



Sickness Absence Policy

For

The First Federation Trust

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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.
- 1.2 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).
- 1.3 The Trust wishes 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.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation.
- 1.5 As part of the application of this policy, the First Federation Trust will collect, process and store personal data and special categories of data in accordance with the Trust's Data Protection Policy. We will comply with the requirements of Data Protection legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless or until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and the (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) in relation to how we collect, hold and share special category personal data. Records will be kept in accordance with the Trust's Workforce Privacy Notice, the Retention and Destruction Policy, the guidelines from the Information and Records Management Society and the DfE data protection toolkit for schools and in line with the requirements of Data Protection Legislation.

2 Scope and purpose

- 2.1 This policy has been agreed in consultation with the recognised trade unions and covers all employees at all levels and grades regardless of status except 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 First Federation Trust 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 and absence review points

- 3.1 Short-term sickness absence - any absence that lasts between half and 20 days (four working weeks).
- 3.2 Long term sickness absence - any absence that lasts for a continuous period of longer than four working weeks.

3.3 Short-term absence

3.3.1 Sickness absence will be reviewed if any of the following apply:

3.3.2 Have been absent due to illness on a number of occasions

3.3.3 Have discussed matters at a return to work interview that require investigation and/or

- 3 or more occasions in a 3 month period – this applies when an employee has had 3 separate periods of sickness absence in a 3 month period regardless of the number of days due to sickness absence (it could be 1 day or more than 1 day)
- 6 or more occasions in a 12 month period - this applies when an employee has had 6 separate periods of sickness absence in a 12 month period regardless of the number of days due to sickness absence (it could be 1 day or more than 1 day)
- 10 or more days in a rolling 12 month period - this applies when an employee has had 10 days of sickness absence in a rolling 12 month period regardless of whether these are as a single instance or individual and separate instances (the 10 days is cumulative over the 12 months rolling period)

These triggers will be pro rata for part time employees.

If an employee has a disability or the absence is related to pregnancy then consideration will be given when calculating triggers

3.4 Long-term absence

3.4.1 The review point for long-term absence is considered to be 4 weeks, although, the circumstances of each absence will be carefully considered. Contact will be maintained during the absence and a referral to occupational health may be made at any point. The aim of support will be to assist a return to work wherever possible.

3.5 The policy may still be applied where the employee persistently falls just below the review points and where the absence is perceived to be a problem. The absence review points will be pro-rata for part-time employees.

Monthly sickness trends will be monitored by the central Trust team and HR.

4 Disabilities

4.1 The Trust is 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 Head of School or Line Manager.

5 Work-related injuries or illness

Work-related injury or illness should be reported as soon as possible and in accordance with the Trust's Health and Safety Policy. Relevant injuries and illnesses will be reported to the HSE in accordance with RIDDOR legislation.

6 Sickness absence reporting procedure

- 6.1 All employees are required to follow the reporting procedure set out below.
- 6.2 If you are taken ill or injured while at work, you should report this to your Head of School, Line Manager or a member of the Trust Senior Leadership Group. Managers should contact the school administrator or HR Coordinator to make arrangements for anyone who is unwell to be accompanied home **and/or** to receive medical treatment, where necessary.
- 6.3 If you cannot attend work because you are ill or injured, you should:
- Teaching staff: telephone your Head of School as early as possible and no later than 7.30 am. This ensures that appropriate cover is in place and lesson planning is shared
 - Non teaching staff: telephone the school/Trust office or their line manager as early as possible and no later than their expected work start time

The following details should be provided:

- 6.3.1 The nature of your illness or injury.
- 6.3.2 The expected length of your absence from work.
- 6.3.3 Any outstanding or urgent work that requires attention, including information in relation to student work that needs covering.
- 6.4 You should notify the Academy / Trust regarding your intended return to work following your recovery from illness
- 6.5 Contacting by text message or email is not acceptable.
- 6.6 Managers should ensure that:
- 6.6.1 Any sickness absence that is notified to them is recorded and reported to the school administrator.
- 6.6.2 Arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).

- 6.7 You should expect to be contacted during your absence by your line manager, Head of School or a member of the Trust Senior Leadership Group who will want to enquire after your health and be advised, if possible, as to your expected return date.
- 6.8 If you are ill or injured during a period of pre-arranged annual leave you may elect to treat the days of incapacity as sickness absence instead of annual leave. You must inform your line manager of your incapacity and its likely duration as soon as possible even if you are abroad. The usual requirements for self-certification and medical certificates in this policy will apply.

7 Elective surgery and absence related to gender reassignment

7.1 Where an employee is due to undergo or undergoing elective surgery including gender reassignment, they should discuss their need for time off and recovery with their line manager, Head of School or a member of the Trust Senior Leadership Group. Special leave, annual leave and / or sickness absence may be agreed.

8 Evidence of incapacity

- 8.1 For sickness absence of between four and seven calendar days you must complete a self-certification form which is available via the attached link [SC2 \(2010\) - Statutory Sick Pay \(SSP\) Employee's statement of sickness \(guildowns.nhs.uk\)](#)
- 8.2 For absence of more than a week you must obtain a certificate from an eligible healthcare professional (a 'Statement of Fitness for Work') stating that you are not fit for work and the reason(s) why. This should be forwarded to your line manager or school administrator as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.
- 8.3 If your healthcare professional provides a certificate stating that you 'may be fit for work' you should inform your Head of School or 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 healthcare professional's advice. This may take place at a return to work interview (see paragraph 13.1). If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.
- 8.4 Where an employee is absent immediately prior to a First Federation Trust 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 closure period, unless they provide a self-certification form or fit note indicating they are fit to return to work.

9 Unauthorised absence

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

- 9.3 If you do not report for work and have not telephoned your Head of School or Line Manager to explain the reason for your absence, your Head of School or Line Manager will try to contact you, by telephone and in writing, if necessary. This should not be treated as a substitute for reporting sickness absence.

10 Sick pay

- 10.1 You should refer to your contract for details of the sick pay to which you are entitled.
- 10.2 Failure to properly report your absence or to provide medical or self-certification could lead to your pay being suspended.

11 Keeping in contact during sickness absence

- 11.1 If you are absent on sick leave you should expect to be contacted from time to time by your line manager, Head of School or a member of the Trust Senior 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.
- 11.2 The Trust may arrange to meet you informally where an absence due to sickness extends to beyond 6 weeks to discuss your welfare, health and wellbeing.
- 11.3 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, Head of School or a member of the Trust Senior Leadership Group at any time.
- 11.4 The Trust offers access to confidential counselling, which is available via the Employee Assistance Programme [Schools Advisory Service](#) (call 01773 814402).

12 Medical examinations

- 12.1 We may, at any time in operating this policy, ask you to attend a medical examination by our Occupational Health Department **or** a doctor nominated by us (at our expense).
- 12.2 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.
- 12.3 Failure to agree to a reasonable request may result in decisions being made in the absence of any medical information. In some circumstances disciplinary action may be taken where you do not cooperate with the sickness absence process.
- 12.4 In the event of a difference of opinion between an employee's GP or other healthcare professional and the First Federation Trust's occupational health advisers, regarding an employee's fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent absences, the Occupational Health adviser's advice will normally take precedence. In some cases, an independent medical adviser may be asked to give a second opinion.

- 12.5 This process is in line with our Workforce Privacy Notice which sets out how we will gather, process and hold special category personal data of individuals during employment.

13 Return-to-work interviews

- 13.1 On return from sick leave, the Trust will arrange for you to have a return-to-work interview with your Head of School, Line Manager or someone appointed by them to carry out the interview.
- 13.2 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.
- 13.3 Where your health professional 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 healthcare professional's advice.

14 Returning to work from long-term sickness absence

- 14.1 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see section 15), 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, including a time-limited phased return to work;
 - Considering redeployment;
 - Agreeing a phased return to work programme, if appropriate, of up to 4 weeks
 - Agreeing a temporary or permanent reduction in hours

A phased return to work will often be a recommendation of an occupational health adviser or the employee's doctor. Employees will receive their full pay on the phased return.

Phased returns to work should be for a maximum of 4 weeks. In the event an employee requests that the phased return is extended beyond 4 weeks, a dialogue should be held with the employee in regard to a temporary contractual change being made to their working hours to accommodate the request and their pay adjusted accordingly.

15 Sick leave and annual leave

- 15.1 If you become sick or injured while on annual leave such that you would be unfit for work you may ask us to treat the period of incapacity as sick leave and reclaim the annual leave.

- 15.2 To be able to claim company sick pay you must notify your line manager, Head of School or a member of the Trust Senior Leadership Group of your incapacity immediately, and the usual requirements for medical evidence in this policy will also apply, even if you are abroad.
- 15.3 If you are on sick leave you may choose to cancel any pre-arranged annual leave that would otherwise coincide with your sick leave. You should notify your line manager, Head of School or a member of the Trust Senior Leadership Team as soon as possible that you wish to do this.
- 15.4 If your period of sick leave extends into the next holiday year, or if there is not enough time left in the current holiday year to make it practicable to take your remaining holiday entitlement, you can carry any unused holiday entitlement over to the following leave year up to a maximum of 10 days to be used within three months of your return to work.

16 Sickiness absence meetings procedure

- 16.1 We may apply this procedure whenever we consider it necessary, including, for example, if you:
- 16.1.1 Have been absent due to illness on a number of occasions
- 16.1.2 Have discussed matters at a return to work interview that require investigation; and/or
- 3 or more occasions in a 3 month period – this applies when an employee has had 3 separate periods of sickness absence in a 3 month period regardless of the number of days due to sickness absence (it could be 1 day or more than 1 day)
 - 6 or more occasions in a 12 month period - this applies when an employee has had 6 separate periods of sickness absence in a 12 month period regardless of the number of days due to sickness absence (it could be 1 day or more than 1 day)
 - 10 or more days in a rolling 12 month period - this applies when an employee has had 10 days of sickness absence in a rolling 12 month period regardless of whether these are as a single instance or individual and separate instances (the 10 days is cumulative over the 12 months rolling period)

Or any other pattern that causes concern

These triggers should be pro rata for part time employees and consideration should be given to adjusting triggers for employees with a disability. Pregnancy related absences should be discounted when calculating triggers.

- 16.2 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.

- 16.3 The meeting will be conducted by your Head of School, Line Manager, a member of the Trust Senior Leadership Group or a senior member of the school delegated by them and will normally be attended by a member of staff or HR advisor. You may bring a companion with you to the meeting (see paragraph 14).
- 16.4 You must take all reasonable steps to attend a 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 your Head of School, Line Manager or a member of the Trust Senior Leadership Group who will seek to agree an alternative time.
- 16.5 A meeting may be adjourned if your Head of School, Line Manager or a member of the Trust Senior Leadership Group 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.
- 16.6 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you 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).
- 16.7 Formal warnings issued for sickness will remain live for a period of 12 months from the date of issue, during which time further absences beyond the review period would be dealt with either at the next stage of the procedure or by an extension of the current live warning. If further absences occur shortly after the end of the 12-month period (or any extended warning), we reserve the right to deal with the matter at the same stage of the procedure and not return to earlier stage.
- 16.8 If, at any time, your Head of School or Line Manager 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.

17 Right to be accompanied at meetings

- 17.1 You may bring a companion to any meeting or appeal meeting under this procedure.
- 17.2 Your companion may be either a trade union representative or a work colleague. You should provide their details to your line manager **OR** a senior member of the school/Trust Senior Leadership Group conducting the meeting, in good time before it takes place.
- 17.3 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.
- 17.4 We may at our discretion permit other companions (for example family members) where this will help overcome particular difficulties caused by a disability or difficulty understanding English.
- 17.5 Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting. Companions should not normally work at another site, unless no-one reasonably suitable is available at the site at which you work.

- 17.6 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.

18 Stage 1: first sickness absence meeting

- 18.1 This will follow the procedure set out in paragraphs 13 and 14 on the arrangements for and right to be accompanied at sickness absence meetings.
- 18.2 The purposes of a first sickness absence meeting may include:
- 18.2.1 Discussing the reasons for absence.
 - 18.2.2 Where you are on long-term sickness absence, determining how long the absence is likely to last.
 - 18.2.3 Where you have been absent on a number of occasions, determining the likelihood of further absences.
 - 18.2.4 Considering whether medical advice is required or, if already obtained, what that advice is.
 - 18.2.5 Considering what, if any, measures might improve your health and/or attendance.
 - 18.2.6 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.
 - 18.2.7 Issuing a written warning that your employment may be at risk if your attendance does not improve or you do not return to work.

19 Stage 2: further sickness absence meeting(s)

- 19.1 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.
- 19.2 The purposes of further meeting(s) may include:
- 19.2.1 Discussing the reasons for and impact of your ongoing absence(s).
 - 19.2.2 Where you are on long-term sickness absence, discussing how long your absence is likely to last.
 - 19.2.3 Where you have been absent on a number of occasions, discussing the likelihood of further absences.

- 19.2.4 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.
- 19.2.5 Considering your ability to return to/remain in your job in view both of your capabilities and the needs of the First Federation Trust and any adjustments that can reasonably be made to your job to enable you to do so.
- 19.2.6 Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
- 19.2.7 Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a phased return to work programme.
- 19.2.8 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.
- 19.2.9 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.
- 19.2.10 Issuing a final written warning that your employment may be at risk if your attendance does not improve or you do not return to work.

20 Stage 3: final sickness absence meeting

- 20.1 Where you have been warned that you are at risk of dismissal and the improvement has not been made, 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 on the arrangements for and right to be accompanied at sickness absence meetings.
- 20.2 The purposes of the meeting will be:
 - 20.2.1 To review the meetings that have taken place, the matters discussed and warnings issued.
 - 20.2.2 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.
 - 20.2.3 To consider any further matters that you wish to raise.
 - 20.2.4 To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
 - 20.2.5 To consider if ill health retirement is a possibility where medical advice is clear it is unlikely that an employee will be fit to return to their role in the near future.
 - 20.2.6 To consider the possible termination of your employment.

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

21 Appeals

- 21.1 You may appeal against the outcome of any stage of this procedure and you may bring a companion to an appeal meeting (see paragraph 15).
- 21.2 An appeal should be made in writing, stating the full grounds of appeal, to the Company Secretary within five days of the date on which the decision was sent to you.
- 21.3 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.
- 21.4 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.
- 21.5 Where practicable, an appeal meeting will be conducted by a member of the Trust Senior Leadership Team who has not been involved at a prior stage in the sickness absence meeting.
- 21.6 Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- 21.7 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.
- 21.8 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.

22 Review of policy

- 22.1 This policy is reviewed at least every three years by the Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.