



# Sickness Absence Management Policy September 2018

*Office use*

<b>Published:</b> September 2016 <b>Reviewed:</b> September 2018	<b>Next review:</b> September 2019	<b>Statutory/non:</b> Non Statutory	<b>Lead:</b> Sarah Green – HR Manager
<b>Associated documents:</b>			
<ul style="list-style-type: none"><li>DALP Drugs, Alcohol and Substance Misuse Policy</li></ul>			
<b>Links to:</b>			
<ul style="list-style-type: none"><li>The General Data Protection Act 2018</li><li>The Equality Act 2010</li></ul>			

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# Managing Sickness Absence Policy

## 1. Background

- 1.1 From time to time members of staff may suffer ill health and it is essential that we care for them during this time. The quality of provision, the effectiveness of our services and our overall performance as an educational organisation depends on a reliable, motivated and healthy workforce. Managing sickness properly enables Diverse Academies Learning Partnership (DALP) to care for its staff appropriately and maintain our high standards for learners. As part of DALP Values we aim to deal with absenteeism in an effective and sensitive way.
- 1.2 DALP will act within the law at all times when managing absence, and will always seek to make reasonable adjustments to retain staff and support attendance. The question which has to be determined in every case is whether the employer can be expected to wait any longer, if so, how much longer? Every case will be different, depending upon the circumstances.

## 2. Introduction

- 2.1 The aim is to provide a procedural framework to clarify the approach DALP will take in addressing absenteeism and to assist managers with managing periods of absence of members of staff and supporting staff effectively to return to work.
- 2.2 Managing sickness is not about punishing or penalising members of staff for being ill. It is about ensuring sickness absence is dealt with sensitively, fairly and effectively. There can be many causes of absence requiring different approaches.

## 3. Reporting Sickness Absence

### 3.1. Reporting your absence to the Cover Administrator

If you are absent due to sickness ALL members of staff (Teaching and Support) should report their absence and provide a reason for the absence (unwell is not a sufficient reason) by telephone or email to the Cover office at your academy, by 7.30 am at the latest, on the day of absence. This is vital so the cover administrator can properly record your reasons for absence and provide any support needed and work which needs to be covered. There will of course be exceptional circumstances such as if you are in hospital when a third party will need to phone on your behalf. If at this time, it is possible to give an expected date for returning to work, please do so. If not you should report your absence each day. If you have self-certified or supplied a doctor's note there will be no need. However, please telephone the cover office during the day prior to return to notify your intention to return to work.

For staff not based in an academy they must phone their line manager by 8:00am on the first day of their absence.

Absences between 4-7 days (including weekends and periods running into academy holidays) will require a 'self-certification' form. Absences above 7 days (including weekends and periods of academy holidays) will require a 'fit note' from your Doctor. All self-certification forms and fit notes should be sent to the HR Cluster Lead for your academy as soon as possible.

### 3.2 Staying in touch

It is important to stay in touch when you are absent from work through sickness. It is difficult to give an exact procedure for keeping in touch but the general principle is that Principals/Managers and staff should stay in touch in a reasonable way during sickness

absence. When you speak to the cover administrator to first report your absence, it would be helpful, if possible to indicate how long you may be off. This will help to determine how often you should then call your line manager, or they may call you, to update on your sickness and expected return to work date.

The following will usually apply:

- If you expect your absence to be 3 days or less then you should update your manager daily to enable them to effectively provide cover.
- If you expect that you will not be back for at least 4 days then you should ring in on the day before your return to update your manager on your health and the need for cover.
- If you have been signed off work for two weeks you should contact your manager again in the second week of absence to update on your health and return to work.
- If you are signed off work for more than 1 month you should agree a timescale for contacting your Principal/Manager.

### **3.3 Payment**

If you are absent from work through reasons of ill health you are entitled to a period of Statutory Sick Pay (SSP). The level and amount of SSP is dependent on government rules at the time of absence. DALP also has an occupational sick pay scheme where generally you will benefit from a period of fully paid leave followed by a period of half-paid leave. The length of full and half-paid leave will depend on your length of service and adherence to the rules of the policy. If you are absent from work for a period which exceeds your full and half pay entitlements you may be eligible to a further period of state benefits (Statutory Sick Pay). If at any time you wish to know your remaining entitlement please contact the payroll department.

### **3.4 Medical Certification and Medical Opinion**

If your sickness is for more than four days but less than eight days (including weekends and bank holidays) you must complete a self-certification form and return it to the HR Cluster Lead for your Academy/Operational area. If your absence is for eight days or more, then you must obtain a medical certificate from your GP or other appropriate Doctor and send this to the HR Cluster Lead. Sickness certification is required to receive payment during sickness absence.

During prolonged absence from ill health or continuous or recurring absences, DALP may seek an independent medical opinion as to the capability to fulfil your contract of employment. Where this is the case, you will be approached with a request for an independent medical practitioner to contact your GP to enable consultation or a second medical examination to take place. Consenting to such requests and attending Occupational Health appointments is a requirement of the occupational sick pay scheme. Non-compliance may result in the suspension from the occupational sick pay.

### **3.5 Infectious Diseases**

If you are aware that you are suffering from, or in contact with somebody who is suffering from, an infectious disease, you should inform the HR Cluster Lead as soon as reasonably practicable. DALP may at its discretion and after taking appropriate medical advice require you not to attend your workplace in order to prevent the spread of the disease. If you would otherwise have attended work you should work from home in these circumstances and any period of absence will be fully paid and will not count towards sickness benefit periods.

### **3.6 Exclusions**

If you are absent through injury incurred whilst taking part in sport as a profession or past time or through your own misconduct you may be excluded from sickness benefit. This would not include any activity performed as part of a DALP contract.

## **4. Absence Management Procedure**

### **4.1 General**

For the purposes of this document we have categorised absence into four types that predominantly occur. The types of absence are:

- Long-term absence
- Short term intermittent absence
- Unauthorised absence
- Absence connected with a disability

The manager's responsibility is to assess what effect absence has on the individual's ability to attend work to undertake normal day-to-day duties, NOT to have a discussion with the individual about the validity of the illness. In terms of dealing with absence each case should be taken on its merits. Further information or clarification, advice or guidance is available from a member of the HR Team.

It is necessary, in order to manage absence effectively, to have appropriate information sources that allow you to identify quickly the nature and type of absence that you are dealing with.

### **4.2 Roles and Responsibilities**

Below is a list of responsibilities and who should undertake them:

#### **4.2.1 Manager**

- To ensure that staff members' attendance records are up to date.
- To ensure that staff follow the notification procedure when reporting in sick.
- To ensure that appropriate notes recording the date and time of discussions are kept, together with any action agreed and kept on file.
- To progress the matter without delay where they are concerned or dissatisfied with the staff member's explanation of the absence.

#### **4.2.2 HR Team**

- To keep records of all meetings produced by line management up-to-date and available from the staff member's personal file.
- To analyse on a regular basis reasons for absence, since these may be symptomatic of underlying causes and may give positive courses of action.

#### **4.2.3 Staff Members**

- To take all reasonable steps to maintain / improve attendance at work
- To notify their line manager of any absence in line with DALP policy
- To engage in the absence management process in a timely way including returning consent forms , attending occupational health appointments and attending meetings unless medically unfit to attend.

### **4.3 Training in Managing Sickness Absence**

It is a requirement for all those who manage staff to attend a training course in Managing Sickness Absence arranged by DALP.

In addition, managers should also familiarise themselves with this document and ensure that staff members know their responsibilities when reporting in sick.

### **4.4 Undertaking Sickness Interviews**

A sickness interview is an opportunity for the manager to ascertain the reason for the sickness absence and the likelihood of the sickness re-occurring. Furthermore, the manager must be assured that the staff member is well enough to work and whether that work is on normal day-to-day duties or on an adjusted role. The general factors that occur with each type of absence that a manager is likely to deal with are as follows:

- Establishing the reasons for absence.
- Analysis of the information for the records in order to determine incidence patterns, levels etc.
- Obtaining a suitable medical opinion where appropriate.
- The necessary requirements to follow procedure.

### **4.5 Other Considerations**

From time to time staff may experience difficulties in balancing work and home pressures, leading to sickness absence. If managers become aware that such factors may be causing sickness absence, contact should be made with a member of the HR Team. Staff also need to be aware of DALP's supportive policy in relation to staff suffering from alcohol, drug and/or substance misuse. If a manager suspects a staff member may be suffering from any of these issues, they should consult the Academy Principal/Executive Principal/Operational Lead and a member of the HR Team. It is essential for this process to be managed effectively and consistently whilst managing strict confidentiality.

## **5. Managing Long Term Absence**

### **5.1 Absence Management Meetings**

As a guide, long term absence can be defined as where a member of staff is signed off work for a period of four or more weeks. When a member of staff is absent from work it is important that they engage with their Academy/Operational Area. DALP has a responsibility to consult staff about their absence and to ensure meetings are offered at times and venues that are suitable and staff have a responsibility to attend such meetings. DALP will seek to consult with staff about their health issues and any reasonable measures that can be put in place to facilitate a supported phased return or full return to work; however, if a member of staff unreasonably refuses to attend meetings the DALP may hold meetings in their absence. It is also a condition of the Occupational Sick Pay Scheme that staff members do not unreasonably refuse to attend meetings including those with Occupational Health

### **5.2 Occupational Health Referral**

Where a staff member has been absent for, four weeks the line manager should invite the staff member to attend a formal meeting to review the absence. Advice may be required from the Occupational Health service regarding:

- Likelihood of return to work.
- Capability on return.
- Adaptations that will require a plan for their return to work.
- Timescales for return to work.

- Support for an early but safe return to work.

In some cases, it may be necessary to try to adapt the job role and put in place reasonable adjustments such as a supported phased return to work or lighter duties.

**Please note:** Depending on the reasons the member of staff is absent a meeting and referral may not be appropriate given the nature of the absence. If line managers are unsure please contact a member of the HR team for advice.

### 5.3 No reasonable expectation of return within a reasonable time scale

In respect of long term absences, DALP will balance the length of time the staff member has been absent with the future prognosis and expected return date. If there is no reasonable expectation of return within a reasonable time scale it may be appropriate to consider termination of employment on the grounds of ill health. Specific sensitivity will be given to an individual in the case of a very serious illness especially that of a terminal or potentially terminal illness.

### 5.4 Distinct Possibility of Return

When handling long-term absence that has a distinct possibility of return, these may well be 'one-off' absences where the reasons are clearly known (such as surgery) and these should be monitored and referrals to the Occupational Health Department should be considered in relation to the timeliness of the individual's return.

### 5.5 Phased Return

Where a staff member is signed as fit for some work and a phased return has been recommended by their doctor DALP may agree a phased return to work if this can be reasonably accommodated. A phased return will normally be for 2 - 4 weeks and for a maximum of 6 weeks unless agreed by the Principal/Executive Principal of the Academy or Operational Lead and a member of the HR Team. During a phased return to work the manager and staff member may agree a progressive increase in hours or duties. Where reduced hours are agreed the staff member must notify the HR team for their academy (by email copying in their manager) on a weekly basis of the hours they have worked so that they can receive pay for worked hours. Any hours not worked will be paid in line with the staff members sick pay entitlement. If the staff member does not notify the HR team of worked hours then the staff member will not receive pay for these hours until such notification is received. If the manager disputes the hours worked payment will not be made until instruction to pay is received by payroll.

## 6. Managing Intermittent Absence

### 6.1 Absence Triggers

Monthly sickness trends will be monitored by the Academy management team. Absence triggers will be based around the "Bradford Scoring Factor" as a management support.

The Bradford Scoring Factor identifies persistent short-term absence for staff members, by measuring the number of spells of absence, and is therefore a useful measure of the disruption caused by this type of absence. It is calculated using the formula:

$$S \times S \times D$$

S = number of spells of absence in 52 weeks taken by an individual

D = number of days of absence in 52 weeks taken by that individual

For example:

10 one-day absences:  $10 \times 10 \times 10 = 1,000$

1 ten-day absence:  $1 \times 1 \times 10 = 10$

5 two-day absences:  $5 \times 5 \times 10 = 250$

2 five-day absences:  $2 \times 2 \times 10 = 40$

Where intermittent absence is high the line manager will meet with the staff member to discuss their attendance at work and to see how the Academy can support the staff member. The aim of informal absence management meetings is to help the staff member to improve their attendance at work. At all times during the absence management process managers must take into account the need for reasonable adjustments for staff with a disability and for staff whose absence is pregnancy related. Managers should take into consideration the need for independent medical advice and speak to the Principal of their academy and a member of the HR Team if absence is, or may be, related to a disability.

## 6.2 Related episodes

Intermittent absences which are related to one reason may require a referral to Occupational Health to consider:

- What is the long-term effect of the staff member's condition in respect of their ability to fulfil their contractual obligation?
- Is this condition likely to feature as a recurrent part of the staff member's employment?
- Are the current levels of absence likely to continue if the staff member's employment continues?
- Is the condition exacerbated or affected by the nature of the work the staff member does?
- Would a move to alternative employment reduce the level of absence that the staff member is experiencing?
- Can any reasonable adjustments be made to help improve attendance at work?

## 6.3 Formal Meetings

### Formal Meeting – first stage

If absence is persistently high the manager should invite the staff member to a formal meeting. The staff member has a right to be represented by a Trade Union representative or work based colleague. A member of the HR Team may also be present in formal meetings in a supportive capacity. The staff member should be given the chance to outline the reasons why absence levels are so high. Outcomes of a first formal meeting may include:

- a referral to Occupational Health
- an agreed change to working hours or times
- a request for flexible working
- targets for attendance
- agreed reasonable adjustments for a disability
- a formal capability warning

If a warning is given the staff member can appeal against the decision in writing in line with the schemes of delegation within five working days.



### **Formal Meeting – second stage** (possible final warning)

If absence levels continue to be high the manager should invite the staff member and their TU representative to a formal meeting to discuss absence levels. Outcomes of the formal meeting may be

- a referral to Occupational Health
- an agreed change to working hours or times
- a request for flexible working
- targets for attendance
- agreed reasonable adjustments for a disability
- extension of formal warning
- a final capability warning

If a warning is given the staff member can appeal against the decision in writing in line with the schemes of delegation within five working days.

### **Formal Meeting – third stage** (possible dismissal)

If absence levels continue to be high the staff member and their TU representative should be invited to a formal meeting with a senior manager to discuss absence levels. Outcomes of the formal meeting may be

- a referral to Occupational Health
- an agreed change to working hours or times
- a request for flexible working
- targets for attendance
- agreed reasonable adjustments for a disability
- Dismissal

Where dismissal is the outcome the staff member can appeal against the decision in writing to the Director of Operations within five working days. Dismissal and appeal against dismissal will follow the DALP Disciplinary procedure and schemes of delegation.

## **7. Absence Recording**

7.1 Absence is recorded.

7.2 The requirements of the Data Protection code of practice – Data Protection Act 2018 are adhered to when recording or keeping data relating to either sickness or accident reports.

7.3 As a rule when considering records and information kept on staff members managers should ensure that they can justify having the information and using it for a relevant purpose, this can be done by following the key benchmarks the code of practice states:

- Ensure that the holding and use of sickness and accident records satisfies a sensitive data condition.
- Only disclose information from sickness or accident records about a staff member's illness, medical condition or injury where there is a legal obligation to do so, where it is necessary for legal proceedings or where the member of staff has given explicit consent to disclosure and authority from the HR Team.

- Sickness, accident or absence records of staff will not be available to other workers, other than to provide managers with information about those who work for them in so far as this is necessary for them to carry out their managerial roles.

## **8. Occupational Health Service Referrals**

- 8.1 If a staff member is having difficulty carrying out their normal duties because of health problems it is sensible for either party to initiate communication at an early stage to prevent chronic problems. Discussions should take place between the line manager and staff member to see if there are any simple adaptations that can be made to ease the problem, as it may be a difficulty which can be easily dealt with through mutual agreement. Dealing effectively with absence and health problems, which affect the staff member's capacity to work, often requires intervention from an Occupational Health service. The service provided from Occupational Health is to give managers advice in respect of staff that are absent from work due to illness long-term or regularly on a short-term basis. Referrals will be arranged through a member of the HR Team. Early referral is encouraged to prevent the development of chronic problems, as proactive management can promote positive outcomes.
- 8.2 The manager must inform the staff member concerned that they are to be referred to the Occupational Health service for assessment and why. A copy of the completed referral form will be given to the member of staff. The manager should contact the HR Cluster Lead who will liaise with a senior member of the HR Team to complete the referral. Information on the relevant past history and sickness absence details should be provided, together with the full name, date of birth, address, contact details and job description.
- 8.3 Once an appointment has been agreed staff have a duty to attend the Occupational Health service appointment when asked to by their line manager. Whilst DALP accepts the need to change appointments, failure to attend without notice or on a second occasion with notice may result in disciplinary action including suspension of occupational sick pay. After the staff member has been seen by Occupational Health service a response will be returned to a member of the HR Team if the member of staff has agreed to the release of the medical report. A copy is retained on the member of staff's personnel record.

## **9. Policy review**

This policy will be reviewed by the Trust on an annual basis.

## Appendix A - DALP SICKNESS ABSENCE – GENERAL PROCESS

