



PONTEFRACT

ACADEMIES TRUST

SICKNESS ABSENCE MANAGEMENT POLICY AND PROCEDURE

ALL STAFF

Trust Board Approval Date	16 July 2018
Planned Review Date	September 2021
Web Access	Intranet
Owner	Director of Finance Business and Operations

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1. Introduction, Purpose and Scope

1.0 INTRODUCTION, PURPOSE AND SCOPE

1.01 The Pontefract Academies Trust (“The Trust”) is committed to providing a healthy and safe environment which supports the achievement and maintenance of high employee attendance levels.

1.02 The Trust is committed to minimising the impact and disruption which employee absence causes and will make every effort to assist employees in their recovery and return to work. The Trust expects employees to recognise their obligations to the Trust and the impact absences have on learners and minimise their sickness absences, wherever possible.

1.1 PURPOSE

1.1.1 The Sickness Absence Management Policy and Procedures aim to provide a framework supporting fair and equal treatment of all employees and to provide support to enhance well-being and minimise absence.

1.1.2 The procedures aim to ensure that employees are:

- Treated fairly, consistently and sensitively;
- Provided with appropriate support;
- Informed when their absence record is causing concern;
- Given adequate opportunity and assistance to improve their attendance record with a view to ensuring their full return to normal working, modified working, or possible redeployment to alternative work;
- Fully informed of the supportive services available from the Trust well-being packages, including occupational health advice;
- Given the opportunity for a meeting to discuss their general welfare and ease any anxiety about returning to work;
- Aware that a ‘return to work’ meeting will be carried out as soon as possible after periods of absence, during the normal school day;
- Informed of when self-certification and GP Fit Notes are appropriate in accordance with the procedure for reporting sickness absence.

1.2 SCOPE

1.2.1 This procedure applies to all employees employed within the Trust. It does not apply to employee’s who are within their probationary period, who are subject to separate procedures.

1.2.2 This procedure covers all absences from caused by sickness or injury.

1.2.3 This procedure is separate from the Trust’s Disciplinary Procedure, meaning that any action within this procedure is not classed as disciplinary action in accordance with the Disciplinary Procedure.

1. Introduction, Purpose and Scope

1.2.4 Contractual sickness pay is paid in line with individual terms and conditions of employment.

1.2.5 Disciplinary action may be considered where there are reasonable grounds for believing an employee has abused the sickness scheme or sickness procedures.

1.3 EQUAL OPPORTUNITES

1.3.1 The Sickness Absence Policy and Procedure will always be applied fairly and in accordance with The Trust's Equality and Diversity Policy.

1.3.2 Sickness absence may be regarded as a disability in accordance with the Equality Act 2010. Where this is a possibility, specialist advice will be obtained, and appropriate reasonable adjustments made to working systems, equipment, or other arrangements. This includes reasonable adjustments made to the monitoring and tracking sickness absence procedures, that are outlined in this policy.

1.4 HEALTH AND SAFETY POLICY AND PROCEDURES

1.4.1 The Trust Health and Safety Policy and procedures sets out the organisation and arrangements to maintain healthy and safe working environments and practices.

1.4.2 Any accidents, incidents or near misses should be reported in accordance with the Trust Health and Safety Policy and Procedures.

1.4.3 Sickness absence proven to be as a result of industrial injury, accident or infectious disease preventing attendance at work will be recorded separately from sickness absence and will be paid in accordance with the employee's terms and conditions of employment as stated in the relevant sick pay scheme for the employee.

1.5. ILL HEALTH WHICH DOES NOT LEAD TO ABSENCE FROM WORK

1.5.1 There may be occasions where a member of staff is suffering from ill health, but this does not lead to the staff member being absent from work. If the staff member believes that their ill health is impacting on their ability to undertake their job they should raise this with their line Manager.

1.5.2 The line manager should discuss the matter confidentially with the staff member, review any workplace risk assessment(s) and discuss whether any additional support can be provided to the employee to support them at work. Depending on the circumstances, it may be helpful to seek advice and guidance from the Occupational Health (OH) service.

2. Roles and Responsibilities

2.0 ROLES AND RESPONSIBILITIES

2.1 CEO / HEAD OF SCHOOL / NOMINATED MANAGER RESPONSIBILITIES

2.1.1 Throughout this procedure, the term “Manager” will refer to the CEO/ Executive Director/Headteacher/Head of School or nominated Manager.

2.1.2 Managers are responsible for:

- communicating this policy and procedure to all employees, and for the day to day welfare of employees;
- ensuring that this policy and procedures are fully implemented and followed. Managers will take prompt and appropriate action in accordance with each stage of these procedures;
- ensuring that accurate and timely absence information is provided to the nominated person in the academy (or Trust) to support the maintenance of payroll and personnel systems;
- conducting return to work discussions with all staff returning from a period of absence, this meeting should be held within 48 hours of the return to work, the completed return to work form will be retained on the employee’s personnel file.
- ensuring any agreed support is put in place and referrals to specialist services are made promptly.
- ensuring there are systems and procedures in place to maintain accurate sickness records and storing sensitive information relating to an individual’s health.

2.1.3 The CEO is responsible for managing and monitoring the attendance of Executive Director/Executive Headteacher/Heads of School. The Chair of the Trust Board is responsible for managing and monitoring the attendance of the CEO.

2.1.4 In all cases sickness absence must be treated sensitively, consistently and with confidentiality.

2.2 EMPLOYEE RESPONSIBILITIES

2.2.1 Employees will:

- attend work when they are fit and able to do so.
- endeavour to care for their own health and seek medical attention and help whenever appropriate to support early recovery and / or minimise the recurrence of illness.
- contact the academy/Manager at the earliest opportunity, if they are not well enough to work, and in accordance with the processes in place at their place of work. Where contact is made through informal

1. Introduction, Purpose and Scope

channels, absences may be considered as unauthorised.

- maintain contact with their Manager, including attending meetings in accordance with this procedure, and be contactable during periods of sickness absence.
- notify their Manager of any requests for holidays during a period of sickness absence (including when this is during academy holidays) and provide written support from a registered GP;
- provide their Manager with a GP's Fit Note from the eighth calendar day of absence onwards up to the end of absence;
- attend appointments and engage with the Trust Occupational Advisors when invited to do so or with good reason rearrange in advance of any planned appointment.

2.3 HUMAN RESOURCES ROLE

2.3.1 The Human Resources Manager will provide advice and assistance to Managers regarding the operation of this procedure. Managers can seek advice from the Human Resources Manager when taking actions under this procedure.

2.3.2 The Human Resources Manager reserves the right to attend any meetings held under this policy.

2.4 TRADE UNION REPRESENTATIVES

2.4.1 Trade Unions will be consulted at all appropriate times in the application of this procedure to enable consistency across the Trust. Employees have the right to be accompanied by a trade union or work colleague at each stage of this procedure with the exception of return to work discussions.

2.5 CONFIDENTIALITY

2.5.1 Confidentiality and sensitivity must be maintained at all times. Any specific medical release of information is covered by the Access to medical Reports Act 1988 and must not be released to a third party (e.g. insurers) without the written consent of the employee concerned.

2.6 RECORDS

2.6.1 Accurate and accessible absence information will be retained to support the monitoring and consistency of actions in accordance with this policy. This will include information on levels of sickness absence presented to the Trustees and/or School Governance Committee at regular intervals. The method of presenting information will ensure individual confidentiality and will provide reasons for absence and number of days absent.

2. Roles and Responsibilities

- 2.6.2 Where an employee leaves work due to sickness absence before they have completed two hours of work (pro-rata for part time employees), the absence will be recorded as a full day's absence. After two hours work has been completed, the absence will be recorded as a half day absence.
- 2.6.3 Accidents or incidents resulting in injury will be reported in accordance with the Trust Health and Safety Policy.
- 2.6.4 Any formal warning issued in accordance with this policy will remain effective during the period of time specified. The warning will remain on the employee's personal record following it expiring as part of the employee's work history and in accordance with the Trust Records Management Policy.

3. Absence Reporting and Other Provisions

3.0 ABSENCE REPORTING AND OTHER PROVISIONS

3.1 FIRST DAY OF ABSENCE AND ABSENCES OF SEVEN DAYS OR LESS

- 3.1.1 Employees will follow the reporting procedures in place at their place of work. Failure to follow these arrangements for notifying their Manager their absence may result in possible loss of pay and/or disciplinary action. Where medical treatment is required this will be obtained as quickly as possible and the GP Medical Certificate forwarded to the employee's Manager.
- 3.1.2 The employee will explain the reason for absence, and where possible, the expected time for recovery and expected return to work timeframe.
- 3.1.3 Whenever possible, and at all stages in this process of absence reporting, teaching staff should provide appropriate cover work, suitable for their classes. This should be submitted via the agreed protocols in place at each academy.
- 3.1.4 On occasions where an employee has not reported their absence and has not arrived at work within an hour of their normal start time, the Manager or other designated person will endeavour to contact the employee to check on their welfare.
- 3.1.5 In the event of a member of 'All Year Round' staff having an illness/accident that meant that they would have been unable to attend work during their planned annual leave, the member of staff must notify their line manager on the first day of the illness occurring. See section 6.1.
- 3.1.6 Employees who return to work following sickness absence which has lasted up to seven calendar days (including all non-working days) will self-certify their absence on their return to work form (Appendix A) which includes confirmation of the duration and reason for absence.

3.2 ABSENCES FOR MORE THAN SEVEN DAYS OF ABSENCE

- 3.2.1 Employees who are absent from work for more than seven calendar days will consult their GP and obtain a signed Statement of Fitness for Work (Fit Note). This should be immediately submitted to the employee's Manager or the school's designated person. Failure to submit a Fit Note may result in a loss of pay from the eighth day of absence and onwards. The GP Fit Note will provide one of two options:
- **Not fit for work** – this means the employee has a health condition that is preventing them from attending work or undertaking their usual role for a stated period.

3. Absence, Reporting and Other Provisions

- **May be fit for work taking account of the following advice** – this means the employee has health conditions which do not necessarily stop them from attending work. The doctor may suggest that the employee could continue to work, but they may not be able to complete all their normal duties and may suggest ways in which the employee could attend, such as: a phased return, altered hours, amended duties or workplace adjustments / adaptations.

3.2.2 An employee's Manager will consider any suggestions by the GP in supporting an employee returning to work. In most circumstances such reasonable adjustments are feasible. If reasonable adjustments are not possible due to practical operational reasons, then the Statement of Fitness for Work will be deemed as advising a 'not fit for work.'

3.2.3 In circumstances where reasonable adjustments are agreed but a return to work is delayed pending the implementation of the agreed adjustments, that period of absence will be classified as "authorised absence."

3.2.4 Employees will continue to submit GP signed Statements of Fitness for Work (Fit Notes) for the duration of their absence.

3.3 MAINTAINING CONTACT DURING SICKNESS ABSENCE

3.3.1 During any period of absence, the employee's manager will be in regular contact with the employee (telephone, arranged home visits, or meetings in neutral venues as appropriate).

3.3.2 The purpose of any home visits or arranged meetings will be to discuss the employee's medical condition, and offer support from the Trust where available, discuss possible return to work dates, or occupational health referral. The Manager will retain notes of discussions and provide a copy to the employee.

3.4 RETURNING TO WORK MEETINGS

3.4.1 Upon return to work following any absence the Manager should arrange to meet privately with the member of staff during their first day back, or as soon as possible on their return. The purpose of the meeting will be to:

- welcome the employee back to work;
- ensure that there is an accurate record of the absence and appropriate certification;
- ensure the staff member is fit and able to return to work;
- discuss with the member of staff any support/adjustments that can be put in place to assist the staff member to remain in the workplace;
- update the member of staff of any work issues.

3. Absence, Reporting and Other Provisions

- 3.4.2 The Manager will need to establish if there was an occupational factor which contributed to the sickness absence and assure the member of staff that any work-related issues will be addressed. The Manager should give assurances of their concern for the staff member's welfare, balanced with their concerns about the delivery of education and the impact on students and other staff members.
- A record of the meeting should be made (see Appendix A). The completed form should be held on the employee's personnel file.

3.5 RETURNING TO WORK

- 3.5.1 Where a GP has stated in the Statement of Fitness for Work that he/she will need to assess your fitness to work again at the end of the period before an employee returns to work, then the employee will obtain from their GP a final statement showing their fitness to return and submit this to their Manager immediately prior to returning to work.
- 3.5.2 Where a GP has stated in the Statement of Fitness for Work that he/she will not need to assess your fitness to work again at the end of the period before an employee returns to work, then the employee will be able to return to their normal duties at the end of the stated period, or before, if they feel able to do so.

4. Frequent Short and Medium-Term Absences

4.0 FREQUENT SHORT AND MEDIUM-TERM ABSENCES

4.01 Cases of repetitive and short-term sickness absence will be handled in a reasonable and fair manner; however, prompt and consistent treatment is regarded as essential in order to demonstrate to both the employee concerned and other employees that repetitive and frequent absence is regarded as unsatisfactory.

4.1 TRIGGER POINTS FOR FORMAL ABSENCE PROCEDURES

4.1.1 Formal Sickness Management Procedures will be considered whenever an employee meets any of the following conditions (also known as 'triggers'):

- Three separate absences within any rolling six-month period, including current absence (pro-rata for part-time staff);
- Ten working days absence (or twice the employees weekly contracted hours for part time employees) within a rolling twelve-month period;
- An unacceptable pattern of absence, e.g. Fridays and/or Mondays, before or after Bank Holidays or school closure periods;
- Where a combination of odd days, or longer periods and patterns of absence causes concern (e.g. linked to weekends, holiday periods etc.)

4.1.2 Where an employee hits any one of the above conditions within twelve months of coming out of the formal sickness management procedure they will re-enter the procedure at the same stage they were last in it.

4.1.3 Modification of these indicators may be considered when reviewing an individual's personal circumstances (for example, as a reasonable adjustment under the terms of the Equality Act).

4.1.4 In the majority of cases a formal attendance review meeting should be held with the employee to discuss the attendance record. In exceptional cases, a formal attendance review meeting may not be necessary, if the line manager (in discussion with HR), is satisfied that the individual's circumstances are exceptional and that attendance levels will improve.

4.2 STAGE 1 FORMAL MEETING

4.2.1 The employee will be given 5 working days' notice in writing of the meeting.

This will include the details of:

- Date, time and venue of the meeting (this may be held at a suitable neutral venue)
- The record of sickness absence and any other supporting documentation
- The right of the employee to be accompanied by a recognised trade union representative or work colleague.

4. Frequent, Short and Medium-Term Absence

4.2.2 The purpose of the formal meeting will be to:

- Examine the reasons, pattern and nature of the absences
- Examine whether there is an underlying cause or condition and the prognosis of this if known
- Decide whether further information needs to be sought either from the employee's GP or a referral to the Trust's occupational health provider
- Give the employee the opportunity to discuss any problems or raise any concerns
- Consider reasonable adjustments if the absence is disability related or support measures where they would assist the employee in reducing his/her sickness absence and/or making a successful return to work
- If appropriate, set a target for improvement and a review period over which absence levels will be monitored. Generally, this will be between a three – six-month period for the employee to demonstrate a sustained improvement in their attendance.
- Agree any interim reviews that may be held during the formal monitoring period to check actions/support is taking place, as agreed.
- Explain to the employee the potential consequences of unsatisfactory improvement which could include the termination of the employee's contract of employment.

4.2.3 The outcome of the meeting must be confirmed in writing to the employee within 5 working days. This should include the improvement expected, the monitoring period (including interim reviews), support to be given / actions to be taken, and a reminder that failure to reach the required level of attendance could lead to dismissal.

4.3 STAGE 1 FORMAL REVIEW MEETING

4.3.1 The Stage 1 Formal Review Meeting will be held at the end of the review period, unless, in the interim, it becomes appropriate to move immediately to Stage 2 Formal Meeting (e.g. no likelihood of improvement), or, a Stage 3 Formal Meeting (where dismissal is considered).

4.3.2 The Manager responsible for a review taking place at the appropriate time. The employee will be given 5 working days' notice in writing of the meeting. This will remind the employee of their right to be accompanied by a recognised trade union representative or work colleague.

4.3.3 The review meeting should include the following elements:

- an explanation by the line manager of the reasons why the meeting is being held
- verification of the dates of sickness absence/s and the nature of the illness or the cause of the sickness absences

4. Frequent Short and Medium-Term Absences

- agreeing, if appropriate, that an improvement in the member of staff's sickness record is necessary
- identifying possible courses of action to obtain such an improvement. Examples of such action could be seeking medical advice or opinion, reviewing the responsibilities and duties of the post, reviewing workload, reviewing the working environment or considering if redeployment could be beneficial
- agreeing with the member of staff any future remedial action and the period over which the remedial action will be reviewed. The remedial action and the review period agreed must be confirmed in writing.

4.3.4 The possible outcome(s) from the Stage 1 Formal Review Meeting will include:

- Employee moves out of the sickness absence procedure as satisfactory improvement has been maintained during the review period;
- Employee is given an extended review period to monitor for further improvements during Formal Stage 1;
- Employee moves to a Stage 2 Formal Meeting as improvement in attendance has not been made – see section 4.4.
- Employee moves to a Stage 3 Formal Meeting for consideration of termination of their employment – see section 4.6.

4.3.5 The outcome of the review meeting will be confirmed in writing, within 5 working days, noting the agreed remedial actions and review period. It will also advise the employee that if no significant improvement is achieved and maintained during the review period, ill health capability action may follow, the result of which could be, or could lead to, dismissal.

4.4 STAGE 2 FORMAL MEETING

4.4.1 This policy allows for the Stage 1 review meetings and the Stage 2 meeting to take place at the same time. This is providing the employee has had 5 working days' notice outlining that the review and Stage 2 meeting will take place at the same time.

4.4.2 The employee will be given 5 working days' notice in writing of the meeting. This will include the details of:

- Date, time and venue of the meeting (this may be held at a suitable neutral venue)
- The record of sickness absence and any other supporting documentation from Stage 1 Formal Review Meeting(s)
- The right of the employee to be accompanied by a recognised trade union representative or work colleague.

4. Frequent Short and Medium-Term Absences

- 4.4.3 The Stage 2 Formal Meeting will follow the format of the Stage 1 Formal Meeting. Occupational Health Advice will be sought, if appropriate, or was not sought under Stage 1. Any additional information or issues arising since the Stage 1 Formal Meeting will be considered.
- 4.4.4 The outcome of the meeting must be confirmed in writing to the employee within 5 working days. This should include the improvement expected, the monitoring period, support to be given / actions to be taken, and a reminder that failure to reach the required level of attendance could lead to dismissal.
- 4.4.5 Any re-occurrence of hitting the triggers within this period will result in the employee re-entering the procedure at Stage 2.

4.5 STAGE 2 FORMAL REVIEW MEETING

- 4.5.1 The Stage 2 Formal Review Meeting will be held at the end of the review period, unless, in the interim, it becomes appropriate to move immediately to a Stage 3 Formal Meeting (where dismissal is considered). The review meeting should include the following elements:
- an explanation by the line manager of the reasons why the meeting is being held
 - verification of the dates of sickness absence/s and the nature of the illness or the cause of the sickness absences
 - agreeing, if appropriate, that an improvement in the member of staff's sickness record is necessary
 - identifying possible courses of action to obtain such an improvement. Examples of such action could be seeking medical advice or opinion, reviewing the responsibilities and duties of the post, reviewing workload, reviewing the working environment or considering if redeployment could be beneficial
 - agreeing with the member of staff any future remedial action and the period over which the remedial action will be reviewed. The remedial action and the review period agreed must be confirmed in writing. The Manager is then responsible for a review taking place at the appropriate time and the necessity for further action being evaluated as a result of the improvement/worsening over the review period.
 - Agree any interim reviews that may be held during the formal monitoring period to check actions/support is taking place, as agreed.
- 4.5.2 The possible outcome(s) from the Stage 2 Formal Review Meeting will include:
- Employee moves out of the sickness absence procedure as satisfactory improvement has been maintained during the review period;
 - Employee is given an extended review period to monitor for further improvements during Formal Stage 2;

4. Frequent, Short and Medium-Term Absence

- Employee moves to a Stage 3 Formal Meeting, as improvement in attendance has not been made. This stage will consider of termination of their employment.

4.5.3 The outcome of the review meeting will be confirmed in writing, within 5 working days, noting the agreed remedial actions and review period. It will also advise the employee that if no significant improvement is achieved and maintained during the review period, ill health capability action may follow, the result of which could be, or could lead to, dismissal.

4.6 STAGE 3 FORMAL MEETING (HEARING TO CONSIDER DISMISSAL)

4.6.1 The Stage 3 Formal Meeting will be chaired by the CEO (for Executive Directors/Executive Headteachers/Heads of School or Central Trust employees) or the Executive Director/Executive Headteacher/Head of School (for school-based employees) and may include School Governance Committee or Trustees as appropriate. An HR representative will also be present at Stage 3 Formal Meetings.

4.6.2 The employee will be given 10 working days' notice in writing of the meeting. This will include the details of:

- Date, time and venue of the meeting (this may be held at a suitable neutral venue)
- The record of sickness absence and any other supporting documentation from Stage 1 and 2 Formal Meeting(s)
- The right of the employee to be accompanied by a recognised trade union representative or work colleague.
- The employee will be required to submit any additional information for consideration, no less than 3 working days before the date of the meeting.

4.6.3 The outcome of the hearing may be either dismissal on the grounds of lack of capability or alternative action in the light of evidence presented at the hearing. Where an employee is dismissed s/he should be dismissed with appropriate notice. The employee will be notified in writing of the outcome within 5 working days and of their right of appeal and who to address their appeal to. See Section 4.7.

4.7 APPEALS

4.7.1 Appeals must be submitted in writing within 5 working days from the date of written notification of the decision. The CEO/Executive Director/Executive Headteacher/Head of School/Chair of Trust Board will refer the matter to a more senior leader or an appeals panel who will write to the employee, giving details of the appeal hearing. This will normally take place within 10 working days of receipt of the employee's appeal unless mutually agreed that there is a different timescale.

4. Frequent Short and Medium-Term Absences

- 4.7.2 If an Appeals Panel is convened, this will be a panel of three representatives of the Trust, none of whom have been involved in the issue previously. The Trust may use Governors or leaders from across the Trust to form an Appeal Panel. This is in the interests of impartiality. No member of the Appeals Panel will have been involved in the matter previously.
- 4.7.3 If the Appeal Panel overturns the decision to dismiss the employee will be reinstated. Generally, the employee will be expected to be fit to return to work the next working day.

5. Long Term Sickness Absence

5.0 LONG TERM SICKNESS ABSENCE

5.1 LONG TERM ABSENCE MANAGEMENT

- 5.1.1 The absence procedure for employees who are absent for a prolonged period, and/or have a long-term illness, will have full regard to the Equality Act 2010, in particular observing the need to make reasonable adjustments for employees who become disabled or whose disability worsens.
- 5.1.2 The employee will be required to maintain contact with the Trust/Academy during their period of absence.
- 5.1.3 Absences lasting over four weeks are considered long-term. The Manager should, in appropriate circumstances, arrange to meet with the member of staff on a regular basis. The meeting may take place at a suitable venue, either the staff member's home, or their workplace or a neutral venue, whichever is appropriate. The purpose of the meeting is to discuss and be up-dated on the progress of the illness; the intentions/timescales for returning to work; identify areas of support; determine whether any other action should be taken and up-date the staff member on any significant work issues. A Trade Union representative or work colleague may accompany the member of staff. Following the meeting, the Manager should write to the staff member confirming the meeting, the points discussed, and any actions identified. HR advice should be sought to support long-term absence meetings.
- 5.1.4 Where it is expected that a period of sickness absence will be ongoing and will continue for more than eight weeks, advice should be sought from the Occupational Health service. This is a guide only, and in some cases, an Occupational Health referral may be appropriate even where it is not known that absences will be ongoing. Equally, a referral may not be necessary in all cases even where absence is expected to continue for more than eight weeks. A judgement will be made, based on the circumstances of each case. The purpose of gaining Occupational Health advice will be to provide an indication of the likely duration of the staff member's absence and whether any steps can be taken to help the member of staff make a successful return to work. It will also seek advice on any recommendations under the Equality Act 2010.
- 5.1.5 The Manager should maintain a reasonable level of contact with the employee throughout their period of illness. In some cases, due to the nature of the illness, it may be more appropriate to allocate a different Manager as the employee's point of contact.

5. Long Term Sickness Absence

- 5.1.6 The long-term absence review meeting will reflect the specific condition and individual circumstances. Generally long-term absence meetings will be review meetings and opportunities for the individual to update the academy on their condition. The meeting should include the following elements:
- an explanation by the line manager of the reasons why the meeting is being held
 - a discussion about the medical information available and the prognosis
 - agreement from the individual to meet with an Occupational Health professional
 - an opportunity to update the member of staff on any relevant academy business, without causing the individual undue stress or pressure
 - identifying possible courses of action to support the individual in returning to work. Examples could be, reviewing the responsibilities and duties of the post, reviewing workload, reviewing the working environment or considering if redeployment could be beneficial. This will be within the context of any medical information received.
 - agreeing with the member of staff a review period and arranging a follow up meeting confirmation in writing of any agreed actions.
- 5.1.7 Where an employee has a serious condition or terminal illness they should be treated with greater sensitivity and sympathy and not subjected to rigorous absence monitoring procedures. HR should be notified to support the employee and academy facilitate ill health retirement (if applicable) as quickly as possible.
- 5.1.8 Consideration should also be given to the likely duration of the sickness absence, and its impact on the effective and efficient operation of the academy. If appropriate, and after medical advice has been obtained and discussed with the individual, consideration could be given to transfer, temporary or permanent redeployment to other duties with no salary/grade protection or to part-time working.
- 5.1.9 In all instances of long term absences, the Occupational Health Advisor, in consultation with an employee's GP (where possible), will advise management on the likelihood of an employee recovering and being able to return to their existing role. This will also include when a return to work can be expected. Where an employee has condition covered by the Equalities Act, advice will be sought as to any reasonable adjustments (short term or permanent) in the workplace which would support an employee in a sustained return to work.

5. Long Term Sickness Absence

5.1.10 Where an employee has been absent for three months or more, the Trust reserves the right to refer to the Occupational Health Advisor before the employee is permitted to return to work. If the GP has signed the employee fit to return to work form before the referral process has been completed, the employee may be medically suspended, pending an appointment with Occupational Health. See Section 6.7.

5.2 PHASED RETURN TO WORK/ PARTIAL DUTIES

5.2.1 The Manager, following consultation with the Occupational Health service, has the discretion to allow a member of staff who returns to work after a major illness to return on a part-time basis (without any reduction in pay) for such a period as seems appropriate. Generally, this would be no longer than a four-week period. A temporary reduction in hours/pay may be agreed if a longer phased return is needed. A phased return to work would usually only be considered to support a member of staff after a long-term absence, or as advised by the Occupational Health service.

5.2.2 At an absence review meeting where a phased return is discussed the length of the phased return, the work pattern, duties and pay arrangements will be discussed and, where possible, agreed. Generally, it should be agreed that the phased return is monitored at regular intervals to ensure the full return to work will be successful.

5.3 RETURN TO WORK – FORMAL MONITORING

5.3.1 Following a return to work after a period of long-term sickness absence, the Manager should hold a formal meeting under Stage 1 (or Stage 2, if appropriate) of this policy. This meeting will confirm, in writing, to the employee that a sustained return to work is required and will agree a monitoring period to review that improvements have taken place. See section 4.2.

5.4 REASONABLE ADJUSTMENTS/ ALTERNATIVE EMPLOYMENT

5.4.1 If an employee has a medical condition which will affect them at work on a longer term, or even permanent basis, greater consideration will be given to work organisation and adjustments to the work place. If it is not possible to accommodate the adjustments required, or if the illness/absence is such that the employee cannot return to their existing role then consideration will be given to any suitable alternative employment available in the Trust. In such cases the employee will be paid the rate of pay appropriate to the new role. The alternative employment will also be subject to reasonable adjustment if required.

5. Long Term Sickness Absence

5.5 ILL-HEALTH RETIREMENT

- 5.5.1 Where employment is at risk, or where an employee wishes to be considered for ill health retirement the Trust will support their application to the relevant pension scheme. The application (to be considered for ill health retirement) will be based on the rules and procedures of the relevant pension scheme. The Trust has no influence over this process, other than to provide requested information.
- 5.5.2 The Teachers' Pension Scheme and the Local Government Pension Scheme have different tiers of ill health retirement benefits. Employees are advised to seek advice on their scheme and the implications on any future career plans, before applying for ill health retirement benefits.
- 5.5.3 Where an application has been successful this effectively means that the individual is considered medically unfit for work, and at the earliest opportunity (on a mutually agreed date) the individual's employment contract will end, by reason of resignation/retirement.
- 5.5.4 Should an application for ill health be declined the individual should refer to the appeal procedures relevant to their pension scheme.

5.6 CONSIDERING ILL-HEALTH DISMISSAL

- 5.6.1 If an employee is not able to return to their existing role and no suitable alternative employment is available and ill-health retirement is not an option, the following action will normally be taken:
- The employee will be advised that their employment is at risk and this will be confirmed in writing to them;
 - Where an employee's existing role can no longer be left open and no suitable alternative role is available or acceptable to the employee, a meeting will be arranged, and the employee will be informed of the likelihood of their dismissal;
 - Where dismissal action is to be taken, then it will be on the grounds of incapability due to ill health and the process applied as set out in paragraph 4.6. of this policy.
 - Where an employee is dismissed s/he should be dismissed with appropriate notice. The employee will be notified in writing of the outcome within 5 working days and of their right of appeal and who to address their appeal to. See Section 4.7.

6. Other Provisions

6.0 OTHER PROVISIONS

6.1 SICKNESS ABSENCE AND ANNUAL LEAVE FOR ALL YEAR ROUND (NON-TEACHING) EMPLOYEES

6.1.1 If the employee falls sick whilst they are absent on annual leave, they must obtain a Statement of Fitness to Work (Fit Note) from their GP / Hospital for the days in question and forward it to their manager promptly. The employee will be regarded as being absent due to sickness for the dates shown on the Statement of Fitness to Work. This means that their absence will not be deducted from their annual leave entitlement. If employees are ill during a public holiday they will not qualify for time off in lieu at a later date.

6.2 SICKNESS ABSENCE AND ANNUAL LEAVE/SCHOOL HOLIDAYS

6.2.1 The employee will seek authorisation from their Manager if they intend to take a holiday during a period of sickness absence, this includes during school holidays. Any activities/holidays which are inconsistent with the stated reasons for sickness absence or may be considered to worsen or prolong an absence, may lead to sick pay being withheld or result in disciplinary action. The Manager must notify the nominated person who processes payroll on behalf of the school so that the necessary adjustments can be made to pay.

6.2.2 An employee continues to accrue annual leave during periods of sickness absence. Annual leave must not be used to avoid being recorded as absent due to sickness. Where an employee has been unable to take their full entitlement to annual leave during the year (due to illness) they may be permitted to carry forward some forward to the following year. The maximum to be carried over is the 20 days (pro-rata for part-time employees).

6.2.3 If an employee's contract of employment terminates and they have been unable to take their annual leave due to sickness, they are entitled to payment in lieu for any untaken annual leave accrued in the current leave year and, if applicable, for any untaken statutory holiday entitlement which they had been permitted to carry over from the previous leave year.

6.2.4 Teachers accrue statutory holiday entitlement of 28 days per year in accordance with the Working Time Regulations (pro-rata for part-time employees) during a period of sickness absence. This statutory holiday entitlement can be offset by any school closure periods before or after the period of sickness. It is likely that there will be enough school closure periods in the year outside the period of sickness absence to accommodate the holiday entitlement. If the teacher has been unable to take the accrued entitlement, then the balance of up to 10 days (pro-rata for part time employees) may be carried forward to the next year to be taken during periods of school closure.

6. Other Provisions

6.3 MATERNITY LEAVE, CAREER BREAK OR SUSPENSION FROM DUTY

6.3.1 If an employee commences maternity leave, takes a career break or is suspended from duty whilst subject to an improvement target period in accordance with the sickness absence policy and procedure, then the improvement target will continue as originally agreed throughout their absence. However, the review meeting will be postponed by the Manager until the employee has returned to work, at which point the appropriate outcome can be determined.

6.4 SICKNESS LEADING TO MATERNITY LEAVE

6.4.1 If an employee is absent due to a pregnancy-related illness in the four weeks before the expected week of childbirth, then the period of maternity leave starts from the day after the first day of such illness in the four-week period.

6.4.2 Strike Action

6.4.2.1 Strike action constitutes a breach of an employee's contract of employment. Employees are not entitled to receive pay for days when they do not attend work due to strike action and pay will be deducted accordingly. If an employee is absent from work due to sickness on a strike day they must submit a Statement of Fitness to Work (Fit Note) from their GP. Failure to do so will result in strike pay being deducted from the employee and occupational sick pay being withheld.

6.4.3 Medical Suspension

6.4.3.1 A decision to medically suspend an employee will only be undertaken following consultation with the HR Manager and will be confirmed to the employee in writing on the day of the decision or as soon as is reasonably practicable.

6.4.3.2 Advice from the Occupational Health Advisor will be sought prior to or as soon as is reasonably practicable after the medical suspension commences. In exceptional circumstances, where the advice given by the Occupational Health Advisor does not coincide with the decision of management, a second medical opinion may be sought by management.

6.4.3.3 The period of medical suspension will be no longer than is necessary and will be regularly reviewed (at least every four weeks) by the manager, with the outcome confirmed to the employee in writing. As soon as it is considered that the medical suspension is no longer necessary, it must cease and confirmed in writing to the employee.

Appendix A – Return to Work Form

APPENDIX A – RETURN TO WORK FORM

Ponfract Academies Trust RETURN TO WORK MEETING

Member of Staff			
Person conducting interview			
ABSENCE DETAILS			
Reason for absence			
Absence start date (include part worked days):		Date returned to work:	
First Day of Sickness / Absence: (Including Weekends) Half day? Am/Pm	Last Day of Sickness / Absence: (Including Weekends) Half day? Am/Pm		
Date of Welcome Back to Work Interview:			
Self-Certification Form completed by employee (for first 7 days of absence)?	Yes / No		
Doctors Certificates submitted if required?	Yes / No		
Absence procedures followed	Yes / No		
Area	Comments		
Welcome back – remind staff that this discussion is standard practice after any period of absence to talk about things missed whilst they were absent.			
Enquire about health – Confirm the member of staff is fit to return to work. (Explore reasons for absence and whether they are now fit to resume their duties and any potential future or continuing health problems.			
Support – Have they suffered with this illness previously? Are there underlying reasons for the illness?			
Additional information – Any agreed actions to help avoid reoccurrence?			
Future attendance – It should be made clear that the Trust expects the highest levels of attendance. Make aware previous absences or patterns of absence. Where appropriate the member of staff should be advised that further absences may result in a more formal approach, or it may be necessary to inform the member of staff that their absence rate now requires a formal meeting to be arranged to discuss further.			
Signed Member of Staff			
Signed Person conducting interview			

* If the correct notification procedures were not followed then ensure that you have reminded the member of staff who to contact and by when. Failure to follow agreed procedures may be considered as a disciplinary matter.