

St Cyprian's Greek Orthodox Primary Academy



Staff Sickness and Absence Policy

Revised: November 2015

Reviewed and ratified by Full Academy Trust:

Date: __/__/____

Signed: 

Name: DR A-D. ANDREOU

Position: CHAIR OF GOVERNING BODY

Our Mission Statement:

‘The aim of St. Cyprian’s Greek Orthodox Primary Academy is to provide its children with primary education of the highest quality in a supportive learning environment through the National Curriculum in the core subjects, enriched by the progressive teaching of the Greek language and Christian Orthodox religion.

The children will be equipped with the knowledge, skills and spirituality to enable them to achieve their full potential and prepare them for transition to secondary education and to contribute positively to the challenges of a diverse multicultural society.’

Commentary

All parties to this commentary agree that it is important to maintain and support a highly effective workforce of teaching and support staff which provides first rate teaching and learning. To achieve this, staff must attend work regularly and absence from work needs to be tackled. It is accepted, however, that staff do at times fall ill and – despite the inconvenience and cost to the school and impact on pupils - genuine illness must be treated sensitively, with the intention of supporting staff to return to work. Most teaching and non-teaching staff have an entitlement to sick pay built into their contracts.

This policy has a number of functions. It is helpful to staff in that it ensures that the Academy become aware of, and is able to respond supportively to, issues affecting their health. For example, management may be able to vary the working pattern of someone who suffered from arthritis or, at a simpler level, would avoid using a member of the teaching staff for duties other than their core teaching commitments on their return from an illness. It also allows employers to become aware of – and respond to – issues in the workplace which were contributing to a colleague’s illness.

The policy also provides a framework under which management may respond openly, fairly and consistently to sickness absence and ill health in the workplace. In addition to supporting employees to return to work, the procedure provides a mechanism to help managers meet their duty of care and other legal responsibilities, including those under the Disability Discrimination Acts. The procedure also provides a process that may eventually be used to end the employment of an employee who is unable to fulfil their contract through sickness absence or ill-health.

Under the policy, managers are required to have return-to-work discussion with anyone who returns after a period of illness. Normally this would be no more formal than a chat to welcome the worker back and to enquire after their health. This chat would enable the employer to discuss any future impact on work and put in place any measures of short-term support needed. It also gives the opportunity for managers to raise concerns and take any appropriate action in those circumstances where sickness absence or ill health is seen to be a potential problem. The outcome of the chat is recorded on the Return to Work Form.

This policy introduces a system of “Trigger points” which **may** prompt more formal action. These trigger points are designed to prompt managers to consider whether there is a clear need to proceed to more formal actions. The fact that a trigger point has been reached does not necessarily mean that formal action would be appropriate and managers should apply them sensibly, sensitively and according to the circumstances of each individual case.

It is unlikely to be appropriate, for example, to issue a formal warning to an employee who had a previous good attendance record who then needed extended time off as a result of a car accident, or who was recovering from one-off surgery, or who had a period of illness from which they then recovered. It would, however, be appropriate to carry out a formal review of a member of staff on long term sick leave for whom it was uncertain when they might be fit to return, or if they had a condition which caused a number of long-term absences and it was uncertain when - or if - they would be fit to resume normal duties.

If an employee had a number of short-term absences (and therefore reached a trigger point) the manager will have to consider whether the absence is acceptable. The manager will have to consider the employee's previous absence record, any disability and any underlying medical condition which may contribute to short term periods of illness. If the employee was thought to be abusing the system the disciplinary procedure should be used.

1. Scope

- 1.1. This procedure applies to all teachers and school-based staff employed At St Cyprian's Greek Orthodox Primary Academy
- 1.2. In certain instances individual groups or categories of staff have conditions of service unique to them, and this is reflected in this policy.
- 1.3. The Headteacher will be responsible for ensuring that appropriate action is taken where there are concerns regarding an employee's level of sickness absence and may delegate responsibilities to other senior members of staff as appropriate. Where the Headteacher's attendance is a matter of concern, the role of the Headteacher in relation to the management of the sickness absence will be undertaken by the Chair of the Academy Trust.
- 1.4. The procedure will apply in full to all teachers and school-based employees on satisfactory completion of their probationary period. Sections 2, 3, 4, 6 and Appendix 1 will apply to these employees from their first day of service.

2. Introduction

- 2.1. This document explains what employees must do when absent from work due to sickness and what procedures will be followed when absence occurs.
- 2.2. Regular and punctual attendance is a contractual condition on all employees. The Academy Trust is committed to maintaining good attendance levels. The Academy Trust will also manage sickness with sensitivity bearing in mind the occupational sick pay entitlement. However, nothing in this policy will prevent or restrict the Academy Trust's right to terminate employment before entitlement to sick pay is exhausted.
- 2.3. Employees, who abuse this procedure, or the provisions of the sick pay scheme, may have their sick pay withheld and/or be subject to disciplinary action. Examples of abuse include: not reporting sickness or providing medical certificates as required; failing to attend meetings with management or the Occupational Health Service (OHS) and engaging in activities which are inconsistent with the alleged illness or which may aggravate the illness or delay recovery (such as undertaking employment or participating in sport).

3. Responsibilities of Employees

All employees have a responsibility to:

- attend work when fit to do so and not incur sick leave unless medically unfit to attend work or remain at work;
- attend appointments arranged with management or the Academy's Occupational Health Service (OHS) as part of this procedure;
- report their sickness in accordance with this procedure (see Appendix 1);
- inform the Headteacher/Deputy Headteacher as soon as possible of any changes in their condition that affects their ability to do their job or alters the timescales for their return to work;
- leave contact details when off work due to sickness and be available to attend meetings about their absence;
- submit medical certificates promptly (see Appendix 1);
- complete a Return-to-Work form following each period of sickness absence
- meet with their Deputy Headteacher when requested to discuss their absence.
- Employees must notify the Headteacher/Deputy Headteacher if an infectious disease occurs in the home where the employee is living and await advice from the Headteacher/Deputy Headteacher as to whether they should refrain from school duties (following advice from the OHS). The employee would usually expect to continue school duties pending receipt of instructions from the OHS except in the event of a notifiable disease.

4. Responsibilities of Management

The Headteacher is responsible for:

- regularly reviewing the level of sickness absence and applying the provisions of this policy when sickness absence is unsatisfactory or when health concerns are impacting on performance;
- treating all employees individually, consistently, with dignity, sensitivity and in confidence, striving to ensure their health and welfare;
- contacting employees on their return from sick leave in order to discuss their absence, ensure that return to work forms are completed and take any other action as appropriate;
- contacting employees who have not reported their absence as required;
- maintaining regular contact with those on long term sick leave;
- referring employees to the Academy's Occupational Health Service for a medical assessment as appropriate;
- dealing fairly but firmly with employees whose level of sickness absence is unsatisfactory.
- Where a teacher has returned and there are concerns about their fitness to take up their duties, this should be raised, where appropriate. This may include placing the teacher on special leave pending confirmation from OHS of their fitness to resume duty.
- The Headteacher is also responsible for ensuring that the Education (Teachers) Regulations are applied and that a teacher or other worker with children and young persons should not continue in their post if the person does not have the health or physical capacity to perform the duties of the post.

5. Link With Other Procedures

- Unsatisfactory performance not attributed to genuine sickness or health issues will be addressed under the school's unsatisfactory performance procedure.
- Where the OHS has advised that an employee should be redeployed to alternative work, regular monitoring and review under this procedure should continue.

6. Relevant Considerations

In implementing this procedure, the Headteacher will give due consideration to:

- the Academy Trust's responsibilities under the Disability Discrimination Acts and the need to consider reasonable adjustments for employees with a disability.
- employees who are pregnant; have recently given birth, are undergoing gender reassignment or are suffering a terminal illness;
- absence which is due to a one-off operation or illness;
- employees with identified mental health conditions e.g. depression etc.;
- absence due to a recognised industrial injury sustained whilst working for the school;
- employees' previous work record and attendance history;
- the need to redeploy someone specifically into a different work environment (if possible) either due to medical reasons or as a result of particular employee relations issues;
- the specific requirements relating to the continued employment of or return to work by teachers suffering from pulmonary tuberculosis, epilepsy or psychiatric disorder.

7. Early Informal Action

7.1 Return-to-Work Discussion

7.1.1 The Deputy Headteacher should contact an employee as soon as possible following every return from sickness absence. This may take the form of an informal discussion or be a more structured meeting, depending on individual circumstances. If there is concern about the pattern of absence or health, this should be raised informally with the employee at the earliest opportunity. The Deputy Headteacher should use this opportunity to ensure that the return to work form is completed.

7.1.2 In recognising the Academy Trust's duty of care to employees, the Headteacher is expected to address concerns as soon as they arise. Informal reviews, including home visits and referral to the OHS, may therefore take place before the trigger points mentioned in section 8 are reached. Where stress or depression is given as a reason for sickness, employees should be referred to the OHS so that early interventions can take place to address any underlying work-related issues.

7.1.3 Where short-term intermittent absence is a concern, the Headteacher may require employees to produce a medical certificate for each period of absence. Reasonable costs incurred by the employee for doing so will be reimbursed.

7.2 Underlying Medical Conditions and Reasonable Adjustments

7.2.1 Where the employee has an underlying medical condition appropriate consideration will be given to: job redesign; temporary adjustment to duties or workload and/or a phased return to work on full pay. These, and other reasonable adjustments, will also be considered for employees with a disability.

8. Monitoring And Reviewing Sickness Absence

8.1 Trigger points act as a prompt to review absence on a regular and consistent basis and initiate formal action as necessary. The trigger points are:

- 7 working days sickness absence in the previous 12 months, or
- sickness absences on 5 separate occasions in the previous 12 months
- After 3 separate sickness absences, the member of staff will be invited to an attendance meeting with the Headteacher.

These trigger points will be kept under review and may be changed from time to time.

9. Representation

9.1.1 Employees have the right to be represented by a representative of a recognised professional association/trade union, or a workplace colleague, at all formal meetings under this procedure. It is the responsibility of the employee to arrange for their representation. Legal representation is not allowed. If the employee's chosen companion is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, as long as a reasonable alternative date is offered which is within 5 working days of the originally proposed date. If the meeting is postponed twice at any one stage, the case may proceed to be considered on the basis of the information available.

10. Formal Stages

10.1 The following applies to all formal meetings (see sections 11, 12 and 13 below):

- employees will be given at least 7 working days¹ written notice of meetings that they are required to attend.
- the outcomes of all formal meetings and reviews will be confirmed in writing.

¹ for the purposes of this document, working days are days when the school is open to pupils or INSET

- the Headteacher may make decisions and take actions in the absence of the employee but should seek specific advice from Occupational Health and the School's HR provider before doing so. Employees who are unable to attend may arrange for a representative to attend on their behalf, and/or submit written representation in advance.

10.2 The Headteacher should consider any medical advice they have been given before making decisions. Whilst decisions are taken in light of medical advice, the decisions themselves are management responsibilities, not medical ones.

10.3 If, during the 12 months following a successful review period, the employee's absence reaches one of the trigger points, or further health concerns arise, the Headteacher/manager will consider whether it is appropriate to refer to the Final Stage (see section 13).

10.4 If at any stage the OHS (or the employee) indicates that the employee can no longer carry out their current duties, or will not be able to return to work or sustain regular attendance within a reasonable period, the matter should be referred immediately to the Final Stage. This includes the limited circumstances in which the OHS may recommend early retirement on the grounds of ill health.

11 **Short-term/Intermittent Sickness Absence: First Formal Stage**

11.1 The following procedure will apply for short-term sickness absences or health concerns. See section 12 for the procedure to manage long-term absence.

11.2.1 A first formal meeting may be arranged with an employee whose absence has reached one of the trigger points or whose pattern of absence or health is a concern to Headteacher/manager although none of the trigger points has been reached. Meetings will only be held when the manager is satisfied that a meeting is justified and necessary or when requested by the member of staff.

11.2.2 Where the level of absence (or the effect of ill health) is considered unacceptable the Headteacher will:

- refer the employee to the OHS service if not already done so;
- set a review period of 3 months, during which the employee's attendance (or effect of ill health) will be monitored on a monthly basis;
- set a target for improvement of no more uncertificated absence in the 3 month review period. If any absence occurs during this period, the employee will be required to provide a medical certificate and the headteacher will consider the reasons, duration, frequency and pattern of absence before taking further action.

NB: 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 (see section 13);
- maintain a sensitive, supportive manner when dealing with cases of sickness and ill health.

11.2.3 If, at the end of the review period, there has been a satisfactory improvement in the employee's level of sickness absence the employee will be advised of this in writing and reminded of the need to sustain the improvement (also see section 10.2).

12. Long-Term Absence: First Formal Stage

12.1 The following procedure will apply to employees whose absence or illness is expected to last or has lasted for more than 4 weeks. During the first four weeks, the Head teacher will normally have reviewed the employee's absence and sought advice from the OHS.

12.2. Once the relevant OHS advice is received, a meeting with the employee will be arranged. Action, informed by the OHS advice, may include:

- a) establishing a time-limited sickness rehabilitation programme to support a return to work, or a
- b) referral to the Final Stage if the matter is sufficiently serious and the employee is unable to return to work within a reasonable timeframe, taking into account service needs.

Option (a) will also be accompanied by a formal caution that if the required improvement is not made, a meeting under the Final Stage will be arranged

12.3. If a return to work or normal duties within the time specified in 12.3(a) is achieved the employee will be advised in writing and reminded of the need to sustain the improvement (also see section 10.2).

13. Final Formal Stage (applicable to short-term and long-term absence)

13.1 A final stage meeting will be arranged to decide on the employee's future employment, if:

- the targets or timescales set during the First Formal Stage have not been met; or
- the initial improvement made at the end of the First Formal Stage has not been sustained over the following 12 months; or
- medical advice suggests that the employee will not, within a reasonable period, be able to return to work or undertake the full duties of their post and is unsuitable for medical redeployment.

13.2 Meetings at the Final Stage will be before a panel of at least three members of the governing body, advised by a representative from the HR and OD Service (or the School's HR provider).

- 13.3 Before any decision is taken by the Academy Trust, the employee should be consulted fully. This should include an opportunity for the employee to take advice from his/her professional association or trade union.

The panel will:

- confirm the facts of the case, the action taken to date, any developments since the last meeting and the latest medical advice.
- consider any representations made by or on behalf of the employee and any statement of intent they may wish to make regarding their future attendance.
- ensure that proper consideration is given to the factors referred to in section 6.

The options which may be considered could be:

- the employee continues in their job with support, monitoring and review;
- transfer to alternative work (if applicable) where this would be more suitable to the employee's health condition and where such alternative work is available;
- premature retirement;
- a recommendation to the Full Academy Trust of dismissal, with notice, on the grounds of incapability due to ill-health.

A recommendation for dismissal may be considered in the case of:

- any teacher who has not applied, refuses to apply or whose application for an ill health pension has been rejected by the Teachers' Pensions;
- any employee who refuses to acknowledge that s/he has an ill health problem and is medically unfit to carry on working;

any employee who, despite being aware that they are medically unfit to carry on working, indicates an unwillingness to pursue premature retirement at that time.

- Where the panel consider that the level of absence is unacceptable, that sufficient opportunity to improve has been provided and adequate warnings of the consequences given, the employee shall be given notice of dismissal. In cases of long-term absence, the panel will also consider: the timescales within which the employee may be able to return to work; the impact of the continuing absence on the school, particularly pupils and colleagues; and what alternatives to dismissal may be appropriate under the circumstances.

- 13.4 In **exceptional circumstances**, such as new information becoming available, the panel may set a final review period of 3 months (during which the employee's attendance will be monitored on a monthly basis) and issue a final caution that employment is at risk unless a satisfactory improvement is made. If the required improvement is not met, the panel will reconvene to consider giving the employee notice of dismissal.

14. Teacher's Termination of Employment on Ill-Health Grounds

- 14.1 A teacher who contributes to the Teachers' Pension Scheme is able voluntarily, at any age, to apply to the Teachers' Pensions for an infirmity benefit. The teacher will be notified by the Teachers' Pensions whether infirmity benefit will be granted. Normally, therefore, the decision to retire prematurely on ill health grounds is taken by the teacher and not the school. The Academy Trust should seek to secure agreement with the teacher that the retirement takes effect within six months of the decision by Teachers' Pensions.

In all other cases, the decision to terminate employment on medical or ill-health grounds will be taken by the appropriate committee of the governing body.

The employee and his/her representative must have the opportunity to appear before that committee to make representations on his/her behalf before a decision is made.

15. Sick Pay and Entitlements

15.1 Sick Pay and Entitlement for Teachers

Within any span of 12 months, commencing 1st April each year, a teacher may receive an occupational sickness allowance in accordance with:

- During 1st year of service - full pay for 25 working days and, after completing 4 calendar months' service, half pay for 50 working days.
- During 2nd year of service - full pay for 50 working days and half pay for 50 working days.
- During 3rd year of service - full pay for 75 working days and half pay for 75 working days.
- During 4th and subsequent years - full pay for 100 working days and half pay for 100 working days.

15.2 Sick Pay and Entitlement for Support Staff

Within any span of 12 months, an employee may receive an occupational sickness allowance in accordance with:

- During 1st year of service - 1 month's full pay and, after completing 4 months' service, 2 months' half pay.
- During 2nd year of service - 2 months' full pay and 2 months' half pay.
- During 3rd year of service - 4 months' full pay and 4 months' half pay.
- During 4th & 5th year of service – 5 months' full pay and 5 months' half pay.
- After 5 years – 6 months' full pay and 6 months' half pay.

- 15.3 Where a teacher is ill immediately preceding a closure period and is on full sick pay, they shall continue on full sick pay, but the closure period is not counted against their entitlement under sick leave and pay. If they are on half sick pay, they shall continue on half sick pay, but the closure period is not

counted against their entitlement. If they have exhausted their pay entitlement and are not receiving any pay, they shall continue to receive no pay.

- 15.4 Sick leave can end during a closure period, in which case normal full pay will be reinstated from the date the teacher is certified fit to work. The exception to this is if the teacher is declared unfit again so that they are unable to start the next term at work.

16. Appeals

- 16.1 Employees may appeal to the Academy Trust against a decision under this procedure to:

- set targets or timescales for improvement;
- give a formal caution;
- or to terminate employment

Appeals must be submitted in writing to the Chair of the Academy Trust within 10 working days from the date of receiving written confirmation of the outcome and must specify the grounds of appeal.

- 16.1.1 Normally a panel of Directors (made up of same number of Directors as that at the Final Formal Stage) who were not involved in the Stage will hear any appeal.

- 16.2 The appeal hearing will not be a rehearing of the case and the appeal decision is final.

- 16.3 Employees may appeal on the following grounds:

- a) the proper procedure was not followed and the appeal panel will consider whether this materially affected the decision.
- b) the decision reached was unreasonable considering the information provided.
- c) new evidence has become available.

- 16.4 Decisions made at the Final Stage are not stayed pending the outcome of an appeal. Employees who are dismissed will therefore be taken off the payroll unless the decision is over-turned on appeal.

Next date of review: November 2016

Appendix 1: Reporting Sickness Absence

Sickness procedure for reporting sickness absence. Headteacher's may issue local variations where this procedure is not practical e.g. for some staff working non-term time or weekends. Employees whose are subject to formal review should provide a medical certificate for each period of sickness absence, even where the absence is less than 8 days

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| 1 st Day of absence: | <p>Contact your ¹designated contact to report your absence, as near to your usual starting time as possible or according to timescales set by the school regulations. You should give the nature and probable duration of your absence.</p> <p>Always report your absence yourself rather than asking a friend or relative to do it, unless there is a good reason, which is explained to your headteacher/manager.</p> <p>If your designated contact is not available, you should contact the deputy headteacher or a senior manager directly. If neither of these are available, leave a message stating that you are sick and either ring back later the same day or leave your telephone number so that your designated contact can ring you back. Details about your sickness should not be left with colleagues.</p> |
| 4 th calendar day. | If you are still absent (or are absent for longer than first indicated) you should telephone your designated contact to provide them with an up-date on your health. |
| 8 th calendar day: | <p>You must telephone your designated contact.</p> <p>You must also obtain a medical certificate from your doctor. This must be sent in no later than the 8th calendar day of absence to the head teacher/ designated contact. Further medical certificates must be sent in regularly and must cover you for the entire period of your absence. Failure to provide a certificate may result in loss of pay.</p> |
| Absence longer than 8 days: | Every working week, or as agreed with your headteacher/manager, you should contact your designated contact to report on your health and to indicate when you expect to return to work. In cases of serious illness then different arrangements will clearly need to apply. |
| On return to work: | <p>You will be required to fill out a return to work form for each period of sickness. Failure to complete this form may result in loss of pay.</p> <p>If you have been absent for more than 14 days, or have submitted more than 1 medical certificate, you will need a certificate from your doctor confirming that you are fit to return.</p> |
| Where exceptional circumstances (e.g. an accident on the way to work) prevent you reporting your absence within the normal timescales you should ring your designated contact as soon as you are able to do so. | |

If required by your Headteacher, you should report your absence each working day for the first week. This may be considered appropriate for operational reasons or where an employee has a history of not reporting their absence.

¹Designated contact is as agreed by school.