



## Windsor Academy Trust

### Sickness Absence Policy

<b>Responsible Committee:</b>	Windsor Academy Trust, Board of Directors
<b>Date revised by Board of Directors:</b>	July 2018
<b>Next review date:</b>	September 2020

### Appendices

<b>Appendix 1</b>	Self-Certification / Return to Work Form
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## **1. Introduction**

- 1.1 This Policy covers all employees of Windsor Academy Trust (WAT) and outlines the procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.2 This Policy relates to both short term and long term absence from work (see Definitions 1.4)
- 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. The Trust is committed to monitoring and promoting the health and well-being of our staff, however we aim to achieve a balance between the needs of our staff and those of the academies.
- 1.4 Sickness absence may result from a disability under the Equality Act 2010. Reasonable adjustments to this procedure may be considered in appropriate cases, depending on the specific circumstances. HR advice should be obtained where the line manager considers the employee is likely to have a disability.
- 1.5 No action will be taken under the formal part of this Sickness Absence Policy against a trade union representative without prior discussion with an appropriate trade union officer.

### **1.3 Definitions:**

Short term sickness means any absence that lasts between half a day and twenty consecutive days (or four weeks for part-time staff)

Long terms sickness means any absence that lasts for a continuous period of longer than 20 consecutive days (or four weeks for part-time staff)

Chief Executive means the Chief Executive of WAT.

Headteacher refers to all or any of the Executive Headteachers, Headteachers, Head of Schools at all or any of the academies within WAT.

Manager (or nominated officer) refers to any member of the Leadership Group as defined by the School Teachers' Pay and Conditions Document, or a senior member of staff with responsibility for support staff.

Companion refers to a person chosen by the employee to accompany him/her, who shall be a trade union representative or workplace colleague.

## **2. Probationary Periods for Support Staff**

- 2.1 All new support staff employees are subject to a probationary period. Sickness absence issues that arise during an employee's probationary period may be taken into account in determining whether or not the probationary period is completed satisfactorily and this procedure (save for the sickness absence reporting procedure) will not apply.

## **3. Unauthorised Absence/False Information**

- 3.1 Unauthorised absence will be dealt with under the Disciplinary Policy and could result in disciplinary action, which may include dismissal. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.
- 3.2 All unauthorised absence will result in loss of occupational sick pay but statutory sick pay may still be payable.

3.3 The provision of any false information will be dealt with under the Disciplinary Procedure and could result in disciplinary action, which may include dismissal.

#### **4. Illness or Injury Arising from Work**

4.1 Any accident arising out of, or in the course of, employment with the academy must be reported and recorded in accordance with the required procedures. The accident may be subject to investigation and reported by an employee authorised for this purpose by the academy.

4.2 Where an employee seeks medical advice about an illness which is suspected or alleged to result from the nature of his or her employment, the employee must report relevant information to the Headteacher or Senior Leader at the first opportunity.

4.3 In the case of the first, and any subsequent, absence due to industrial disease or accident an employee shall agree, at any time during such absence, if so required by the employer, to a medical examination by a registered medical practitioner nominated by the academy.

#### **5. Attendance at Meetings/Occupational Health**

5.1 The employee must take all reasonable steps to attend meetings/occupational health appointments. Failure to do so without good reason may be treated as misconduct under the Disciplinary Policy.

5.2 The employee may be accompanied by a companion at all formal sickness absence review and welfare review meetings.

5.3 Depending on the circumstances, if an employee indicates that they are too unwell to attend a formal meeting they will be given the option to:

- meet at another venue; or
- attend via telephone conference; or
- send a companion to represent them, providing appropriate written consent; or
- provide a written submission; or
- request that the meeting takes place in their absence

5.4 If an employee fails to communicate their wishes with regard to clause 5.3 above, the meeting may take place in their absence with the outcome communicated to them in writing.

5.5 Meeting will not, in normal circumstances, be postponed beyond 5 days. In circumstances where the employee is not medically fit to take part by any means described in clause 5.3, WAT reserves the right to proceed with any necessary steps required to manage the specific case including holding meetings notwithstanding, as appropriate.

5.6 A meeting may be adjourned if the Trust is awaiting information, needs to gather any further information or give consideration to matters discussed at a previous meeting.

#### **6. Sickness Reporting Procedure**

6.1 All employees are required to follow the reporting procedures set out below. Staff will be notified of any deviation from the reporting procedures below by the Headteacher. This applies to staff that are away from the academy when they fall sick (for example, on a school journey or on a training course).

6.2 Absences before completion of ½ day (12.00) of the working day will be recorded as ½ day.

6.3 Where an employee is absent immediately prior to a Academy closure period (i.e. school holiday) 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 'Fit Note'

indicating they are fit to return. Fit notes during the school closure period must be posted to the school.

#### 6.4 Day 1 and Day 2

- Staff must telephone the Manager (or nominated officer) to report sickness within 30 minutes of the time when they are due to start work or preferably as early as possible. An indication should be given as to the expected date of return to work;
- Unless the member of staff is seriously ill or incapacitated, it is unacceptable to have a friend or relative call on their behalf. Text messaging or e-mailing are not considered appropriate forms of communication for reporting or updating of absence, unless you are unable to reach the Manager (or nominated officer).
- The Manager (or nominated officer) must be informed if the member of staff believes that their condition may be related to an activity or incident at work;
- Staff must inform their Manager (or nominated officer) of any meetings or other important information relating to their work, which might be affected by the absence;
- If any member of staff is unwell at work they must contact the Manager (for information) and nominated officer (for authorisation) immediately for permission to leave work and seek medical advice. The nominated officer for teaching and support staff respectively is to be agreed by the Headteacher at the academy level.

#### 6.5 Day 4 (4<sup>th</sup> calendar day of sickness absence)

- Staff must contact their manager (or nominated officer) again to report continued sickness.
- An indication, where possible, should be given as to the expected date of return to work.

#### 6.6 Day 8 (8<sup>th</sup> calendar day of sickness absence)

- Staff must contact their Manager (or nominated officer) to report that they are still sick. Staff should confirm that they have obtained a 'fit note' from their General Practitioner (GP) or that they have arranged to do so. The note must be sent to the academy as soon as possible.

#### 6.7 Over 8 days absence

- Staff must contact their Manager (or nominated officer) towards the end of their current 'fit note' to report an indication of returning to work, or whether the absence is likely to be extended, subject to review by their GP.
- All extended 'fit notes' must be sent to the academy in a timely manner. Where there is a delay, without good reason, the Manager (or nominated officer) will treat this as breach of this procedure (unauthorised absence).

### 7. Fit Notes

7.1 If the GP provides a 'fit note' stating that an employee 'may be fit for work' the employee should inform their Manager (or nominated officer) immediately. The advice on the note will be discussed together with any additional measures that may be needed to facilitate the employee's return to work, taking into account the GP's advice. Consideration will be given as to how the advice impacts the employee, the job, the workplace, service delivery, pupils and colleagues. The GP's comments, any return to work tick boxes, and any other action that could facilitate a return to work will be considered with due regards to the Equality Act 2010. Options may include:

- A phased return to work
- Altered hours
- Amended duties
- Workplace adaptations
- Consideration of redeployment

- Other reasonable adjustments

- 7.2 If a return to work is possible, the agreed action plan will be documented and implemented. If it is not possible to provide the support suggested by the GP, the employee will remain on sick leave and will not normally need to return to their GP to obtain a revised 'Fit Note'.
- 7.3 If an employee wishes to return to work before the end of the 'Fit Note' period where a GP has advised that they are not fit for work, provided the Manager (or nominated officer) agrees and a risk assessment is carried out, there is no need to wait until the end of the 'Fit Note' period.
- 7.4 The Manager (or nominated officer) may request a 'Fit Note' for any period of illness even though this may be fewer than eight consecutive days. If a cost is incurred, then the Academy shall reimburse upon production of a receipt.

## **8. Return to Work**

- 8.1 On returning to work following sickness, staff must complete Part A of the Self-certification/Return to Work Form (Appendix 1).
- 8.2 Following each period of sickness absence, a return to work meeting with the Manager (or nominated officer) will be held to complete Part B of the Self-certification/Return to Work Form, stating the reason for absence and any follow up action required. The information collated will be used, for absence management and monitoring purposes.
- 8.3 The return to work meeting should be as informal as possible but be held on a confidential one-to-one basis and in private. The meetings should not be onerous and may in some cases be simply a welcome back after an absence and to update. At the meeting, the Manager (or nominated officer) should:
- Welcome back the employee and enquire after their health, clarifying the reasons for the absence and any treatment
  - Determine whether the employee is fit for work
  - Offer any help and support
  - Confirm that high attendance is expected from all employees and that their situation will be treated fairly and sensitively
  - Where appropriate, highlight any concerns with the employee's absence levels
  - Update the employee on developments at work during their absence
- 8.4 Once complete, the Manager (or nominated officer) will send the form to the relevant person in order that the employee's record can be updated.

## **9. Managing short term absence**

- 9.1 Absences due to sickness that are frequent or persistent will be investigated.
- 9.2 The Manager (or nominated officer) will take management action (first sickness absence review meeting) if any of the following sickness triggers are met:
- 3 spells of sickness, of any length, in the previous rolling 3 month period.
  - A total of 10 or more days sickness in the previous rolling 12 month period
  - Any other pattern that causes concern
- 9.3 For staff working part-time, the triggers above will be pro rata for the purposes of taking management action.

## **9.4 First sickness absence review meeting**

9.4.1 The member of staff will be given at least 7 calendar day's written notice of the date, time and venue of the meeting and may be accompanied by a companion. The letter will also include/enclose any breakdown of absence periods to be relied upon by the Manager (or nominated officer).

9.4.2 The purpose of the meeting will be:

- Discuss the reasons for, pattern and impact of the absences, and measure that can be taken by the employee to improve attendance
- Discuss the likelihood of further absences
- Consider any medical advice that has been obtained
- Consider the employee's ability to attend work regularly and the impact on the academy's needs, work colleagues and pupils
- Consider whether any adjustments can reasonably be made to assist in the employee attending work regularly.
- To agree action for the future including targets to be achieved and the setting of a date for a further review. The length of any monitoring period will be decided at the meeting (normally between 3 and 6 months).
- To indicate the consequences if the employee's attendance does not improve.

9.4.3 The Manager (or nominated officer) will confirm to the employee in writing the salient points of the meeting and the outcomes to be pursued.

9.4.4 At the end of the monitoring period, if there has been no overall improvement in attendance, then a second sickness absence review meeting may be convened.

## **9.5 Second and subsequent review meetings**

9.5.1 The member of staff will be given at least 7 calendar day's written notice of the date, time and venue of the meeting and may be accompanied by a companion.

9.5.2 The purpose of the meeting is to explain that the level of sickness absence continues to give cause for concern despite support and the review period. At the end of the meeting, the options for the Manager (or nominated officer) are:

- Take no further action based on the information discussed but keep under review for a set period
- Decide that further support should be given over an agreed further review period
- Set out a final action plan for improvement including targets to be achieved and the setting of a date for a further review. The length of any monitoring period will be decided at the meeting (normally between 3 and 6 months).

9.5.3 The Manager (or nominated officer) will confirm to the employee in writing the salient points of the meeting and the outcomes to be pursued.

9.5.4 At the end of the monitoring period, if there has been no overall improvement in attendance, then a further sickness absence review meeting may be convened or the Manager (or nominated officer). If the level of absence fails to satisfactorily improve and be sustained by the employee, the Manager (or nominated officer) may refer the matter to a final sickness absence review meeting (dismissal).

## **9.6 Final sickness absence review meeting**

9.6.1 A final sickness absence review meeting will be convened by the Chief Executive or Headteacher with the purpose of reaching a final decision on the issue.

- 9.6.2 The member of staff will be given at least 7 calendar day's written notice of the date, time and venue of the meeting and may be accompanied by a companion. The letter will also include any documents to be referred to and the possible consequences of the meeting i.e. that it may result in dismissal
- 9.6.3 Following the discussions, the Chief Executive/Headteacher will adjourn the meeting to consider the options available including but not limited to:
- Set a further review period to allow for additional monitoring and/or additional management support. If attendance is not satisfactory at the end of this period then the employee may be dismissed;
  - Dismiss the employee for lack of capability due to ill-health, with full notice or payment in lieu of notice.
- 9.6.4 Notification of the outcome of the meeting, including their right to appeal if dismissed, will be sent to the employee normally within 5 working days' of the meeting.

## **10. Managing long term absence**

- 10.1 If an employee has been absent for a consecutive period of 20 working days or more (or 4 weeks for part-time staff), the Manager (or nominated officer) should contact the employee asking them to attend a welfare review meeting.
- 10.2 As part of the review process, the employee may be referred to occupational health prior to attending any welfare review meeting.

### **10.3 Welfare review meeting**

10.3.1 In most cases the employee will be invited into the workplace for the meeting. However, if the employee is unable to attend, options stated in clause 5.3 will be discussed with the employee.

10.3.2 The purpose of the review meeting is to:

- Consult with the employee to obtain an update on their condition and, if possible, assess a likely timescale for a return to work
- Ask the employee if they have identified any adjustments to their working arrangements which could facilitate their return to work (for example physical adjustments, a phased return or temporary part-time working) and consider any that the academy is proposing
- Enquire about what support or treatment the employee is receiving to assist their return to work
- Discuss information received from occupational health (or arrange a referral)
- Offer any support during their absence
- Set a date after which the sickness absence will be reviewed again.

10.3.3 After the review date, if an employee's long term absence is continuing with no date of return, a further review meeting will be arranged. The meeting will be an opportunity to discuss with the employee the possibility that they may not return to work and the relevant consequences.

### **10.4 Further review meeting(s)**

10.4.1 The purpose of this meeting(s) will be to:

- Consider whether there have been any changes since the last meeting regarding a possible return to work or opportunities for return or redeployment
- Consider the up to date medical evidence available
- Consider whether there is a reasonable likelihood of the employee returning to work in the foreseeable future

10.4.2 If at the further review meeting(s), it is clear from the medical information available that the employee has:

- no confirmed date to return to work within the foreseeable future, and
- there is no recommendation for ill-health retirement, and/or
- no vacancies for redeployment

The Manager (or nominated officer) may conclude that there is no likelihood of return to work, refers the matter to a contractual review meeting to consider the possible termination of employment.

Where the employee is in a Pension Scheme it may be appropriate to explore eligibility for an ill health pension award prior to convening a Contractual review Meeting.

## **10.5 Contractual review meeting**

10.5.1 A contractual review meeting will be convened by the Chief Executive or Headteacher with the purpose of reaching a final decision on the issue.

10.5.2 The member of staff will be given at least 7 calendar day's written notice of the date, time and venue of the meeting and may be accompanied by a companion. The letter will also include any documents to be referred to and the possible consequences of the meeting i.e. that it may result in dismissal

10.5.3 At the meeting, the employee's Manager (or nominated officer) will present the details of the employee's absences including the outcomes from the review meetings and occupational health referrals. The employee will be able to respond and state their case

10.5.4 Following the contractual review meeting, the Chief Executive/Headteacher may decide to either:

- Take no further action and request that the Manager (or nominated officer) continues to manage their attendance in accordance with the policy
- Seek a second medical opinion on the prognosis
- Give consideration to alternative employment for the employee including changes to working hours
- Dismiss the employee with appropriate contractual notice

10.5.5 Notification of the outcome, including their right to appeal if dismissed, will be sent to the employee normally within 5 working days' of the meeting.

## **11 Right of Appeal**

11.1 The employee has a right of appeal against a decision to dismiss.

11.2 Appeals against dismissal should be made in writing within 5 working days of the receipt of the written decision.

11.3 The appeal will be heard by the Appeals Panel. An appeal against dismissal will always be heard by a Panel of not less than two Directors.

11.4 The Appeals Panel can confirm the original decision, revoke or replace it with a different decision.

11.5 All appeal hearings will be held as soon as practicably possible after receipt of the appeal.

11.6 The outcome of the appeal will be confirmed in writing as soon as possible and usually within 5 working days of the appeal hearing. There is no right of further appeal against such a decision of the Appeal Panel.



- 11.7 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. The decision of the Appeals Panel is final. The employee has no further right of appeal.

## **12 Pregnancy related sickness**

- 12.1 If a pregnant employee works beyond the fourth-week before their expected week of childbirth and becomes ill with a pregnancy-related illness, her maternity leave will commence immediately.
- 12.2 The Academy will not take into account any absence related to pregnancy or maternity when considering taking formal action under this policy.
- 12.3 Sickness absence falling after the end of the maternity leave period (for example, for post-natal depression) will be treated in the same way as any other form of illness.

## **13. Medical suspensions**

- 13.1 The Chief Executive or Headteacher may medically suspend (with pay) an employee where necessary if their condition poses a risk to the safety and well-being of children or colleagues.

**Windsor Academy Trust**  
**[Academy Name]**  
**CONFIDENTIAL**

## Self-Certification / Return to Work Form

<b>PART A – To be completed by the employee (for all absences)</b>			
NAME			
JOB TITLE		EMPLOYEE NO.	
FIRST DAY OF SICKNESS	Date: (dd/mm/yyyy)		
LAST DAY OF SICKNESS	Date: (dd/mm/yyyy)		
RETURN TO WORK DATE		NUMBER OF WORKING DAYS	
REASON FOR ABSENCE			
TYPE OF CERTIFICATION FOR ABSENCE	Self-Certificate <input type="checkbox"/> Medical Certificate <input type="checkbox"/> Both <input type="checkbox"/>		
Is this absence a result of an accident at work? If yes, has an accident form been completed? If yes, has the employee been advised of entitlement to sick pay under either the Burgundy Book or Green Book.	YES <input type="checkbox"/> YES <input type="checkbox"/> YES <input type="checkbox"/>	NO <input type="checkbox"/> NO <input type="checkbox"/>	
If not directly an accident at work, could the absence be work related e.g. RSI/Eye Strain/Muscular/Skeletal/Stress.  If 'yes', bring this to the attention of your manager at your 'Return to Work' interview.	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
Employee's Comments:			
<p><b>Declaration:</b>  I declare that the above information is true and accurate to the best of my knowledge. I understand that to give false or misleading information can result in disciplinary action which may lead to dismissal.</p>			
Employee's signature:		Date:	

**PART B – To be completed by Manager (or nominated officer) at the return to work meeting**

Number of periods of sickness (including current absence)	Last 3 months	Last 12 months
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Was the notification procedure adhered to?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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If not, why not? (Explore why and explain requirement according to the absence procedure)

Employee updated on any events during the period of absence	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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Date of return to work meeting:	
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Manager's Comments (as per clause 7.3):

**Manager's signature:**

**Date:**

**Employee's signature:**

**Date:**