

POLICY TYPE: PRESCRIBED
ACTION: FOR SCHOOL ADOPTION

Approval Body: SDBEMAT BOARD
Approval Date: SEPTEMBER 2023
Version: 6 (SEPTEMBER 2023)
Policy Ref: HRP11



**Southwark Diocesan
Board of Education
Multi-Academy Trust**
Developing Church of England Education

HR POLICY HANDBOOK

SICKNESS ABSENCE POLICY

1. SCOPE OF THIS POLICY

- 1.1 This policy is designed to establish a framework for the effective management of staff sickness absence taking into account both the welfare of employees by supporting them and our requirements to deliver an effective education to our pupils.
- 1.2 The Southwark Diocesan Board of Education Multi-academy Trust has a duty to be fair and consistent in any dealings with members of staff who are the employees. This is particularly important in Church schools, where the network of personal relationships within the school community has as its starting point the Christian gospel, which recognises the uniqueness and value of the individual.
- 1.3 For the avoidance of doubt this policy may be used concurrently with our **Capability policy** and our **Disciplinary policy**.
- 1.4 In this policy, “**Absence Contact**” means:
- (a) our Executive Team if you are a Headteacher;
 - (b) your Headteacher if you are a member of the teaching staff or School Business Manager;
 - (c) your Headteacher deputy Headteacher if you are a member of support staff;
 - (d) our Executive Team if you are a member of central Trust staff;
 - (e) the CEO if you are on the Executive Team; or
 - (f) the Trust Chair if you are our CEO.

2. GENERAL PRINCIPLES

We expect every School to:

- (a) address sickness absence;
- (b) always monitor attendance;
- (c) ensure proactively that short term absences do not go unrecorded;

- (d) take swift supportive action if the absence is work related;
- (e) keep accurate, up to date, employee attendance records;
- (f) develop and maintain an atmosphere and conditions that encourage people to come to work;
- (g) deal with each person as an individual;
- (h) handle attendance problems promptly and sensitively, in a supportive manner;
- (i) treat all staff fairly and consistently;
- (j) keep governors and our Executive Team informed about the School’s sickness absence rate;
- (k) seek support and advice from HR.

3. YOUR OBLIGATIONS

You are expected to:

- (a) comply with the sickness notification process in place for your workplace;
- (b) ensure medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work;
- (c) keep in regular reasonable touch (consistent with your medical condition) and inform your Absence Contact of any significant developments affecting the period of absence, and
- (d) attend medical appointments promptly.

4. SICKNESS NOTIFICATION

- 4.1 You must notify us of your sickness absence in accordance with the process adopted at your workplace which will ordinarily be by **7am** on a School Day.
- 4.2 Brief details of the reason for absence and, if possible, some indication of a return to work date should be given during this contact. Ideally, the position in relation to



current workload should be discussed in order to help us make appropriate cover arrangements.

- 4.3 If your absence is the result of an accident or an injury sustained at work, then this information must be made known. You should indicate if the incident has been reported, when it was reported and to whom.
- 4.4 If you fall ill during the working day you may only leave work after notifying your line manager or other senior person.
- 4.5 If you are still unfit for work after **three successive working days** you must once again inform your Absence Contact on the fourth day as to the likely duration of the absence.
- 4.6 You are required to complete a self-certificate to cover every day of absence, including half days.
- 4.7 A doctor's Statement of Fitness for Work must be provided by all staff where sickness absence lasts beyond **7 calendar days**. The doctor's statement must be forwarded to your Absence Contact to reach them on or before the eighth day of absence.
- 4.8 If more than one doctor's statement is required for any period of absence, you must keep your Absence Contact informed of developments and make them aware of this before the expiration of the previous statement. This is to ensure that our educational needs are fulfilled and to give you the opportunity to indicate if there are any ways in which we can support you and to give you the opportunity (if you wish it) to be kept up to date with developments at work.
- 4.9 The requirement for weekly contact may be relaxed if a doctor's Statement of Fitness for Work indicates that such contact would inhibit your return to work or by agreement with you.

5. RETURN TO WORK DISCUSSIONS

- 5.1 After every absence your Absence Contact must, before you begin to undertake duties, discuss with you:
 - (a) the reasons for your absence (see 5.4 below);
 - (b) the appropriate notification has been completed;

- (c) your fitness to work; and
 - (d) whether there are any issues which require particular support from us.
- 5.2 A record of this discussion should be placed on your personnel file. The Trust will provide a standard form.
 - 5.3 Your Absence Contact may use the return to work discussion as an opportunity to bring you up to date with developments at work during your absence.
 - 5.4 If you consider the reason for your absence is medically sensitive you may instead disclose the reason for your absence to the Headteacher Business Manager or our Executive Team as appropriate.

6. OCCUPATIONAL HEALTH REFERRAL

- 6.1 We may at any time refer you to Occupational Health for an assessment of:
 - (a) your health;
 - (b) its impact on your attendance or on your punctuality;
 - (c) its impact, if any, on any alleged misconduct;
 - (d) its impact on your fitness to perform the duties required by your employment;
 - (e) its impact on your ability to attend formal meetings or interviews under this or any other policy particularly in the light of the guidance at page 20 of the **Health and Work Handbook** produced by the Faculty of Occupational Medicine, Royal College of General Practitioners, Society of Occupational Medicine (<http://www.rcgp.org.uk/pdf/healthandworkhdbook.pdf>); and
 - (f) what steps we could take to improve your health and/or attendance.
- 6.2 You are required to cooperate with such referrals.
- 6.3 If you decide not to engage with the Occupational Health referral we will proceed to make decisions without the benefit of Occupational Health advice.
- 6.4 Before making any decision to dismiss on notice under this Sickness Absence policy we will have referred you for at least one occupational health assessment.



6.5 There is no right of appeal against a referral to Occupational Health.

7. ABSENCE REVIEWERS AND APPEAL PANELS

The table below sets out the normal level of delegation for dealing formally with absence due to sickness or ill health.

A panel will comprise of no less than two SDBE MAT Governors.

Your Level	Informal Return to Work meetings	Stage 1 Formal Meeting	Stage 2 Formal Meeting	Final Stage Meeting	Appeal Meeting
School's Headteacher	Chair of School Governors or our Executive Team's nominee	Chair of School Governors or our Executive Team's nominee	Chair of School Governors or our Executive Team's nominee	A panel of our Executive Team or their nominee	A panel of our Executive Team or their nominee
Other School Leadership Staff	School's Headteacher	School's Headteacher	School's Headteacher	A panel of School Governors or nominee	A panel of School Governors or nominee
Other School Staff	School's Headteacher or their nominee	School's Headteacher or their nominee	School's Headteacher or their nominee	A panel of School Governors	A panel of School Governors
Non-School Trust staff other than CEO	A member of our Executive Team or their nominee	A member of our Executive Team or their nominee	A member of our Executive Team or their nominee	A panel of the Trust Board	A panel of the Trust Board
Our CEO	Trust Chair or nominee	Trust Chair or nominee	Trust Chair or nominee	A panel of the Trust Board	A panel of the Trust Board

8. PERSISTENT INTERMITTENT ABSENCE

8.1 Persistent intermittent sickness absence can be defined as frequent short-term absences from work that are normally sporadic and attributable to minor ailments, in many cases unconnected.

8.2 Managerial problems are created by the frequency of the absence and the reasons behind the absence. It can only be addressed effectively through proper monitoring systems and effective management action.

Triggers

8.3 Whilst each case of sickness absence should be considered individually (for example where the absence is unlikely to recur no Formal Absence Review Meeting would be

appropriate), the following triggers will normally lead to a Formal Absence Review Meeting:

- (a) sickness absence of **12 occasions** in any **12 month period**;
- (b) sickness absence of **eight occasions** in any **6 month period**;
- (c) sickness absence of **four occasions** in any **3 month period**; or
- (d) any levels of absence which show a trend or pattern e.g. Friday – Monday absences, monthly dates (e.g. last Friday every month) and any other notable dates.

8.4 In this context, occasion is taken to mean one working day or part therefore. This would mean that, should a member of staff be absent for half of a working day, this would count as an occasion. For part-time staff, the trigger points would be the equivalent periods, based on the number of hours worked. The periods of time should be measured from the first day of the week in which the first absence occurred.

8.5 It must be emphasised, however, that these trigger points are only a guide. The Headteacher and Governors must be flexible when considering the circumstances of each case. If an employee suffers from a known medical condition or is suffering from recurring problems as a result of an operation, then it may be unnecessary to subject the employee to a formal monitoring procedure.

8.6 Advice should be sought from HR where an individual may have an underlying medical condition so that the Trust is compliant with its duties under the Equality Act 2010.

9. LONG TERM ABSENCE

9.1 Long-term absence occurs where you are absent from work for at least **6 working weeks** as the result of a serious health problem. It can normally be distinguished from frequent intermittent absence in that it tends to be continuous and usually can be traced to an underlying medical condition. In addition to Formal Absence Review Meetings there may be informal monitoring meetings with your line manager and/or a member of the senior leadership team, particularly around phased returns to work or consideration of ill health retirement.



9.2 Where an individual is absent on a long term basis due to a disability, a referral should be made to Occupational Health before they return to work so that relevant reasonable adjustments can be made.

9.3 In cases where an individual is suffering from cancer an Occupational Health referral should be made so advice on support can be provided.

Trigger

9.4 An absence lasting **6 working weeks** will normally lead to a Formal Absence Review Meeting. This may be delayed depending on the nature of the illness.

10. FORMAL ABSENCE REVIEW MEETINGS

10.1 At least **5 working days** before a Formal Absence Review Meeting, the Absence Reviewer or Panel shall send you an Absence Report:

- (a) setting out your absences from work indicating the reasons given for the absence;
- (b) setting out any suggestions made by you or us for support to make reasonable adjustments to working arrangements that could reduce your absence or assist your return to work; and
- (c) including copies of self-certificates, Statements of Fitness to Work from your doctor and all medical reports including those from Occupational Health.

10.2 At a Formal Absence Review Meeting you will have the opportunity to:

- (d) present any medical evidence in your possession or other evidence referring to any other underlying cause;
- (e) make suggestions about managing your return to work including any phased return to work or change in hours; and
- (f) make suggestions of support or other reasonable adjustments that could be made.

11. FORMAL RESPONSES

11.1 The Absence Reviewer may (in addition to making a further occupational health referral) undertake the following formal responses:

Where there are no ongoing concerns and it is unlikely that there will be any further sickness absences in the future, the reviewing manager may decide to take no further action.

Reasonable adjustments to working arrangements

These will vary on a case by case basis depending on the medical condition identified e.g. phased return to work, change in work station, support of a colleague, counselling.

A First Written Caution

- (a) in the context of a persistent intermittent absence a Stage 1 Written Caution is a caution that if you are absent from work for **four or more days** in the period of the next **six months**, you will be at risk of a Stage 2 Final Written Caution.
- (b) In the context of a long term sickness absence a Stage 1 Written Caution is a caution that if you are not fully back to work within between **6 to 12 working weeks** there will be a further Formal Absence Review Meeting. The precise number of working weeks will be set by reference to the available medical evidence.

A Stage 2 Final Written Caution (only if you have breached a Stage 1 Written Caution)

- (c) In the context of a persistent intermittent absence this is a caution that if you are absent from work for **2 or more days** (other than on authorised leave) in the period of the next **four months** you may be at risk of a dismissal.
- (d) In the context of long term sickness absence this is a caution that if you are not fully back to work within between **4 to 12 working weeks** you will be referred to the Final Absence Reviewer which could lead to termination of employment. The precise number of working weeks will be set by reference to the available medical evidence.

11.2 The Absence Panel may undertake the following response, only after you have breached a Stage 2 Final Written Caution:

Dismissal with Notice

In coming to such a decision in relation to a case of persistent intermittent absence the Absence Panel will consider:



- (a) the total absence and pattern of absence;
- (b) the available medical prognosis;
- (c) advice from occupational health;
- (d) the reasons advanced for the absence;
- (e) how long you have worked for us;
- (f) what additional demands has the persistent intermittent absence generated for other employees and the School;
- (g) whether other reasonable adjustments have been considered; and
- (h) whether other reasonable adjustments have been made and if so whether they were effective.

In coming to such a decision in relation to a case of long term absence the Absence Panel will consider:

- (a) the available medical prognosis;
- (b) advice from occupational health;
- (c) is complete recovery likely and, if so, when;
- (d) how long you have worked for us;
- (e) what additional demands has the absence generated for other employees;
- (f) whether alternative employment or a transfer is available, suitable and acceptable;
- (g) whether Ill-Health Retirement under the LGPS or TPS has been explored;
- (h) whether other reasonable adjustments have been considered; and
- (i) whether other reasonable adjustments have been made and if so whether they were effective.

- 11.3 You may appeal against a written caution by writing to original decision maker within **5 working days** of being sent the caution.
- 11.4 You may appeal against a dismissal on notice by writing to the original decision maker within **5 working days** of being sent the notification of termination.
- 11.5 The fact of the appeal does not delay the commencement of any period under any caution or of any notice period.
- 11.6 If your contract contains a payment in lieu of notice clause we may exercise that clause to bring your contract to an end with immediate effect.
- 11.7 Any appeal against a caution should normally be heard by the Appeal Panel within **10 working days** of receipt your appeal, and **20 working days** for an appeal against dismissal.

12. PERMITTED COMPANION

You may bring a Permitted Companion to a formal Review Meeting which may be a willing workplace colleague or trade union representative

