



Sickness Absence Policy & Procedure

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1. Introduction

Mowbray Education Trust is committed to maintaining the health and wellbeing of its employees and aims to operate a supportive approach to sickness absence management. The Trust recognises that there will always be sickness absence amongst its employees and therefore a consistent and fair approach of sickness absence cases must be in place for all..

Sickness absence can be defined as:

- a. Very short, intermittent periods of absence;
- b. A continuous period of long-term absence for varying reasons.

Each period of absence is dealt with on a case-by-case basis and where needed and where reasonably practicable, appropriate measures will be taken to ensure a smooth transition back into the workplace.

This policy also sets out our procedures for the management of other absences that are a cause for concern such as, patterns of absence, absence in line with the MET Leave of Absence Policy & Procedure.

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.

2. Scope and purpose

This policy covers all employees except those who are in their probationary period. In relation to sickness absence for staff undertaking their probationary period, this will be managed via the Trust Probation Procedure.

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

In the context of this policy Manager means the following:

- Head Teacher for all school-based staff;
- Nursery Manager for all nursery based staff;
- Chief Operating Officer for all central staff;
- Executive Lead for Primaries for all Primary Head Teachers;
- CEO for Chief Operating Officer, Chief Financial Officer, Executive leads, Secondary Headteacher/Head of School and Nursery Managers;
- Chair of the Board for CEO.

A Manager may delegate some actions in this policy to an appropriate person. Managers may not delegate decision making for warnings or dismissal to another without consultation with the HR Team.

4. Disabilities

We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out in section 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.

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 Manager or the HR team.

5. Sickness absence reporting procedure

In the event that an employee feels that they are not fit to attend work and to undertake their role, they must use the reporting procedures as set out below.

Contact your manager, no later than 1 hour before your start time to report your absence. This can be via message, phone call or email and should include the following:

- The nature of your illness or injury;
- The expected length of your absence from work;
- Contact details;
- Any outstanding or urgent work that requires attention, including information in relation to student work that needs covering.

5.1 Managers should ensure that:

Any sickness absence that is notified to them is recorded on SIMS by the admin staff at each setting.

Arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).

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

For sickness absence of up to seven calendar days you must complete a self-certification form which is available from your place of work.

For absence of more than 7 days' you must obtain a certificate from your doctor (a 'Statement of Fitness for Work') stating that you are not fit for work and the reason(s) why. This should be forwarded to your Manager as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.

If your doctor provides a certificate stating that you 'may be fit for work' you should inform your Manager immediately. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return-to-work interview (see section 11). If appropriate measures are not in place, you will remain absent from the workplace and we will set a date to review the situation.

Where we are concerned about the reason for absence, or frequent short-term absences, 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.

Where an employee is absent immediately prior to a 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.

7. Unauthorised absence

If you do not report for work and have not telephoned to explain the reason for your absence, your 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.

Cases of unauthorised absence will be dealt with under our Disciplinary Procedure. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.

8. Sick pay

You should refer to your contract for details of the sick pay to which you are entitled.

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 Manager of that fact and of any claim, compromise, settlement or judgment 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.

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

Employees are required to ensure they remain contactable during the sickness absence period, to ensure that work-related queries are responded to and clear communication is in place. From a Trust perspective, contact must be within reason to ensure that the employee is also taking the time required to recover during the period of absence.

When contact is made, the discussion will be in relation to the employee's wellbeing, expected length of continued absence and any of your work that requires attention.

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 Manager or the HR team at any time.

10. Medical examinations

We may, at any time, ask you to consent to a medical examination by our Occupational Health provider or a doctor nominated by us (at our expense). 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. Any medical reports received, will be considered as part of a successful return to work and, if any reasonable adjustments are recommended.

11. Return-to-work meeting

If you have been absent on sick leave, you will have a return-to-work meeting with your Manager. A return-to-work meeting 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.

Where your doctor has provided a certificate stating that you 'may be fit for work' we will usually hold a return-to-work meeting to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.

12. Returning to work from long-term sickness absence

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

- Obtaining medical advice with your consent;

- Making reasonable adjustments to the workplace (where possible), to working practices and working hours;
- Considering redeployment; and/or;
- Putting in place a return to work plan.

12.1 Phased Return to work plan:

A phased return may be offered to employees who have been absent due to sickness for a maximum of 4 weeks and can be extended at manager's/Headteacher's discretion.

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.

13. Sickness absence meetings procedure

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

- have discussed matters at a return to work interview that require investigation;
- have been absent on three or more occasions, or for six or more days in any rolling 12-month period
- have been absent for a period of 20 days or more;
- have any other pattern of absence that causes concern.

The policy may still be applied where the employee persistently falls just below the trigger points and where the absence is perceived to be a problem.

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.

The meeting will be conducted by your Manager/headteacher and may be attended by a member of the HR team. You may bring a companion with you to the meeting (see section 14).

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 your Manager who will seek to agree an alternative time. A meeting will be rearranged, failure to attend on 3 separate occasions, may result in the meeting going ahead in your absence.

A meeting may be adjourned if your Manager is awaiting receipt of information, needs 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.

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).

If, at any time, your Manager 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

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

Your companion may be either a trade union representative or a work colleague. You should provide their details to your Manager conducting the meeting, in good time before it takes place.

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.

A companion may make representations, ask questions, and sum up your position, but will not usually be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

15. Stage 1: Sickness Review Meeting

This will follow the procedure set out in sections 13 and 14 on the arrangements for and right to be accompanied at sickness review meetings.

The purposes of a first sickness review meeting may include:

1. Discussing the reasons for absence;
2. Where you are on long-term sickness absence, determining how long the absence is likely to last;
3. Where you have been absent on a number of occasions, determining the likelihood of further absences.
4. Considering whether medical advice is required or, if already obtained, what that advice is;
5. Considering what, if any, measures might improve your health and/or attendance;
6. Determining a way forward, action that will be taken and a time-scale for review and/or further meeting under the Sickness Absence Procedure.
7. Issuing a written warning that your employment may be at risk, if your attendance does not improve, or you do not return to work;
8. Reasonable targets will be set at the meeting, these will be reviewed and monitored on a regular basis.

Failure to meet the targets set at stage 1, will trigger the commencement of stage 2.

16. Stage 2: Sickness Review Meeting

Depending on the matters discussed at the first stage of the sickness absence procedure, a further sickness absence review 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 sections 13 and 14 on the arrangements for and right to be accompanied at sickness absence meetings.

The purposes of further meeting(s) may include:

1. Discussing the reasons for and impact on your ongoing absence (s);
2. Where you are on long-term sickness absence, discussing how long your absence is likely to last;
3. Where you have been absent on a number of occasions, discussing the likelihood of further absences;
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;
5. Considering your ability to return to/remain in your job in view both of your capabilities and the needs of the Trust and any adjustments that can reasonably be made to your job to enable you to do so;
6. Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you;
7. Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a return to work programme;
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;
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;
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;
11. Reasonable targets will be set at the meeting and reviewed and monitored on a regular basis.

Failure to meet the targets set at stage 2, will trigger the commencement of stage 3.

17. Stage 3: Final Sickness Review Meeting

Where you have been warned that you are at risk of dismissal and improvement in your attendance has not been made, or is not sufficient, 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 sections 13 and 14 on the arrangements for and right to be accompanied at sickness absence meetings.

The purposes of the meeting will be:

1. To review the meetings that have taken place, the matters discussed and the warnings issued;
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;
3. To consider the impact that your absence has on the Trust;

4. To consider any further matters that you wish to raise;
5. To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time;
6. To consider the possible termination of your employment; Termination will normally be with full notice or payment in lieu of notice.

18. Appeals

You may appeal against the outcome of any stage of this procedure and you may bring a companion to an appeal meeting (see section 14).

An appeal should be made in writing, stating the full grounds of appeal, to your Manager within five days of the date on which the decision was sent to you.

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. 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.

Where practicable, an appeal meeting will be conducted by a Manager or Panel senior to the individual who conducted the sickness absence meeting. An appeal will consider a review of the original decision and will not be a re-hearing.

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.

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 biennially by the Trust and will monitor the application and outcomes of this policy to ensure it is working effectively.

Log of Changes to Document

Date	Page	Change	Who:
March 17	Whole document	Original document	Head of HR
June 17	Cover page	Updated status to final. Updated date to June 17	Head of HR
Oct 20	Whole Document	Updated Job Titles	HR & Ops Dir
Oct 20	Section 5	Updated system used for reporting absence	HR & Ops Dir
Nov 20	Whole Document	Re-approved	Trust Board
Oct 22	Whole Document	Update of Exec Team roles	COO
Jun 23	Whole Document	<p>Title Page Amended (now v2.0).</p> <p>Contents page added and numbering amended.</p> <p>Section 1 – Introduction amended and point around managing absences that come under our MET Leave of Absence Policy added.</p> <p>Section 2 – Scope & Purpose slightly amended.</p> <p>Section 3 – Definitions amended – short term and long-term sickness definitions removed and HR & OPS Director replaced by HR Team.</p> <p>Section 5 – Sickness & Absence Reporting amended – methods of contact amended when reporting sickness.</p> <p>Section 6 – Evidence of Incapacity slightly amended.</p> <p>Section 9 – Keeping in contact during sickness absence – amended.</p> <p>Section 10 – Medical Examinations – amended.</p>	HR Manager

		<p>Section 11 – Title amended to Return to Work Meeting and phrase changed throughout section.</p> <p>Section 12 – Return to work after long-term sickness absence amended – now includes section on phased return and pay to be considered by the Board.</p> <p>Section 13 – Sickness Absence Meetings Procedure amended to read “rolling 12-month period”. Reference to pro rata for part time employees also removed. Sentence added in relating to meeting going ahead if fail to attend.</p> <p>Section 14 – Removed reference to Trade Union agreement on the policy.</p> <p>Section 15 – Title change to Sickness Review Meeting. Point 8 added in and failure to meet targets sentence added.</p> <p>Section 16 – Title change to Sickness Review Meeting. Point 9 added in and failure to meet targets sentence added.</p> <p>Section 17 – Title change to Final Sickness Review Meeting.</p> <p>Formatting through whole document changed to Arial Font.</p>	
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