



# Sickness Absence Policy

<b>Author / Responsible Person</b>	Head of HR
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## **1. INTRODUCTION**

Future Academies (the Trust) is committed to promoting a positive working environment in which employees are supported to be healthy, engaged, and productive in carrying out their work.

Maintaining good levels of attendance at work and managing absence effectively is essential in terms of the Trust's efficiency and ability to deliver its educational and operational objectives. Good attendance is also an indicator of the general health, morale, and engagement levels of employees.

The purpose of this policy and the procedures described is to ensure the effective management of sickness absence within each school and to support the physical and mental health and wellbeing of its employees by treating them with consideration and respect during any absence, and where appropriate, through their phased return to work.

In particular, the Trust aims to treat employees who have a medical condition or disability which leads to absence, sympathetically and supportively. This will be done in the context of the requirements of the Equality Act 2010 (in particular with regard to the need to make reasonable adjustments for disabled employees) and the operational needs of the Trust.

High levels of sickness absence and/or repeated absence can cause significant disruption to the delivery of teaching and to the business of the Trust and can place an undue burden on colleagues. All absence therefore needs to be recorded and managed, and it is the responsibility of line managers across the schools, with advice and support from Human Resources, to monitor and control sickness absence.

## **2. SCOPE**

This policy applies to all Trust employees, but not to contractors or consultants. However, where employees have enhanced protected terms under TUPE regulations, the enhanced terms will apply.

The procedures described relate to the management of both short- and long-term sickness absence.

## **3. EQUALITY AND DIVERSITY**

This policy will be applied in accordance with the Equality Act 2010 and the Trust's Equality, Diversity, and Inclusion Policy. The Trust is committed to developing, maintaining, and supporting a culture of equality and diversity in employment and to ensuring that our policies and procedures do not discriminate against anyone on the grounds of age, disability, gender reassignment, marital or partnership status, maternity or pregnancy, race, religion or belief, sex, or sexual orientation. This policy provides a clear process to ensure the consistent, fair, and equitable treatment of all employees.

Sickness absence may be a consequence of a physical or mental health condition which is classed as a disability under the Equality Act. Reasonable adjustments to the

procedures will always be considered and HR advice must be obtained where a manager considers the employee may have a disability.

Pregnant employees should inform their manager if any sickness absence is pregnancy or disability related. In such cases, sickness absence monitoring meetings will still be arranged for the purposes of planning, assessing risk, and supporting the employee. Pregnant employees will not be subjected to the formal sickness absence review process.

The profile of the employees whose sickness absence is managed under this policy, and the outcome of the process, will undergo an annual equality impact assessment. The data will be monitored, and action taken by Human Resources in individual schools, as required, to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by this policy, that employees are treated equitably, and that decision making is consistent and transparent. Summary data and action to be taken will be shared with the Trust's recognised trade unions.

#### **4. REPORTING ABSENCE DUE TO SICKNESS**

If an employee is sick and unable to come into work, they should contact their line manager as early as possible on the first day of absence. Where there are local arrangements in schools regarding the designated contact and when the employee should call in by, e.g. the requirement to call the cover line, these should apply.

The employee should provide as much information as possible about:

- the nature of the illness or injury.
- the anticipated length of absence, if known.
- whether they have made a doctor's appointment or received medical advice or medication; and
- outstanding or urgent work, or meetings, that need to be dealt with during their absence, if appropriate.

#### **5. SELF-CERTIFICATION AND FIT NOTES**

After all periods of sickness absence of up to seven consecutive days, (including weekends and bank holidays), employees should complete a self-certificate form. A copy of the form should be provided to the HR Manager.

For absences of more than seven consecutive days, employees must obtain a Fit Note from their GP or another recognised healthcare professional such as a nurse, occupational therapist, pharmacist, or physiotherapist, and send it to their HR Manager. A copy will be placed on the employee's personnel file.

Medical certificates must be provided for the whole period of sickness, including during holiday periods. Failure to provide these may result in the loss of sick pay.

#### **6. SUPPORTING A RETURN TO WORK**

A GP or recognised healthcare professional can advise whether a patient is "not fit for work" or "may be fit for work with suitable support from their employer" and this

should be recorded on the Fit Note. Support may include a phased return to work after a long period of absence, reduced hours, amended duties or workplace adaptations.

## **7. INFORMAL PROCESS**

### **RETURN TO WORK FOLLOWING A PERIOD OF SICKNESS ABSENCE**

Following an absence of three consecutive days or more due to sickness, the line manager should have a return-to-work meeting with their team member. This conversation should take place in a private space, ideally on the day the employee returns to work, alternatively, as soon as possible after the employee has returned to work. This will allow the line manager to check that the employee is well enough to return to work. The return-to-work meeting will enable the line manager to:

- Welcome the employee back.
- Check the employee is fit to return.
- Check whether there are any underlying problems.
- Discuss any medication and possible side effects.
- Inform the employee about what has been happening in their absence.
- Consider any adjustments that may need to be made.
- Consider if a referral to Occupational Health is required.

The line manager will complete a return-to-work meeting form to ensure notes and actions are recorded and kept on the employee's personnel file.

## **8. STAGE 1 – FORMAL PROCESS**

Absence should be monitored on a regular and consistent basis. A total of eight working days' absence in a rolling 12-month period or three occasions of absence in a 4-month period, or a combination of both will trigger a formal sickness attendance meeting.

Sickness absence usually occurs in one of two ways - persistent short-term absences; or long periods of continuous absence. Therefore, the appropriate course of action will depend on the circumstances of the case and some flexibility of approach may be needed. HR Managers should consider the following prior to pursuing formal procedures.

- Persistent short-term sickness absence - Frequent periods of intermittent absence where no underlying medical condition has been diagnosed; or frequent periods of intermittent absence caused by a number of unconnected illnesses.
- Chronic/ Long-term sickness absence - A long period of continuous sickness, or frequent periods of intermittent absence caused by an underlying medical condition.
- Absences for chronic/long-term sickness, which may include absences due to disability in association with domestic or behavioural problems/ as a consequence of domestic violence/ alcohol/drug misuse / as consequence of the working environment.
- Pregnancy related absence

## **9. FORMAL SICKNESS ATTENDANCE MEETING**

The Trust has a duty of care towards its employees. Each instance of sickness absence will be treated on its merits. Where an employee's sickness absence causes grounds for concern, or whose absence has reached one of the indicator points, a meeting will be arranged with the employee to investigate the reasons for the concern including any underlying causes.

A Formal Attendance Meeting will be arranged by the School HR Manager as soon as possible; however, at least 5 working days' notice in writing will be given to the employee. As it is a formal meeting notes will be taken, and HR will support the meeting.

An employee may be accompanied Meeting by a work colleague, trade union representative, or trade union official. Action under this Procedure will not be allowed to be unreasonably delayed because representatives are not available.

The Formal Attendance Meeting will be chaired by the line manager supported by the School HR Manager. Where the line manager considers the level of absence (or the effect of ill health) to be unacceptable they will:

- Discuss how they can support the employee so that attendance can be maximised.
- Consider if the employee will benefit from additional professional medical advice from Occupational Health.
- Set a review period of up to six working months, during which the employee's attendance (or effect of ill health) will be monitored on a monthly basis.
- In cases where the employee has returned to work, the review period should commence from the date they returned, and not from the date of the formal meeting.
- Set a target for improvement of no more than 3 uncertificated absences in a 3 working month review period. If any absence occurs during this period, the employee will be required to provide a fit note and the Line Manager will consider the reasons, duration, frequency, and pattern of absence before taking further action.  
(an additional day's absence due to sickness during this period does not automatically mean a referral to the final stage, although the employee's absence will continue to be monitored)
- Inform the employee that a meeting under the Final Stage will be arranged if, during or at the end of the review period, the required improvement has not been made or if further health concerns arise.
- Formally caution the employee that if the required improvement is not made, a meeting under the Final Stage will be arranged which could lead to the employee's dismissal.
- Maintain a sensitive, supportive manner when dealing with cases of sickness and ill health.

## **10. FORMAL REVIEW PERIOD AND MEETING**

The HR Manager will continue to monitor and review the employee's attendance against the attendance target and monitoring review period.

A Formal Review Meeting will be arranged to take place towards the end of the monitoring period or earlier should attendance remain a concern during the monitoring period.

A Formal Review Meeting will be arranged by the School HR Manager and at least 5 working days' notice in writing will be given to the employee. As it is a formal meeting notes will be taken, and HR will support the meeting.

During the meeting the employee will be informed of the outcome of the monitoring period. Possible outcomes include:

- the employee's attendance has shown improvement to an acceptable standard and therefore, the process has ended.
- The employee will continue to be monitored in accordance with the policy, or
- The employee's attendance remains a concern and has not shown sustained improvement.
- The line manager will explore reasons for the continued sickness absence.
- Explore and consider if any additional support may be available such as reduced timetable/ adjusted hours that may improve the sickness absence levels.
- Referral to occupational health
- Extend the period of monitoring (exceptional circumstances)
- Depending on the circumstances move to a final decision meeting.

## **11. STAGE 2 - FINAL DECISION MEETING**

The line manager will present the case to the principal. The principal must consider the following:

The reasons for absence have been discussed and considered thoroughly.

- All available options for improvement have been explored.
- A reasonable period of time for improvement has been allowed.

### **Arranging the Final Decision Meeting**

The HR Manager will continue to monitor and review the employee's attendance against the attendance target and monitoring review period.

The Final Decision Meeting will be arranged to take place towards the end of the monitoring period or earlier should attendance still be a concern. The Final Decision Meeting will be heard by the principal if they have had no previous involvement in the case. The principal will be supported by the HR Manager or Business partner. In this case, the principal will chair the Final Decision Meeting.

The purpose of the Final Decision Meeting is to consider the employee's attendance record and any actions taken to enable the employee to improve their attendance.

The employee will receive an invite to a Final Decision Meeting in writing, giving at least 5 working days' notice of the arrangements for the hearing. The Chair will conduct the hearing and an accurate record will be made. The Chair may adjourn the meeting to carry out further investigations or agree to a reasonable request from either side to adjourn the meeting.

Any relevant medical advice and documentation obtained must be included within the material available at the hearing. If no recent relevant medical advice is available then the school must consider whether any further, more up to date information should be sought which may include advice from an independent Specialist Medical Adviser, where appropriate.

### **Format for the Final Decision Meeting**

The Chair will explain the purpose of the meeting, how it will be conducted and what the outcomes may be.

The case will be presented by the Line Manager based on the circumstances of the individual case and the actions taken to help the employee to improve their attendance.

The employee will have an opportunity to present information on their attendance record and reasons why they have been unable to attend work. The employee has the right to be accompanied by either a work colleague, trade union representative or trade union official. Relevant supporting documentation can be presented and questioned by either side.

The Chair will carefully consider all the information presented and any advice from HR in reaching a decision.

### **Outcomes of Final Decision Meeting**

The potential outcomes from a Final Decision Meeting are:

- First Written Warning
- Final Written Warning
- Dismissal

Exceptionally, a further period will be identified in which to improve attendance. The review period will be relevant to the circumstances of the case and will not normally be less than 6 weeks or more than 3 months. Attendance will be monitored and reviewed on an ongoing basis and the employee will be given regular feedback. At the conclusion of the further review period a meeting will be arranged to consider what action is necessary, including dismissal on the grounds of capability relating to attendance.

If the Medical Adviser confirms that redeployment would benefit the employee and enable them to improve their attendance, this should be explored before the employee is dismissed.

Any other agreed outcome

The decision of the Committee will be given verbally after the meeting and confirmed in writing within 5 working days. The right of appeal will be given.

### **Final Review Meeting**

If, due to exceptional circumstance, a further period of improvement was set a further Final Review Meeting will be arranged with the principal.



The procedure for arranging and conducting the Final Review Meeting will follow the procedure for the Final Decision Meeting as set out above.

The potential outcomes from a Final Review Meeting are:

- First Written Warning
- Final Written Warning
- Dismissal

If the Medical Adviser confirms that redeployment would benefit the employee and enable them to improve their attendance, this should be explored before the employee is dismissed.

The final decision, with reasons, will be provided in writing to the employee within five working days of the end of the final review meeting, along with the appropriate timescales for the next steps or the date on which employment will terminate (including contractual notice). The employee will be reminded of their right of appeal.

## **12. THE RIGHT OF APPEAL**

If the employee is not satisfied with the outcome of a formal sickness absence review meeting, they have the right of appeal. They should submit a written appeal to Human Resources and include the reasons why they think the decision is wrong or unjust.

All appeal hearings will be held within 10 working days of the receipt of the appeal. There may need to be some flexibility during holiday periods.

Copies of all relevant documents (GP / OH reports, sickness absence review meeting notes etc.) and any documentation that the employee wishes to be considered should be provided at least three working days in advance of the appeal hearing.

The panel members should not have had any previous involvement in the case. The Chair / panel may have an HR representative present to give advice.

The employee will be informed in writing of the panel's final decision within five working days of the appeal hearing.

The appeal panel may decide to uphold the decision regarding a change to employment terms or dismissal or to uphold the appeal and reinstate the employee on the appropriate level of sick pay. The appeal decision will not be any more severe than the original decision or sanction.

Where an appeal against dismissal is not upheld, the date of termination will be unchanged. During the appeal stage the employee will remain dismissed from the Trust. If an employee is reinstated following the appeal, they will be treated as being continuously employed for the whole period, including the period between dismissal and reinstatement.

The decision of the appeal panel is final and there is no further right of appeal.

### 13. SICK PAY

The Trust operates two occupational sick pay schemes which means that employees are entitled to paid sick leave according to the length of their continuous service with the Trust.

The Trust applies the NJC agreed scheme for support staff and those on a leadership contract, which is set out below:

<b>Service</b>	<b>Sick pay</b>
During 1 <sup>st</sup> year of service	1 month's full pay and, after 4 months' service, 2 months' half pay
During 2 <sup>nd</sup> year of service	2 months' full pay and 2 months' half pay
During 3 <sup>rd</sup> year of service	4 months' full pay and 4 months' half pay
During 4 <sup>th</sup> /5 <sup>th</sup> years of service	5 months' full pay and 5 months' half pay
After 5 <sup>th</sup> year of service	6 months' full pay and 6 months' half pay

The agreed scheme for teachers and those on a leadership teacher contract is set out below:

<b>Service</b>	<b>Sick pay</b>
During 1 <sup>st</sup> year of service	25 days' full pay and, after 4 months' service, half pay for 50 days
During 2 <sup>nd</sup> year of service	50 days' full pay and 50 days' half pay
During 3 <sup>rd</sup> year of service	75 days' full pay and 75 days' half pay
During 4 <sup>th</sup> year of service and in subsequent years	100 days' full pay and 100 days' half pay

Where there is evidence to show the reasonable probability that an employee's absence is due to an accident arising out of their employment, or to an infectious or contagious disease contracted as a direct result of their employment, they will receive full pay for a maximum of six calendar months. Any period of absence on this account will not normally be reckoned against the employee's entitlement to sick pay and leave. In these circumstances, further information and advice will be available from Human Resources.

If the absence is the result of a workplace incident or accident, the employee must complete an accident report form and report relevant information to their line manager as soon as possible after the incident and cooperate with any requirements of, or enquiries made by, the Trust's insurance company to facilitate the processing of any claim.

Where the absence is the result of an incident or accident, e.g. a road accident, where damages may be recoverable from a third party, the employee must sign a form, undertaking to repay sick pay up to the amount of any damages for loss of earnings received.

### 14. SICKNESS AND ANNUAL LEAVE

If an employee falls sick during a period of annual leave, they should inform their manager on their return to work. Depending on the circumstances and the period

of sickness absence, their record may be amended, and the untaken days of annual leave may be added back to their entitlement. However, a Fit Note covering the period of sickness will normally be required.

Annual leave will continue to accrue during periods of long-term sick leave and employees will normally be asked to take their accrued annual leave before they return to work. Support staff will be able to accrue their untaken annual leave to the next leave year but will need to take the leave at times that are least disruptive to the department.

## **15. MEDICAL SUSPENSION**

Medical suspension is a period during which an employee is suspended from work on full pay whilst the employer investigates the employee's health condition.

There may be occasions during employment when medical suspension of an employee will need to be considered. This includes scenarios where the employee is not in a suitable condition to attend work but insists that they want to come to work. The employer should carefully review and assess the situation having regard to the health and safety of the employee concerned and decide whether medical suspension will be necessary.

Before suspending, an employer should undertake a risk assessment to determine the potential impact upon the employee if they continued working in their role, and whether any adjustments would be possible to help them continue. Employers should also consider whether it would be possible for the employee to work in an alternative role. Where adjustments are not possible, the employer may then consider suspending the employee on medical grounds.

If medical suspension becomes necessary, a suspension letter which provides information in relation to the suspension, such as the time period, the rights, and obligations of the employee during suspension, a point of contact for the employee and their contact details will be provided to the employee. The purpose of suspension will also be explained to the employee in the letter.

The employee is entitled to full pay and benefits during a period of medical suspension for up to 26 weeks, provided that the employee has at least one month's continuous service at the time on which suspension begins. In the event that the employee is no longer able to work (e.g. because they have been admitted to hospital), or they have unreasonably refused an offer of a suitable alternative role, they will no longer be entitled to receive full medical suspension pay.

Medical suspension should last no longer than is necessary and should be kept under review. The length of suspension required will be dependent upon the circumstances and the condition of the employee.

Employees should be kept regularly updated about their suspension, the reasons for it and how much longer the suspension is expected to last. Employers should ensure the employee is fully supported during suspension.

It may be the case that a medical opinion needs to be obtained in order to assess the employee's condition in further detail before any decisions can be made. A medical expert may provide further details such as how long the employee's condition is likely

to last, and whether they are able to return back to work in the same role or whether any adjustments/alternative roles need to be considered. This information can then be used to decide when it would be the most appropriate time for an employee to return back to work (if at all) and assess whether the employees' condition may amount to a disability.

Once the employee is fit enough to return to work, the employer should take steps to end suspension immediately. It is advised that a return-to-work meeting should be arranged on the employee's first day back to discuss any concerns which the employee may have.

## **16. DATA PROTECTION**

The Data Protection Policy and Privacy Notice for Staff describe how the Trust collects, processes, and stores personal information about its employees, with their consent, in accordance with the UK GDPR and Data Protection Act 2018. The Trust's Data Retention Policy outlines how long information will be retained for, and when and how the information will be destroyed.

Employees have the right to request to see the personal data held on them by the Trust and can request that information is amended or deleted at any time. Any employee requiring further details about how their personal data is processed, or wishing to make a subject access request, should refer to the Trust's Data Protection Policy or Privacy Notice for Staff.

Where the Trust engages third parties, e.g. an OH provider, to process personal data on its behalf, such parties do so on the basis of written instructions only. They are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of the data processed.

## **17. POLICY REVIEW**

This policy and associated procedures will be reviewed and updated regularly, in consultation with the Trust's recognised trade unions.

## **Part B - MANAGING SICKNESS ABSENCE GUIDANCE**

### **1. Other Forms of Authorised Absence**

Employees are reminded that any absence must be authorised. If the reasons for absence are not due to illness, the Trusts Leave and or Family Leave Policy must be adhered to. Failure to follow procedures may result in an absence being treated as unauthorised and may render an employee liable to further action.

The School HR Manager will ensure that all employees are aware of family leave provisions and additional leave, which are granted at the discretion of the Trust. The additional leave policy gives full details of different types of leave.

### **2. Disability**

A 'disability' is a mental or physical impairment, which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. The Equality Act 2010 protects people, who have (or have had) such a disability.

The Equality Act 2010 makes it unlawful for an employer to unjustifiably treat a disabled person less favourably than a person who is not disabled for any reason related to the person's disability.

The Act requires employers to consider all reasonable adjustments in the workplace which would enable an employee to continue working. At each stage of the process, consideration will be given to whether there are reasonable adjustments that could be made to the policy and procedure to assist an individual with a disability.

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 or. In addition, 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.

### **3. Absence Due to Contact with Infectious Diseases**

If you are advised not to attend school by a medical practitioner because of contact with an infectious disease, you must inform the principal immediately and you will be entitled to receive normal pay. The Burgundy Book at clause 10.1 to 10.3 and the Green Book section 10.9 gives further information on absence due to contact with infectious diseases.

### **4. Medical Suspension**

In certain circumstances, where it is felt that you are not fit to attend work, the principal/Chief Executive Officer may suspend you on medical grounds. Any such suspension will be on full normal pay Suspension will be lifted, where appropriate, only after advice has been sought from an Occupational Health Adviser.

## **5. Health and Safety**

The Health and Safety at Work Act 1974 requires all employers to ensure, as far as is reasonably practicable, the health, safety, and welfare at work of all employees and to maintain a safe and healthy working environment.

### **5.1 Accident, Industrial Injury or Assault at Work**

Future Academies will seek advice from their Health and Safety professional Advisors.

Under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) employers have a legal duty to report:

- major injuries e.g. broken arm.
- accidents leading to an absence of more than 3 days (including non-working days).
- dangerous occurrences e.g. collapse of scaffolding.
- occupational diseases e.g. dermatitis caused through a work activity.

Further details can be found in the Trust/Schools Health and Safety Policy.

### **5.2 Stress at Work**

The Trust is committed to developing stress management strategies and support for managers and employees to assist them in recognising the causes of stress and ways to manage it.

Employees should be alert to the signs of stress. Further information is available from the TRUSTS Head of HR.

## **6 Occupational Health**

### **Referral to the Medical Adviser**

The role of Occupational Health is to advise the school on any medical issues affecting an employee's performance and attendance. If there is concern regarding an employee's health relating to their work and attendance at work, the employee will be referred to the Trust's Occupational Health Service.

Circumstances which may give rise to a referral include:

Levels of absence.

- An employee's health prompts a review.
- Need to identify if there is an underlying medical condition or disability.
- Need for information and advice about an employee's medical condition.
- Employee raises concerns about their own health and the working environment.
- Accidents in the workplace which may or may not be an industrial injury.
- Return to work following a long-term absence.

- Need for information and advice on temporary or permanent adjustments including the suitability of redeployment, which would enable the employee to return to work.
- Need for information and advice on disability and reasonable adjustments.
- Information provided by the Doctor in the fit note.
- The likely duration of an absence and when the employee will be fit to return to work.
- Ill health retirement.

The Trust may refer an employee to the Occupational Health service for up-to-date information and advice at any stage within these procedures.

Information provided by the Medical Adviser will be used by the school to make an informed decision about an employee's future employment with the school.

### **Access to Medical Records**

The Access to Medical Records Act 1988 allows individuals to check the accuracy of medical reports prepared by a medical practitioner, who has responsibility for the care of that individual. Employees will be asked to sign a consent form to allow the Medical Adviser to approach the employee's GP or consultant for information. Employees can elect to see any medical report before the Medical Adviser gives advice to the Trust/school based on information contained in the report.

### **Making the Referral**

The Head of HR is responsible for providing guidance to schools on referrals to the Medical Adviser. The Medical Adviser will need the following information:

- The employee's job description, person specification and a risk assessment which is relevant to the employee's duties and work context including any risk to the individual and school.
- A full record of the employee's absences.
- Any other relevant information including any special needs.
- A copy of the fit note where the Doctor has suggested a phased return or adjustments to be made.

Employees can be required to attend a medical examination by the Trusts Medical Adviser. It is in the interest of employees to attend appointments with the Trust's Medical Adviser. This will enable an informed decision to be made regarding an employee's health and their continued employment with the Trust. If medical information is not available, the Trust will have no choice but to take action in line with the sickness procedures without medical advice on the employee's future employment. It will only be possible to rearrange the appointment given in exceptional circumstances.

## **7. Long Term Absence**

Long term absence is defined as:

- A specific/unspecific medical condition or illness which is not expected to be permanent but where it is difficult to establish a return date.
- A chronic illness (defined as likely to last more than three months during which it is unlikely that an individual will recover sufficiently to return to their current job)

As a guideline four weeks continuous absence or a recurrence of the same illness totalling six weeks or more over a 12-month period could be considered as long-term absence. A referral to Occupational Health should be actioned as soon as possible.

### **Returning to Work from Long-Term Sickness Absence**

The Trust is committed to helping employees return to work from long-term sickness absence. Before an employee returns from long-term sickness absence, as part of our sickness absence meetings procedure a meeting will be arranged with the employee to discuss their impending return.

The Trust/ School will, where appropriate and possible, support returns to work by:

- Obtaining medical advice from Occupational Health
- Making reasonable adjustments to the workplace, working practices, and working hours.
- Considering 'access to work' arrangements.
- Considering redeployment.
- Agreeing a return-to-work programme with everyone affected, which could include a phased return; and/or
- Consider funding the reasonable cost of any appropriate short-term therapy (e.g. Cognitive Behaviour Therapy)

A union representative may also be used to maintain regular and supportive contact when the situation deems an alternative approach.

Employees experiencing long-term absences will be treated with sensitivity. The trade unions also have an important role to play, and it may be helpful for them to be alerted to the long-term absence of a member so that they can give advice, help, and support.

It is necessary to remain sympathetic to the employee's condition although it is inevitable at some point that the school's needs effectively override it. However, it is not appropriate to issue warnings to an employee who is off work due to long term sickness.

The employee's absence and medical condition should be reviewed at regular intervals, starting after four weeks of continuous absence. At each review the principal supported by the Schools HR Manager should decide on any appropriate action, taking account of a prognosis of the condition and an expected date for a return to work where available. When the recovery from certain types of surgery can be estimated reliably a report from Occupational Health will not be necessary, but where the medical condition is not straightforward then a report should be requested at the earliest opportunity.



A detailed diagnosis of the employee's medical condition may be required, or it may be that an assessment of the individual's likely date of return is necessary before action in relation to the individual is decided. Care should be taken to avoid giving the mistaken impression that any referral to Occupational Health means that retirement on grounds of ill health is under consideration. It is important that matters are not allowed to drift, and the appearance given that the absence is not being managed. Regular consultation is essential so that the school is kept aware of the employee's views on the prognosis and how this may affect the employment position.

With the prior agreement of the employee a welfare visit to the employee (at home or at a neutral location) is recommended to ascertain progress and offer support if required. The principal will write to the employee in the first instance, expressing the interest and good wishes of colleagues and asking whether the employee would like a visit. In some cases, for example when an absence is due to a stress-related illness, extra sensitivity is needed in contacting the employee.

Medical information, whether from a doctor's certificate or from Occupational Health, will be essential to discussions about appropriate action. If there is a prognosis of full recovery (for example, after surgery) then the school will await the employee's return. If partial recovery is predicted the employee may be able to resume employment but may need some adjustments to working arrangements. The academy is required to consider reasonable adjustments if the condition comes within the scope of the Equality Act. Consideration might be given to a reduction in contracted hours, or stepping down to a post of less responsibility, or medical redeployment. If medical information indicates that there is no prospect of the employee becoming fit to return to work in the foreseeable future, there should be discussions with the employee or the employee's trade union. These discussions are likely to concentrate on ill-health retirement, but there will be cases in which this may not be a suitable option (such as terminal illness) or cases in which medical practitioners disagree over the permanency of the prognosis. Throughout the discussions the emphasis should be on preserving dignity for the employee at the same time as meeting the needs of the school.

If all other options have been discussed without an agreed acceptable outcome, it may be appropriate to consider whether to instigate a process leading to the termination of employment (i.e. a stage two meeting). This is most likely to occur when the employee has been absent for a year or more, sick pay is due to expire and there seems no prospect of a return in the near future, but the pension authorities do not regard the illness as permanent and refuse ill-health retirement. The principal should take advice from the TRUSTS Head of HR and will need to consider the following factors:

- the views of the employee and in particular the employee's expectation of being able to return to work within a reasonable period of time.
- the nature of the illness.
- medical information and advice, particularly a prognosis and including the length of the absence to date, and the likely length of the continuing absence.
- the effect of the continuing absence on the work which needs to be done.

An employee with a terminal illness or life-threatening degenerative illness where the employee's medical condition is known and will not improve will not be asked to attend sickness absence monitoring interviews. The school will provide support and encouragement to individuals in these circumstances, and this could well mean that other meetings, interviews etc. are held at reasonable intervals. However, such action does not form part of a management initiative to reduce sickness absences. The wishes of employees in these cases to keep their circumstances confidential must be respected.

The Trust recognises that there are financial benefits for an employee to remain in employment when diagnosed with a terminal illness. Therefore, the Trust will not normally seek to dismiss an employee in these circumstances.

### **Keeping in Touch**

The School / Trust will maintain regular contact with absent employees. Contact will be handled sensitively and could be in the form of telephone calls, written communication, group newsletters or work or home visits. Home visits will only be undertaken with the employee's agreement. Employees should keep the school informed of their progress and of when they are likely to return to work.

### **Obtaining Medical Advice**

Where there is consideration to refer an employee to the Trust's Occupational Health Adviser, they will explain to the employee the reason for the referral and arrange the referral at the earliest opportunity.

### **Review**

The Occupational Health Adviser will arrange an appointment for the employee and provide a report with information and advice on their medical condition in relation to their employment.

Following the Occupational Health appointment, the employee will be invited to attend a long-term absence review meeting to share the information received from the Occupational Health Adviser, consult with the employee and to consider whether the continued employment of the employee is reasonable in the circumstances.

**---END---**