- Explain what they should do in this case, e.g. whether somebody can make contact on their behalf

For absences of more than 7 calendar days (including non-working days), staff members must obtain a “statement of fitness for work” stating that they are not fit for work and the reason(s) why. This should be forwarded to the Business Manager as soon as possible. If absence continues, the staff member must obtain further medical certificates to cover the whole period of their absence.

If the statement or medical certificate says that the staff member “may be fit for work”, the individual should inform the Business Manager immediately. We will discuss any potential measures needed to facilitate the staff member’s return to work, taking into account the healthcare professional’s advice. If appropriate measures cannot be taken, the staff member will remain on sick leave and we will agree a date to review the situation.

## 6.1 Unauthorised absence

If a staff member does not report for work and we receive no contact from them or someone on their behalf (in accordance with section 6), a member of the SLT will contact them as soon as possible to:

- Make sure they are safe
- Give them an opportunity to explain their absence

Staff should not treat this as a substitute for reporting sickness absence.

Where staff remain absent without leave and/or there are grounds to believe that they are acting dishonestly or failing to follow the procedures above, we may treat this as an unauthorised absence without pay.

We may deal with cases of unauthorised absence under our disciplinary procedures.

## 6.2 Maintaining contact with the Business Manager/line manager during sick leave

If staff are absent on sick leave, the Business Manager or their line manager may contact them from time to time to discuss:

- Their wellbeing and expected length of continued absence from work
- Any of their work that requires attention

The purpose of such contact is to reassure the staff member, and line managers will keep it to a reasonable minimum.

If staff have concerns while absent on sick leave, whether about the reason for their absence or their ability to return to work, they should feel free to contact the SLT at any time.

## 7. Sick Leave and Pay

For pay entitlements during phased return to work, see section 8.2 below.

### 7.1 Statutory sick pay and occupational sick pay

Staff are entitled to statutory sick pay (SSP) during defined period of sickness. Occupational Sickness pay entitlement may be considered by the Senior Leadership Team.

SSP:

- Is calculated on a weekly rate and starts on the 4th day of absence, with the first 3 days being unpaid
- May be payable for up to 28 weeks

Qualifying days for SSP are Monday to Friday. Read more about eligibility and payment rates at <https://www.gov.uk/statutory-sick-pay>.

### 7.2 Pension contributions during sickness absence

Both the employer and the staff member will continue to contribute to the staff member's pension scheme during any SSP or occupational sick pay, if the scheme's rules allow this.

### 7.3 Sickness absence caused by a third party

If a staff member's absence is, or may be, caused by another party who is, or may be, legally liable to pay damages (for example, if the staff member is injured in an accident caused by another person or company), the staff member must immediately give the SLT details of this and of any legal claim they are pursuing.

If the Trust asks them to, the staff member must take part in any legal proceedings to recover damages. They must also, if asked, give the Trust part of any damages or compensation payment that relates to lost earnings. The amount will be all of the following:

- Reasonably determined by the Trust
- Minus any costs the staff member has incurred to get the damages or compensation payment
- Capped at the amount the Trust paid the staff member over the period of absence

## 8. Returning to Work

### 8.1 Return-to-work meeting

When a staff member returns to work after sickness absence, their line manager will arrange a return-to-work meeting to:

- Discuss the staff member's absence, making sure they've recovered and establishing whether there are any continuing underlying issues
- Talk about any support the staff member needs
- Allow the staff member to raise concerns
- Update the staff member on any work matters

- Complete a return-to-work form (see appendix A)
- If relevant, review their sickness absence record for the past year and make them aware if they are approaching a trigger point

## 9. Disability-Related Absence

We have an obligation under the Equality Act 2010 to make reasonable adjustments for staff with a protected characteristic (such as disability, pregnancy and gender reassignment) where the reasonable adjustment would remove or reduce a disadvantage the member of staff faces. In discussion with the staff member, our Trust will consider all reasonable adjustments and provide these where possible.

Staff who believe they have a disability or medical condition that affects their ability to do their work should inform their line manager, so that the Trust is able to consider appropriate reasonable adjustments and support.

Where staff need time off work to attend medical appointments related to their disability or medical condition that affects their work (e.g. treatment, rehabilitation and/or check-ups), they should speak to the SLT regarding their needs.

## 10. Pregnancy-Related Absence

Pregnant staff members may need to take time off to attend medical appointments and/or due to pregnancy-related illness, and our Trust will support this. We will not count pregnancy-related sickness absence when reviewing staff's attendance record.

However, if the Trust has concerns about the reasons or lengths of absence, it reserves the right to formally investigate the nature and cause of the absence.

## 11. Absence Related to Gender Reassignment

Staff members who are due to undergo, or are in the process of undergoing, gender reassignment should discuss with the SLT their needs for time off. Our Trust may accommodate those needs as far as these are possible.

## 12. Medical and Dental Appointments

Where possible, staff should book routine medical and dental appointments outside of working hours. If this is not possible (e.g. for hospital or specialist appointments) staff should:

- Where possible, book appointments for early in the morning, lunch time or end of the day so it causes minimal disruption to the working day
- Speak to the SLT, who may agree to time off. Staff may need to provide proof of the appointment

## 13. Elective Surgery

If a staff member is undergoing elective surgery, they should discuss their need for time off and recovery with the SLT who may:



- Authorise it as sickness absence if the surgery is medically necessary. The staff member is expected to provide evidence to support this. In this case, the staff member may be entitled to SSP or occupational sick pay.
- Grant or refuse the absence as special leave. If the absence is granted, it is normally unpaid unless:
  - Staff arrange the surgery and recovery time to occur outside term time
  - It is possible for staff to use annual leave for the period of absence
- View the time off as sickness absence where not doing so may be in breach of the Equality Act 2010, such as gender reassignment (see section 11 above).

## 14. Fertility Treatment and IVF

Staff are encouraged to reach out to their line manager to enable our Trust to support the staff member where possible. These conversations will be strictly confidential.

Appointments for fertility treatment and IVF will be treated as any other medical appointment (see section 12). However, where possible, our Trust will endeavour to make reasonable time-off arrangements.

If a staff member becomes unfit for work because of fertility treatment, they should follow the normal procedures for reporting sickness in section 6.

## 15. Stress-Related Absence

The Trust will support and discuss options with any staff who need time off because they are experiencing significant stress at work or in their personal lives.

Staff should speak to the SLT who may:

- Authorise the staff time off
- Arrange external support, such as counselling or occupational health services
- Suggest completing a risk assessment and following through with any actions identified
- Reassess the staff member's workload and decide what tasks to prioritise

At all times, the confidentiality and dignity of staff will be maintained.

## 16. Work-Related Injuries or Illness

Staff should report work-related injuries or illnesses to the Business Manager as soon as possible who will report all relevant injuries and illnesses (as defined in the RIDDOR 2013 legislation) to the Health and Safety Executive (HSE). Read more about this reporting duty in our First Aid Policy.

## 17. Procedure for Managing Short-Term Sickness Absence

The informal review process is triggered if, during a 12-month rolling period, a staff member is absent on 3 or more occasions.

Before triggering the process, the Business Manager/line manager should be satisfied that they have explored any reasonable adjustments to help the staff member improve attendance.

## 17.1 Informal review

At the meeting, the line manager and possibly Business Manager and staff member will discuss:

- The staff member's pattern of absence to understand the reasons for it
- Any medical treatment, and whether medical advice is needed from the occupational health service
- Whether the illness is work-related and if any temporary changes to the staff member's work could help them improve attendance
- Whether the staff member has any underlying health problems (including a disability), how this will likely affect their attendance in the future, and whether any reasonable adjustments can be made
- How the staff member's absence is affecting pupils, colleagues and the school
- Any other ways the Trust can support the staff member

If a staff member's absence levels continue to be of concern after the informal review meeting, the Business Manager will invite them to the first formal review meeting (see section 17.2).

## 17.2 Formal review

There are 3 formal review meetings: the first formal review meeting, the second formal review meeting, and the final attendance review meeting. If the staff member's absence levels do not improve to an acceptable level after the final attendance review meeting, the SLT will convene an ill-health capability hearing, with a panel, to fully review the case (see section 19).

Each formal review meeting will usually take place 8 working weeks after the previous one, depending on circumstances. The line manager will inform the staff member of each meeting, in writing, 5 working days in advance. The staff member has a right to be accompanied to any formal meeting under this procedure by a colleague (see more in section 20).

Where the staff member's attendance improves to an acceptable level during the formal reviews process, the SLT will hold a review meeting to confirm this. They will also agree on any further monitoring meetings, which will be confirmed in writing.

Where the staff member's attendance improves to an acceptable level and for a sustained period of time (8 weeks) formal monitoring will cease. However, if the staff member's absence levels increase again within a year, the formal review procedure will be triggered again.

### 17.2.1 During formal review meeting(s)

At the meeting, the staff member and Business Manager/line manager (or other senior staff, if this is a final attendance review meeting) will discuss:

- The staff member's absence levels, the reasons for it, and whether further absences are likely going forward
- Any medical advice received
- Any work-related issues that may be affecting the staff member's attendance and whether any temporary changes to the job could help improve their attendance
- If the staff member has underlying health problems, any reasonable adjustments that could be made
- How the staff member's absence is affecting pupils, colleagues and the school

- Any other ways our Trust can support the staff member. This may involve an action plan that includes obtaining further medical advice, or outlining what adjustments or adaptations will be made for the staff member

### 17.2.2 Possible outcomes

At the end of each formal review meeting, the SLT may decide to:

- Agree the issue has been resolved and take no further action
- Continue to monitor and review the staff member's attendance
- **For the first formal review meeting only:** issue a formal attendance notification, which will normally remain on record for 6 to 12 months depending on the circumstances (such as the nature and prognosis of the illness and impact of the treatment). The notification will:
  - Explain the Trust's expectations on attendance going forward and what the review period for this will be
  - Warn the staff member of the potential consequences of not meeting the required standards, including another formal attendance notification and the risk of dismissal
- **For the second formal review meeting only:** issue a final attendance notification, which will reiterate the Trust's expectations on attendance going forward, the review period for this, and warn the staff member of the potential consequences of not meeting the required standards, including the risk of dismissal
- **For the third, final attendance review meeting only:** recommend dismissal and arrange a formal hearing for a panel to examine the case. See section 19 below

After each review meeting, the Business Manager will summarise the outcome in writing, including the staff member's right to appeal within 10 working days.

## 18. Procedure for Managing Long-Term Sickness Absence

Our Trust is committed to dealing fairly and sympathetically with staff members who are absent from work for long periods because of ill health.

We define long-term sickness absence as absence lasting for four weeks or more.

Before triggering the process, the SLT should be satisfied that they have explored any reasonable adjustments to help the staff member improve attendance.

### 18.1 Informal review

We will aim to give the staff member 5 days' written notice of the date, time, and place of an informal review meeting.

At the meeting, the line manager and staff member will discuss:

- The medical opinion, prognosis and expected timescale for the staff member to return to work
- What support the staff member needs to enable them to successfully return to work
- Whether the staff member has a disability under the Equality Act 2010 and whether any reasonable adjustments can be made
- What impact the staff member's absence has on the school's operations

### 18.1.1 Possible outcomes of informal review

The SLT will summarise the main points of the meeting in writing, including agreed actions (if any) such as:

- A return-to-work plan
- Whether to seek further medical advice

Where the staff member recovers and returns to work, the SLT will decide, in consultation with the staff member, whether to hold further review meetings.

## 18.2 Formal review

The formal review procedures are detailed in 17.2

### 18.2.1 During formal review meeting(s)

We will follow the same process for formal review meetings as for the informal review meeting in section 18.1.

### 18.2.2 Possible outcomes of formal review

At the end of each formal review meeting, the line manager, in consultation with the occupational health service (if relevant) may decide to:

- Agree the issue has been resolved and take no further action
- Agree a return-to-work plan with the staff member
- Extend the period of monitoring and review
- Begin a phased return to work
- Seek further medical advice
- **For the first and/or second formal review meetings only:** issue a formal attendance notification. This will warn the staff member that they may be dismissed on the grounds of ill health if it's unlikely they can return to work over a reasonable timescale eg. Within six months.
- **For the final formal review meeting only:**
  - Explore if the staff member is eligible for ill-health retirement
  - Consider whether the staff member can do other suitable work in school
  - Issue a final attendance notification on the grounds of ill health if the staff member cannot return to work at this point or within a reasonable timescale
  - If medical professionals advise that the staff member is unlikely to return to work in a reasonable timeframe of three months, the SLT will convene a formal review hearing, where the facts of the case will be examined (see section 19).

After each formal review meeting, the Business Manager will summarise the outcome in writing, including the staff member's right to appeal, within 10 working days if the Trust has issued a formal attendance notification or final attendance notification.

## 19. Ill-Health Capability Review Hearing (for short and long-term absences)

The SLT will convene a panel to fully review the case if all other options have been explored and:

- A staff member's short-term absences have not improved sufficiently
- The long-term absence of a staff member continues due to the nature of the illness

The Business Manager will inform the staff member of the meeting, in writing, 5 working days in advance, including that:

- The staff member has the right to be accompanied by a colleague
- If the staff member is not well enough to attend, they can send a representative instead and/or submit a written statement
- The SLT will present a recommendation to the panel
- A possible outcome of the meeting could be dismissal

### 19.1 Convening the panel

The panel will usually consist of:

- Two members of the Senior Leadership Team and a member of the Board of Trustees

During the meeting, the headteacher and panel will review:

- The record and pattern of absence, and how likely it is to improve
- What support the staff member has received and whether all appropriate options have been properly explored
- Whether the staff member has an underlying illness, disability, or any other issues raised by the occupational health service
- The impact of the absence on colleagues, pupils and the school
- The staff member's attitude towards recognising and addressing the impact of their absence
- The needs of the school and best interests of the staff member

The staff member will also have the opportunity to present evidence and explain their level of absence and what actions they are taking to reduce it to an acceptable level.

### 19.2 Deciding on appropriate action

The meeting will be adjourned and the panel will reflect on it before coming to a decision.

The panel may decide to:

- Keep the staff member's absence under review for a defined period of time
- Agree a return-to-work plan
- Dismiss the staff member with notice
- Decide whether the employee can retire on the grounds of ill health (where appropriate)

The chair of the panel will communicate the decision to the staff member in writing within 7 working days. The decision will also inform the staff member that they can appeal if they are not satisfied with the outcome and explain how to do this.

## 20. Right to be Accompanied to Formal Meetings

The staff member has a right to be accompanied to any formal meeting under this procedure by a colleague. Their details must be provided to the SLT conducting the meeting in good time before any meeting.

We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.

A companion may make representations, ask questions, and sum up the member of staff's position, but will not be allowed to answer questions on their behalf. The member of staff may confer privately with their companion at any time during a meeting.

## 21. Appeals

If the staff member is not satisfied with the outcome of a review, they have the right to appeal the decision of the panel.

The staff member should set out their grounds of appeal in writing within 7 days.

An appeal is not designed to re-hear the matter but to examine the grounds of appeal. The staff member should therefore be specific about the grounds of the appeal.

However, a full re-hearing may be appropriate in exceptional circumstances.

The SLT will appoint an appeal panel consisting of 3 people. This will be a group of people independent from any previous stage of the procedure, and the panel will be chaired by an independent individual.

Appeals will be heard without unreasonable delay and in any event within 10 working days of the date of the appeal notice. The Business Manager will tell the staff member the time and place of the appeal meeting in advance.

Staff have the same statutory right to be accompanied to the appeal meeting by a colleague or representative.

The outcome of the appeal will be confirmed in writing by the chair of the appeal panel to the staff member within 7 working days of the appeal. The decision of the appeal panel is final.

## 22. Monitoring Arrangements

This policy will be reviewed every three years.

## 23. Links to other policies

This policy links to the following policies:

- Appraisal Policy
- Capability Procedure
- Data Protection Policy
- Leave of Absence Policy
- First Aid Policy
- Privacy Notice for Staff Members
- Staff Code of Conduct
- Staff Disciplinary Procedures

## Appendix 1: Return to Work Interview



### Attendance at Work Procedure

#### Return to Work Interview

Employee Name	
Education Centre	Connie Rothman Learning Trust
Date of Meeting	
Date(s) of Absence	
Reason for Absence	
<b>INFORMATION COLLATED BY MANAGER FOR MEETING</b>	
Number of occasions absent in the last 12 months	
Number of days absent in the last 12 months	
Previous return to work forms in the last 12 months	

<b>Welcome Back</b>	Tick ->	
	<b>Yes</b>	<b>No</b>
Do you feel you have fully recovered from this illness?		
If not, what steps are you taking to assist recovery?		
Any assistance/adjustments/risk assessment needed?		
Arrange Occupational Health Referral?		
Contact details of Health & Well-being Officer provided?		
Have you completed a Self-Certification Form?		
Discuss previous absences over the past 12 months.	Tick ->	
Notify further absences may mean they reach a Trigger Level which will result in the Attendance at Work Procedure being followed.	Tick ->	
Update on work issues:		
<b>Action Agreed:</b>		

Signed: ..... Dated: .....

Manager

..... Dated: .....

Employee

## **CONDUCTING A RETURN TO WORK INTERVIEW**

### **Preparing for the Interview**

Private room.

Information of previous sickness history.

Bring together previous return to work forms.

Consider reasons for absences, any reoccurring patterns, average length of absences etc.

### **Conducting the Interview**

The following structure should be followed:-

Welcome back

Enquire about health

Offer of assistance

Consequences of absence

Required actions

Completion of formalities

**Welcome Back** – begin interview by welcoming back the member of staff and letting them know that they have been missed.

**Enquire about Health** – gain information about whether they are fit enough to resume duties, whether absence was work related, what steps they are taking towards their recovery and any preventative measures they are taking to reduce absence occurring in the future.

**Offer of Assistance** – find out if a risk assessment of the workplace is required and if any adjustments are needed. If appropriate, arrange an Occupational Health Referral which could provide support for the member of staff and further medical information for yourself. If appropriate, provide details of Health & Well-being Officer.

**Any Consequences of Absence** – where absences are causing concern, review previous sickness history and explain that further absences could lead to the Attendance at Work Procedures being followed. Remind them of trigger levels.

**Update of Work Issues** – update them on any work issues they have missed. Explain purpose of the interview and that it is routine to conduct RTW with all members of staff.

**Future Action** – summarise any action that you have agreed should take place e.g. referral to Occupational Health, adjustments to working arrangements, completion of self-certification form etc.

**Completion of Formalities** – you should complete the Return to Work form, ensuring that you note and follow up actions you have agreed and retain the Return to Work form ensuring that it is kept securely and confidential.