

# THOMAS MILLS HIGH SCHOOL



## POLICY DOCUMENT 64

### STAFF ABSENCE MANAGEMENT POLICY LEAVE OF ABSENCE & SICKNESS ABSENCE

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Next review due:	Academic Year 2027 - 2028
Policy review cycle:	Every 3 years
Policy Owner:	Headteacher

#### Vision Statement

***We, the staff and governors, aspire  
to ensure that all our students,  
irrespective of ability  
and regardless of anyone's doubts,  
achieve their potential in full;  
and we aspire in this way to make Thomas Mills High School  
the best in the country.***

# Leave of Absence policy

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# Sickness absence

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## **1. Introduction**

Leave of absence is not an entitlement to a number of days off per year. The purpose of leave of absence is to ensure that employees are able to manage particular circumstances that may occur in their lives where it is not possible to arrange these during school holiday periods and time off may be required. It is expected that requests will only be made for leave of absence in term time once all other possible alternatives have been considered.

The amount of leave of absence granted and reasons for doing so can differ between teaching and support staff and from one employee to another. It is also important to bear in mind that such entitlements must be considered against the overall working arrangements of the different categories of staff and, in particular, the need for arrangements to be made to cover such absences. (An employee's attendance and disciplinary record may also be taken into consideration where appropriate.)

All periods of leave of absence will be recorded and considered on a rolling 12-month basis.

Any employee who is suspected to have abused the provision for time off may be subject to disciplinary proceedings in line with the Trust's Disciplinary Procedure.

This procedure does not form part of any employee's contract of employment, and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.

This policy has been implemented following consultation with staff. It has been adopted by the Trust Board.

## **2. Scope and purpose of this policy**

The purpose of this policy is to ensure that employees within the Academy understand how requests for leave will be considered by the Headteacher. It will also ensure that staff across the School are treated in a fair and consistent way when requesting time away from work.

The procedure applies to all employees regardless of length of service. It does not apply to agency workers.

This procedure is used to deal with requests for absence from work for the reasons contained within this policy. It does not cover requests for flexible working, maternity, paternity, parental or adoption leave. Information on these can be found in the relevant policy within the trust.

## **3. Process for making requests**

The Trust recognises that it may not always be possible to request certain types of leave in advance, for example, bereavement leave, compassionate leave and leave in emergency situations. Where it is not possible to request leave in advance employees should contact the Headteacher/Deputy Headteacher as soon as possible to tell them the reason for the absence and the number of days leave that they anticipate being absent. The Headteacher/Deputy Headteacher will then discuss the situation with you and agree next steps.

Employees should ensure that other than in emergency situations they make their request for leave in advance to enable the Trust to consider the request carefully and to ensure that cover can be implemented where required.

Employees should make a request by completing the Request for Leave of Absence Form (Appendix 1 page 13) and giving it to the Headteacher. The form will be completed and returned to you when a decision has been made. Please note that in all cases the decision to agree to a request will be at the absolute discretion of the Headteacher. Where a request is refused, the form will include written reasons for the refusal and if you are dissatisfied with the decision, you may make a complaint under our Grievance Procedure.

Where it is possible to do so in advance or when you return to work after taking time off under this policy, we might ask you to provide evidence for your reasons for taking the time off.

#### **4. Parental Bereavement Leave, other bereavement leave and compassionate leave**

##### **Parental Bereavement Leave**

Up to 2 weeks parental bereavement leave (PBL) for parents, with parental responsibility, to help them cope with the death of a child under the age of 18 years will be granted. This includes birth parents, adoptive parents, individuals who are fostering to adopt, legal guardians, most foster parents, (excluding short term and emergency foster care), intended parents under a surrogacy arrangement, those who look after a child in their home other than a paid carer and have done so for at least 4 weeks and parents who suffer a still birth after 24 weeks or more into pregnancy. There is no minimum service requirement for eligibility to take this leave.

- Employees may be entitled to statutory parental bereavement pay (SPBP) [and/or normal pay covering some of this period] for parental bereavement leave if they meet the below criteria:
- Have 26 weeks continuous service with the Trust ending on the Saturday before the child died; Have normal weekly earnings in the eight weeks up to the week before the child death that are not less than the lower earnings limit for NI contributions.

Parental bereavement leave will be granted as a single block of 2 weeks or 2 separate blocks of 1 week at different times. This leave must be taken within 56 weeks of the loss of the child.

If parental bereavement leave is taken straight away and during the first 8 weeks after the child has died, there is no requirement to give advance notice of PBL. However, employees should make contact with the Trust to inform of the reason for their absence.

Any parental bereavement leave taken after the initial period will be subject to at least 1 weeks' notice to the employer.

Employees taking parental bereavement will be asked to produce a written declaration to confirm they are entitled to the leave.

Entitlement to maternity leave and pay is not affected if a child has died or been stillborn. Maternity leave can be taken in addition to parental bereavement leave.

##### **Other bereavement leave and compassionate leave,**

Up to 5 days (paid OR unpaid) bereavement leave may be granted, at the discretion of the Headteacher, to help employees cope with the death of a close relative, to deal with necessary arrangements and attend their funeral.

Up to 5 days (paid OR unpaid) compassionate leave may be granted, at the discretion of the Headteacher, to help employees where they need to deal with necessary arrangements for or to assist a close relative who is seriously or critically ill. This does not apply in the case of domestic emergencies, or where normal caring arrangements have been disrupted. We will consider compassionate leave for other traumatic events or difficult personal circumstances on an individual case by case basis.

Bereavement leave and compassionate leave may be granted in relation to a spouse, civil partner or partner, stepchild, grandchild, parent, step-parent, parent-in-law, grandparent, brother or sister, stepbrother or stepsister, or brother or sister-in-law. Children are covered separately in the parental bereavement section above. The Headteacher may exercise their discretion in relation to any other relative or close friend, depending on the circumstances. When agreeing the amount of leave the Trust will take into account the circumstances and relationship of the employee to the deceased/seriously or critically ill person.

## **5. Dependants (Time off for)**

The law recognises and we respect that there will be occasions when you will need to take time off work to deal with unexpected events involving one of your dependants. All employees have the right to take a reasonable amount of unpaid time off work when it is necessary to:

provide assistance when a dependant falls ill, gives birth, is injured or assaulted;

make longer-term care arrangements for a dependant who is ill or injured;

take action required in consequence of the death of a dependant;

deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or

deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

A dependant for the purposes of this policy is:

an employee's spouse, civil partner, parent or child;

a person who lives in the same household as the employee, but who is not their tenant, lodger, boarder or employee; or

anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in paragraph 5.1.

Employees are only entitled to take reasonable time off under this policy where there is an immediate crisis and it is necessary to take action in relation to a dependent. This will depend on the nature of the problem, the closeness of the relationship between you, and whether someone else is available to assist. Reasonable time off will not normally be more than 1 or possibly 2 days and in most cases will be less than a day. However, we will always consider each set of circumstances on their facts.

*Staff will be paid up to two paid days (or four half days) in any rolling twelve month period. This amendment will take effect from 1<sup>st</sup> April 2025.*

If you know well in advance that a problem might arise or you wish to take time off to care for a dependant yourself, rather than make alternative arrangements, this policy will not apply. You should make other arrangements to deal with such situations.

You will only be entitled to time off under this policy if, as soon as is reasonably practicable, you tell the Headteacher:

the reason for your absence; and

how long you expect to be away from work.

If you fail to notify us as required by paragraph 5.5, you may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off.

## **6. Domestic, Personal and Family Reasons**

Up to 5 paid OR unpaid leave of absence days may be granted at the discretion of the Headteacher for domestic reasons (urgent or otherwise). It is expected that those employees who have the option to choose when to take their leave, will use their annual leave entitlement before making a request for domestic reasons.

Leave to be granted under this provision may include the following, but the Headteacher will consider each set of circumstances on the facts, including the nature of the request, the relationship of the employee to the person the request relates to where applicable and whether the event or incident is an exceptional circumstance that could not be arranged outside of normal working hours:

### **Moving house**

Employees should normally make arrangements for moving house outside normal working days. Where this is not possible, up to a day's leave may be granted by the Trust. Requests for such leave would not normally be granted more than once every three years.

### **Wedding or civil partnership ceremony**

Employees should make their own wedding/civil partnership arrangements outside normal working days. Leave may be granted by the Trust to enable employees to attend a close relative's or close friend's wedding or civil partnership ceremony where this is held during normal working hours.

### **Other special events**

The Trust recognises that in exceptional circumstances there will be special events in an employee's family life that cannot be arranged outside normal working days e.g., graduation ceremonies, school productions, sports day. The Trust will consider requests for time off for these purposes.

### **Urgent domestic business**

This would enable school staff to deal with emergencies of a domestic nature e.g., flooding, structural damage, burglary etc.

Special absence for other personal or family reasons, e.g., to visit relatives who live abroad or to nurse a sick person may also be considered in exceptional circumstances (where the employee has a minimum of one year's service at the date of commencement of the leave). A holiday will not be considered as an exceptional circumstance.

Plans or arrangements for the time off should not be made by the employee until they have received a decision in relation to their request and their request is granted, if appropriate. Should you take leave that has not been authorised you may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off and deductions from pay made for any unauthorised leave that was paid.

## **7. Health and Welfare**

Employees are expected to make routine medical appointments on their non-working days/outside working hours. Where it can be demonstrated that it is not possible to obtain appointments outside of working hours the Trust may grant, at the discretion of the Headteacher, (paid OR unpaid) time off for reasons of the personal health and welfare of an employee. For example, visits to a doctor, dentist, optician, clinic and hospital. The Trust will expect employees to provide evidence of their requirement to attend any medical appointments.

All employees are encouraged to attend medical appointments for preventative screening, such as smear tests, mammograms, prostate examinations. These appointments are covered by this policy.

Employees who donate blood or other medical tissue are encouraged to do this outside of working hours. Where this is not possible requests for time off to attend these appointments will be considered under this policy.

Requests for time off for medical appointments in relation to adoption, pregnancy or a disability will be considered under the Trust policy that covers these circumstances.

## **8. Assisted Conception**

Employees who are planning to undergo any form of assisted reproduction or require any treatment or other medical intervention to support fertility should discuss with the Head Teacher their treatment plan and requirements for time off. Whether it is you, your partner or a surrogate undergoing treatment we will consider ways to support you to attend appointments to undergo treatment or to support, in the same way as any other medical appointments.

Whilst we understand appointments for such treatments are often made at short notice and can be frequent and on consecutive days, as much notice as possible regarding the arrangements for the time off should be made.

We recognise that such treatment can be physically, emotionally, and financially stressful and encourage you to discuss these matters and be as open as possible so that appropriate support can be offered to you in the workplace, whilst you are undergoing treatment. This could include, but is not limited to, the provision of a fridge for storing medication, workplace adjustments, or a quiet space to take medication or take/make medical calls.

All discussions will be treated sensitively and in strict confidence.

For those receiving treatment we will grant (paid or unpaid), at the discretion of the Headteacher, leave to attend up to 5 appointments in any 12-month period, limited to 5 days over a 3-year continuous period, this leave can be taken in full days or half days.

Leave will be pro-rated for part-time employees.

If you need any additional time off above the paid time off this may be granted as unpaid leave, it is therefore important to discuss your treatment plan with the Head Teacher. Any additional time either paid or unpaid will be at the discretion of the Headteacher.

Wherever possible appointments should be arranged outside of normal working hours. Specifically, where appointments relate to investigations or testing. However, we recognise this may not always be possible. You may be asked to provide details of your appointments, as you would any medical appointment.

Should employees require time off work because of the side effects of their treatment this will be treated under the normal sickness absence reporting procedures.

If treatment is successful from the point of implantation you will be considered pregnant and you should refer to the maternity policy.

If sadly treatment is not successful, you will have the same protections from when you underwent embryo transfer until two weeks after finding out transfer was unsuccessful. The Trust will offer appropriate support during this time and beyond.

If you experience pregnancy loss following treatment you should speak to the Headteacher.

## **9. Interviews**

The Trust accepts that employees will have little or no control over when an interview will take place and therefore may grant up to 4 days off for interviews (with OR without) pay.

Employees must inform their Headteacher of the time, date and duration of the interview as soon as they have this information so that the request can be considered promptly to avoid disappointment. The Trust can ask employees to provide evidence of interview.

## **10. Time off for public duties**

The Trust supports employees to perform certain public duties that they may be committed to undertake and will give them time off to do so where it does not conflict with the operational needs of the School. The Trust is not obliged to grant employees paid leave for these purposes. The circumstances in which we are prepared to do so are set out below.

### **Jury service**

Employees should tell the Headteacher as soon as they are summoned for jury service and provide a copy of the summons if requested.

Depending on the demands of the School we may request that the employee applies to be excused from or have the jury service deferred.

The Trust is not required to pay employees while they are absent on jury service. You will be advised at court of the expenses and loss of earnings that you can claim. We pay basic pay to employees who are doing jury service, less any amounts you can claim from the court for lost earnings for up to 14 working days. Payment for time off beyond 14 working days may be paid at our discretion.

### **Reserve forces duties**

We are aware that employees who are members of the Reserve Forces (the Territorial Army, Royal Navy Reserve, Royal Marines Reserve or Royal Auxiliary Air Force) may be called-up at any time to be used on full-time operations and will be expected to attend regular training.

Employees who need time off for reservist commitments are expected to use existing holiday entitlement. [In exceptional circumstances the Headteacher may grant additional leave (either paid or unpaid) in order for these commitments to be met.]

Whilst we will do everything possible to meet your request for leave it may not always be possible for operational reasons. If we receive notice that you have been called-up there may be occasions when we need to apply to an adjudication officer for the notice to be deferred or revoked if your absence would cause serious harm to the School (which could not be prevented by the grant of financial assistance).

Once your military service has ended you may submit a written application for reinstatement to your employment. This should be made by the third Monday following the end of your military service and you should notify us of the date on which you will be available to restart work.

If it is not reasonable and practicable to reinstate you into your former employment we will offer you the most favourable occupation on the most favourable terms and conditions which are reasonable and practicable.

## **11. Professional Examination Duties**

The Trust will authorise leave for teachers to undertake professional duties in connection with GCSE, GCE A Level and other public examinations in line with the provisions of the Burgundy Book (Section 6). This also gives details of how the school may be reimbursed when a teacher has to be released.

## **12. Redundancy – support for job seeking**

Employees who have been identified by the Trust as redundant will be allowed reasonable time off during working hours to support them with securing alternative employment or to arrange training for future employment. The amount of time-off is at the discretion of the Headteacher. Each case will be considered on its merits.

## **13. Religious Festivals**

Employees whose religious beliefs require the observance of festivals which fall on days upon which they would normally work, may be granted up to 4 days leave (with/without) pay.

Employees must inform the Headteacher at the start of each academic year of any dates that they may need to request time off for. Where this is not possible employees should provide this information as soon as they are able to and no later than 10 working days before the date of the requested leave.

Unfortunately, whilst every effort will be made to accommodate requests for leave, there may be some circumstances where holiday requests are turned down. Such as where a large number of requests are received at the same time or there is insufficient capacity within the Trust to accommodate the leave.

## **14. Time off for trade union duties and activities**

The Trust wishes to support employees with time off for trade union activities.

Trade union representatives are entitled to reasonable paid time off to carry out trade union duties and activities, to undergo training and to accompany a worker to a grievance or disciplinary hearing. A trade union representative means an officer of the union or an employee elected or appointed in accordance with the union's rules to be a representative of union members in the workplace.

Union learning representatives have a right to reasonable paid time off to perform their duties and undergo training.

Union members have a right to reasonable unpaid time off when taking part in trade union activities.

Employees should be aware that there will be occasions where, for operational reasons, or where the Trust believe the time off to not be reasonable, requests can be declined. Each application for time off will be assessed on its merits and the determination will ultimately depend on the needs of the Trust at the time of the request and consideration will be given to:

- the nature and timing of the request;

- the amount of time off previously granted or planned for the future;

- the number of representatives or members seeking time off within a given period; and

- the legitimate need of the union representative or union learning representative to discharge their functions.

If a union representative, union learning representative or union member is aggrieved by a decision to refuse time off to undertake their duties, training or activities, they should raise the matter in accordance with Trust's grievance procedure.

#### **Time off for union representatives - duties**

Employees who are representatives of an independent trade union recognised by the Trust for collective bargaining are permitted reasonable paid time off to:

- carry out their duties in connection with:

- negotiations in relation to collective bargaining

- the performance of other permitted functions related to collective bargaining;

- information and consultation over collective redundancies or TUPE transfers; and

- agreeing new terms for the workforce following a TUPE transfer in an insolvency situation;

- undergo training in aspects of industrial relations relevant to those duties which has been approved by the Trades Union Congress or by the trade union;

- accompany a fellow worker to a disciplinary or grievance hearing.

#### **Time off for union members - activities and learning**

An employee who is a member of an independent trade union recognised by the Trust in relation to their position is permitted reasonable unpaid time off to take part in a trade union activity or to consult a union learning representative. Examples of trade union activities include voting in union elections and attending relevant workplace union meetings, but not participating in industrial action.

### **Requesting time off - trade union members**

Employees who want to request time off for trade union activities during working hours should make a request to the Headteacher giving as much notice as possible and provide further details, such as the location, timing, duration and purpose of the time off. The Headteacher will look at each request and the circumstances before deciding what is reasonable.

## **15. Severe Weather and Disruptions to Public Transport**

The Trust recognise that employees may face difficulties travelling to and from the workplace during severe weather conditions or when there are major disruptions to public transport (this is not in circumstances of a high volume of traffic or normal disruption to public transport). If your normal mode of transport cannot be used to get to work, you should explore alternative means of safe transport.

Although the Trust expect you to make a reasonable effort to attend work in all circumstances, it is not our intention for you to put yourself at unnecessary risk. However, at the same time we must also ensure that any disruption remains minimal.

### **Lateness**

If you realise that, due to severe weather conditions or disruptions to public transport, you are likely to be late for work, you must telephone the absence line and your line manager as soon as possible to explain the situation and give an estimate of when you expect to arrive at work.

If the lateness amounts to half your normal working day or more, the arrangements set out below in relation to absence will apply.

### **Absence**

Where the Headteacher is satisfied that you have made every reasonable effort to attend work but have been unable to do so due to severe weather conditions or public transport disruptions, you will be required, if possible, to work remotely until the situation has improved.

### **Childcare provision (school or nursery) closures**

Where schools or nurseries close due to bad weather or public transport and you are unexpectedly required to provide or arrange care for a dependant, the Dependants (time off for) section will apply.

### **School closure**

The Headteacher may decide to temporarily close the School, in extreme cases of bad weather or disruptions to public transport. If this is necessary, we will inform you as soon as possible. You will be required to work remotely where it is possible to accommodate a remote working arrangement. You will be paid your normal pay during the period of closure.

### **Leaving work early**

The Headteacher will decide on a case-by-case basis if, due to severe weather conditions or disruptions to public transport, it is appropriate for you to leave work early, taking into account your individual circumstances (for example, where you live and your mode of transport) and the needs of the organisation. In such cases you will be paid your normal pay.

If you leave work early, you may be required to work remotely where this is possible.

## Health and safety

We have a duty to ensure the health, safety and welfare at work of all our employees. You also have a duty to take reasonable care for your own health and safety and that of any other person who may be affected by your acts or omissions. This includes taking extra care when travelling to and from the work in severe weather conditions.

The Trust will undertake regular risk assessments to ensure employees working in these conditions are properly instructed, provided with the appropriate clothing and equipment, and given adequate rest breaks.

## **16.Retention and data protection**

Through the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction document and in line with the requirements of the Data Protection Legislation.

## **17.Review of policy**

This policy is reviewed according to the policy review schedule. We will monitor the application and outcomes of this policy to ensure it is working effectively.

# Sickness absence

## 1 Introduction

- 1.1 This policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.2 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.3 We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time. We may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.
- 1.5 As part of the application of this policy, the Trust will collect, process and store personal data and special categories of data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time, in relation to how we collect, hold and share special category personal data. Records will be kept in accordance with our relevant policy and in line with the requirements of Data Protection Legislation.

## 2. Scope and purpose

- 2.1 This policy covers all employees at all levels and grades regardless of status.
- 2.2 The purpose of the policy is to ensure that staff understand the expectations of the Trust in terms of attendance at work. In applying this policy, we aim to ensure that attendance is managed appropriately and consistently and that employees receive relevant support.

## 3. Definitions

- 3.1 Short-term sickness absence - any absence that lasts between half and 20 days (four working weeks).
- 3.2 Long term sickness absence - any absence that lasts for a continuous period of longer than four working weeks.

## 4. Disabilities

- 4.1 We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out in paragraph 15 of this policy), particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- 4.2 If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform your line manager.

## **5. Sickness absence reporting procedure**

- 5.1 All employees are required to follow the reporting procedure set out below.
- 5.2 If you are taken ill or injured while at work, you should report this to your line manager. Managers should contact the Deputy headteacher or Business Manager to make arrangements for anyone who is unwell to be accompanied home where necessary.
- 5.3 If you cannot attend work because you are ill or injured, you should telephone the school absence line as early as possible and no later than 7.30 am. The following details should be provided:
  - 5.3.1 The nature of your illness or injury.
  - 5.3.2 The expected length of your absence from work.
  - 5.3.3 Contact details.
  - 5.3.4 Any outstanding or urgent work that requires attention, including information in relation to student work that needs covering.
- 5.4 Contacting by text message or email is not acceptable.
- 5.5 Managers should ensure that:
  - 5.5.1 Any sickness absence that is notified to them is recorded and reported to the Assistant Headteacher (Cover).
  - 5.5.2 Arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).
- 5.6 You should expect to be contacted during your absence by your manager who will want to enquire after your health and be advised, if possible, as to your expected return date.
- 5.7 If you are ill or injured during a period of pre-arranged annual leave you may elect to treat the days of incapacity as sickness absence instead of annual leave. You must inform your manager of your incapacity and its likely duration as soon as possible even if you are abroad. [The usual requirements for self-certification and medical certificates in this policy will apply.]

## **6. Evidence of incapacity**

- 6.1 For sickness absence of up to seven calendar days you must complete a self-certification form, appendix 1 or the Headteachers PA.
- 6.2 For absence of more than 7 calendar days you must obtain a certificate from an eligible healthcare professional (a 'Statement of Fitness for Work') stating that you are not fit for work and the reason(s) why. This should be forwarded to the Headteachers PA as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.
- 6.3 If your healthcare professional provides a certificate stating that you 'may be fit for work' you should inform your line manager immediately. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your healthcare professional's advice. This may take place at a return to work interview. If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.

- 6.4 Where we are concerned about the reason for absence, or frequent short-term absence, we may require a medical certificate for each absence regardless of duration. In such circumstances, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.
- 6.5 Where an employee is absent immediately prior to a school closure period, they will continue to be deemed as being absent for the purposes of recording sickness and statutory and/or contractual sick pay during the closure period, unless they provide a fit note indicating they are fit to return to work. The cost of a fit note will be covered by the Trust if applicable.
- 6.6 If you are undergoing an elective or cosmetic surgery or procedure for which you will be absent from work, then any entitlement to sick pay (as set out in paragraph 8) will be subject to receipt of satisfactory medical evidence. This medical evidence will need to be in the form of a report from your doctor or a specialist confirming that you are undergoing the procedure on medical advice. You may be required to take annual or unpaid leave for any absence related to a purely elective procedure.
- 6.7 Where absence appears to be as a result of an infectious disease the Trust reserves the right to obtain medical evidence to ascertain whether the infection was directly attributable to the workplace.

## **7. Unauthorised absence**

- 7.1 Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.
- 7.2 Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.
- 7.3 If you do not report for work and have not telephoned the school absence line to explain the reason for your absence, your line manager will try to contact you, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

## **8. Sick pay**

- 8.1 You should refer to your contract for details of the sick pay to which you are entitled.
- 8.2 If a period of sickness absence is, or appears to be, occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, you must immediately notify your line manager of that fact and of any claim, compromise, settlement or judgement made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, you must cooperate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.
- 8.3 Failure to properly report your absence or to provide medical or self-certification could lead to your pay being suspended.

## **9. Keeping in contact during sickness absence**

- 9.1 If you are absent on sick leave you should expect to be contacted from time to time by your line manager in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.
- 9.2 If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager any time.
- 9.3 We offer access to confidential counselling. The details to access this service are available in the Staff Handbook.
- 9.4 Medical examinations
- 9.4.1 We may, at any time in operating this policy, ask you to attend a medical examination by our Occupational Health provider at our expense.
- 9.4.2 You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.
- 9.4.3 Failure to agree to a reasonable request may result in decisions being made in the absence of any medical information. In some circumstances disciplinary action may be taken where you do not cooperate with the sickness absence process.
- 9.4.4 In the event of a difference of opinion between an employee's GP or other healthcare professional and the Trust's occupational health advisors, regarding an employee's fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent absences, the OH advisor's advice will normally take precedence. In some cases, an independent medical advisor may be asked to give a second opinion.
- 9.4.5 This process is in line with our Workforce Privacy Notice which sets out how we will gather, process and hold special category personal data of individuals during employment.

## **10. Return-to-work interviews**

- 10.1 If you have been absent on sick leave we will arrange for you to have a return-to-work interview with you line manager.
- 10.2 A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.
- 10.3 Where your doctor has provided a certificate stating that you 'may be fit for work' we will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate your return to work, taking account of your healthcare professional's advice.

## **11. Returning to work from long-term sickness absence**

11.1 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see section 13), we will, where appropriate and possible, support returns to work by:

11.1.1 Obtaining medical advice;

11.1.2 Making reasonable adjustments to the workplace, working practices and working hours, including a time-limited phased return to work.

A phased return to work will often be a recommendation of an occupational health advisor or the employees GP.

Employees will receive their full pay on the phased return. Phased returns to work should be for a maximum of 4 weeks. In the event an employee requests that the phased return is extended beyond 4 weeks, a dialogue should be held with the employee in regards to a temporary contractual change being made to their working hours to accommodate the request and their pay adjusted accordingly.

11.1.3 Considering redeployment; and/or

11.1.4 Agreeing a return to work programme with everyone affected.

11.2 If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract and/or any insurance schemes we operate.

## **12. Sick leave and Annual Leave**

12.1 If you become sick or injured while on annual leave such that you would be unfit for work you may ask us to treat the period of incapacity as sick leave and reclaim the annual leave.

12.2 To be able to claim company sick pay you must notify your line manager of your incapacity immediately, and the usual requirements for medical evidence in this policy will also apply, even if you are abroad.

12.3 If you are on sick leave you may choose to cancel any pre-arranged annual leave that would otherwise coincide with your sick leave. You should notify your (line manager) as soon as possible that you wish to do this.

12.4 If your period of sick leave extends into the next holiday year, or if there is not enough time left in the current holiday year to make it practicable to take your remaining holiday entitlement, you can carry any unused holiday entitlement over to the following leave year up to a maximum of 5 days to be used within three months of your return to work.

## **13. Sickness absence meetings procedure**

13.1 We may apply this procedure whenever we consider it necessary, including, for example, if you:

13.1.1 Have been absent due to illness on a number of occasions in line with the following triggers for action:

- Three or more incidences of absence in any three-month period; or

- Six or more incidences of absence in a twelve-month period; or
- Ten or more day's sickness absence within a twelve-month period. Please note that in circumstances where employees are part time or where employees work different shift patterns triggers will be pro rata to reflect the employees working pattern; or
- Any other pattern of absence which causes concern e.g. absences occurring on a particular day of the week, absences occurring before and after planned leave, a continuous pattern of absence review meetings, or
- Where an employee has a mixture of short- and long-term absences, it will be appropriate to manage the employee's absence in accordance with the above procedure.

These triggers should be pro rata for part time employees and consideration should be given to adjusting triggers for employees with a disability. Pregnancy related absences should be discounted when calculating triggers;

13.1.2 Have discussed matters at a return to work interview that require investigation; and/or

13.1.3 Have been absent for more than 20 days.

13.2 Unless it is impractical to do so, we will give you five days written notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.

13.3 The meeting will be conducted by your line manager **OR** a member of the Senior Management Team. You may bring a companion with you to the meeting (see paragraph 14).

13.4 You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform the person arranging the meeting who will seek to agree an alternative time.

13.5 A meeting may be adjourned if we are awaiting receipt of information, or we need to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

13.6 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within five days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

13.7 Formal warnings issued for sickness will remain live for a period of 12 months from the date of issue, during which time further absences beyond the review period would be dealt with either at the next stage of the procedure or by an extension of the current live warning. If further absences occur shortly after the end of the 12-month period (or any extended warning), we reserve the right to deal with the matter at the same stage of the procedure and not return to earlier stage.

13.8 If, at any time, your line manager or senior management considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

## **14. Right to be accompanied at meetings**

14.1 You may bring a companion to any meeting or appeal meeting under this procedure.

- 14.2 Your companion may be either a trade union representative or a work colleague. You should provide their details to the person conducting the meeting, in good time before it takes place.
- 14.3 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 14.4 We may at our discretion permit other companions (for example family members) where this will help overcome particular difficulties caused by a disability or difficulty understanding English.
- 14.5 Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting.
- 14.6 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

## **15. Stage 1: first sickness absence meeting**

- 15.1 This will follow the procedure set out in paragraphs 13 and 14 on the arrangements for and right to be accompanied at sickness absence meetings.
- 15.2 The purposes of a first sickness absence meeting may include:
  - 15.2.1 Discussing the reasons for absence.
  - 15.2.2 Where you are on long-term sickness absence, determining how long the absence is likely to last.
  - 15.2.3 Where you have been absent on a number of occasions, determining the likelihood of further absences.
  - 15.2.4 Considering whether medical advice is required or, if already obtained, what that advice is.
  - 15.2.5 Considering what, if any, measures might improve your health and/or attendance.
  - 15.2.6 Determining a way forward, action that will be taken and a time-scale for review, and/or a further meeting under the sickness absence procedure.
  - 15.2.7 Issuing a written warning that your employment may be at risk if your attendance does not improve, or you return to work.

## **16. Stage 2: further sickness absence meeting(s)**

- 16.1 Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in paragraphs 13 and 14 on the arrangements for and right to be accompanied at sickness absence meetings.
- 16.2 The purposes of further meeting(s) may include:
  - 16.2.1 Discussing the reasons for and impact of your ongoing absence(s).

- 16.2.2 Where you are on long-term sickness absence, discussing how long your absence is likely to last.
- 16.2.3 Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- 16.2.4 If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- 16.2.5 Considering your ability to return to/remain in your job in view both of your capabilities and the needs of the School and any adjustments that can reasonably be made to your job to enable you to do so.
- 16.2.6 Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
- 16.2.7 Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a phased return to work programme.
- 16.2.8 If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
- 16.2.9 Determining a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.
- 16.2.10 Issuing a final written warning that your employment may be at risk if your attendance does not improve, or you do not return to work.

## **17. Stage 3: final sickness absence meeting**

- 17.1 Where you have been warned that you are at risk of dismissal and the improvement has not been made, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out in paragraphs 13 and 14 on the arrangements for and right to be accompanied at sickness absence meetings.
- 17.2 The purposes of the meeting will be:
  - 17.2.1 To review the meetings that have taken place, the matters discussed and warnings issued.
  - 17.2.2 Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
  - 17.2.3 To consider any further matters that you wish to raise.
  - 17.2.4 To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
  - 17.2.5 To consider if ill health retirement is a possibility where medical advice is clear it is unlikely that an employee will be fit to return to their role in the near future.
  - 17.2.6 To consider the possible termination of your employment.

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

## **18. Appeals**

- 18.1 You may appeal against the outcome of any stage of this procedure and you may bring a companion to an appeal meeting (see paragraph 15).
- 18.2 An appeal should be made in writing, stating the full grounds of appeal, to the Headteacher within five days of the date on which the decision was sent to you.
- 18.3 Unless it is not practicable, you will be given five days written notice of an appeal meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.
- 18.4 You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.
- 18.5 Where practicable, an appeal meeting will be conducted by a member of the Senior management team, or senior to the individual who conducted the sickness absence meeting.
- 18.6 Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- 18.7 Following an appeal, the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible, within five days of the appeal meeting. There will be no further right of appeal.
- 18.8 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

## **19. Review of policy**

This policy is reviewed according to the schedule of Policy Review by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.



SICKNESS and COMPASSIONATE LEAVE ABSENCE - SELF CERTIFICATION FORM  
(Please circle either Sickness or Compassionate)

<b>A.</b>	<b><u>PERSONAL DETAILS</u></b>
	Full Name .....
	Full time / Part time – if part time days worked e.g. Mondays & Fridays .....
<b>B.</b>	<b><u>DETAILS OF ABSENCE</u></b>
	First day of absence from work .....
	Last day of absence from work .....
	Number of working days lost .....
	If Doctors note obtained – dates covered .....
	<b>(required if the sickness absence is longer than 7 calendar days)</b>
<b>C.</b>	<b><u>DETAILS OF SICKNESS / NATURE OF INJURY or REASON FOR ABSENCE IF COMPASSIONATE</u> e.g. Sick Child/Funeral etc. (if accident at work an Accident Report must also be completed)</b>
	..... .....
<b>D.</b>	<b>SIGNATURE OF APPROPRIATE MANAGER Deputy Headteacher, (Teaching Staff) or Business Manager (Support Staff)</b>
	Date .....
<p>I hereby certify that the relevant information above is, to the best of my knowledge, correct. I understand that it may be used to establish my right to sick pay (state and occupational) and that a knowingly false statement could lead to disciplinary/legal action being taken against me.</p> <p>I also understand that in certain circumstances I may be requested to agree to an approach by the Academy's Occupational Health Professionals to my Doctor.</p> <p>Signature of Employee ..... Date .....</p>	
<p>Signature of Headteacher ..... Date .....</p>	

## Appendix 2

### Return to work interview form

Work has an important role in promoting wellbeing and there will be times when employees need time away from work for personal or health reasons. This form should be used as part of an employee's return to work interview after a period of absence.

A well-managed return to work interview will reduce the risk of the absence becoming long-term. To ensure that employees are supported on their return to work, any issues that may impact their return should be discussed and appropriate action taken in response.

Checklist:

Self certification form completed	
Absence record shared	
Have trigger points been met?	
Concerns about level or pattern of absence	
Refer to Headteacher	
Occupation health recommendation	
Absence improvement Plan recommended	

:

:

## Return to work interview form

Employment details	
Employee name	
Reports to	
Date of return to work	
Period of absence	
Manager signature	
Employee signature	

How are you feeling now?
Are you well enough to be back in work?
Did you speak to your GP or a pharmacist during your absence?
Have you been taking any medication and are there any side effects to be aware of?
Is this an ongoing or recurring condition?

**Has anything work-related contributed to your absence?**

**Are there any adjustments that need to be made to help with your attendance?**

**How would you like the school to support your return?**

**Summary notes of return to work interview**

**Follow up action proposed by manager**