

Version [3.1]
September 2023



STAFF SICKNESS POLICY

SANDON PRIMARY ACADEMY

Mrs R Beckett (Principal)
Review date: **September 2024**

A - SICKNESS POLICY

Reporting Requirements

If you are absent from work on account of sickness or injury you, or someone on your behalf should inform the School Principal (Mrs Rachel Beckett) of the reason for your absence as soon as possible but no later than by 8.00am on the working day on which you are first absent and as and when required by the Principal thereafter.

Texting is not permitted.

If the absence lasts less than 7 days there is no requirement for you to produce a medical certificate unless specifically requested to do so. However you will be required to complete a self certification form immediately upon your return and attend a return to work interview. Any medication which you have been prescribed from your Doctor that may affect your ability to carry out your job should be discussed and recorded.

If the illness lasts longer than 7 days you must provide medical certificates stating the reason for absence for the entirety of your illness in addition to a self certification form for the original 7 day period at the commencement of your illness.

You must send your medical certificate into the School as soon as you receive it in order to cover your period of absence.

All sick pay entitlement is subject to compliance with the School sickness policy. Please note that failure to comply with the policy may result in the School withholding sick pay.

Unauthorised absence

Any unreported sickness absence will be classed as unauthorised absence.

The School may withhold payment or deduct from salary a days pay for each day of unauthorised absence.

Requirement to attend medical examination

The School reserves the right to require you to attend a medical examination during or after any absence from work due to sickness or injury or at any time it deems necessary.

Abuse of the sickness absence policy

It must be recognised that deliberate abuse of the sickness policy can amount to gross misconduct which may lead to disciplinary action being taken against you.

Miscellaneous provisions

The School reserves the right to refuse sick payment on back dated medical certificates.

On returning to work you must report to your Line Manager when you will be required to complete a Return To Work interview to record the dates and reasons for absence.

If you are absent from work for longer than 4 consecutive weeks, then your contractual entitlement to holiday pay will cease to accrue. This does not affect your statutory rights in accordance with the Working Time Regulations.

If you are absent through an injury caused by an actionable negligence by a third party in respect of which damages are recoverable, you must inform your Line Manager immediately. Any payment received during this period other than SSP, shall be by way of a loan and must be repaid in full. However, this amount will not exceed the actual damages recovered as a result of the litigation.

Procedures for managing sickness absence

The next sections of this document set out the steps followed by the school to manage short term absence and when an employee's ill health results in them being absent for a long period of time (for over one month). The procedures explain the informal and formal meetings that will be held in these circumstances.

Formal attendance notifications

Under the formal stages of these procedures head teachers/line managers can decide to issue formal

attendance notifications. These are issued to ensure employees are aware that continued high levels of sickness absence may result in further formal action and ultimately dismissal.

Attendance at meetings

In circumstances where Occupational Health advises that an employee is not well enough to attend the meetings set out in these procedures, Management will seek to discuss with the employee and (where the employee has a representative) his/her representative on how to implement the process fairly should the employee remain unfit to attend meetings under any circumstances.

The right to be accompanied to meetings

Employees have the right to be represented by a trade union representative or accompanied by a work colleague at any formal meetings held under this procedure.

Informal meetings do not attract the same right, but requests to be accompanied will be considered where this support may be helpful, but there is no automatic right to have a trade union representative or work colleague present. This also applies to Stage One of the Procedure

Where employees wish to be accompanied, they must contact the manager responsible and give them the name of the trade union representative or work colleague in good time before the meeting.

Procedure for managing short term absence

Short term sickness absence can have a significant detrimental impact on the school. This procedure aims to support improvement in attendance, but where this does not happen, formal action may be taken including dismissal.

There are four stages for managing short term absence:

- Stage one – informal review meeting
- Stage two – formal meeting which may result in an attendance notification being issued
- Stage three – formal meeting which may result in a final attendance notification
- Stage four – if attendance does not improve within a reasonable time scale (usually within six months from stage one) a formal hearing will be held and the outcome may be dismissal.

Normally a period of two months is given between each of the stages to allow for improvement in the employee's health and attendance, but this may be varied depending on the level absence, timing of school holidays and the facts of the case. In between these stages, the head teacher or line manager and employee may meet for informal reviews.

Before taking action at any stage, the head teacher or line manager must be satisfied that any reasonable adjustments that would help improve levels of attendance, have been identified. For disabled employees, managers must be satisfied that these have been fully explored and/or implemented in accordance with the [Equality Act 2010 - see Statutory Code of Practice - Duty to make reasonable adjustments](#).

Stage One - informal review

Stage one is triggered if, during a 12-month rolling period an employee has either:

- a) four occurrences of sickness absence totaling six days or more**
- b) a total of nine working days sickness absence***

A 12-month rolling period is calculated backwards from the first day of the current absence.

The head teacher or line manager will meet with the employee to discuss:

- the pattern of absence and the reasons for it
- what actions the employee has taken to address the issue e.g. medical treatment
- whether any aspect of the job may be affecting the employee's health and whether any temporary changes to the job could assist attendance
- any underlying health problem and the likelihood of further absence
- whether the employee has a disability, and if so whether there are any reasonable adjustments that could be made
- the effect of the absence on pupils, colleagues and the school
- whether medical advice is needed from the Occupational Health Service
- any other relevant considerations.

Following the meeting the person conducting the meeting will write to the employee. The letter will summarise the main points from the meeting, including agreed actions, confirmation that an improvement in attendance is expected, timescale for improvement and the date for a review meeting. The letter will also explain that continued poor attendance may result in formal action being taken in line with stage two of these procedures.

Where an underlying medical condition or disability is identified, or where concerns about attendance continue, the employee should be referred to the Occupational Health Service.

Where attendance improves to an acceptable level the head teacher or line manager will hold a review meeting to confirm this and decide the need for or frequency of further monitoring meetings. Following the meeting the manager will write to the employee confirming the outcome.

Stage Two - formal review (usually two months after informal review)

Where concerns about attendance continue, the manager will invite the employee to a formal meeting, giving five working days' notice (providing copies of any relevant documents that will be referred to at the meeting). Up to date medical advice may be obtained from Occupational Health for this meeting. The employee can be accompanied to this meeting by a trade union representative or work colleague. At the meeting the manager and employee will discuss:

- the on-going pattern and level of absence and the reasons for it
- medical advice
- whether further absences are likely to occur
- if there are work factors affecting the employee's attendance and whether any temporary changes to the job could assist attendance

- if the employee has a disability, any reasonable adjustments that could be made
- the impact of the employee's absence on the school.

Having taken in to account all of the relevant facts and consulted with the employee, the head teacher/line manager may decide to:

- take no further action
- extend the period of monitoring and review
- issue a formal attendance notification, warning the employee of the risk of dismissal if attendance does not improve. This will normally remain on record for 6 - 12 months depending on the circumstances.

In addition, an action plan will be agreed with review meetings which may include obtaining further medical or specialist disability advice and/or putting adjustments, aids or adaptations in place, to support improved attendance.

Following the meeting, and within three working days, the person conducting the meeting will write to the employee confirming the outcome of the meeting and the employee's right to appeal, within 10 working days, if a formal attendance notification has been issued.

Where attendance improves to an acceptable level the head teacher or line manager will hold a review meeting to confirm this and decide the need for or frequency of further monitoring meetings. This will be confirmed in writing to the employee.

Stage Three - formal review (usually two months after stage two review)

Where levels of absence continue to be unacceptable, the manager will invite the employee to a further formal meeting, giving five working days' notice (providing copies of any relevant documents that will be referred to at the meeting). The employee can be accompanied to this meeting by a trade union representative or work colleague.

The meeting will consider any points and submissions from the employee and will consider:

- the on-going pattern and level of absence and the reasons for it
- medical advice
- whether further absences are likely to occur
- if there are work factors affecting the employee's attendance and whether any temporary changes to the job could assist attendance
- if the employee has a disability, any reasonable adjustments that could be made and the effectiveness of any adjustments that have already been put in place
- the impact of the employee's absence on the school.

As a result of this meeting the head teacher/line manager may decide one or more of the following:

- to take no further action
- extend the period of review and monitoring, for example to allow for improvement in the employee's fitness as a result of treatment or improvement in attendance as a result of adaptations or adjustments that can be put in place
- issue a final attendance notification, warning the employee of the risk of dismissal if attendance does not improve, including the timescale for improvement

In addition, an action plan will be agreed which may include obtaining further medical or specialist disability advice and/or putting adjustments, aids or adaptations in place, to support improved attendance. A further review meeting will also be scheduled.

The outcome of this meeting will be confirmed in writing to the employee within three working days, along with their right to appeal within ten working days, if a final attendance notification has been issued.

A further review meeting will be held after a reasonable amount of time has been given for improvement in attendance e.g. usually two months. At this meeting the case will be reviewed and examined by the head teacher or another senior manager in consultation with the employee and a decision will be taken either:

- to take no further action
- to extend the period of review and monitoring, for example to allow for improvement in the employee's fitness as a result of treatment or improvement in attendance as a result of adaptations or adjustments that can be put in place
- to recommend dismissal and arrange a formal hearing for a panel of the relevant body to examine the case

Where attendance improves, for a sustained and reasonable period e.g. two months, formal monitoring will normally cease but if levels increase again within the period of the attendance notification or within a year, then this will trigger the reinstatement of this procedure at stage three.

At any stage the head teacher/manager may decide it is reasonable to extend review periods or improvement notice periods to ensure sustained improvement is achieved.

Managing long term absence

General principles for managing long term sickness absence

Long-term sickness absence is defined as continuous absence of one calendar month.

The school will deal with any long-term illness of an employee sympathetically and will consult regularly with the employee or the employee's representative, with the aim of assisting the individual to return to work.

Head teachers/line managers are recommended to seek HR advice in cases where long term or terminal illness is diagnosed.

Regular contact between the head teacher or line manager and employee must be maintained throughout the period of absence. How and when this contact takes place should be agreed at the outset e.g. weekly or fortnightly phone calls.

There are four stages for managing long term absence:

- Stage one – informal meeting
- Stage two – formal meeting which may result in an attendance notification
- Stage three – formal meeting which may result in a final attendance notification
- Stage four – if absence continues and medical opinion is that there is no prospect of a return to work within a reasonable time scale or permanently, (usually within six months from stage one) a formal hearing will be held and the outcome may be dismissal. The decision to dismiss an employee on long-term sick leave will only be taken when all other options have been considered.

Stage One - informal

Where an employee has been, or is likely to be absent for one calendar month, they will normally be referred to the Occupational Health Service so that the head teacher/line manager can obtain medical opinion including the expected timescale for recovery and return to work.

The head teacher or line manager will invite the employee to a meeting to discuss:

- the medical opinion, prognosis about recovery including the expected timescale for a return to work
- what support the employee needs to enable him/her to make a successful return to work
- whether the employee has a disability in accordance with the Equality Act 2010 and any adjustments that could reasonably be made to support a return to work
- the impact of the absence on the school's operations including the ability to cover the work and the costs.

The options that may be considered at this stage include:

- to take no further action
- agree a return to work plan including reasonable adjustments such as a phased return
- extend the period of monitoring and review
- obtain further medical advice or specialist disability advice.

Following the meeting the person conducting the meeting will write to the employee.

The letter will summarise the main points from the discussion, confirm any actions agreed and the date for a further review meeting. The letter will also explain that continued absence is likely to result in formal action being taken in line with stage two of these procedures.

Where the employee recovers and returns to work the head teacher or line manager will decide whether further review meetings are necessary to support the employee.

Stage Two - formal review (usually after three months absence)

Where absence continues, the head teacher or line manager will write to the employee inviting them to attend a formal review meeting, giving at least five working days' notice and providing any relevant documentation that may be referred to at the meeting. The employee can be accompanied to this meeting by a trade union representative or work colleague.

Up to date medical advice may be obtained from Occupational Health for this meeting.

At the meeting the head teacher or line manager will explore with the employee:

- medical opinion, the prognosis about recovery including the expected timescale for a return to work
- what support the employee needs to enable him/her to make a successful return to work
- whether the employee has a disability in accordance with the Equality Act 2010 and whether any reasonable adjustments can be made to support their return
- the impact of the absence on the school's operations including the ability to cover the work and the costs.

The options that may be considered include:

- taking no further action
- Agreeing a return to work plan including reasonable adjustments e.g. a phased return
- extending the period of monitoring and review
- obtaining further medical advice or specialist disability advice
- issuing a formal attendance notification, advising the employee of the risk of dismissal where a return to work is unlikely within a reasonable timescale (usually within six months of stage one).

Following the meeting the person conducting the meeting will write to the employee. The letter will summarise the main points from the meeting, confirming actions agreed and the date for a further review meeting. The employee will also be advised of their right to appeal, within ten working days, if a formal attendance notification is issued.

Where the employee recovers and returns to work the head teacher or line manager will decide whether further review meetings are necessary.

Stage Three - formal review (normally after five months absence)

Where absence continues, the head teacher or line manager will write to the employee inviting them to attend a formal review meeting giving at least five working days' notice and providing any relevant documentation that may be referred to at the meeting. The employee can be accompanied to this meeting by a trade union representative or work colleague.

In most cases a recent report from the Occupational Health Service will be needed and should be requested in good time for the meeting.

At the meeting the head teacher or line manager will explore with the employee:

- medical opinion, the prognosis about recovery including the expected timescale for a return to work
- what support the employee needs to enable him/her to make a successful return to work
- whether the employee has a disability in accordance with the Equality Act 2010 and whether any reasonable adjustments can be made to support their return
- the impact of the absence on the school's operations including the ability to cover the work and the costs.

After considering any advice from the Occupational Health Service or other health professionals, along with the discussion at the meeting, a decision will be taken as follows:

- either to extend the review period
- to embark on a phased return to work
- that no further action is needed as the employee is returning to work
- to consider if other suitable work may be available within the school
- explore eligibility for ill-health retirement

If the review concludes that a return to work is not possible at this point or within a reasonable timescale, a final attendance notification may be issued advising the employee of the risk of dismissal on the grounds of ill-health. This will remain on the employee's record for a period determined at the meeting and will usually be for a period of 6 - 12 months. The employee will have the right of appeal against this decision within 10 working days.

The person conducting the meeting will write to notify the employee of the outcome of this review within three working days.

The decision to dismiss an employee on long-term sick leave will only be taken once all other options have been considered. However, where medical advice is that an employee is permanently unable to return to work or there is little prospect of them returning within a reasonable length of time (usually three months) a formal hearing will be convened and the facts of the case will be fully examined. The hearing may result in dismissal.

Stage four - formal hearing by a panel of the relevant body

In circumstances where an employee continues to have unacceptable levels of sickness absence and where all

other options have been fully explored, a formal hearing will be convened and the case examined by a panel of three members of the relevant body. This hearing could result in dismissal.

The employee will be invited to attend the hearing and given at least five working days' written notice. The written notification will give details of the time and place of the meeting and will advise the employee of their right to be accompanied by a trade union representative or work colleague. If the employee is not well enough to attend the hearing in person, they may elect to be represented and/or to provide a written submission. If the employee has special needs regarding transport or location these will be given favourable consideration.

The head teacher or line manager will present the recommendation to the panel.

A HR adviser may attend the meeting to advise the Relevant Body.

Prior to the meeting the employee and members of the panel will be given copies of any relevant written information that will be used to consider the decision. This will normally include:

- A report summarising the ill health record and the sequence of events leading up to the decision to convene the formal hearing
- A chronology of key issues/events relating to the health of the employee
- Details of any adaptations, adjustments or support that have been put in place with relevant dates
- Advice and opinion from the Occupational Health Service this may include advice on likely eligibility for ill-health retirement
- Notes of any meetings that have been held with the employee
- Details of any consideration given to redeployment including outcomes
- Summary of the impact of the absence on the school
- Copy of this procedure

The employee will be invited to submit additional medical evidence, if they wish.

The employee (and/or his/her representative) and the head teacher or line manager will be given the opportunity to put forward their case, and to question each other.

The possible outcomes from this hearing are:

- for absence to remain under review
- a return to work is planned or
- the employee is dismissed with appropriate notice
- where appropriate, make a decision with regard to ill-health retirement.

Once the decision to dismiss has been taken, the Relevant Body will dismiss the employee with notice.

The right of appeal

Employees have the right to appeal against the decision to dismiss them, or any other formal action and may do this by setting out their grounds of appeal in writing within ten working days of the decision.

Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The employee will have the right to be accompanied by a trade union representative or work colleague.

The appeal will be dealt with impartially and, wherever possible, by managers or members of the Relevant Body who have not previously been involved in the case. Appeals against attendance notifications, before a decision to dismiss, may be heard by a senior manager or an individual governor who has not been previously involved with the case.

Appeals against the decision to dismiss taken by a panel of the relevant body will be heard by an appeal panel made up of at least the same number of people from the relevant body.

Appeals should normally be restricted to considering the reasonableness of the decision made, any relevant new evidence or any procedural irregularities.

Where an appeal is upheld the matter should be referred back to the head teacher or person conducting the procedure to be reconsidered or for further appropriate action.

Where attendance continues to be monitored, this should not be halted while an appeal is pending.

The employee will be informed in writing of the results of the appeal hearing within three working days of the date of the hearing.

Ill Health Retirement

Members of the Teachers' Pension Scheme

If the employee is a member of the Teachers' Pension Scheme and applies with the support of the Occupational Health Service to the pension scheme for early retirement on grounds of ill health then, following discussion, this process will usually be considered first and other action held until the outcome of the application is known. If the application is successful the effective date of early retirement will be agreed with the teacher and employment will end.

If a teacher's application for early retirement on the grounds of ill-health is not successful then other options including dismissal on the grounds of incapability through ill health will be considered and the procedure set out above will be followed.

The role of Occupational Health

Where ill health is impacting on an employee's attendance or performance, they may be referred to the school's Occupational Health Service at any time so that the school can obtain advice. A written report will be provided by Occupational Health and this will be shared with the employee.

A referral to Occupational Health will also normally be made when an employee:

- has been continuously absent for one month
- where ill-health may be work related e.g. stress or injury
- where persistent short term absence is causing concern

A discussion will take place with the employee before the referral, to explain the reason for the referral and the

process.

Employees are required to attend Occupational Health appointments where necessary.

In order to provide full advice, the Occupational Health Service may seek to request a medical report from the employee's GP or specialist. The employee will be asked to provide their consent for Occupational Health to apply for a medical report and has the right to state that they wish to see the GP/specialist report.

Where an employee refuses to cooperate with the school's request to obtain medical advice from the Occupational Health Service, they will be advised in writing that a decision about their absence will be taken by the head teacher or line manager on the basis of the information that is available.

GP fit notes

Employees must give the school a doctor's 'fit note' if they are off sick for more than seven calendar days (including non-working days).

The fit note will say the employee is either 'not fit for work' or 'may be fit for work'.

Where the GP states 'may be fit for work', they may suggest ways of helping the employee get back to work such as a phased return, modified duties or working hours. The head teacher or line manager will meet the employee to discuss possible options with the aim of reaching an agreed return to work plan and wherever possible, accommodating the GP's recommendations.

The fit note recommendations are not binding on the employer and the employee will be treated as 'not fit for work' if the school, having fully explored the suggested modifications, finds it is not possible to accommodate them.

The school will ask the employee to fill in a 'self-certificate' for absence up to seven calendar days.

Monitoring and recording sickness absence

The school operates a confidential system for recording all sickness absences and will record start and end dates of all absences promptly on the school's payroll system.

Keeping in touch during periods of absence

Regular contact between the employee and head teacher or line manager is crucial during periods of sickness absence. It is particularly important where employees are absent for a long period of time as returning to work can be daunting.

The frequency and manner of contact should be agreed between the head teacher or line manager and the employee at the outset e.g. weekly or fortnightly phone calls.

Home visits or meetings at a neutral venue may be appropriate where the employee is unable or would prefer not to meet at their normal work place. Any senior manager visiting an employee's home may be accompanied by another manager or an HR Adviser.

There an employee is admitted to hospital or medical advice states they are not well enough to have contact

with their manager, the head teacher/line manager will seek to maintain contact with a representative nominated by the employee such as a trade union representative or relative.

Return to work interviews

The head teacher or line manager will normally speak with an employee on their return to work, after any episode of absence.

The purpose of the conversation is to:

- welcome the employee back to work and update them on work matters
- ensure the employee is fully recovered, establish whether there are any on-going health or wellbeing issues that may lead to further absences and identify any support that may be required
- consider any adjustments that could support the employee's recovery and attendance
- review their sickness absence record for the last 12 months and decide if any further action or review meetings should be held in accordance with the procedures set out in this document.

In cases of long term absence, a meeting prior to the expected return to work date may be helpful to agree a return to work plan to support reintroduction to the workplace.

Phased return to work

Where an employee has had a serious illness and/or has been absent for a long period, the GP or Occupational Health Service may recommend a phased return. This allows a gradual build-up of working hours and/or duties, normally over a period of up to four weeks. This will be supported by the school where the recommendations are reasonable and practical.

Normal pay will not be affected during this period. Phased returns may be extended by up to an additional two weeks in exceptional circumstances.

If a longer temporary period of reduced hours or change to duties is recommended by a medical practitioner, this will normally be considered, particularly if agreed as a reasonable adjustment for a disabled employee. If these measures can be accommodated by the school, the changes will normally involve agreeing with the employee a variation to their contract of employment i.e. a reduction in working hours. Normal pay may be affected by such changes.

If a permanent change of duties or hours of work is recommended by a medical practitioner, this will normally be considered, particularly if agreed as a reasonable adjustment for a disabled employee. If the school is able to accommodate these changes they will discuss them with the employee and amend their contract of employment where appropriate.

Annex 1 - Sick pay entitlement for Support Staff employed on NJC Green Book terms and conditions

- During the first year of service: up to one month's full pay and (after completing four months' service) two months' half pay
- During the second year of service: up to two months' full pay and two months' half pay
- During the third year of service: up to four months' full pay and four months' half pay
- During the fourth and fifth years' of service: up to five months' full pay and five months' half pay
- After five years' service: Up to six months' full pay and six months' half pay

The school is responsible for paying Statutory Sick Pay (SSP) to employees absent on sick leave in accordance with Department of Work and Pensions regulations.

In the case of full pay periods, sick pay will be an amount which when added to Statutory Sick Pay (or Incapacity Benefit where payable) will secure the equivalent of normal pay.

In the case of half pay periods, sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay (or Incapacity Benefit where payable) so long as the total sum does not exceed normal pay.

If an employee is sick as a result of an accident for which a third party is liable to pay damages, the employee will not be entitled to sick pay but may receive an equivalent amount of pay which must be refunded when damages are received.

Annex 2 Sick Leave and Pay Entitlement for Teachers

(Extract from Teachers Pay & Conditions – Burgundy Book Sick Pay Scheme for Teachers - Revised Edition August 2000)

Sick leave and pay

Provided the appropriate conditions are met, a teacher absent from duty because of illness (which includes injury or other disability) shall be entitled to receive in any one year sick pay as follows:

During the first year of service	Full pay for 25 working days and after completing four calendar months' service, half pay for 50 working days
During the second year of service	Full pay for 50 working days and the half pay for 50 working days
During the third year of service	Full pay for 75 working days and then half pay for 75 working days
During fourth and subsequent years	Full pay for 100 days and half pay for 100 working days