



MANAGEMENT OF SICKNESS ABSENCE (Staff)

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| 1.1 | 2/2.3 | Added reference to changes in employees being noted. | 07.2020 |
| | 2/2.7, 2.8 | Addition of Office Manager roles | |
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| | 3/3.9-3.11 | Additional reference to issues around menopause | |
| | 3.9/p.3 | Amended to include 'personal health and wellbeing' | |
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| | 5/6.4 | Inclusion of 'menopausal' | |
| | 7/10.2 | Addition of need to make adjustments where a disability impacts on attendance | |
| | 12/11.8 | Paragraph extended to include reference to breaks in the pattern and reinstatement of procedure over time | |
| 1.3 | 1/1.1 | Amended to allow reference to Staffing Policy Statement | 30.06.2022 |
| | 1/1.5 | Addition of reference to monitoring absence. | |
| | 1/2.1 | Addition of CEO responsibilities | |
| | 2/3.2 | Added reference to employees during probationary period | |
| | 3/4.1 | Added section on sickness absence monitoring | |
| | 4/7.6.1 | Reference to part-time return | |
| | 9/11 | Amended details of appeals, linking to Staffing Policy Statement. | |
| 1.4 | 3/3.5 | Amended to outline new electronic format for return to work form | 15.06.2023 |
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1. Introduction

- 1.1. This Sickness Absence Procedure should be read and applied in conjunction with OWN Trust's Staffing Policy Statement.
- 1.2. OWN Trust recognises its responsibility for the health, safety and welfare of its employees. This Sickness Absence Procedure sets out the process for reporting sickness absences and for the management of sickness absences in a fair and consistent way. This procedure places emphasis on proactive support for staff in the event of ill health difficulties.
- 1.3. 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).
- 1.4. 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. OWN Trust has standards for attendance for employees, as it does for pupils, and measures will be taken to monitor and respond to actual and potential problems.

2. Management Responsibilities

- 2.1. It is the responsibility of the Chief Executive Officer (CEO) and all levels of management to ensure acceptable levels of attendance are achieved and to raise awareness of the effect of sickness absence levels on the quality and continuity of teaching and learning and other aspects of the effectiveness of the work of OWN Trust
- 2.2. Senior managers and line managers have a clear obligation placed on them to identify and address problems in the work environment and/or job factors that may be contributing to staff absence.
- 2.3. In normal circumstances, Managers with authority to conduct sickness absence related meetings are as follows:

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|---|--------------|
| Return to work interviews – | Line Manager |
| Informal sickness absence meetings – Manager | Line |
| Stage 1 meeting (and review other manager’s stage 1 decision at appeal) – Leader | Senior |
| Stage 2 meeting | Headteacher |

3. Employee Responsibilities

- 3.1. Employees must attend work when fit to do so.
- 3.2. All Employees must follow the Notification of Sickness Absence procedures This includes employees who are in a Probationary period. :
- 3.3. An employee who is prevented by illness or injury from reporting for duty shall personally notify their direct line manager (or School Office Manager) as soon as possible by telephone as early as possible on the first day of absence. The following details should be provided:
- a) The nature of the employee’s illness/injury.
 - b) The expected length of absence from work.
 - c) Current contact details.

d) Any outstanding or urgent work that requires attention.

- 3.4. If an employee does not report for work, and has not explained the reason for absence, then the employee should expect to be contacted by telephone, email, letter or text during the period of absence by the employee's line manager, who will want to enquire after the employee's health and be advised, if possible, as to the employee's expected return date. This must not be treated as a substitute for reporting sickness absences. An absence that has not been notified in accordance with the sickness absence reporting procedure will be treated as an unauthorised absence.
- 3.5. All employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven days. The self-certification form is an electronic form and a link to the form can be obtained from your line manager. This must be completed immediately on return to duty and once submitted will be returned to your Line Manager .
- 3.6. A medical certificate (a 'Statement of Fitness for Work' hereinafter called a 'Fit Note') must be provided from the EIGHTH day of absence (including Saturdays and Sundays). This should be provided to the line manager as soon as possible and, if absence continues further, Fit Notes should be provided to cover the whole period of absence. Failure to do so may result in non-payment of sick pay (where applicable) and/or disciplinary action if appropriate.
- 3.7. Employees must continue to submit Fit Notes during Academy closure periods.
- 3.8. The Trust may take a copy of the Fit Note for their records and return the original copy to the employee.
- 3.9. An employee shall, if required at any time, attend an Occupational Health (OH) or other medical appointment/examination by a registered medical practitioner nominated by the Trust.
- 3.10. Employees should inform their line manager if they are experiencing any difficulties in the workplace due to personal health and wellbeing so that this can be discussed and support identified and as well as any other action points e.g. a referral to Occupational Health. Early notification will help line managers to determine the most appropriate course of action to support an employee's individual needs.
- 3.11. There may be some instances where the employee may be reluctant to discuss this with their line manager because of the nature of their condition e.g. menopause. Where employees who do not wish to discuss the issue with their direct line manager, they may find it helpful to have an initial discussion with a trusted colleague or another manager instead or a trade union representative, if there is one in the workplace.

- 3.12. It is recognised that female employees may need support and adjustments at work before the menopause (known as the perimenopause) as well as during and after the menopause and they are encouraged to raise this as outlined in 3.9. It is understood that the menopause and perimenopause is an individual experience. Therefore, the age a female employee experiences symptoms can vary significantly as well the type of symptoms, severity of symptoms as well as the adjustments required. In addition, a trans man - someone who proposes to go through, is going through or has gone through a process, or part of a process, to change their gender from woman to man - may go through perimenopausal and menopausal symptoms. Early menopause can also take place following certain surgery or health conditions.

4. Sickness Absence Monitoring

- 4.1. Levels of sickness absence will be monitored. The average number of working days lost due to sickness per full-time equivalent employee will be recorded and areas where the work of the Trust, in particular the continuity of teaching and learning, is being affected by absence levels will be identified. This will include a breakdown of total absence into long-term and short-term absence (normally more than [\[28\]](#) days) and reasons for absence. The information will be reported to the Trustees on an anonymised basis.

5. Reimbursement of Cost of Doctors' Statements.

- 5.1. Where the Trust requires a medical certificate ('Fit Note') from an employee, the Trust shall, on provision of a receipt, reimburse the employee if a charge is made for the Fit Note.

6. Illness or Injury Arising from Work

- 6.1. Any accident arising out of, or in the course of, employment with OWN Trust 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 Trust.
- 6.2. Where an employee seeks medical advice about an illness that 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 Manager at the first opportunity.
- 6.3. 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 Trust.

7. General Return to Work Arrangements

- 7.1. If the employee returns to work with a Fit Note which states 'may be fit for work', the employee should notify their line manager 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 doctor's advice.
- 7.2. Consideration will be given as to how the advice impacts the employee, the job, the workplace, service delivery, pupils and colleagues. The doctor's comments, any of the return to work tick boxes and any other action that could facilitate a return to work will be considered with due regard to the Equality Act 2010. Options may include:
 - phased return to work;
 - altered hours;
 - amended duties;
 - consideration of redeployment;
 - workplace adaptations;
 - other reasonable adjustments.
- 7.3. 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 doctor, the employee will remain on sick leave and will not normally need to return to their doctor to obtain a revised Fit Note unless this is required in the circumstances. A review date will be set.
- 7.4. Consideration will be given as to whether a risk assessment is required to ensure the health and safety of the employee in light of the reason for their ill health, for example a stress, ergonomic, menopausal or more general risk assessment may be required.
- 7.5. The employee may return to work before the expiry of a Fit Note without going back to see their doctor, even if their G.P has indicated that they need to assess them again. This will not breach OWN Trust's Employer's Liability Compulsory Insurance, providing a suitable risk assessment has taken place if required.
- 7.6. Phased Returns
 - 7.6.1. Where an employee returns to work on a part-time basis, following long-term sickness absence, with the expectation that they will be able to work their full contractual hours (or other such amended contractual hours as agreed) within a reasonable period of time, then, in accordance with medical advice provided by the Occupational Health doctor or the Fit for Work service, the following arrangements will normally be made in relation to pay:

- Where the employee has exhausted their sick pay entitlement, the salary payment made will be based on the number of hours worked during the phased return.
- Where the employee has not exhausted their sick pay entitlement, the employee will be paid in accordance with the number of hours worked, or the occupational sick pay entitlement that would be payable if the employee remained off work due to sickness absence, whichever is the greater amount.

8. Unauthorised Absence/False Information

- 8.1. Unauthorised absence will be dealt with under the Disciplinary Procedure and could result in disciplinary action which may include dismissal.
- 8.2. The provision of any false information will be dealt with under our Disciplinary Procedure and could result in disciplinary action, which may include dismissal.

9. Informal Procedure

9.1. Return to Work Discussion

- 9.1.1. The line manager will normally have a discussion with the employee on their return from a period of sickness absence. The purpose of this discussion is to determine the reason for the absence and, where appropriate, offer assistance and support. It is also an opportunity to identify any difficulties that the employee is experiencing in carrying out the duties of the post and gives the employee an opportunity to raise any concerns or questions and bring any matters to the line manager's attention. The return to work discussion should be held in private as soon as possible after a period of sickness absence, though it need not be long. When a note of the matters discussed at the meeting is made to record any action points, the employee will be provided with a copy.

9.2. Informal Sickness Absence Meetings

- 9.2.1. Informal sickness absence meetings may be arranged with employees whenever it is considered necessary including, for example, if an employee has had:

- a total of 7 working days absence within 1 term
- 10 working days within 3 terms
- 3 occasions of absence within 1 term; or
- unacceptable patterns of absence

9.2.2. Adjustments may need to be considered where the employee is considered to have a disability that is impacting upon their attendance and Occupational Health can advise further although it is for the manager to decide what adjustments are reasonable. Certain conditions are recognised as a disability such as cancer, HIV, MS as Occupational Health can advise if other conditions are likely to be covered e.g. migraines, menopause.

9.2.3. In preparation for the meeting the line manager may, when appropriate:

- consider the Trust's statistical data on levels and types of sickness absence for all staff to ensure consistency;
- confirm that an unsatisfactory level of attendance has been reached, depending on the circumstances, or that the record shows a pattern of absence or some other factual data which identifies the cause for concern;
- consider the job description and the impact of the absences on other employees and the work of the Academy and the Trust.

9.2.4. The purpose of the meeting is to agree a way forward, any action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure if this is required.

9.2.5. The line manager will, in normal circumstances, use the Sickness Absence Meeting Proforma at Appendix A as the agenda for the meeting and will record salient points. The employee will be given a completed signed copy after the meeting.

9.3. There is no entitlement for the employee to be accompanied by a Companion at an informal sickness absence meeting. A note taker may be present but that will not normally be necessary.

9.4. Monitoring Period following Informal Sickness Absence Meeting

9.4.1. After conducting a sickness absence meeting, the line manager will review or monitor the employee's attendance for a further period, normally this will be for a period of not less than one month and no longer than three months. Further meetings may take place during the monitoring period if there are further instances of sickness absence.

9.4.2. The line manager will:

- assess the employee's absence record and its impact;
- attempt to establish reasons for any ongoing absence/s;
- offer any assistance to the employee (e.g. Occupational Health, Employee Assistance/Counselling);

- consider what, if any, measures might improve the employee's health and/or attendance to support the employee and improve the employee's attendance record.

9.4.3. During the monitoring period the Headteacher/line manager may require that any period of absence is covered by a medical certificate (Fit Note). If the employee has a fit note which states 'may be fit for work', the process in 6.2 will also be followed. If the suggested support cannot be reasonably accommodated in order to facilitate the employee's return to work, a decision may be made to move to the formal part of the procedure.

9.4.4. Where the line manager is of the view that the employee's attendance has not improved to an acceptable level after the review period, the line manager should inform the employee that the issue will:

- be referred to Stage 1 of the formal procedure. A letter requiring attendance at a Stage 1 meeting will be sent to the employee; or
- if there are exceptional circumstances and it is appropriate to do so, extend the review period.

10. Formal Procedure

10.1. There are two stages in the formal process. The type of case (i.e. short or long-term absence) will determine the need to move either through the stages (short-term absence), or, in some circumstances, directly to Stage 2 (long-term absence). The procedure can end at any point in the process if there is a sustained improvement. If further unacceptable periods of absence arise within 12 months of a Stage 1 meeting being held, the procedure may resume at Stage 2.

10.2. Stage 1 Meeting

10.2.1. A stage 1 meeting constitutes a formal meeting and should be arranged in accordance with OWN Trust's Staffing Policy Statement.

10.2.2. At the Stage 1 meeting the appropriate manager will explain the purpose of the meeting. The following points are by way of guidance only:

- Discuss the reasons, including any underlying causes for the employee's absence;
- Explain how the employee's attendance has been assessed as unacceptable and the effect on teaching and learning, service delivery and colleagues;
- Review the results of the informal procedure, including any measures taken to support the employee so far. Include any reasonable adjustments if appropriate, any work related issues and consider the content of any medical reports and advice received;

- Discuss the likelihood of further absences, if absent on a number of occasions or how long the absence is likely to last, if absent on long-term sickness absence;
- Seek agreement from the employee for a referral to Occupational Health if this is required and/or appropriate in the circumstances;
- Consider the employee's ability to return to/remain in their job in view both of their capabilities and the School or Trust needs and any adjustments that can reasonably be made, if appropriate, to their job to enable them to do so;
- Consider possible redeployment opportunities and whether any adjustments can reasonably be made, if appropriate, to assist in redeploying the employee;
- Where the employee is able to return from long-term sick leave, whether to return to their job or a redeployed job if possible and/or appropriate, agreeing on a return to work programme;
- Give the employee and/or any Companion the opportunity to explain any mitigating circumstances;
- If appropriate, inform the employee that they may wish to consult their pension scheme provider with regard to ill health benefits;
- Discuss the way forward and determine an action plan that clearly identifies:
 - The improvements necessary to achieve satisfactory levels of attendance;
 - The timescale for improvement;
 - How attendance will be measured/monitored;
 - Any additional support/training to be provided; and
 - The review period, (normally one month and no more than three months);

10.2.3. When confirming the outcome of the stage 1 meeting, the appropriate manager will include:

- a)** The action plan
- b)** The improvements required and the likely consequences of further absence during the review period (stage 2 meeting)
- c)** Right of appeal

10.3. Stage 1 Review Period

10.3.1. The appropriate manager will ensure that during the review period the employee's attendance is closely and objectively monitored. Normally, if practicably possible, weekly

supervision meetings will be held between the employee and the appropriate manager to ensure:

- Effective monitoring;
- Appropriate support is given to the employee;
- Positive feedback is given where possible; and
- If further periods of non-attendance are identified, the reasons are discussed.

10.3.2. Notes of the monitoring process will normally be kept in the employee's file and a copy provided to the employee. The notes may be referred to during Stage 2 of the procedure.

10.4. Stage 1 Review Period Evaluation

10.4.1. If, at the end of the review period, the employee's level of attendance has improved to acceptable standards, no further action will be taken under this procedure, unless an acceptable level of attendance is not sustained during the next 12 months.

10.4.2. The decision to take no further action will be confirmed by the appropriate manager in writing, normally within 5 working days of the end of the review period. This letter will also confirm that the improved attendance must be sustained consistently during the next 12 months and explain that if there are further unacceptable periods of absence the Sickness Absence Procedure may be invoked at Stage 2. A copy of this letter will be kept on the employee's personnel file for 12 months.

10.4.3. If, at the end of the review period, the employee's attendance has not improved to acceptable standards then:

- the issue will be referred to the Headteacher under Stage 2 of the procedure; or
- in exceptional circumstances, if appropriate, the review period will be extended.

10.4.4. 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 Stage 2 Meeting.

10.5. Stage 2 Meeting

10.5.1. A stage 2 meeting constitutes a formal meeting and should be arranged in accordance with OWN Trust's Staffing Policy Statement.

10.5.2. The Headteacher will conduct the meeting (with advice from an HR Adviser where necessary) and may, by way of guidance only:

- Explain the purpose of the Stage 2 meeting
- Ask the appropriate manager to outline:
 - the ways in which the employee has been assessed as not meeting the expected levels of attendance due to ill-health;
 - the process so far under the sickness absence procedure;
 - any opportunities for return or redeployment that have been identified and where identified, the outcome of discussions with the employee
- review, as appropriate:
 - levels of attendance expected;
 - notes of the formal Sickness Absence meetings, records of home visits or other meetings plus any other information relating to the informal action taken;
 - the previous monitoring of attendance and steps taken under any appropriate action plans;
 - medical advice received from Occupational Health or other medical specialists; and
 - measures taken by management to support the employee, e.g. reasonable adjustments if applicable
- discuss with the employee and their companion whether the employee has been assessed as achieving the required improvements in attendance;
- review the effect of the unsatisfactory level of attendance on teaching and learning, service delivery and work colleagues;
- explore, as appropriate, the potential for the employee to achieve a sustained improvement in attendance;
- give the employee and/or their companion opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances.

10.5.3. In circumstances where the Headteacher has assumed the role of the appropriate manager at an earlier stage or does not have delegated power of dismissal, a Governor/Committee of Governors will assume the role of the Headteacher as set out above.

10.6. Stage 2 Decision

10.6.1. Following the discussions, the Chair of the stage 2 meeting will adjourn the meeting to consider the options available including, without limit and for guidance only:

- to take no further action under the procedure;
- to set a further/final review period to allow for additional monitoring and/or additional management support. A further Formal Stage 2 meeting may be held at the end of this review period. If attendance is not satisfactory by that time, then the employee may be dismissed; If, at the end of this review period, the employee's level of attendance has improved to acceptable standards, no further action will be taken under this procedure, unless an acceptable level of attendance is not sustained during the next 12 months. If there are further unacceptable periods of absence the Sickness Absence Procedure may be invoked at Stage 2. A copy of the letter outlining this will be kept on the employee's personnel file for 12 months.
- to dismiss the employee for lack of capability due to ill-health, ensuring that alternative work options have already been explored or will be explored during the employee's notice period, that there is no prospect of their return within a reasonable timeframe, or that they will be able to achieve or sustain their attendance.

11. Right of Appeal

11.1. An employee has the right to appeal against decisions reached at stage 1 and stage 2, in accordance with OWN Trust's Staffing Policy Statement.

11.1.1. Stage 1 Appeals

11.1.1.1 Appeals against stage 1 decisions should be submitted to the Headteacher

11.1.1.2 Appeals against Stage 1 decisions will be heard by the Senior Leader/Headteacher. The outcome may be to:

- Dismiss the appeal, i.e. the decision to progress to stage 2 remains in force
- Refer to a lower stage in the formal process and/or
- Reduce standards of attendance or targets set in the action plan; drop the formal process.

11.1.2. Stage 2 Appeals

11.1.2.1 Appeals against stage 2 decisions should be submitted to the Governance & Compliance Manager

11.1.2.2 Appeals against stage 2 decisions will be heard by the Boards of Trustees. The outcome may be to:

- uphold the appeal (i.e. to reinstate the employee); and/or
- Issue a lesser level of management action, e.g. to:
 - drop the formal process;
 - refer to a lower stage in the formal process; and/or
 - reduce standards of attendance or targets set in the action plan; or
 - dismiss the appeal, i.e. the decision to dismiss remains in force.

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Appendix A – Sickness Absence Meeting Record

This is the management record of a meeting held under paragraph 10 of the Sickness Absence Policy and Procedure. It is strictly confidential. It will be held on the employee's personnel file until such time as the employee's attendance is wholly satisfactory and for 12 months thereafter. The record may be accessed and referred to by those with authority to manage the informal and formal stages of the Sickness Absence Policy and Procedure. A Sickness Absence meeting is not part of the formal procedure and there is no entitlement for the employee to be accompanied or represented. The meeting will be held in private.

| | | |
|---|-----------------------|--|
| Employee name: | | |
| Length of Service: | | |
| Date of meeting: | | |
| Interviewing Manager: | | |
| Details of Sickness Absence | | |
| Period of Absence | Number of days Absent | |
| Reason(s) for Absence | | |
| <p>Is absence related to a known or possible disability under the Equality Act? Has there been consideration of whether the 'trigger point' relating to days absence should be extended, or if the sickness absence policy should otherwise be modified?</p> <p>Yes: <input type="checkbox"/> No: <input type="checkbox"/></p> <p>if yes – details of medical evidence must be attached</p> | | |

Details of Meeting

Key Points discussed

Welcome and update, if necessary, on work events and changes

Reasons for absence – underlying medical condition?

The value of your contribution

The impact of absence on teaching and learning, service delivery and colleagues. How your work has been covered in your absence.

Are you fully recovered and able to resume full duties? Yes. No.

☐☐

If your view is "no" then action plan should consider:

- Referral to Occupational Health (OH)
- Temporary adjustments which can reasonably be accommodated?

Action Plan

The objective is that attendance will be satisfactory to the employer. Is there anything we can do to improve your attendance, e.g. OH referral, counselling, a review of risk assessment, temporary or permanent reasonable adjustments to the workplace, working practices or working hours or training?

Is your absence in any way related to work?

Are you doing all you can to improve your attendance?

e.g. Act on medical advice, lifestyle choices, attention to work life balance, non-medical support e.g. counselling.

Fit note required for any period of absence during the monitoring period?

(see paras 3 and 9.4.3)

Yes No

Review

Attendance will be reviewed in

1 month. ☐ 2 months. ☐ 3 months. ☐

Date of review:

Please note that further absence during this period may, depending on the circumstances, mean that the review is held under Stage 1 of the formal procedure if appropriate.

Copy of Sickness Absence Policy and Procedure has been provided and process explained.

Yes Date: _____ No (must be provided and explained prior to a formal meeting)

Signature of Manager: _____ Date: _____

Signature of Employee: _____ Date: _____