



## Sickness Absence Policy (Staff)

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**VERSION CONTROL**

<b>Version</b>	<b>Date</b>	<b>Author/Reviewer</b>	<b>Substantive changes since the previous version</b>
DRAFT v 0.1 - v0.4	23/24	JC/DD	Reviewed and revised to reflect the planned structure of the integrated trust. Based primarily on Believe Academy Trust policy Incorporates further amendments discussed DD/JC
DRAFT v0.5	May 24	JC/DD/GB	GB comments incorporated. Consulted with staff, trade unions and trustees.
V1	Sept 24		Approved by Trust Board

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## 1. Introduction

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- 1.1 ONE Academy Trust recognises the importance of health and well-being for all employees. This is important for the individual staff member, the effective operation of the trust and the achievement of our pupils.
- 1.2 It is important that all employees understand their responsibilities with regard to reporting and managing sickness absence.
- 1.3 ONE Academy Trust will take all reasonable steps to ensure that the working environment, work demands and management processes are not detrimental to its employees' health and wellbeing. It undertakes to treat those who are unable to work due to ill health fairly, confidentially and sensitively. ONE Academy Trust expects all employees to take their mental and physical health seriously and to follow the procedures set out in this policy when reporting absence.

- 1.4 As set out in the Scheme of Delegation for ONE Academy Trust, the trustees retain powers to set human resources policies and procedures (as the legal employer to all staff), developing appropriate terms and conditions of service across the trust. The Sickness Absence Policy will be reviewed as required and any changes consulted on with the recognised trade unions.
- 1.5 This policy aims to support all parties in managing staff sickness and absence effectively and consistently, to ensure a fair and transparent approach across the trust that complies with our duties under the Equality Act 2010
- 1.6 This policy meets the requirements of:
- Data Protection Act 2018
  - Employment Rights Act 1996
  - Employment: Statutory Code of Practice
  - Equality Act 2010
  - Induction for Early Career Teachers (England)
  - The Statutory Sick Pay (General) Regulations 1982
  - School Teachers' Pay and Conditions Document (STPCD)
  - Conditions of Service for School Teachers in England and Wales (the Burgundy Book)
  - The National Agreement on Pay and Conditions for Support Staff (the Green Book)
- 1.7 It also reflects best-practice guidance set out in:
- [The Advice, Conciliation and Arbitration Service \(ACAS\)'s guidance on holiday, sickness and leave](#)
  - The Health and Safety Executive (HSE) [incident reporting in schools](#)
- 1.8 This policy reflects legislation at the time when it was last reviewed. Any changes in legislation will take precedence over anything printed in the policy.
- 1.9 This policy complies with our funding agreement and articles of association.
- 1.10 Our approach to requests for time off outside of annual leave is covered by other ONE Academy Trust policies and documents including:
- Parental Leave and Maternity Policy
  - Bereavement Policy
  - Staff Leave of Absence Policy
- 1.11 This policy does not form part of any employee's contract of employment and may be amended at any time.

## **Equality and Diversity**

- 1.12 The procedure will be operated in accordance with the Trust Equality and Diversity Policy. The Trust is committed to developing, maintaining and supporting a culture of equality and diversity in employment. The impact of the procedure will be monitored in accordance with the Equality Act 2010
- 1.13 The Board of Trustees is aware of the guidance and provisions of the Equality Act 2010 and is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments where these are deemed either necessary or appropriate. If employees need assistance or adjustments to understand and

comply with this procedure and/or attend meetings, they should contact their line manager at the earliest opportunity.

## **Definitions**

- 1.14 Unless indicated otherwise, in this policy the term 'teacher' refers to classroom teachers, middle and senior leaders, and the headteacher.
- 1.15 Throughout this policy, reference to working days refers to school days (Monday to Friday during school term time including INSET days and the normal daily working pattern of part-time staff (excluding bank holidays).

## **2. Scope**

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- 2.1 This policy applies to all staff who are employed by ONE Academy Trust. Self-employed workers, volunteers and agency workers are not covered by this policy.
- 2.2 The full process under this policy does not apply during an employee's probationary period. This will be dealt with under the Trust's Probationary Policy.
- 2.3 For the avoidance of doubt, this policy may be used concurrently with other ONE policies e.g. capability, disciplinary or grievance policies and procedures.

## **3. Improving attendance**

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### **Promoting employee welfare**

- 3.1 Employee welfare is concerned with the physical and emotional well-being of employees, helping to prevent problems arising, or if they do, helping employees cope with them as well as possible - and so minimising the impact on their work. The trust will collate and monitor absence in order to provide meaningful data to senior leaders and to inform areas for targeted wellbeing support for the workforce. Summative absence data will also be analysed and reported to the Trust Board.
- 3.2 There is a range of support available to employee's wellbeing, for example:
  - The trust's wellbeing support package
  - Teacher Support Line - a telephone service providing support, advice and counselling for teachers;
  - Occupational Health Service - medical advice via a referral process;
  - Salary sacrifice cycle to work scheme
  - Trade union representatives.
  - Flexible working practices and family-friendly policies such as part-time working and job share
- 3.3 The headteacher/line manager play key roles in promoting staff welfare, for example:
  - creating a climate in which all employees feel valued;
  - ensuring an open culture promoting open and honest discussion;
  - providing training and development to ensure employees have the necessary skills to do their job;

- organising work to motivate staff and minimise undue stress;
- looking for signs that an employee may need help and supporting and offering this;
- encouraging employees to support and help each other; and
- helping employees gain full advantage of the support available.

## **4. Employees' obligations**

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- 4.1 We encourage staff to keep an open dialogue with their line manager regarding their health to help us:
- Identify absence problems early on
  - Support staff wherever possible, including with rehabilitation and return to work
- 4.2 Employees are expected to:
- Attend for work whenever they are fit
  - Comply with the ONE Academy Trust sickness notification procedure
  - Ensure medical advice and treatment, where appropriate, is received as quickly as possible to facilitate a return to work
  - Take and follow the medical advice and treatment offered
  - Keep in regular touch (consistent with their medical condition) when absent from work and inform their line manager or nominated person of any significant developments affecting the period of absence
  - Attend medical appointments promptly and ensure that wherever possible, medical appointments are attended outside of school hours.
  - Not take part in activities whilst on sick leave that may inhibit recovery.
- 4.3 Abuse of sickness absence, including failing to report an absence or falsely claiming sick pay will be treated as misconduct or possibly fraud, under the Disciplinary Procedure and/or pay for the whole day and subsequent days' absence not notified may be stopped. Behaviour constituting a serious breach of the Trust's Disciplinary Procedure may, in extreme circumstances, be deemed as gross misconduct (see the Disciplinary Policy).
- 4.4 Procedure for reporting sickness absence
- 4.5 The procedure for reporting an absence from work is as follows:
- All school staff must follow the school's sickness absence reporting procedure. This will be communicated as part of induction and shared with staff regularly as a reminder of the school's procedures.
  - All trust central team staff should inform their line manager of their absence. Headteachers should inform the Trust HR function as well as contacting their school, it may be that a trusted member of the school (e.g. Deputy or Business/Office Manager) contact the Trust on behalf of the Headteacher..
  - If the CEO is unable to attend work due to illness/injury, they will inform the vice-CEO of a short-term absence and, additionally, the chair of the board of trustees if the absence is more than 3 successive working days.
- 4.6 The absent member of staff must state the reason for the absence and their expected date of return to work.

- 4.7 If the staff member is too unwell or otherwise unable to contact the school/their line manager, a relative or friend can contact the school/line manager on their behalf but this should be followed up by the employee as soon as possible.
- 4.8 If the absence is the result of an accident or an injury sustained at work then this information must be reported to their line manager or a senior leader as soon as possible.
- 4.9 All staff should maintain contact during their period of absence. If the period of absence is not known in advance (e.g. post-operative recovery period) this should be every week as a minimum, and staff must keep the school/trust notified as to when they expect to return to work.
- 4.10 For absences of less than 7 days, all staff are required to self-certificate. To qualify for Statutory Sick Pay (SSP) all staff must have notified their reasons for sickness absence from not later than the fourth working day of absence. This may be verbally, or in writing. Failure to do so may result in payment being deducted from the employee's salary for the period of the absence, which we would wish to avoid.
- 4.11 For absences of more than 7 calendar days, staff members must obtain a "statement of fitness for work" (fit note) from their doctor or medical professional stating that they are not fit for work and the reason(s) why.
- 4.12 The fit note must be forwarded to the headteacher, or a nominated person, to reach them as soon as possible and at least within 5 working days of the start date of the fit note.
- 4.13 If the absence continues, the staff member must obtain further fit notes to cover the whole continuous period of their absence. If there are any breaks in the 'fit note' timeline these will be treated as separate periods of absence.
- 4.14 If more than one fit note is required for any period of absence, the staff member must keep the headteacher, or nominated person, informed of developments. The headteacher, or a nominated person, is also entitled to make reasonable contact with the staff member during their sickness absence. The purpose of maintaining such contact during such period of sickness absence is to ensure that the needs of the school/trust are fulfilled, to allow the staff member to indicate if there are any ways in which the school/trust may be able to support the staff member and to give the staff member the opportunity (if they wish it) to be kept up to date with developments in the school/trust.
- 4.15 If the staff member is sick during any period of holiday, they are still required to provide fit notes.
- 4.16 The regularity of the contact during any period of sickness absence may be relaxed by the school/trust if the fit note indicates that such contact would hamper their return to work or by agreement between the staff member and the school/trust.
- 4.17 If the fit note says that the employee "may be fit for work", the individual should inform their line manager immediately. We will discuss any potential measures needed to facilitate the employee's return to work, taking into account the healthcare professional's advice. If appropriate measures cannot be taken, the employee will remain on sick leave and we will agree on a date to review the situation

## **5. Accidents/incidents at work**

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- 5.1 If a staff member is taken ill or injured while at work, they should report the incident to their line manager as soon as possible.

- 5.2 Line managers should arrange for anyone who is unwell/injured to be given permission to leave work if appropriate and to be accompanied home and/or to receive medical treatment where necessary.
- 5.3 In cases where an employee witnesses or deals with a traumatic event (e.g. a significant safeguarding incident or accident) headteachers (or the CEO in the case of headteachers/central team staff) will ensure the employee receives the appropriate level of care and support at the time of the incident and afterwards in order to protect their wellbeing. Specialist advice/support may be sought in these instances.
- 5.4 The line manager will ensure that all relevant injuries and illnesses (as defined in the RIDDOR 2013 legislation) are reported to the Health and Safety Executive. All work-related illnesses/injuries will also be recorded on an accident form for internal records.

## **6. Unauthorised absence**

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- 6.1 If a staff member does not report for work and we receive no contact from them or someone on their behalf, their line manager or a nominated person will contact them as soon as possible to:
- Make sure they are safe
  - Give them an opportunity to explain their absence
- 6.2 Employees should not treat this as a substitute for reporting sickness absence.
- 6.3 Where employees remain absent without leave and/or there are grounds to believe that they are acting dishonestly or failing to follow the procedures above, we may treat this as an unauthorised absence without pay.
- 6.4 We may deal with cases of unauthorised absence under our disciplinary procedures – see the Trust's disciplinary policy for more details.

## **7. Fit notes**

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- 7.1 For any absence that exceeds seven days (including weekends/holidays), a fit note is required to cover the remainder of the absence period. This needs to be continuous for the period of absence.
- 7.2 The fit note focuses on what the employee may be able to do at work rather than what they are not able to do.
- 7.3 An employee may receive a fit note that states they 'may be fit to return to work taking into account the following advice'. The advice may be about returning to work on a phased basis, implementing flexible working practices, temporarily amending duties or implementing workplace adaptations.
- 7.4 Consideration needs to be given to the advice provided on the fit note and this should be discussed with the employee. Advice may need to be sought from the Trust's HR Manager or Occupational Health provider. If the advice is feasible to implement with reasonable adjustments, the temporary changes should be agreed with the employee with relevant timeframes. These changes need to be reviewed regularly to ensure a successful return to work.
- 7.5 If the employee's doctor has assessed that the employee may be fit to return to work if their advice is followed, this does not automatically mean that the adjustments have to be implemented. There may be situations where the trust/school can't provide the support that would enable the employee to return to work. In these cases, the reasons for this should be



discussed with the employee and the use of the fit note is as if the doctor has advised they are 'not fit for work'.

## **8. Sickness Absence and annual leave**

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- 8.1 If an employee is taken ill during a period of annual leave, they should contact their line manager on the first day of illness to let them know they are sick. To obtain reinstatement of annual leave due to ill health, a fit note should be produced (to cover the whole absence period) within 2 weeks of the annual leave return date. If a fit note is not provided within 2 weeks of the annual leave return date, the annual leave days will not be reinstated.
- 8.2 If an employee is unable to utilise their full annual leave entitlement due to illness, employees may carry forward any outstanding leave from their statutory allowance into the following annual leave year. Alternatively, they may request to take annual leave whilst absent from work due to illness/injury. If approved by their line manager, for the annual leave requested, they will receive holiday pay as per the usual annual leave arrangements.

## **9. Keeping in touch during sick leave**

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- 9.1 Throughout the sickness absence it is important for the trust/school to keep in touch with the employee to offer any support and assistance and also to facilitate a return to work. Usually, this would be the role of the line manager (for the Trust CEO, it would be the Chair of the Trustees) although in some circumstances it may be more appropriate for it to be someone else, for example, a senior manager.
- 9.2 For employees who have a long-term absence, a monthly wellbeing review meeting with the line manager will be held. This will be held at a mutually convenient location (or via Microsoft Teams) if the employee feels too unwell to attend their workplace. At this meeting, the employee may choose to have a trade union representative or colleague accompany them.
- 9.3 In certain cases, the frequency of the wellbeing meetings may vary slightly, dependent on the individual circumstances.
- 9.4 Where an employee is admitted to hospital or medical advice states they are not well enough to have contact with their line manager, the line manager will seek to maintain contact with a representative nominated by the employee such as a trade union representative or close relative of their choice.
- 9.5 Some employees may request that their school colleagues do not contact them. Further advice is available from the Trust's HR Manager in these circumstances.

### **Considerations**

- 9.6 At the wellbeing review meeting the line manager will:
- Obtain an update from the employee about their current health and how this will impact their ability to carry out their role
  - Discuss what support they may require to aid their return to work
  - Signpost the employee to alternative support measures e.g. the Trust wellbeing services
  - Discuss whether any barriers are preventing them from returning to work and whether any support may help to remove the barriers
  - Explore the likelihood of a return to work and the timescale and

- Depending on the nature of their absence it may be appropriate to update them on work issues and happenings in school/the trust.
- 9.7 As appropriate the line manager may:
- leave the situation as it is for a period but maintain regular contact and regularly review the situation;
  - refer the employee to the Occupational Health Physician for a medical examination for those cases where the absence is likely to continue in the longer term. Advice and arrangements for this can be made by the Trust's HR Manager.
- 9.8 The line manager should document the main points of the meeting and share the notes of the meeting with the employee to ensure there is a full record of the discussion and actions taken.
- 9.9 The line manager should continue to provide support and explore ways of facilitating a return to school when the employee is fit to do so. The employee should also be given the opportunity to have a colleague or trade union representative attending as support.
- 9.10 If staff have concerns while absent on sick leave, whether about the reason for their absence or their ability to return to work, they should feel free to contact their line manager.

## **10. Returning to work**

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### **Return to work discussion**

- 10.1 As part of creating a more open culture managers should offer support to staff when they return from any period of sickness absence. Evidence indicates that managers' concern for staff is a key element in reducing sickness absence levels.
- 10.2 The return to work discussion should occur as soon as the employee returns to work, ideally within 48 hours of the return but no longer than 5 working days.
- 10.3 The discussion should be confidential and held somewhere private. It should be part of the routine contact between managers and their staff - the discussion may only last a few minutes but it gives the opportunity to acknowledge that the employee has been off work and to offer them support in their return to work.
- 10.4 The return to work support should focus on the employee's welfare, their health and the reason for his/her absence e.g. is it a recurring problem? What help and support may be needed? Are there any health and safety issues? Has the employee sought the appropriate medical care and treatment? Advice should be sought from the trust's HR manager regarding any disability issues.
- 10.5 The discussion provides an opportunity to discuss any work-related issues that are causing the employee concern. There may also be personal or home-related issues. Support from the Trust wellbeing service provider, their trade union or assistance from the trust's Occupational Health provider may be appropriate.
- 10.6 This is also an opportunity to bring the employee up to date with developments within the school/trust during their absence.
- 10.7 If relevant, this discussion also provides an opportunity to review the employee's sickness absence record for the past year and make them aware if they are approaching a trigger point.
- 10.8 The return to work support is an informal discussion and is not a means of issuing the employee with a formal attendance notification.

- 10.9 A Return to Work Form should be completed during the return to work discussion for any employee who has taken time off work due to sickness absence/injury.
- 10.10 The Return to Work Form is an online form which is individual to each school. It is stored securely on the Trust's HR SharePoint. The HR Manager has access to all the completed forms for personnel support and HR data analysis. The headteacher and other delegated leaders (e.g. Business Manager) has access only to their school data. All personal data is held and managed in line with the GDPR and the trust's data protection policy and privacy notices.

## **11. Disability-related absence**

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- 11.1 We have an obligation under the Equality Act 2010 to make reasonable adjustments for staff with a protected characteristic (such as disability, pregnancy and gender reassignment) where the reasonable adjustment would remove or reduce a disadvantage the member of staff faces. In discussion with the staff member, our school/trust will consider all reasonable adjustments and provide these where possible. The Equality Act 2010 does not require absence related to an employee's disability to be automatically discounted for trigger points nor does it require an employer to retain someone indefinitely if they are frequently absent due to a disability.
- 11.2 Managers should be able to demonstrate that when counting disability-related absence towards targets in the formal policy, reasonable adjustments have been considered with regard to their absence, job functions, working practices and workplace.
- 11.3 Staff who believe they have a disability or medical condition that affects their ability to do their work should inform their line manager so that the school/trust can consider appropriate reasonable adjustments and support.
- 11.4 Where staff need time off work to attend medical appointments related to their disability that affects their work (e.g. treatment, rehabilitation and/or check-ups), the school/trust will normally allow paid time off for appointments as a reasonable adjustment. This is not guaranteed and, as such, staff should speak to their line manager about their needs.

## **12. Pregnancy-related absence**

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- 12.1 Pregnant employees may need to take time off to attend medical appointments and/or due to pregnancy-related illness, and our trust will support this. We will not count pregnancy-related sickness absence when reviewing an employee's attendance record.
- 12.2 However, if the school/trust has concerns about the reasons or lengths of absence, it reserves the right to formally investigate the nature and cause of the absence.
- 12.3 For information on maternity, adoption and parental leave entitlements, please see our Parental Leave & Maternity policy.

## **13. Medical and dental appointments**

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- 13.1 Where possible, staff should book routine medical and dental appointments outside of working hours. If this is not possible (e.g. for hospital or specialist appointments) staff should follow the procedure set out in the Staff Leave of Absence Policy.
- 13.2 Employees who choose to undertake cosmetic procedures, where there is no medical reason procedure to be undertaken, should take annual leave or unpaid leave as sick pay will not be paid in these circumstances.

## **14. Occupational health referral**

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- 14.1 The school or trust may, at any time it considers appropriate, refer an employee to Occupational Health for an assessment of:
- a. Their health
  - b. Its impact on their attendance at the school/trust
  - c. Its impact on their fitness to perform the duties required by their employment
  - d. Its impact on their ability to attend formal meetings or interviews under any trust procedure
  - e. What steps the school or trust could take to help improve their health and/or attendance
- 14.2 Employees are expected to cooperate fully where such a referral is made.
- 14.3 Before making any decision to dismiss an employee on notice under this Sickness Absence Policy and Procedure the school or trust will have referred the employee for at least one Occupational Health assessment.
- 14.4 Notwithstanding paragraph 15.2 above, if the employee decides not to engage in an Occupational Health referral the school/trust will have no option but to proceed to make decisions without the benefit of advice from Occupational Health.

## **15. Recording and monitoring absence**

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### **Recording Sickness Absence**

- 15.1 For the purpose of sickness absence recording, the school day will be classed as two sessions; morning and afternoon session. The morning session will be from the start of the working day until lunch, and the afternoon session will be from after lunch until the end of the school day.
- 15.2 If an employee attempts to attend work by arriving at the start of the day but then leaves the workplace due to sickness absence at any time that morning, the absence record will show attendance in the morning and absence in the afternoon.
- 15.3 Should an employee attend work in the morning and then leave during the afternoon session, this will not be recorded as a sickness absence.
- 15.4 In terms of triggers, half a day will count as a single occasion.
- 15.5 There will be a need for discretion when dealing with these types of triggers and consideration will need to be given to the attempt made by the employee to attend work.

### **Monitoring Absence**

- 15.6 Absence must be recorded for payroll purposes and the school/trust should keep a record of the length, frequency and reasons for employee absences. Line managers will use these records to identify trigger points and take appropriate action.

## **16. Short-term sickness absence procedure**

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- 16.1 Persistent short-term absence can be defined as cases where an employee has regular periods of absence, usually on health grounds, interspersed by periods at work or where an employee has odd days off, reported as sickness.

- 16.2 If an employee declares that they are absent through ill health, whether that absence is certified or not, it should be assumed that the illness is genuine. However, ongoing persistent absences are a cause for concern and can have a significant detrimental impact on the school/trust.
- 16.3 This procedure aims to support an improvement in attendance, but where this does not happen, formal action may be taken including dismissal.
- 16.4 There are four stages for managing persistent short-term absence:
- Stage 1 – Informal review meeting
  - Stage 2 – Formal meeting which may result in a first attendance notification being issued
  - Stage 3 – Formal meeting which may result in a final attendance notification being issued
  - Stage 4 – If attendance does not improve within a reasonable time scale (usually within six months of stage 1) a formal hearing will be held and a possible outcome of the hearing may be dismissal.

### **Triggers (short-term absence)**

- 16.5 Whilst each case of sickness absence should be considered individually, the following triggers will normally lead to an Absence Review Meeting:
- Sickness absences totalling 12 or more working days in any rolling 12-month period.
  - Four or more periods of sickness absence in any rolling 12-month period.
  - 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.
- 16.6 For part-time employees, the absence triggers will be pro-rated according to the number of days worked.
- 16.7 The rolling period is calculated backwards from the first day of the current absence.
- 16.8 Both self-certified absences and absences certified by a GP are counted towards the triggers.
- 16.9 The trigger levels will be subject to review and may be modified from time to time following consultation with the relevant trade unions and/or to reflect individual circumstances (subject to HR advice).
- 16.10 Normally a period of 8 working weeks is given between each of the stages to allow for an improvement in the employee's health and attendance. In between these stages, the line manager and employee may meet for informal reviews.
- 16.11 Before taking any action at any stage, the line manager must be satisfied that any support the employee requires has been considered. For disabled employees, managers must be satisfied that any reasonable adjustments have been fully explored and/or implemented in accordance with the Equality Act 2010.

### **Absence review**

- 16.12 Line managers will seek the advice and support of the ONE Academy Trust HR Manager before initiating the formal absence review process.
- 16.13 If the employee has a disability, the school/trust will consider whether reasonable adjustments may need to be made to the sickness absence meetings procedure.
- 16.14 Prior to all absence review meetings, the line manager will write to the employee, giving a minimum of 5 working days' notice of the date of the meeting. The employee will also be

advised they can be accompanied to a formal absence meeting by their trade union representative or a work colleague. The invitation will include a copy of their sickness absence record.

- 16.15 In managing short-term persistent absence, line managers should consider the following before meeting with the employee:
- undertake an analysis of the individual's absence records - considering the total absences over a defined period, the reasons for absence, whether the absences were certified, whether there are identifiable trends/patterns and whether there are any disability issues;
  - consider the outcomes of any return-to-work discussions;
  - consider their initial views and concerns about the operational effects of the absences.

## **17. Informal Absence Review (Stage 1 of the Absence Review Process)**

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- 17.1 The line manager or delegated individual will meet with the employee to discuss:
- the pattern of absence and the reasons for the absences
  - what actions the employee is taking to address the issue e.g. any medical treatment and whether advice is required from Occupational Health
  - whether the illness/injury is work-related and if any temporary changes to the employee's work could help them improve attendance
  - whether the employee has any underlying health problems (including a disability), how this will likely affect their attendance in the future, and whether any reasonable adjustments can be made
  - how the employee's absence is affecting pupils, colleagues and the school
  - any way in which the school/trust can support the employee
- 17.2 After the meeting, the line manager or delegated individual will write to the employee. The letter will summarise the main points from the meeting, including agreed actions such as confirmation that an improvement in attendance is expected, a 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 2 of this policy.
- 17.3 If an employee's absence levels continue to be of concern after the informal review meeting, their line manager will invite them to the first formal review meeting. This will usually take place 8 working weeks after the informal review meeting, however the Trust reserves the right to bring forward the review meeting, dependent upon the circumstances of the case.
- 17.4 Where an underlying medical condition or disability is identified, or where concerns about attendance continue, the employee should be referred to Occupational Health.
- 17.5 Where attendance improves to an acceptable level the line manager will hold a review meeting to confirm this and decide the need for or the frequency of further monitoring meetings. Following the meeting the line manager will write to the employee confirming the outcome.

## **18. Formal Absence Review (Stages 2 & 3)**

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- 18.1 There are two formal review meetings: the first formal review meeting (Stage 2) and the final attendance review meeting (Stage 3). If the employee's absence levels do not improve to an

acceptable level after the final attendance review meeting, the headteacher or another senior staff member will convene an ill-health capability hearing, with a panel, to fully review the case (Stage 4).

- 18.2 Each formal review meeting will usually take place 8 working weeks after the previous one, however the Trust reserves the right to bring forward the review meeting, dependent upon the circumstances of the case.
- 18.3 Where the employee's attendance improves to an acceptable level during the formal review process, the line manager will hold a review meeting to confirm this. They will also agree on any further monitoring, which the line manager will confirm to the employee in writing.
- 18.4 However, if the employee's absence levels increase again within a year, the formal review procedure will be triggered again. This will pick up from the Stage 2 of the review process (Stage 2).
- 18.5 At the end of each formal review meeting, the line manager (or headteacher or another senior member of staff if this is a final attendance review meeting) may decide to:
- Agree the issue has been resolved and take no further action
  - Continue to monitor and review the employee's attendance
  - Issue a formal attendance notification. The notification will:
    - Explain the school/trust's expectations on attendance going forward and what the review period for this will be
    - Warn the employee of the potential consequences of not meeting the required standards, including another formal attendance notification and the risk of dismissal
  - **For the final attendance review meeting only:** recommend dismissal and arrange a formal ill health capability hearing for a panel to examine the case (Stage 4).
- 18.6 At each stage of the formal procedure (Stages 2-4), the employee has a right of appeal.

## **Stage 2 – First formal absence review meeting**

- 18.7 Where an employee's level of sickness absence exceeds the trigger level or remains a concern, after they have had an informal absence review, the line manager will invite the employee to a Stage 1 formal absence review meeting, giving 5 working days' notice (providing copies of any relevant documents that will be referred to at the meeting).
- 18.8 Employees who return from a long-term absence will usually commence the absence procedure at the stage of the process in operation immediately prior to their long-term absence.
- 18.9 If the employee or their representative are unable to attend the hearing, an alternative date of the meeting should be scheduled but this must take place within 5 working days of the original hearing date.
- 18.10 If the employee is unable or unwilling to attend the hearing after it has been rescheduled, they should be notified that the meeting may go ahead and a decision will be made in their absence.
- 18.11 Up-to-date medical advice may be obtained from Occupational Health for this meeting. The interview should be undertaken by the line manager with support from a Trust HR adviser.
- 18.12 At the meeting the manager and employee will discuss:
- the pattern of absence and the reasons for the absences

- what actions the employee is taking to address the issue e.g. any medical treatment and whether advice is required from Occupational Health
- if Occupational Health advice has been taken, consideration as to the advice received
- whether the illness/injury is work-related and if any temporary changes to the employee's work could help them improve attendance
- whether the employee's health problems will likely affect their attendance in the future, and whether any further support/adjustments can be considered
- how the employee's absence is affecting pupils, colleagues and the school
- any other ways the school/trust can support the employee

- 18.13 Having taken into consideration all of the relevant facts and consulted with the employee, the line manager may decide to:
- Take no further action
  - Extend the period of monitoring and review
  - Issue a formal first attendance notification, warning the employee of the risk of dismissal if attendance does not improve. This will be retained on the employee's absence record for 6 months.
- 18.14 Following the meeting, and within 5 working days, the line manager will write to the employee confirming the outcome of the meeting and outlining the employee's right to appeal, within 15 working days of the meeting, if a formal attendance notification has been issued. The letter will summarise the main points from the meeting, including agreed actions, confirmation that an improvement in attendance is expected, a 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 3 of this policy.
- 18.15 An Appeals Officer will be appointed if the employee takes up their right to appeal the outcome of the meeting. The Appeals Officer will be at the next level of seniority above the employee's line manager.
- 18.16 Where the employee's attendance improves to an acceptable level during the formal review monitoring period (usually 8 working weeks), the line manager will hold a review meeting to confirm this. They will also agree on any further monitoring meetings, which the line manager will confirm to the employee in writing.
- 18.17 The employee's absence should continue to be reviewed regularly and if attendance is satisfactory over a six-month period the first attendance notification will be considered to have lapsed and the formal absence procedure will cease. The documentation should be removed from the employee's absence record.
- 18.18 If the line manager decides to take no action at the formal review meeting and the employee's absence continues to be unacceptable in line with the expected standard in this policy, the absence process should resume at the stage they left it (e.g. no formal action is taken at stage 2, if the employee reaches an absence trigger within 8 working weeks, the absence would be managed at stage 2 of the policy).



### Stage 3 – Second formal absence review meeting

- 18.19 Where levels of absence continue to be unacceptable, the line manager will invite the employee to a further formal meeting, giving 5 working days' notice (providing copies of any relevant documents that will be referred to at the meeting).
- 18.20 If the employee or their representative are unable to attend the hearing, an alternative date of the meeting should be scheduled but this must take place within 5 working days of the original hearing date.
- 18.21 If the employee is unable or unwilling to attend the hearing after it has been rescheduled, they should be notified that the meeting may go ahead and a decision will be made in their absence.
- 18.22 In cases where an Occupational Health appointment has not already taken place the employee should be referred at this point. This is to obtain a qualified opinion on the employee's medical condition or establish if there is an underlying medical reason affecting the level of attendance.
- 18.23 The meeting will consider any points and submissions from the employee and will consider:
- The ongoing pattern and level of absence and the reasons for the absences
  - Any medical advice received
  - Whether further absences are likely to occur whether the employee's health problems will likely continue to affect their attendance
  - whether the illness/injury is work-related and if any temporary changes to the employee's work could help them improve attendance
  - if the employee has a disability, any reasonable adjustments that could have been made and the effectiveness of any adjustments that have already been put in place
  - how the employee's absence is affecting pupils, colleagues and the school
  - any other ways the school/trust can support the employee
- 18.24 Having taken into consideration all of the relevant facts and consulted with the employee, the line manager may decide to:
- Take no further action
  - Extend the period of monitoring and review, 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 put in place
  - Issue a formal final attendance notification, warning the employee of the risk of dismissal if attendance does not improve, including the timescale for improvement. This will be retained on the employee's absence record for 12 months.
- 18.25 Following the meeting, and within 5 working days, the line manager will write to the employee confirming the outcome of the meeting and outlining the employee's right to appeal, within 15 working days of the meeting, if a formal attendance notification has been issued. The letter will summarise the main points from the meeting, including agreed actions, confirmation that an improvement in attendance is expected, a 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 4 of this policy.
- 18.26 An Appeals Officer will be appointed if the employee takes up their right to appeal the outcome of the meeting. The Appeals Officer will be at the next level of seniority above the employee's line manager.

- 18.27 Where the employee's attendance improves to an acceptable level during the formal review process, the line manager will hold a review meeting to confirm this. They will also agree on any further monitoring meetings, which the line manager will confirm to the employee in writing.
- 18.28 The employee's absence should continue to be reviewed regularly and if attendance is satisfactory over a twelve-month period the final attendance notification will be considered to have lapsed and the formal absence monitoring will cease. The documentation should then be removed from the employee's absence record.
- 18.29 If absence levels increase again within the next 12 months (from the date of the final notification being issued) a further formal review meeting (stage 3) meeting will be held between the employee and the line manager.
- 18.30 The line manager will write to the employee as outlined in the stage 3 procedure above. At this meeting the case will be reviewed and a decision will be taken to either:
- take no further action
  - to extend the period of review and monitoring
  - to recommend the employee is dismissed and arrange a formal ill health capability hearing to be convened (see section 20 below).
- 18.31 If the line manager decides to take no action at the formal review meeting and the employee's absence continues to be unacceptable in line with the expected standard in this policy, the absence process should resume at the stage they left it (e.g. no formal action is taken at stage 3, if the employee reaches an absence trigger within 8 working weeks, the absence would be managed at stage 3 of the policy).

## **19. Ill-health Capability Hearing (Stage 4)**

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- 19.1 In circumstances where an employee continues to have unacceptable levels of sickness absence and the formal absence review meetings have been followed in line with the policy and where all other options have been fully explored, an ill health capability hearing should be convened. The hearing will be heard by a panel consisting of the headteacher (or other senior manager where appropriate) and two other individuals drawn from members of the Trust Board and/or local governors. An HR Adviser will be present at the hearing to advise on any procedural and/or employment law aspects of the case. Membership of the panel may be adapted where appropriate depending on the circumstances of the case.
- 19.2 Before the hearing takes place, if recent Occupational Health advice has not been sought the employee should be re-referred to the Occupational Health Service to obtain a qualified medical opinion on the employee's health before any decision to dismiss is taken.
- 19.3 The employee will be invited to attend the hearing by the chair of the panel and given at least 5 working days written notice. The written notice will advise the employee of their right to be accompanied by a trade union representative or work colleague. The letter will advise the employee that a possible outcome of the hearing may be dismissal.
- 19.4 If the employee is too unwell to attend the hearing in person, they may elect to be represented (this must be confirmed in writing by them) and/or provide a written statement for consideration by the panel at the hearing. Alternatively, they may request to attend the hearing remotely (via Microsoft Teams).

- 19.5 If the employee or their representative is unable to attend the hearing, an alternative date of the hearing should be scheduled but this must take place within 5 working days of the original hearing date.
- 19.6 If the employee is unable or unwilling to attend the hearing after it has been rescheduled, they should be notified that the hearing may go ahead and a decision will be made in their absence.
- 19.7 Prior to the meeting the employee and the panel members will be given copies of the relevant documentation that will be used to consider the decision. This will normally include:
- A timeline of the case which summarises the management of the absence case, outlining meetings held
  - Details of any adaptations and support that has been put in place with relevant dates
  - Advice received from Occupational Health throughout the absence case (this may include advice on likely eligibility for ill health retirement)
  - Notes of any meetings held with the employee
  - Details of any consideration given to redeployment including outcomes
  - Summary of the impact of the absence on the school/trust
  - Copy of the sickness absence policy
- 19.8 The employee will be invited to submit any additional medical evidence if they wish to.
- 19.9 The line manager will present their recommendation to the panel and outline the steps they have taken throughout the management of the absence case. The line manager will not be involved in any decision-making for the case, it will be for the panel to decide the outcome based on the evidence presented at the hearing.
- 19.10 During the meeting, the panel will review:
- The record and pattern of absence and how likely it is to improve
  - What support the employee has received and whether all appropriate options have been properly explored e.g. has consideration been given to reviewing the employee's workload/working conditions, and has redeployment been considered (if appropriate)?
  - Has recent medical advice been obtained? If so, has the advice been acted upon and if not, the justification why all advice has not been taken
  - The employee's reasons for absence
  - The impact of the absence on colleagues, pupils and the school
  - The employee's attitude towards recognising and addressing the impact of their absence
  - The needs of the school/trust and the best interests of the employee
  - Has the procedure been followed correctly?
  - Has the advice of Human Resources been taken into account?
  - Have all alternatives been considered?
- 19.11 The employee will also have the opportunity to present evidence, explain their level of absence, what actions they are taking to reduce it to an acceptable level and any other mitigating circumstances.

- 19.12 When all the evidence has been presented and both parties have had the opportunity to ask any questions, the hearing will be adjourned to allow the panel to consider the evidence presented and reach a decision.
- 19.13 The possible outcomes from the hearing are:
- To keep the employee's absence under review for a defined period
  - Agree on a return-to-work plan, with clear timescales. If the timescales are not adhered to this would result in a further ill health capability hearing
  - Dismiss the employee with contractual notice.
  - Where appropriate, make a decision with regard to ill health retirement (subject to approval from the Occupational Health doctor for support staff and Teachers Pensions for teaching staff)
- 19.14 The power to dismiss an employee following a capability hearing rests with the capability panel.
- 19.15 The chair of the panel will communicate the decision to the employee in writing usually within 5 working days. The decision will also inform the employee that they can appeal if they are not satisfied with the outcome and explain how to do this.

## **20. Appeals**

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- 20.1 An employee has a right to appeal against the outcome of any formal absence review (Stages 2,3 & 4). The appeal must be lodged with the line manager, in writing, within 15 working days of the date of the decision letter, and setting out the grounds for appeal.
- 20.2 Appeals against the issuing of formal attendance notifications at Stages 2 and 3 of this policy, will be heard by a senior manager or an individual trustee/governor who has not previously been involved in the case.
- 20.3 The appeal against a decision to dismiss an employee will be heard by an appeal panel comprising a senior leader/manager plus two senior leaders, governors or trustees, none of whom shall have had any previous involvement in the case. The appeal panel may have an HR adviser present.
- 20.4 All appeal hearings will be held without unreasonable delay and, where possible, within 15 working days after receipt of the appeal. They will be held at an agreed time and place (in person, or over video conferencing if appropriate). Employees' statutory right to be accompanied by a companion will apply. Notes will be taken and a copy sent to the employee.
- 20.5 Appeals should normally be restricted to considering the reasonableness of the decision made, any relevant new evidence or any procedural irregularities.
- 20.6 The outcome will be confirmed in writing as soon as possible and usually within 5 working days of the appeal hearing. The employee will be notified if any additional time is required for consideration of the appeal.
- 20.7 The appeal panel may:
- Uphold the decision of the line manager/capability hearing
  - Uphold the employee's appeal, overturn the decision of the line manager/capability hearing and refer the matter back to the headteacher for appropriate action in line with Stage 3 of this policy.

- 20.8 The appeal decision will be final and there will be no further right of appeal other than to an Employment Tribunal.
- 20.9 The fact of the appeal does not delay the commencement of any period under any formal attendance notification or of any notice period. Therefore, the date that any notification or 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.
- 20.10 If a subsequent appeal reverses the dismissal decision the withdrawal or termination notice must be rescinded.
- 20.11 In cases where the trust is entitled to terminate the contract without notice because of the conduct of the employee, any such termination may be rescinded if an appeal is upheld.

## **21. Long-term sickness absence procedure**

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- 21.1 Long-term sickness absence is defined as continuous absence of one calendar month and in any such cases the long-term absence procedure will apply.
- 21.2 The objective in any long-term absence is to assist the employee to recover and return to work. Every case is individual but if an employee is unable to attend work for health reasons on a long-term basis the Trust's HR Manager should be consulted for advice.
- 21.3 It is expected that an employee will maintain regular contact with their line manager throughout the duration of their absence. Where the employee is too unwell to do this, the line manager will seek authorisation from the employee for permission to liaise with their trade union representative or a close relative of their choice instead.
- 21.4 For employees who have a long-term absence, a monthly wellbeing review meeting with the line manager will be held. The Trust will monitor that these meetings are being held. An HR Adviser may be present at the meeting. This will be held at a mutually convenient location (or via Microsoft Teams) if the employee feels too unwell to attend their workplace or face-to-face meetings may expose the individual to avoidable risks (e.g. if immune system is low). At this meeting, the employee may choose to have a trade union representative or colleague accompany them.
- 21.5 In certain cases, the frequency of the wellbeing meetings may vary slightly, depending on the individual circumstances.
- 21.6 At the review meetings the following points will be discussed:
- An explanation of the long-term absence procedure
  - Identify any underlying reasons for the absence and establish what reasonable adjustments/support can be put in place to support the employee back to work
  - Discuss the long-term prognosis and any ongoing/planned treatment
  - Discuss if the employee is able to return to work and, if so, within what timescales
  - Review if the employee will be able to return to their current role, review the duties and if they will be able to undertake these duties on a long-term basis
  - Discuss a referral to Occupational Health, physiotherapy etc.
  - If ill health retirement or redeployment should be considered
  - Identify any reasonable adjustments to enable the employee to remain in work (in accordance with the Equality Act 2010)

- Identify where the absence is work-related.
- 21.7 Dependent on the timescales for each individual case, a referral to Occupational Health should be undertaken at the appropriate time (as soon as is possible after the first wellbeing review meeting).
- 21.8 Following the absence review meetings, the line manager should write to the employee to confirm the main points of the discussions, outline any agreed actions and confirm a date for the next absence review meeting.
- 21.9 In cases where the employee remains unfit to return to work and all options/support has been fully considered to help their return to work and up-to-date medical advice has been obtained, an ill health capability meeting should be convened.
- 21.10 On returning to work following long-term sickness absence, the employee's level of sickness will have exceeded the trigger level and they will have an absence review meeting at Stage 1 of this policy (or if they are at a higher stage of the policy prior to their long term absence they will re-enter the policy at the stage they were previous to their most recent long term absence period).

## **22. Phased return to work**

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- 22.1 In long-term absence cases a phased return may be beneficial. Medical professionals or the occupational health service may recommend that a staff member returning to work from sickness absence should have a phased return to work.
- 22.2 The employee and line manager should meet with the HR manager and, where requested, the trade union representative, to devise a supportive return to work programme. This is for a limited period (up to 4 weeks) during which there will be regular reviews, the intention being that by the end the employee feels able to return to their substantive position. This period will be supported by any information given in the fit note.
- 22.3 Considerations when planning the return may include reviewing responsibilities, duties, an agreed variation in contract or redeployment to another post within the trust.
- 22.4 Consideration when planning a phased return to work should include reviewing their responsibilities and considering the number of hours the employee will work during the phased return period. Generally, the hours worked during a phased return should increase each week until the employee is ready to work their full contracted hours after the end of week 4.
- 22.5 Staff will continue to be paid their normal salary during the period of the phased return to work. This arrangement will be reviewed after a period of 4 weeks.
- 22.6 We will consider:
- Further extending the phased return to work (on a case by case basis e.g. if significant progress is being made by the employee to working towards their full contracted hours)
  - The need to permanently change the staff member's duties
- 22.7 Where a phased return is not extended, and the employee is unable to fulfil their full contracted hours, upon consultation and with the employee's agreement, consideration will be given to the employee reducing their contracted hours on a temporary or permanent basis (subject to approval by the Head Teacher/CEO in the case of the Head Teacher).
- 22.8 The HR manager and CFO should be consulted before making any contractual arrangements which must be approved at the appropriate level.

## **23. Ill-health retirement**

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### **For members of the Teachers' Pension Scheme**

- 23.1 For applications for ill health retirement the trust is required to be actively involved in assessing the adequacy of the medical evidence supplied to Teachers' Pensions. This involves Occupational Health advice and schools being required to confirm the measures that have been taken to help the teacher to return to work, including consideration of redeployment within school, stepping down to a less demanding post or part-time working. Only where appropriate alternatives have been fully explored and exhausted can an application for ill-health retirement be considered.
- 23.2 The HR Manager will provide advice and support and liaise with the school's Occupational Health adviser. If the teacher's application is not supported by Teachers' Pensions the school may wish to consider the teacher's continued employment on the grounds of capability, in accordance with this policy.

### **For members of the Local Government Pension Scheme**

- 23.3 To qualify for benefits the employee must be assessed by an Occupational Health adviser approved by the pension fund to confirm whether they meet the criteria for ill health retirement. If ill health retirement is recommended by Occupational Health, the school/trust must decide whether to accept the recommendation of the ill health retirement benefits to be paid and end employment on the grounds of ill health capability, in accordance with this policy. If a member of staff holds more than one post a separate recommendation and decision will need to be reached for each post.
- 23.4 If an employee wishes to appeal a decision regarding ill health retirement they should refer to the internal dispute process on the pension fund's website.

## **24. Medical suspension**

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- 24.1 Medical suspension is a process where an employee is suspended from work because:
- In the opinion of the Occupational Health adviser, the employee is unfit to work, but is declaring themselves fit or being declared fit by their GP or medical professional;
  - An employee is at work but is deemed to be a risk to themselves or to others because of their health, in which case a decision may be taken to suspend the employee on medical or health and safety grounds
  - Necessary aids or adaptations are not operating or are not in place and it is felt that this means that the employee may be at risk.
- 24.2 If medical suspension is to be considered the Trust HR advise must be sought prior to any formal implementation
- 24.3 Medical suspension will be paid at the employee's usual rate of pay and, the period of absence will be classed as sickness absence.
- 24.4 Medical suspension is not a disciplinary sanction and should be reviewed on a regular basis, in consultation with the employee.



## 25. Right to be accompanied to formal meetings

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- 25.1 The employee has a right to be accompanied to any formal meeting under this procedure by a trade union representative or colleague. Their details must be provided to the line manager conducting the meeting in good time before any meeting.
- 25.2 We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties.
- 25.3 The companion can address the meeting in order to:
- put the staff member's case;
  - sum up the staff member's case; and
  - respond on the staff member's behalf to any view expressed at the meeting.
- 25.4 The companion can also confer with the staff member during the meeting (including privately).
- 25.5 The companion has no right to:
- answer questions on the staff member's behalf;
  - address the meeting if the staff member does not wish it; or
  - prevent the staff member from explaining their case.
- 25.6 Where the staff member has identified their companion and they have advised that they cannot attend the date or time set for the meeting, the line manager will endeavour to rearrange the meeting for a mutually convenient date no more than five working days from the date set by the school/trust provided that it is reasonable in all the circumstances.

## 26. Entitlement to sick pay

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- 26.1 For pay entitlements during a phased return to work, see section 22.

### Statutory sick pay and occupational sick pay

- 26.2 Staff are entitled to statutory sick pay (SSP) and occupational sick pay, where eligible.
- 26.3 Statutory sick pay:
- Is calculated on a weekly rate and starts on the 4th day of absence, with the first 3 days being unpaid
  - May be payable for up to 28 weeks
- 26.4 Qualifying days for SSP are Monday to Friday, or as set out in employee's employment contracts. Read more about eligibility and payment rates at <https://www.gov.uk/statutory-sick-pay>.

### Occupational sick pay - employees on Teachers' Conditions of Service

- 26.5 The entitlement to sick pay for employees on teachers' conditions of service is:

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 then 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 the fourth and successive years of service	Full pay for 100 working days and then half pay for 100 working days.

- 26.6 For the purpose of the sick pay service, “service” includes all aggregated teaching service.
- 26.7 For the purpose of this scheme, “working days” means teaching and non-teaching days within “directed time”, as specified in the most recent School Teachers’ Pay & Conditions Document.
- 26.8 For the purpose of calculating a teacher’s entitlement a year is defined as beginning on 1 April and ending on 31 March of the following year. If a teacher’s service begins after 1 April in any year, the full entitlement for that year will be applicable.
- 26.9 Where a teacher is on sick leave on 31 March in any year, no new entitlements shall begin until the teacher has returned to duty. In these circumstances the period from 1 April until the return to duty is regarded as part of the preceding year’s entitlement for the purpose of this scheme.
- 26.10 Where a teacher moves to another employer, any sick pay paid during the current year by the previous employer shall be taken into account in calculating the amount and duration of sick pay payable by the new employer.
- 26.11 Sick pay includes where appropriate Statutory Sick Pay and shall not exceed the full normal contractual pay of the teacher.

### **Employees on NJC Conditions of Service (Support Staff)**

26.12 The entitlement to sick pay for employees on NJC conditions of service is:

During the first year of service	1 month’s full pay and (after 4 months’ service) 2 months’ half pay
During the second year of service	2 months’ full pay and 2 months’ half pay
During the third year of service	4 months’ full pay and 4 months’ half pay
During the fourth and fifth year of service	5 months’ full pay and 5 months’ half pay
More than 5 years’ service	6 months’ full pay and 6 months’ half pay

- 26.13 The payment of sick pay to those below the minimum earnings level for National Insurance Contributions will be made where applicable.
- 26.14 The amount of sick pay due to an employee will be determined by aggregating the periods of absence due to illness during the twelve months immediately preceding the first day of absence.

### **Pension contributions during sickness absence**

26.15 Both the employer and the staff member will continue to contribute to the staff member’s pension scheme during any SSP or occupational sick pay, if the scheme’s rules allow this.

### **Sickness absence caused by a third party**

26.16 If an employee’s absence is, or may be, caused by another party who is, or may be, legally liable to pay damages (for example, if the employee is injured in an accident caused by another

person or company), the employee must immediately give their line manager details of this and of any legal claim they are pursuing.

26.17 If the school/trust asks them to, the staff member must take part in any legal proceedings to recover damages. They must also, if asked, give the school/trust the part of any damages or compensation payment that relates to lost earnings. The amount will be all of the following:

- Reasonably determined by the trust
- Minus any costs the employee has incurred to get the damages or compensation payment
- Capped at the amount the trust paid the employee over the period of absence

## **27. Data protection**

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27.1 All discussions and sensitive medical and personal information about staff members' sickness and other absences will be treated confidentially by all parties concerned. This data will be collected, used and stored in line with the Data Protection Act 2018. Please refer to our privacy notice for staff members for more details on how data will be processed.

## **28. Monitoring & review**

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28.1 This policy and procedure will be reviewed every three years or whenever a change in employment legislation necessitates a review, whichever is sooner.

28.2 At every review, this policy will be approved by the Board of Trustees.