

STAFF SICKNESS AND ABSENCE POLICY

Date adopted	September 2015
Last review:	August 2023
Next Review:	August 2024

Aim of the policy

To ensure that there is fair and consistent treatment of staff who are absent from work and that staff have clear guidance of the procedures to follow when sick or absent, or where a request for leave during the term time needs to be made. Prolonged or frequent occasional sickness, or persistent lateness causes disruption in school and can be unfair to colleagues and students. The Senior Leadership Team (SLT) have a duty to ensure that we maintain a high standard of education for our pupils. Good attendance is necessary to maximise efficiency and effectiveness and it is essential that any policy designed to deal with sickness absence is fair and equitable, enabling members of the SMT to deal with each case on its own merits.

The HR Department is responsible for ensuring that accurate records of staff absence and lateness are kept for monitoring staff absence. In addition, Line Managers must ensure the appropriate documents are completed and passed to HR in order for records to be kept up to date.

Protection from Prejudice

As in all matters relating to individual staff, it is important that the SLT or other staff or Trustees do not discuss confidential details of particular cases. Such matters must always be referred to the relevant senior member of staff. This is in order for us to have sufficient personnel available to sit on formal hearings who are not prejudiced should this be required.

SICKNESS ABSENCE

Types of absence due to sickness

Staff may be absent from their employment for a number of reasons, both authorised and unauthorised. Unauthorised absence not due to sickness is usually dealt with under the disciplinary procedures.

There are four different types of absence due to sickness:

- occasional short-term absence
- recurrent short-term absence where the causes differ and are apparently unrelated;

- recurrent short-term absence with an underlying medical condition: and
- long term absence, where a member of staff is absent continuously for a considerable period of time.

Staff must ensure that they follow the procedures below:

SICKNESS NOTIFICATION PROCEDURE

All staff including Outreach **must call** in to **the Southover Partnership office on 0208 446 0300 no later than 8.30am on each day of sickness**, detailing the reason why they will not be in work and when they expect to be able to return, if known. If they are unable to make the call themselves, they must arrange for someone to make the call on their behalf.

If the phone is not answered they are required to leave a message which will be picked up and the appropriate Head of School/ Outreach Service or Business Team will be informed by the office staff. If they are unable to inform them of the day they will be returning, it is essential they maintain daily contact to inform Southover of the progress of their illness. This can be done by someone on their behalf if they are unable to do so personally. This must not be by text or via a work colleague.

Return to work

It is good practice, and good pastoral care, for the SLT, HR Department or line manager to see every member of staff, however briefly, after every sickness absence. A return to work interview should be completed by the Head of school / Head of Outreach / HR and the returning staff member on the day of return.

A *Statement of Fitness for Work* form will need to be obtained from a doctor or medical practitioner if they are absent for more than 7 continuous days.

Failure to notify Southover Partnership of sickness absence and the reason for that absence, in accordance with the above rules, will be regarded as unauthorised absence. Unauthorised absence may be considered to be misconduct and could result in loss of pay and disciplinary action.

Recurring Short Term Absence

This is where a member of staff exhibits a pattern of absence over a period of time. Detailed records of absence are kept including length of and reason for each absence.

The short term absences may all be related to one underlying medical cause, or may be unrelated and of an unacceptably high level. Action may be required in either case.

It is very important that self certification forms are completed on return to work so that we have factual evidence.

Time Limits Triggering Action

If monitoring shows that a member of staff has an unacceptably high level and/or a repeated pattern of absence, then the school may have to take informal or formal action. The guideline trigger points for action are:

(a) Informal triggers

- short-term sickness - nine occasions in any 12 month period or three occasions in any 3 month period
- long-term sickness - continuous absence for a period of 3 weeks or more

(b) Formal triggers:

- short-term sickness - 12 occasions in any 12 month period or four occasions in any 3 month period
- long-term sickness - continuous absence for a period of 6 weeks or more

Occasion is taken to mean one working day or part thereof. For example, absence for half of a working day counts as an occasion. For part-time staff, the trigger points are the equivalent periods, based on the number of hours worked. The periods of time are measured from the first day of the week in which the first absence occurred.

Where formal procedures are likely, advice should be taken from the HR Department before any action is taken. All staff should be aware of the process that has been adopted so that, once trigger points are reached, the procedure can be started. This will help to ensure that each member of staff is treated fairly and sickness absence is handled objectively.

Where staff are absent for long periods of time it is important that contact is maintained with them so that they do not feel isolated and that the school is aware of the on-going situation. Home visits should only be made by prior arrangement.

Informal Stage

If any member of staff's level of sickness absence reaches the trigger points in Southover's procedure, a relevant member of the SLT must meet with the member of staff.

They should discuss

- The reason for absence and any future expected absence

- Whether the employee is fit, from a management point of view, to return to work
- Would the staff member benefit from a referral to Occupational Health?
- Whether there are any reasonable adjustments to the work environment which would aid the employee to maintain a better level of attendance
- Whether there are any underlying factors that may be affecting the member of staff's ability to fulfil their contract.

A brief summary of the discussion will be kept on the return to work form and the staff member will be required to sign this form and add their own notes should they not agree with the summary. This will be kept on the employee's file. This may be used as evidence should the staff member's absence precipitate more formal action being taken. This will not be referred to should a reference be requested.

Sickness - Formal Action Procedure

Stage 1

Meeting with SLT and HR

If further formal action is then required the member of staff needs to be invited in writing to a meeting with their respective SLT and a HR Representative, or other senior manager, to discuss the situation. This letter should be given to the employee at least 5 working days before the meeting, with a copy of the Southover Partnership Staff Sickness and Absence policy.

This letter should explain:

- that the levels of absence/lateness are still a cause for concern
- the possible outcomes from this meeting
- they need to produce any supporting evidence they have regarding their absence or any additional information that should be taken into consideration a minimum of 2 days before the meeting
- that should they not attend the meeting may still be held in their absence
- that they have a right to be accompanied by a work colleague or union representative.

The staff member is expected to make every effort to attend the meeting, reasonable adjustments should be considered, including meeting at the staff member's home, or in a neutral environment.

There may be a decision that no further action is required, other than continuing monitoring.

It may, however, be decided that if the level of absence is unacceptable, it is appropriate to issue a written warning. A review date within six weeks should be set by which date the agreed improvement should have been demonstrated.

A written record of the meeting should be sent to the employee, and an opportunity for the employee to comment on the record. Any comments from the employee should also be kept with the notes. A signed confirmation should be sought.

After a period of twelve months, if monitoring shows no further cause for concern, the written warning should be removed from the employee's file. During the twelve-month period the written warning is on your record, it may be used as evidence for any further investigation in to absence. This warning could be used when giving a reference whilst in effect.

Further action possible after a formal meeting

The line manager may decide with advice from the HR department that an independent medical examination is required. All costs will be met by the Southover Partnership and the member of staff should be informed in writing of the referral and the reasons associated with it. This will be subject to the Access to Medical Reports Act 1988

Monitoring may be stressful for the member of staff therefore it is of the utmost importance that continued support is given and any employee support available made accessible to the member of staff.

Stage 2

Meeting with the Senior Leadership Team and HR

Following the first formal meeting, should there be no improvement, the staff member may be required to attend a second formal meeting with a member of the SLT (not the Executive Headteacher) and a HR representative.

Should the absence be excessive, following the first formal meeting; the second formal meeting can be held before the end of the six-week review period.

An invite letter to this meeting must be given to the member of staff at least 5 working days before the meeting, inviting them to the review meeting and their right to be accompanied by a work colleague.

The letter should explain:

- that the levels of absence are still a cause for concern
- the possible outcomes from this meeting
- they need to produce any supporting evidence they have regarding their absence or any additional information that should be taken into consideration a minimum of 2 days before the meeting
- that should they not attend the meeting may still be held in their absence
- that they have a right to be accompanied by a colleague or union representative.

Possible outcomes of the meeting are: -

- a) No further action to be taken other than normal monitoring
- b) That the agreed target has not been met but a limited improvement has been achieved. It may be considered that: -
 - A further review period should be established; and/or
 - That a (further) medical report should be requested; or
 - That, despite a more favourable outlook, the current level of absence cannot be sustained and that the procedure should move to the next stage
- c) That there are no indications of any improvement in the absence level or an indication of any likely improvement in the medical report and that the procedure should move to stage 3.
- d) That there is an underlying medical condition that indicated that the member of staff is permanently unfit to resume his/her current duties but could work in another capacity within the school. All areas should be explored in line with the requirements of the disability provision in the Equality Act 2010. Evidence of investigation into alternative employment within Southover should be recorded. If after investigation there is nothing that can be offered, the procedure should move to stage 3.
- e) That there is an underlying medical condition that indicates that the member of staff is permanently unfit to work and the procedure should move to stage 3.

Written confirmation of the outcome of the meeting including details of any warning given and any targets or agreements set should be sent to the employee without delay.

Stage 3

Formal Meeting with the Executive Headteacher and HR

After the two previous formal review stages have been exhausted, it would be usual to proceed to a hearing with the Executive Headteacher and a HR representative.

An invite letter to this meeting must be given to the member of staff at least 5 working days before the meeting.

The letter should explain:

- that the levels of absence are giving cause for concern
- the possible outcomes from this meeting
- they need to produce any supporting evidence they have regarding their absence or any additional information that should be taken into consideration a minimum of 2 days before the meeting
- that should they not attend the meeting may still be held in their absence
- that they have a right to be accompanied by a colleague or Union Representative.

Outcomes from this meeting may result in the following: -

- a) That the Executive Headteacher is satisfied that the employee is able to return to work and acceptable attendance levels so no further action is necessary
- b) That a further review period would be appropriate, after which there would be a further hearing
- c) That the employee is unfit to carry out the duties for which he/she was employed and has a level of absence that cannot be sustained within the school and should be dismissed with the required notice period on the grounds of incapacity. The employee has the right to appeal to this decision.

The member of staff should be sent written confirmation of the outcome of the hearing without delay and given details of the right to appeal if applicable.

Rights of appeal

If applicable, on advice from HR, an appeal can be made to the Chair of Trustees, who will set up an appeal process.

PAYMENTS DURING SICKNESS

STATUTORY SICK PAY

Statutory Sick Pay (SSP) will be paid when a staff member is absent from work due to sickness, provided that they comply with the requirements and conditions attached to its payment.

When SSP is payable

SSP cannot be paid for the first 3 days of sickness. If they are entitled to SSP the payment usually starts on the 4th day of absence and continues for as long as they are absent, up to a maximum of 28 weeks in any one period of sickness.

SSP is paid in exactly the same way as normal earnings and is not paid in addition to their basic salary.

When SSP is not payable

SSP is not payable in certain circumstances, the principal ones being:

- if their average weekly earnings are less than the figure set by the Government for the payment of National Insurance Contributions
- for absence of less than 4 days
- if they have failed to follow the **Sickness Notification Procedure**
- if their employment has terminated
- where Statutory Maternity/Adoption/Paternity/Shared Parental Pay is being paid to them
- for days on which they do not normally work (e.g. if they work Monday to Friday and not at weekends, SSP will normally apply to those 5 days only)

The rules on SSP are complex and staff should not hesitate to raise any query with the Southover Partnership. Alternatively, look at the Governments website at: <https://www.gov.uk/statutory-sick-pay>

OTHER PAYMENT DURING SICKNESS ABSENCE

In cases of absence due to sickness and after an employee has passed probation, The Southover Partnership provides each employee with 5 days paid sick leave (pro rata for part time staff). After this any additional paid sick leave will be at the Executive Headteacher's absolute discretion, any entitlement to Statutory Sick Pay (SSP) for employees, any payment made will include their SSP allowance, if they are entitled to this.

Things to be taken into consideration when deciding any discretionary sick pay:

- the nature of sickness
- longevity of service

- previous absence history, looking back at the previous 12 months' absence history
- Has the member of staff followed the **Sickness Notification Procedure?**

The Southover Partnership reserves the right to withdraw or amend this benefit at its discretion at any time.

Where appropriate all benefits that staff may be entitled to must be claimed from the appropriate Government Agency and any benefit received must be notified to the Southover Partnership; such benefits will then be deducted from any payments made.

If staff are absent due to sickness during the course of disciplinary proceedings or during investigations into alleged breaches of rules, procedures or contractual obligations, they will not be entitled to sickness payment from the Southover Partnership other than SSP.

If staff are absent from work due to injury or illness caused by a third party, any payments made by the Southover Partnership as sickness payment will be classed as a loan. This will be repayable to the Southover Partnership if compensation for loss of earnings is recovered from the third party.

If staff are on paid suspension and become unfit for work or unable to attend any necessary meetings due to sickness, your suspension may be lifted. If the suspension is lifted, staff may no longer be entitled to full pay or sickness payment from the Southover Partnership other than SSP.

Important

If a staff member has been absent due to sickness and is found not to have been genuinely ill, s/he may be subject to action under the disciplinary procedure, which could include dismissal.

Non-medical leave of absence

Requests for leave of absence

Generally, it is considered inappropriate to request leave in term time. However, leave requests will be considered on a case-by-case basis taking into account these factors:

- Impact on teaching and learning and the effective running of the school
- Impact in respect of Cover
- Impact on the school budget
- Circumstances surrounding the individual request
- Amount of notice given
- Any previous requests
- The employee's attendance record
- The number of days leave requested
- The employee's employment history

Leave of absence with or without pay may be granted in exceptional circumstances. Any request for leave of absence must be submitted on the "Exceptional leave request form" (appendix 1) with reasonable notice under the circumstances, usually at least 7 days prior to the request date through their line manager or directly to their Head of School. They will get a response indicating whether this has been approved and, if so, whether it is paid or unpaid, within 2 working days.

Where paid leave is sought for medical/dental appointments or job interviews the Head of School/ Service must be satisfied that there is no alternative time/date outside school hours when the appointment can be made.

Exceptional circumstances which may warrant discretionary leave of absence	Number of days in one academic year
Serious illness of a near relative (spouse, partner, child, parent or dependent relative)	Up to 5 in the first instance
Death or funeral of a near relative	Up to 5 in the first instance
Moving house	1
Own marriage	1
Public duties	Discretionary, based on nature of duty
Domestic emergency including childcare	3
Jury service	Duration of the service, subject to loss of earning entitlement being granted to the school
Examinations (Relevant courses approved by The Southover Partnership)	Up to 3 days in the first instance

Exceptional Holiday/Absence Request Form

All holidays should be planned during the school holidays. No other planned absences will be automatically authorised.

In exceptional circumstances only, you may need to request time off during the school term. Should you need to do this, you should complete the form below which will need to be submitted to the office **at least 2 weeks before the requested leave**.

We will endeavour to respond to your request within 2 working days but must emphasise that we do not guarantee that the request will be granted and no booking should be made until you have had a response.

Name:..... Date of request.....

Place of work/ school site:.....

Signature of Deputy Head/Line manager.....

From	To	Number of working days absent

Reason for absence

Please outline the reason for needing to take leave during term time. Ensure that you include any information which is relevant for us to make a decision.

This will be based on the reason for the request and whether we are able to ensure cover during the period requested.

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For office use

Date request received.....

Authorised YES/NO PAID/UNPAID

Decision made by

Comments

.....

Date