Tauheedul Education Trust

This policy is in line with the Vision of the Trust

Nurturing Today’s Young People, Inspiring Tomorrow’s Leaders

SICKNESS ABSENCE POLICY
## Document control

<table>
<thead>
<tr>
<th><strong>This policy has been approved for operation within:</strong></th>
<th>All Trust Establishments</th>
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<tbody>
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<td>2</td>
</tr>
</tbody>
</table>
Contents

1  Scope and Purpose .................................................................................................................... 1
2  Who is Responsible for this Policy? ....................................................................................... 1
3  Who is Covered by the Policy? .............................................................................................. 1
4  Definitions.............................................................................................................................. 1
5  General Principles.................................................................................................................. 1
6  Employee Obligations ........................................................................................................... 2
7  Sickness Notification Procedure .......................................................................................... 2
8  Return to Work Discussions.................................................................................................. 3
9  Occupational Health Referral ............................................................................................... 3
10 Informal Warning..................................................................................................................... 4
11 Absence Reviewer, Final Absence Reviewer and Appeal Manager ........................................ 4
12 Persistent Intermittent Absence .............................................................................................. 5
13 Long Term Absence .............................................................................................................. 5
14 Formal Absence Review Meetings .......................................................................................... 5
15 Formal Responses.................................................................................................................. 6
16 Right to be Accompanied....................................................................................................... 8
17 Timing of Meetings ................................................................................................................ 8
18 Venue for Meetings................................................................................................................ 9
19 Monitoring, Evaluation and Review ...................................................................................... 9
1 Scope and Purpose

1.1 This Policy is designed to establish a framework for the effective management of staff sickness absence taking into account both the welfare of employees and the requirements of the Trust to deliver effective service and education.

1.2 This policy does not form part of any employee's contract of employment and it may be amended at any time after consultation with our recognised Trade Unions. The Trust may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.

1.3 In this policy references to personnel/bodies are to the personnel/bodies present within the establishment at which the particular employee reviewing the policy is engaged.

1.4 For the avoidance of doubt, this policy may be used concurrently with the relevant Capability Policy and the Disciplinary Policy.

2 Who is Responsible for this Policy?

2.1 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy to the Local Governing Body, Trust Central Team and the Head at each Trust Establishment.

2.2 The Local Governing Body and Senior Leadership Team has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

3 Who is Covered by the Policy?

3.1 This policy covers all employees at all levels and grades, including senior managers, officers, employees, trainees, part-time and fixed-term employees (collectively referred to as employees in this policy). It does not apply to agency staff and self-employed contractors.

4 Definitions

4.1 In this policy working day means any day on which an employee would ordinarily work if they were a full time employee. In other words, it will be different for teaching and non-teaching staff but will not be different on the basis of whether an employee is full-time or part-time.

5 General Principles

5.1 The Trust expects each establishment to:

5.1.1 never ignore sickness absence;
5.1.2 always monitor attendance;
5.1.3 ensure that short term absences do not go unnoticed;
5.1.4 take swift action if the absence is work related;
5.1.5 keep accurate, up to date, employee attendance records;
5.1.6 develop and maintain an atmosphere that encourages people to come to work;
5.1.7 deal with each person as an individual;
5.1.8 handle attendance problems promptly and sensitively, in a supportive manner;
5.1.9 treat all staff fairly and consistently;
5.1.10 keep the Trust Central Team informed about the Establishment’s sickness absence rate.

6 Employee Obligations

6.1 Employees are expected to:

6.1.1 comply with the Trust’s sickness notification procedure;
6.1.2 ensure medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work;
6.1.3 take and follow the medical advice and treatment offered;
6.1.4 keep in regular touch (consistent with the medical condition) and inform the Head of Establishment, or nominated person (or Chief Executive of the Trust in the case of a Head of Establishment), of any significant developments affecting the period of absence;
6.1.5 attend medical appointments promptly;
6.1.6 arrange, where possible, for any medical (including dental) appointments to take place at the start or end of the working day to minimise disruption to the working day and make up any lost time.

7 Sickness Notification Procedure

7.1 Employees must contact the Establishment in accordance with the requirements of the Establishment.
7.2 Brief details of the reason for absence and, if possible, some indication of a return to work date should be given during this contact. The position in relation to current workload should be discussed in order to help the Establishment make appropriate cover arrangements.
7.3 If the absence is the result of an accident or an injury sustained at work, then this information must be made known. Employees should indicate if the incident has been reported, when it was reported and to whom.
7.4 If an employee is still unfit for work after three successive working days, they must once again contact the Head of Establishment or nominated person on the fourth day as to the likely duration of the absence.
7.5 A doctor’s Statement of Fitness for Work must be provided by all staff where sickness absence lasts beyond 7 calendar days.
7.6 The doctor’s Statement must be forwarded to the Head of Establishment, or nominated person, to reach them on or before the eighth day of absence.
7.7 If more than one doctor’s Statement is required for any period of absence, employees must keep the Head of Establishment, or nominated person, informed of developments on a weekly basis. This is to ensure that the needs of the Establishment are fulfilled, to give employees the opportunity to indicate if there are any ways in which the Establishment can provide support.
and to give employees the opportunity (if they so wish) to be kept up to date with developments in the Establishment.

7.8 The requirement for weekly contact may be relaxed by the Head of Establishment if a doctor’s Statement of Fitness for Work indicates that such contact would hamper an employee’s return to work or by agreement between an employee and the Head of Establishment.

7.9 The Trust may suspend an employee of medical grounds (medical suspension) while it investigates an employee’s health condition or if the medical evidence suggests the employee is not fit for work. Such period should be on full pay and no longer than is absolutely necessary.

8 Return to Work Discussions

8.1 After every absence, an employee’s line manager must discuss with the employee:

8.1.1 the reasons for the absence;
8.1.2 the appropriate notification has been completed;
8.1.3 their fitness to work;
8.1.4 whether there are any issues which require particular support from the Establishment; and
8.1.5 complete the return to work form.

8.2 A record of this return to work discussion should be placed on an employee’s personnel file.

8.3 Line managers may also use the return to work discussion as an opportunity to bring employees up to date with developments within the Establishment during their absence.

8.4 Because of the nature of a medical condition, an employee may prefer not to discuss the reasons for absence with their direct line manager and in that case the discussion may be held with a member of the Senior Leadership Team.

9 Occupational Health Referral

9.1 Occupational Health should be utilised at an early stage to ensure that the parties have up-to-date medical information to support the employee and to support informed decision making. This will encourage adequate support is put in place at an early stage based on medical advice which may prevent absences and improve attendance.

9.2 The Head of Establishment may, at any time it considers appropriate, refer an employee to Occupational Health for an assessment of:

9.2.1 their health;
9.2.2 the impact of their health on their attendance at work;
9.2.3 the impact of their health on their fitness to perform the duties required to perform their particular role;
9.2.4 the impact of their health on their ability to attend formal meetings or interviews under any other procedure;
9.2.5 what steps the Establishment could take to improve their health and/or attendance and employees are expected to cooperate with such referrals.
9.3 If an employee decides not to engage with the Occupational Health referral, the Head of Establishment will proceed to make decisions without the benefit of medical advice.

9.4 Before making any decision to dismiss on notice under this Sickness Absence Policy and Procedure, the Head of Establishment, Chief Executive of the Trust, Board of Trustees will usually have referred an employee for at least one Occupational Health Assessment.

9.5 Employees may also request a referral to Occupational Health which in most cases should be supported by the Trust to assist in improving attendance and supporting an employee.

9.6 The Trust will meet with an employee after an occupational health assessment to discuss the contents of the occupational health report whether as part of a formal absence review meeting or simply as part of its on-going commitment to the welfare of its employees.

10 Informal Warning

10.1 The Trust will endeavour to raise concerns about absence at an early stage and will seek to deal with matters informally where appropriate. This may include mentioning to an employee that their absence is a cause for concern and that they are approaching a trigger under the formal procedure.

11 Absence Reviewer, Final Absence Reviewer and Appeal Manager

11.1 The personnel responsible for each stage of this policy depends on the role the relevant employee performs.

11.2 The following table describes the normal course of action although this may be subject to change depending on the circumstances of the individual case.

Table 1: Absence Reviewer, Final Absence Reviewer and Appeal Manager

<table>
<thead>
<tr>
<th>Employee Level</th>
<th>Absence Reviewer</th>
<th>Final Absence Reviewer</th>
<th>Appeal Manager</th>
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<tbody>
<tr>
<td>Chief Executive of the Trust</td>
<td>Chair of Board of Trustees</td>
<td>Board of Trustees Panel appointed by the Chair of Board of Trustees</td>
<td>Board of Trustees Appeal Panel appointed by the Chair of Board of Trustees</td>
</tr>
<tr>
<td>Head of Establishment</td>
<td>Senior Member of Trust Central Team nominated by Chief Executive of the Trust</td>
<td>Chief Executive of the Trust</td>
<td>Board of Trustees Appeal Panel appointed by the Chair of Board of Trustees</td>
</tr>
<tr>
<td>Other Leadership Spine and Business Manager</td>
<td>Head of Establishment</td>
<td>Head of Establishment</td>
<td>Trust Regional or Central Senior Manager nominated by the CEO</td>
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### 12 Persistent Intermittent Absence

12.1 Persistent intermittent sickness absence can be defined as frequent short-term absences from work that are normally sporadic and attributable to minor ailments, in many cases unconnected.

12.2 Managerial problems are created by the frequency of the absence and the reasons behind the absence. It can only be addressed effectively through proper monitoring systems and effective management action.

12.3 Whilst each case of sickness absence should be considered individually, the following triggers will normally lead to a Formal Absence Review Meeting:

12.3.1 Sickness absence of 10 or more working days in any rolling 12 month period, accrued over 3 periods of absence or more;

12.3.2 Sickness absence of 6 or more days accrued over 2 or more periods in any 6 month period;

12.3.3 Three or more periods of sickness absence of any duration in a 6 month period;

12.3.4 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.

### 13 Long Term Absence

13.1 Long-term absence is where an employee is absent from work for four weeks or more as the result of a serious health problem. It can normally be distinguished from frequent intermittent absence in that it tends to be continuous and usually can be traced to an underlying medical condition.

13.2 An absence lasting 4 working weeks will normally lead to a Formal Absence Review Meeting in appropriate circumstances.

### 14 Formal Absence Review Meetings

14.1 The aim of the formal process is to support the employee and improve attendance and reduce absence levels. Therefore the welfare of the employee should be a key consideration throughout all informal and formal meetings.

14.2 At least 5 working days before a Formal Absence Review Meeting, the Absence Reviewer shall send the employee an Absence Report:

14.2.1 setting out the absences from work indicating the reasons given for the absence;
14.2.2 setting out any suggestions made by the employee or the Establishment to make reasonable adjustments (if applicable) to working arrangements that could reduce the absence or assist with a return to work;

14.2.3 including copies of self-certificates, Statements of Fitness to Work from the employee’s doctor and all medical reports including those from Occupational Health.

14.3 At a Formal Absence Review Meeting an employee will have the opportunity to:

14.3.1 present any medical evidence in their possession;
14.3.2 make suggestions about managing their return to work including any phased return to work or change in hours in order to ensure that any return is sustainable;
14.3.3 make suggestions of other reasonable adjustments (if applicable) that could be made; and
14.3.4 be informed that they have the right to be accompanied by an accredited Trade Union representative or workplace colleague.

15 Formal Responses

15.1 The Trust is aware that sickness absence may result from a disability. At each stage of the absence review meetings particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of the job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

15.2 The Absence Reviewer may (in addition to making an Occupational Health referral) in appropriate cases, undertake the following formal responses:

15.2.1 Reasonable adjustments to working arrangements

15.2.1.1 These will vary on a case by case basis depending on the medical condition identified.

15.2.2 A First Written Warning

15.2.2.1 In the context of a persistent intermittent absence, this is a warning that if the employee is absent from work for two or more days in the period of the next six months they will be at risk of a Final Written Warning.

15.2.2.2 In the context of a long term sickness absence, this is a warning that if an employee is not fully back to work within between 4-12 working weeks there will be a further Formal Absence Review Meeting. The precise number of working weeks will be set by reference to the available medical evidence.

15.2.3 A Final Written Warning

15.2.3.1 In the context of a persistent intermittent absence this is a warning that if an employee is absent from work at all in the period of the next six months they will be at risk of a dismissal.

15.2.3.2 In the context of long term sickness absence this is a warning that if an employee is not fully back to work within between 4-12 working weeks (dependent on medical advice available) they will be referred to the Final Absence Reviewer which could lead to termination of employment. The precise number of working weeks will be set by reference to the available medical evidence.
15.3 The Final Absence Reviewer may (in addition to the responses available to the Absence Reviewer) in appropriate cases undertake the following response:

15.3.1 **Dismissal with Notice** - In coming to such a decision in relation to a case of **persistent intermittent absence** the Final Absence Reviewer will consider:

15.3.1.1 The total absence and pattern of absence;
15.3.1.2 The available medical prognosis;
15.3.1.3 Advice from Occupational Health;
15.3.1.4 The reasons advanced for the absence;
15.3.1.5 How long the employee has worked for the Trust;
15.3.1.6 Is the job a key job? If so, how long can the Trust effectively function without that contribution;
15.3.1.7 What additional demands has the persistent intermittent absence generated for other employees and the Trust/ Establishment;
15.3.1.8 Whether other reasonable adjustments (if applicable) have been considered;
15.3.1.9 Whether other reasonable adjustments (if applicable) have been made and if so whether they were effective.

15.3.2 In coming to such a decision in relation to a case of **long term absence**, the Final Absence Reviewer will consider:

15.3.2.1 The available medical prognosis;
15.3.2.2 Advice from Occupational Health;
15.3.2.3 Is complete recovery likely and, if so, when;
15.3.2.4 How long the employee has worked for the Trust;
15.3.2.5 Is the job a key job? If so, how long can the Trust effectively function without that contribution;
15.3.2.6 What additional demands has the absence generated for other employees and the Trust/ Establishment;
15.3.2.7 Whether alternative employment or a transfer is available, suitable and acceptable;
15.3.2.8 Whether ill-health retirement has been explored including whether any condition has been diagnosed as being terminal. The Trust will, depending on the likely length of any terminal illness, not normally dismiss an employee with a terminal illness whose prognosis is likely to result in death within a relatively short period of time (to be judged objectively by the Trust);
15.3.2.9 Whether the absence has been caused by industrial disease or injury/assault;
15.3.2.10 Whether other reasonable adjustments (if applicable) have been considered;
15.3.2.11 Whether other reasonable adjustments (if applicable) have been made and if so whether they were effective.

15.4 An employee may appeal against the written warning or dismissal in writing within 10 working days of being sent the warning or the notification of termination.
15.5 The fact of the appeal does not delay the commencement of any period under any warning or of any notice period.

15.6 If an employee’s contract contains a payment in lieu of notice clause, the Establishment may exercise that clause to bring the contract to an end with immediate effect.

15.7 Any appeal should normally be heard within 20 working days of the notice of appeal being received.

16 Right to be Accompanied

16.1 If an employee is the subject of any Formal Absence Review Meeting, they may be accompanied by a companion who must be either a willing work colleague not involved in the substance of absence issues related to them or an accredited trade union representative.

16.2 The employee must let the relevant Reviewer or Manager know who the companion will be at least one working day before the relevant meeting.

16.3 If the employee has any particular need, for example, a disability which causes them a substantial disadvantage, adjustments may be made to the procedure to allow them to participate and in limited circumstances this may include allowing them to be accompanied by someone else other than is listed in clause 16.1.

16.4 The companion can address the meeting in order to:
   16.4.1 put forward the case for the employee;
   16.4.2 sum up the case for the employee;
   16.4.3 respond on behalf of the employee to any view expressed at the meeting.

16.5 The companion can also confer with the employee during the interview meeting.

16.6 The companion has no right to answer questions on behalf of the employee, or to address the interview meeting if the employee does not wish it, or to prevent them from explaining their case.

16.7 Where the employee has identified the companion to the relevant Manager and the companion has confirmed in writing to the relevant Manager that they cannot attend the date or time set for the interview meeting, the relevant Manager may postpone the interview meeting provided that the employee has suggested an alternative date within 5 working days of the original date set by the Establishment to a date or time agreed where possible with the companion provided that it is reasonable.

17 Timing of Meetings

17.1 Meetings under this procedure may:
   17.1.1 need to be held when the employee was timetabled to teach;
   17.1.2 exceptionally be held during planning preparation and administration time if this does not impact on lesson preparation;
   17.1.3 be held after the end of the establishment day;
   17.1.4 not be held on days on which the employee would not ordinarily work.
17.2 Meetings may take place in the absence of an employee in the event that they are not able to attend a scheduled meeting and it is considered appropriate by the Trust to do so in the relevant circumstances.

18 **Venue for Meetings**

18.1 The relevant Reviewer or Manager can hold the meeting off site to minimise any distress to the employee.

19 **Monitoring, Evaluation and Review**

19.1 The policy will be promoted and implemented throughout all Trust establishments.

19.2 The Trust will monitor the operation and effectiveness of arrangements referred to in this policy at each Trust establishment.

19.3 The Trust will review this policy every two years in consultation with each Trust establishment.