

Learning Link Multi-Academy Trust (LLMAT)

Sickness Absence Policy

(January 2019)

Policy: Sickness Absence

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Sickness absence policy

1. About this policy

- 1.1 This Sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.2 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.3 We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.
- 1.4 This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 1.5 Any information you provide to us about your health will be processed in accordance with our Data Protection Policy. We recognise that such data is sensitive and will handle it in a confidential manner.

2. Personnel responsible for this policy

- 2.1 The Trustees have overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the individual academies.

3. Disabilities

- 3.1 We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out in paragraph 12 of this policy), particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- 3.2 If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform your line manager.

4. Sickness absence reporting procedure

- 4.1 Employees should report sickness absence to their line manager or other nominated person as soon as possible on the first day of absence, before the normal starting time (or the time agreed within the school) on the first day of absence. This should be done in person and not by a third party unless the employee is incapacitated.
- 4.2 If an answerphone message is left with the school office, this should state the following:
 - (a) Name;
 - (b) Brief reasons for absence;
 - (c) Likely return date (important in order to determine cover arrangements);

- (d) Details of work set for each class (where this is possible, depending on the nature of the illness);
 - (e) Details of any outstanding work to be done (in the case of non-teaching staff) and;
 - (f) A return contact telephone number.
- 4.3 The office will inform the line manager and LLMAT (or representative) using LLMAT sickness absence notification form.
- 4.4 From the first day until the end of the absence the member of staff in charge of cover arrangements must ensure that classes are covered and heads of department must ensure that work is set, marked and recorded and other management tasks re-allocated.
- 5. Evidence of incapacity**
- 5.1 For sickness absence of up to seven calendar days, employees must self-certify any sickness absence.
- 5.2 For absence of more than a week you must obtain a certificate from your doctor (a "Statement of Fitness for Work") stating that you are not fit for work and the reason(s) why. This should be forwarded to the school office as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.
- 5.3 If your doctor provides a certificate stating that you "may be fit for work" you should inform LLMAT immediately. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return-to-work interview (see paragraph 10). If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.
- 5.4 Where we are concerned about the reason for absence, or frequent short-term absence, we may require a medical certificate for each absence regardless of duration. In such circumstances, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.
- 6. Unauthorised absence**
- 6.1 Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.
- 6.2 Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.
- 6.3 If you do not report for work and have not complied with the notification requirements, you may be contacted by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.
- 7. Sick pay**
- 7.1 You may be entitled to Statutory Sick Pay (SSP) if you satisfy the relevant statutory requirements. Qualifying days for SSP are Monday to Friday, or as set out in your employment contract. The rate of SSP is set by the government in April each year. No SSP is payable for the first three consecutive days of absence. It starts on the fourth day of absence and may be payable for up to 28 weeks. If you are not eligible for SSP or if your SSP entitlement is coming to an end we will give you a form SSP1 telling you the reasons.
- 7.2 Any additional entitlement to sick pay will be detailed within your contract of employment.

7.3 If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, you must immediately notify the school office of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, you must co-operate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.

7.4 Any employer and employee pension contributions will continue subject to the relevant scheme rules during any period of contractual sick pay or SSP.

8. Keeping in contact during sickness absence

8.1 If you are absent on sick leave you should expect to be contacted from time to time in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.

8.2 If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager at any time.

9. Medical examinations

9.1 We may, at any time in operating this policy, require you to consent to a medical examination by a relevant medical professional.

9.2 You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.

10. Return-to-work interviews

10.1 If you have been absent on sick leave we will arrange for you to have a return-to-work interview with your line manager.

10.2 A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.

10.3 Where your doctor has provided a certificate stating that you "may be fit for work" we will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.

11. Returning to work from long-term sickness absence

11.1 We are committed to helping members of staff return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see paragraph 12), we will, where appropriate and possible, support returns to work by:

- (a) obtaining medical advice;

- (b) making reasonable adjustments to the workplace, working practices and working hours;
 - (c) considering redeployment; and/or
 - (d) agreeing a return-to-work programme with everyone affected.
- 11.2 If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract and/or any insurance schemes we operate.
- 12. Sickness absence meetings procedure**
- 12.1 We may apply this procedure whenever we consider it necessary, including, for example, if you:
 - (a) have been absent due to illness on a number of occasions;
 - (b) have discussed matters at a return-to-work interview that require investigation; and/or
 - (c) have been absent for more than ten continuous days.
- 12.2 We will give you reasonable notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.
- 12.3 You may bring a companion with you to the meeting (see paragraph 13).
- 12.4 You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform your line manager who will seek to agree an alternative time.
- 12.5 A meeting may be adjourned if your line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 12.6 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing following a sickness absence meeting.
- 12.7 If, at any time, your line manager considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.
- 13. Right to be accompanied at meetings**
- 13.1 You may bring a companion to any meeting or appeal meeting under this procedure.
- 13.2 Your companion may be either a trade union representative or a colleague. Their details must be given to the manager conducting the meeting, in good time before it takes place.
- 13.3 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.

13.4 We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.

13.5 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

14. Stage 1: first sickness absence meeting

14.1 The purposes of a first sickness absence meeting may include:

- (a) Discussing the reasons for absence.
- (b) Where you are on long-term sickness absence, determining how long the absence is likely to last.
- (c) Where you have been absent on a number of occasions, determining the likelihood of further absences.
- (d) Considering whether medical advice is required.
- (e) Considering what, if any, measures might improve your health and/or attendance.
- (f) Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure.

15. Stage 2: further sickness absence meeting(s)

15.1 Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. The purposes of further meeting(s) may include:

- (a) Discussing the reasons for and impact of your ongoing absence(s).
- (b) Where you are on long-term sickness absence, discussing how long your absence is likely to last.
- (c) Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- (d) If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- (e) Considering your ability to return to/remain in your job in view both of your capabilities and our operational needs and any adjustments that can reasonably be made to your job to enable you to do so.
- (f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
- (g) Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a return-to-work programme.
- (h) If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.

- (i) Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.

16. Stage 3: final sickness absence meeting

16.1 Where you have been warned that you are at risk of dismissal, we may invite you to a meeting under the third stage of the sickness absence procedure. The purposes of the meeting will be:

- (a) To review the meetings that have taken place and matters discussed with you.
- (b) Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
- (c) To consider any further matters that you wish to raise.
- (d) To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
- (e) To consider the possible termination of your employment.

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

17. Appeals

17.1 You may appeal against the outcome of any stage of this procedure and you may bring a companion to an appeal meeting (see paragraph 13).

17.2 An appeal should be made in writing, stating the full grounds of appeal, within one week of the date on which the decision was received by you.

17.3 Unless it is not practicable, you will be given written notice of an appeal meeting within one week of the meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.

17.4 You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.

17.5 Where practicable, an appeal meeting will be conducted by a manager senior to the individual who conducted the sickness absence meeting.

17.6 Depending on the circumstances, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.

17.7 The final decision will be confirmed in writing, if possible within one week of the appeal meeting. There will be no further right of appeal.

17.8 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.