



Victoria Academies Trust

**Management of Sickness Absence
Policy**

Covid-19 addendum added September 2020

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1.0 Introduction

- 1.1 This Policy provides a procedure to support Trust Staff, Trustees and Academy Councils in managing and improving attendance at work. All employees are required to maintain regular and consistent attendance at work but the School also recognises that a certain level of absence due to sickness is unavoidable. The management of absence requires positive, pro-active and supportive management. However, regular or a high level of sickness absence affects the quality of educational provision for children so effective absence management is essential.
- 1.2 The purpose of this Policy is to detail the steps that the School will take to monitor and manage sickness absence. The management of sickness absence is vital for the School for a number of reasons. Through the application of this Policy, the School aims to:
 - 1.2.1 reduce the level of sickness absence through early intervention and support.
 - 1.2.2 support staff through periods of ill health with the aim of securing their sustained return to work or other resolution as appropriate.
 - 1.2.3 limit the impact on colleagues and the School's activities when such absence does occur.
 - 1.2.4 ensure a fair and consistent approach to the management of sickness absence without discrimination.
 - 1.2.5 minimise the likelihood of sickness absence by identifying causes of absence and recommending, where practical and appropriate, changes necessary in working practices or environment.
- 1.3 Copies of this Policy should be made available to all employees.

2.0 Scope

- 2.1 This Policy applies to all Trust based employees (Non-Teaching and Teaching staff, including Head Teachers, and Executive Leaders), as well as all employees who are employed as part of the Central Core team.
- 2.2 In cases where a Head Teacher is subject to this Policy, the contact point for notification of sickness absence and the return to work contact will be the relevant Executive Head. Where it is a member of the Executive Leadership team, this person will be the CEO. Where the CEO is subject to this policy, then a named Trustee will assume this role.

3.0 Exceptions

- 3.1 For purposes of clarity there are no exceptions; once adopted by the Board of Trustees, this Policy applies to all levels of staff within the Trust.

4.0 Definitions

- (a) **Designated Person(s):** The Designated Person is the Head Teacher. However, unless otherwise stated, the Head Teacher may delegate certain responsibilities to an appropriate Line Manager/Senior Manager within the School to deal with sickness issues at Formal Stage 1 and 2 and the Head Teacher will be responsible for progressing sickness issues to Formal Stage 3. Managers with delegated responsibility will be familiar with the process and be reminded by the

Head Teacher of the need to use sensitivity and maintain confidentiality at all times when dealing with affected employees.

- (b) If the sickness concerns a Head Teacher or member of the Executive leadership team then the designated person shall be as detailed in 2.2 above.
- (c) **Representative:** an employee is entitled to be accompanied at each Formal Stage by a recognised trade union representative or work colleague if they so wish.
- (d) **The Committee:** means the Committee appointed by the Academy Council with delegated powers to undertake the functions prescribed for a Committee in this Policy and consists of a minimum of 3 members.
- (e) **Appeals Committee:** means the Committee consisting of a minimum of 3, or equivalent to the number on the Committee. Members of the Appeals Committee should have had no prior involvement in the case.
- (f) **Personal File:** means that file maintained by the Trust relating to the specific individual concerned.

5.0 General Principles

- 5.1 The Policy does not form part of the terms of an employee's contract with Victoria Academies Trust which are provided separately.
- 5.2 Victoria Academies Trust strongly recommends that this Policy should be read in conjunction with the Trust Management of Absence Policy Guidance and those affected should on request also be provided with a copy of this Guidance.
- 5.3 This Policy takes into account current employment legislation, good practice and the appropriate provisions of ACAS (Advisory, Conciliation and Arbitration Service).
- 5.4 The requirements of the Equality Act 2010 have been fully incorporated into the Policy.
- 5.5 At any stage in the process, following further enquiries, the Designated Person may invoke an alternative Policy.
- 5.6 When an employee is off sick there is a mutual responsibility for the employee and the Designated Person to maintain regular and appropriate contact. If a sick employee fails to contact the School in accordance with its local arrangements; it is reasonable for the Designated Person to initiate communication as part of his or her duty of care.
- 5.7 Employees should demonstrate their commitment to manage their own health appropriately and this should be taken into account in the sickness absence management discussions.
- 5.8 Employees must be informed of their right to be accompanied by a work colleague or trade union representative at each Formal Stage.
- 5.9 All parties will deal with issues promptly and not unreasonably delay meetings/hearings, decisions or confirmation of those decisions.
- 5.10 Where a meeting needs to be rescheduled, it can normally only be rescheduled once. A new date

must be agreed within five working days of the original date. The actual meeting/hearing date need not be within those five days but should be as soon as possible.

- 5.11 All matters will remain confidential in accordance with the Data Protection Act 1998, except in circumstances where there is a legal obligation to disclose such information.
- 5.12 The employee has a right of appeal against a decision made during each Formal Stage.
- 5.13 The decision at the final appeal hearing (Formal Stage 3) exhausts the internal process.
- 5.14 The Designated Person will inform employees who fail to follow the normal sickness absence notification process and/or fail to provide the timely submission of medical certificates that they may have salary payments withheld and that there could be disciplinary consequences. If there is evidence of a repeated failure to comply with the above or occasions(s) of unauthorised absence or potential concerns relating to the abuse of the Sick Pay Scheme, then such breaches should be managed in accordance with the Trust Disciplinary Policy following guidance from the School's HR provider.
- 5.15 If a period of redeployment or other action fails, or if an employee returns to work under any Formal Stage and then goes off sick again within a 26-week period, the Designated Person may reactivate the process at the Formal Stage previously reached.
- 5.16 If an employee lodges a grievance against the Designated Person at any stage of the Policy, then this will be dealt with through the appeals process within this Policy. However, if the grievance is about an unrelated matter, this may be progressed concurrently.
- 5.17 All notes of meetings at all stages, formal records and copies of correspondence will be retained on the employee's personal file for future reference.

6.0 Sickness Absence Process

6.1 Sickness Absence Notification

6.1.1 The School will have local arrangements in place for the reporting of sickness absence which employees are required to follow and this will normally include the reason for the absence, how long they expect the absence to last and the expected date of return if this is known. The School would expect to be notified as soon as possible on the first day, and each subsequent day of absence and, well before the employee's normal start time in accordance with local practice, to enable the necessary cover arrangements to be made. Failure to comply with this will result in loss of pay unless there are acceptable mitigating circumstances.

6.2 Recording and Monitoring Sickness Absence

6.2.1 On receipt of sickness notification, the Designated Person will record all absences in accordance with local arrangements.

6.2.2 Employees will be required to complete relevant forms for all occasions of absence (HR70). After 7 days consecutive sickness absence i.e. on Day 8, employees will be required obtain a doctor's medical certificate (fit note) and forward it to their normal contact point. Notwithstanding the requirement to keep the School informed of their continued absence, further medical certificates will need to be submitted by the employee to cover the full period of absence.

6.2.3 Where there is cause for concern the Designated Person may request that medical certificates are provided in respect of all future absences of less than 7 days. This request must be confirmed in writing to the employee and the employee informed that the School will reimburse the cost of any medical certificates provided on this basis. Where a cost is incurred by the employee then on production of the certified receipt they must be reimbursed without unnecessary delay.

6.3 Return to work

6.3.1 The return to work contact is an essential and compulsory element in the management of sickness absence and will be carried out on each occasion of absence. Contact should take place on the day of return, or as soon as reasonably practicable and will be recorded by the Designated Person on the final HR70 completed by the employee.

6.3.2 The nature of the return to work contact will vary in accordance with the reasons for the absence and any previous absences but the basic purpose is to recognise the employee has been absent and to offer support and encouragement on their return to work.

6.3.3 If absence has been due to stress, a Stress Risk Assessment will be carried out as part of return to work procedures.

6.4 Absence due to Work-Related Illness or Injury

6.4.1 If an employee has an accident at work which is followed by an absence then doctor's medical certificates will be required from the first day of absence. The School will reimburse the costs incurred. Where a cost is incurred by the employee then on production of the certified receipt they must be reimbursed without unnecessary delay.

6.4.2 An Incident Report Form must be completed, preferably by the employee involved, if this is not possible then by the Designated Person. If applicable, the Designated Person must notify the Trust COO and also the Health and Safety Executive as appropriate.

6.5 Medical Suspension

6.5.1 The School reserves the right to send an employee home if they do not believe the employee is well enough to perform their duties and their continued presence is placing at risk the health, education and welfare of pupils.

6.5.2 The employee must be informed in these circumstances that although this will be an informal meeting, they may be accompanied so long as this does not unreasonably delay the convening of the meeting. The Designated Person should discuss with the employee the reasons why they are being sent home. The employee should be informed that suspension from work is on health grounds, is not conduct related and during this period they will receive normal pay.

6.5.3 If an employee requests to return to work, they may be asked to produce a medical certificate (fit note) confirming that they are well enough to work and/or attend an appointment with Occupational Health before they return to work.

6.6 There are support mechanisms and processes which will be followed as appropriate to manage the absence, and whilst further details of these are contained within the Trust Model Management of Absence Policy Guidance, they are summarised below:

6.6.1 Referrals to Occupational Health

A referral to Occupational Health can be made where appropriate at any period in the absence or to prevent and/or minimise an absence. An employee must be notified that a referral is to be made. Where an employee is absent through stress, a fast track referral can be made to Occupational Health. The employee will be made aware of this.

6.6.2 Disability Related Absence

The Equality Act 2010 is a statutory framework which provides legal protection from discrimination on the grounds of disability and places a duty on employers to consider and accommodate reasonable adjustments.

6.6.3 Pregnancy Related Absence

Pregnancy related absence would not normally be considered under this Policy. However, it will still be necessary to meet with the employee to discuss the reasons for their absence and to ensure their well-being as part of the return to work process.

6.6.4 Chronic or Terminal Illness

If an employee has a chronic or terminal illness appropriate support will be provided. It is primarily the Head Teacher's responsibility to maintain contact as this is part of the School's duty of care. However, the individual's wishes will be of paramount importance and such cases will be dealt with sensitively and confidentially.

7.0 Sickness Absence Triggers and Policy Stages

7.1 Informal Welfare Contact

7.1.2 Informal welfare contact either by telephone or in person should be made within a period of 4 calendar weeks continued absence. The purpose of the welfare contact is to:

- ascertain the employee's health position and offer any assistance or support
- inform the employee that the process is informal but that formal stages will commence when the employee has been absent for a continued period of 6 calendar weeks

7.2 Sickness Absence Triggers

7.2.1 This procedure will be triggered:

- following 3 or more absences in the previous 6 months or
- more than 6 days absence in the previous 6 months

These triggers apply to part time employees on a pro-rata basis.

7.3 Initial Review of Absence Record

7.3.1 When an employee has activated a trigger, an assessment should be made to decide whether to proceed to Formal Stage 1.

7.3.2 Where the Designated Person has decided not to proceed to Formal Stage 1, they will record the reason/s for their decision as part of the return to work contact on the HR70.

7.3.3 However, proceeding to Formal Stage 1 may allow the Designated Person to support the employee with their medical condition and/or to set acceptable attendance targets. Factors to consider include:

- previous attendance record
- absence patterns
- employee's own health management
- pregnancy/disability related absence
- other causes for concern

7.4 Formal Stage 1 Meeting

7.4.1 The Designated Person should consider whether the employee proceeds to Stage 1:

- following 3 or more absences in the previous 6 months or
- more than 6 days absence in the previous 6 months or
- if they have been absent for a continued period of 6 weeks

7.4.2 The employee shall receive written notice of not less than 5 working days' notice before the date of the meeting and must be informed of his/her right to be represented by an accredited trade union representative or fellow work colleague.

7.4.3 The purpose of a Stage 1 meeting is for the Designated Person to discuss the employee's

sickness, to set targets (where appropriate) and provide relevant support. The outcome and any recommendations made will also be confirmed in writing to the employee within 5 working days.

7.4.4 The Designated Person should progress to the Formal Stage 2 meeting if:

- they have received a report from Occupational Health
- and/or the employee's absence has continued for a further period of 4 weeks
- the employee has failed to reach the attendance targets set – the Designated Person does not need to wait until the end of the review period

7.5 Formal Stage 2 Meeting

7.5.1 The employee shall receive written notice of not less than 5 working days' notice before the date of the meeting and must be informed of his/her right to be represented by an accredited trade union representative or fellow work colleague.

7.5.2 The purpose of a Stage 2 meeting is for the Designated Person to discuss the employee's sickness, to set targets (where appropriate) and provide relevant support. The outcome and any recommendations made will also be confirmed in writing to the employee within 5 working days.

7.5.3 The Head Teacher having carefully reviewed the case should progress to the Stage 3 (Academy Council Committee) hearing if:

- they have received a report from Occupational Health
- and/or the employee's absence has continued for a further period of 8 weeks
- the employee has failed to reach the attendance targets set – the Head Teacher does not need to wait until the end of the review period

7.6 Formal Stage 3 Hearing (Staffing Committee)

7.6.1 The employee shall receive written notice of not less than 5 working days' notice before the date of the hearing and must be informed of his/her right to be represented by an accredited trade union representative or fellow work colleague.

7.6.2 The purpose of a Stage 3 hearing is for the Academy Council Committee to consider a report received from the Head Teacher outlining the facts of the case including:

- the employee's future employment based on medical evidence
- the impact their level of sickness absence is having on the School
- what alternative courses of action exist
- the terms of the employee's contract of employment and that if a decision is taken to dismiss, then employment may be terminated in line with the employee's Statement of Written Particulars

7.6.3 This report will form the basis of the hearing at which the employee and/or their representative will be present.

7.6.4 As a result of the hearing, the Committee may determine that the employee should be dismissed with notice in line with their Statement of Written Particulars (or Committee may decide depending on the circumstances that a payment in lieu of notice be paid to the employee) or decide on an alternative course of action.

7.6.5 A Member of the Executive Leadership Team has an entitlement to attend for the purposes of giving advice where dismissal may be a possibility. Should dismissal be decided by the Committee then the notice shall be effective from the date upon which the decision is communicated to him/her by Victoria Academies Trust.

7.6.6 The decision of the Committee will be notified to the employee within 5 days of the hearing.

8.0 Appeals

8.1 An employee may appeal against any action determined at any Formal Stage and this will be considered by an Appeals Committee of the Academy Council. The appeal must be made in writing within 10 working days of the decision, giving full reasons for the appeal.

8.2 The decision of the Appeals Committee is final and the internal process is exhausted following the appeal outcome at Formal Stage 3.

9.0 Covid-19 Addendum

The following will apply to absences during the Covid-19 pandemic. This will be reviewed as guidance changes, or every 3 months, whichever is sooner.

9.1 Staff who display Coronavirus Symptoms in line with latest NHS advice

Staff should remain at home, with their whole household, book a test and remain at home until they receive a negative test, or for 10 days from beginning symptoms, whichever is sooner. This will be paid leave, and so long as the symptoms are mild and allow, staff will be expected to work from home. Should symptoms deteriorate so that they are not well enough to work from home, staff should inform school of this immediately.

9.2 Staff who have household members displaying Coronavirus Symptoms in line with latest NHS advice

Staff should remain at home until their household member receives a negative test result, or for 14 days from the start of symptoms, whichever is sooner. Staff should not access a test unless they become symptomatic (see note 1 above). This will be paid leave and as staff are not symptomatic will be expected to work from home during the period of isolation.

9.3 Staff receive a positive test result

Staff should remain at home as per government guidelines-a minimum of 10 days from symptoms. They should contact school immediately so that track and trace systems in school can be instigated. Staff will be 'sick' as they have a confirmed illness, but this will not be used in any management of absence procedures. Staff may be able to work from home during this period if they are asymptomatic or have a mild form of Coronavirus.

9.4 Staff are required to self isolate

Staff may be required to self isolate due to a family member having a positive result, or due to contact with someone who has Coronavirus. This will be for 14 days from the time of contact with a symptomatic person or onset of symptoms of a household member. Staff should not access a test unless they become symptomatic. This will be paid leave and staff will be expected to work from home whilst self isolating.

9.5 Children of staff are sent home due to closure of their 'bubble'

This is childcare, and will follow guidance used for normal childcare requests. Childcare is unpaid leave and staff should request absence as a last resort and share these duties with others as their own individual circumstances allow.

9.6 Readiness to attend work

Staff should ensure that they strictly follow local and national guidance inside and outside of work to ensure that they gives themselves every opportunity to stay safe and well and ready to attend work in line with their contracts.

The underlying expectation is that staff should not book holidays that have a potential impact on their ability to return to work at school as scheduled at the start of any term. Apart from exceptional circumstances as referenced above where staff are absent at the start of the term due to the need to self- isolate this will typically need to be managed as unauthorised absence, and therefore unpaid.