



# Harborne Academy

---

## Management of Staff Sickness Absence Policy

## Contents

<b>1.0</b>	<b>Policy</b> .....	<b>2</b>
<b>2.0</b>	<b>Roles and Responsibilities</b> .....	<b>3</b>
2.1	Head Teacher and Managers .....	3
2.2	Employees .....	3
2.3	Occupational Health .....	3
<b>3.0</b>	<b>Reporting Absences</b> .....	<b>4</b>
<b>4.0</b>	<b>Procedure for managing short-term absences</b> .....	<b>4</b>
4.1	Return to Work Interview .....	4
4.2	Bradford Factor .....	5
4.3	Absence Review (Informal) – Stage One .....	6
4.4	Formal Absence Review – Stage Two .....	7
4.5	Formal Absence Review – Stage Three .....	7
4.6	Formal Absence Review – Stage Four .....	8
4.7	Appeal – Stage Five .....	9
<b>5.0</b>	<b>Procedure for managing long-term absences</b> .....	<b>10</b>
5.1	Making contact and keeping in touch with the Absent employee .....	10
5.2	Medical Advice .....	10
5.3	Formal Absence Review – Stage One .....	10
5.4	Formal Absence Review – Stage Two .....	11
5.5	Appeals – Stage Three .....	12
<b>6.0</b>	<b>Ill – Health Retirement</b> .....	<b>13</b>
<b>7.0</b>	<b>Sick Pay Entitlements</b> .....	<b>13</b>

## **1.0 Policy**

This policy sets out the Academy's procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.

The Academy aims to encourage all its employees to maximise their attendance at work whilst recognising that employees will, from time to time, be unable to come to work because of illness. The Academy will ensure that the reasons for sickness absence are understood in each case and investigated where needed.

It is the Academy's policy to support employees who are sick and unable to come to work and to actively manage their absence, through practicable measures, to achieve an improvement in the employee's health and well-being, attendance and/or a return to work as quickly as possible.

Whilst the Academy understands that there will inevitably be some short-term and long-term sickness absence amongst employees, it must also pay due regard to its business needs and the impact such absence will have on learners' experience and quality of service. Sickness absence can also place an additional burden of work on the employee's colleagues. Therefore, in managing ill-health, the Academy's aim is to strike a reasonable balance between the pursuit of its business and learner needs and the genuine needs of employees to take periods of time off work because of illness.

The Academy retains the service of an Occupational Health Doctor. Employees may be required to attend a consultation/examination by Occupational Health, a Doctor nominated by the Academy and/or the employee's GP and to allow the Doctor to provide a medical report to, and discuss the results with, the Academy.

The Equality Act 2010 makes it unlawful for the Academy to unjustifiably treat a person with a 'protected characteristic' such as disability, less favourably than a person who does not have a disability for any reason related to the person's disability.

The Act also requires employers to consider whether there are any reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will enable an employee to continue working. The Academy will ensure that all reasonable adjustments are fully considered.

Employees will (subject to a limited number of exceptions) continue to be paid full or half salary, or otherwise receive Statutory Sick Pay (SSP), for defined periods of time whilst absent, provided they comply with the qualifying rules and the notification and certification requirements of this policy in all respects.

The Academy places great emphasis on the maintenance of accurate absence records to ensure that employees' entitlement to contractual sick pay and SSP is administered properly and absence management is conducted fairly and consistently.

The Academy will set appropriate triggers or thresholds to initiate reviews of individuals' absences.

Regular reports on sickness absence will be provided to managers to enable them to monitor absence levels among staff they manage and make supportive interventions where appropriate.

This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.

## **2.0 Role and Responsibilities**

### **2.1 Head Teacher and Managers**

- Levels of absence are monitored across the Academy.
- Using a “rolling” year of 12 months to monitor sickness absence.
- Identifying any absence problems and assisting in meeting targets for levels of attendance.
- Maintaining reasonable contact with the employee during sickness absence.
- Conducting return to work interviews as appropriate.
- Discussing absence with the employee concerned.
- The reporting of accident/injury are reported in line with statutory requirements.

### **2.2 Employees**

- Achieve the highest level of attendance possible.
- Report any sickness absence to the Academy in accordance with the Academy's Management of Staff Sickness Absence Policy.
- Attend a return to work interview with their manager.
- Complete an Academy self-certification form for sickness absence covering days of absence for up to the first seven calendar days.
- Submit a doctor's certificate for absence of eight calendar days (including Saturday and Sunday) and to ensure subsequent doctor's certificates are submitted on the expiry of the previous certificate. Failure to do so may be considered as an unauthorised absence and could lead to disciplinary action. Doctor's certificates should also cover holiday periods.
- Attend a medical examination upon request.
- Report any accident or injury suffered in the course of their work immediately and ensure the accident is recorded in the accident book.
- Notify the Head Teacher or HR if the employee or the employee's family have contracted an infectious disease as soon as possible.
- Expect to be contacted by the Academy from time to time to discuss their wellbeing.
- Co-operate with any investigation into their absence.
- Demonstrate the level of commitment required to improve their absence levels.

## **2.3 Occupational Health**

Occupational Health will provide the Academy with advice on any clinical issues affecting the employee's performance and attendance. An employee may be referred to Occupational Health (or other Academy nominated Doctor and/or the employee's own GP) where (but not limited to):

- Levels of absence have prompted a review.
- A need to identify if there is an underlying medical condition or disability.
- A need for information and advice about an employee's medical condition.
- An employee raises concerns about their health and the working environment.
- An accident in the workplace.
- A return to work following a long-term absence.
- A need for information and advice on any temporary or permanent adjustments including suitability of redeployment, which would enable the employee to return to work.
- A need for information and advice on disability and reasonable adjustments.
- The likely duration of an absence and when the employee will be fit to return to work.
- Ill health retirement.

## **3.0 Reporting Absences**

Employees must follow the Academy's reporting procedure:

- Telephone 0121 464 2737, Dial extension 1014, between 7.00am to 7.30am.
- When reporting an absence, employees should confirm: their name, the nature of their absence, when they expect to return and any outstanding or urgent work that requires attention. Unless a Doctor's certificate is submitted or the employee has otherwise agreed with the Head Teacher, the employee must call the Academy daily.
- Employees absent from the Academy without explanation will be considered to have taken an unauthorised absence and this could lead to disciplinary action under the Academy's Disciplinary Policy and a deduction in pay.
- All unplanned absences and late attendance will need to be reported.

## **4.0 Procedure for managing short-term absences**

Short-term absences are defined as:

- Occasional short-term absence.
- Recurrent short-term absence where the causes differ and are apparently unrelated.
- Recurrent short-term absence with an underlying medical condition.

Whilst there is no legally defined point at which a short-term absence becomes a long-term absence, all absences which are for a period of less than 4 weeks will be considered as short-term.

#### **4.1 Return to Work Interview**

Following every period of short-term absence (including a single day absence), the employee's manager will hold a return to work interview with the employee.

The interview should be informal, so the right to be accompanied will not apply. The manager should make it clear to the employee that the purpose of this type of interview is to confirm the reason for absence and period of absence, give the employee an opportunity to bring any relevant matters to the manager's attention and that the interview is not part of any formal procedure.

The aim of the return to work interview is to:

- Ensure the employee is fit to return to work.
- Help to identify the causes of absence and any underlying problems that an employee may be experiencing.
- Make the employee feel that they are valued.
- Update the employee on Academy matters.
- Discuss overall absence levels and whether the recommended target (agreed at an earlier meeting) of absence has been exceeded or met.
- Discuss any additional measures to provide support at work.

Return to work interviews should be:

- Informal;
- private and confidential;
- taken seriously;
- structured and factual;
- carried out in a positive and supportive way;
- recorded.

A return to work form will be completed by the manager at the return to work interview and signed by the manager and the employee. The return to work form should be forwarded to HR by the manager.

Following the return to work interview, the manager may decide that the current level of absence gives cause for concern and the level of absence needs to be addressed by formal procedure.

To manage short-term sickness consistently, the Academy will implement and operate defined absence 'trigger points' for determining appropriate management action. An employee whose level of absence hits a defined trigger point will attend an absence review meeting with his/her line manager and, depending on the circumstances, will be issued with a warning about unsatisfactory attendance.

## 4.2 Bradford Factor

The Bradford Factor is the mechanism the Academy will use to implement defined trigger points. The application of the Bradford Factor formula results in a points score for an employee's sickness absence record.

The formula is  $S \times S \times D = \text{Bradford Score}$

S is the number of separate occasions on which an employee has been absent from work in a specified period (a rolling 12 months), while D is the total number of days' absent over the same period. For example:

- The score of an employee who had two absences of seven and two days respectively would be  $2 \times 2 \times 9 = 36$  points.
- The score of an employee who had one absence of twenty five days would be  $1 \times 1 \times 25 = 25$  points.
- The score of an employee who had six absences of two days' duration each would be  $6 \times 6 \times 12 = 432$  points.

The trigger points operated by the Academy will be as follows:

	Bradford Score
Green Level	0 – 49
Yellow Level	50 – 124
Amber Level	125 – 399
Red Level	400 – 649
Dismissal Level	650 +

The objective of the trigger points is to improve an employee's attendance record and encourage action to maintain the Bradford score at the Green Level, or, where it goes above the Green Level to return it to the Green Level within a reasonable time scale.

The Academy recognises that because the Bradford score is measured by reference to a rolling 12 month period, improvements or deterioration in the score will necessarily take time to feed in and the Academy will operate review periods that reasonably take this into account.

## 4.3 Absence Review (Informal) – Stage One

Where the employee's Bradford Factor score reaches a score between 50 – 124 (Yellow level) the employee's line manager will instigate an absence review meeting to discuss the employee's absence.

The absence review meeting will be informal and there will be no HR presence and the right of the employee to be accompanied by a trade union representative or work colleague will not apply.

The purpose of the absence review meeting will be to:

- Establish whether there is any underlying cause of the frequent absences and, if so, if any action may be taken to alleviate the situation.
- Check whether the employee's absences could be work-related and if so, consider how the particular problem could be addressed, where reasonably practicable.
- Consider whether any reasonable adjustments will need to be considered under Equality Act 2010.
- Seek to agree with the employee a target for reducing absence and reasonable time limits for improvements in attendance and ensure that the employee is committed to achieving these targets.
- Inform the employee that continuing high levels of absence are unacceptable and that if an improvement is not achieved and sustained, then formal action may be instigated.
- Consider whether it would be helpful or appropriate to seek medical advice such as from the Academy's Occupational Health Doctor, for example to establish whether the employee has an underlying medical condition that is causing or contributing to the absences.

The absence review meeting should be recorded and a copy given to the employee and a copy sent to HR.

#### **4.4 Formal Absence Review – Stage Two**

Where an improvement is not seen in the employee's attendance or the attendance levels reaches a Bradford Factor score between 125 – 399 (Amber Level), a Formal Absence Review meeting will be held with the employee. A senior manager will lead this meeting. The aim of the attendance review is:

- To explain why absence levels are giving cause for concern.
- To identify any underlying reasons for the absence which were not identified in the Absence Review meeting - Stage One.

The employee has the right to be accompanied by a trade union representative or a work colleague. HR may also attend. Unless impractical to do so, at least 5 working days notice will be given for attendance at this meeting.

At the end of the Formal Absence Review – Stage Two meeting, the manager will confirm either:

- That he/she is satisfied with the response from the employee or their representative that the level of absence will not continue and no further action is necessary. However it may be appropriate to set a review date to ensure the level of improvement has been achieved, or
- The employee will be informed that the level of absence is unacceptable and unless identified improvements are achieved within an agreed timeframe, the next stage of the procedure will be initiated.

The decision will be confirmed in writing.



#### **4.5 Formal Absence Review – Stage Three**

Where an improvement is not seen in the employee's attendance or the attendance levels reaches a Bradford Factor score between 400 – 649 (Red level), a Formal Absence Review meeting will be held with the employee. The Business Manager will lead this meeting. The aim of the Formal Absence Review - Stage Three is:

- State the problem from the Academy's perspective, i.e. that attendance has been unsatisfactory and that this has caused problems in terms of getting the employee's work done reliably and efficiently.
- Quote the precise number of absences and the total number of days of absence over a defined period of time.
- Set out the required improvement in attendance and the timescale in which the employee should strive to achieve this.
- State when the matter will be reviewed again.
- Make clear that if the employee's level of attendance does not improve to the required standard within the given time period further formal action will be taken including possibly dismissal.

The employee has the right to be accompanied by a trade union representative or a work colleague. HR may also attend. Unless impractical to do so, at least 5 working days notice will be given for attendance at this meeting.

At the end of the formal absence review meeting, the manager will confirm either:

- That he/she is satisfied with the response from the employee or representative that the level of absence will not continue and no further action is necessary. However it may be appropriate to set a review date to ensure the level of improvement has been achieved, or
- The employee will be informed that the level of absence is unacceptable and unless identified improvements are achieved within an agreed timeframe, the next stage of the procedure will be initiated.

The decision will be confirmed in writing.

#### **4.6 Formal Absence Review – Stage Four**

Where concerns persist and a satisfactory level of attendance is not achieved within agreed timescales or the Bradford Factor score is more than 650 plus (Dismissal level), the Business Manager will inform the employee the matter will be a Formal Absence Review hearing – Stage Four.

The employee has the right to be accompanied by a trade union representative or a work colleague. HR may also attend. Unless impractical to do so, at least 5 working days notice will be given for attendance at this meeting.

The meeting will be chaired by the Head Teacher with the Business Manager presenting the evidence of poor attendance.

The meeting will be set at the earliest possible convenient date, normally no more than 10 working days following the decision to move to Stage Four.

Details of the case and notification of any witnesses to be called will be circulated to all parties at least 10 working days before the meeting. The employee will be invited to submit documentation and details of all witnesses. This must be provided at least 5 days before the meeting.

At the meeting, the Business Manager will detail the level of absence that has given cause for concern and refer to any documentation that has been circulated prior to the meeting, including any medical reports.

The Head Teacher may take one of the following actions:

- Decide no further action is required at this stage,
- Set a date by which the employee's attendance levels must improve. The employee will be advised in writing that their job is at risk if the required improvement is not achieved within the desired timescale. The Head Teacher will then consider the whole case at a further attendance review hearing and reach a final decision,
- Dismiss the employee concerned on the grounds of 'lack of capability', i.e. ill health that has led to the employee being unable to perform his/her job to a satisfactory standard, or
- Investigate, and if appropriate, dismiss the employee concerned on the grounds of 'some other substantial reason', i.e. unsatisfactory attendance, whatever the cause.

Dismissal will be with contractual notice.

The Head Teacher will normally confirm the decision in writing within 5 working days of the meeting. Where dismissal is the agreed decision, the letter must include reasons for the dismissal, the date the employment will terminate and the right of appeal.

#### **4.7 Appeal – Stage Five**

An employee has the right to appeal against the decision taken as a result of the Formal Absence Review, Stage Four. Written notice of appeal, setting out the full grounds of appeal, must be submitted to the Chair of Governors within 5 working days of being notified of the outcome of the Stage Four of the procedure. Arrangements will be made for a hearing. At least 5 working days notice will be given for attendance at this hearing.

The employee will have the right to be accompanied by their trade union representative or a work colleague.

Details of the case and notification of any witnesses to be called will be circulated to all parties at least 10 days before the hearing. The employee will be invited to submit documentation and all witnesses as appropriate. This must be provided at least 5 days before the hearing.

The outcome of the appeal will be confirmed in writing and there will be no further right of appeal.

## **5.0 Procedure for managing long-term absences**

Long-term sickness absence is defined as a single period of continuing absence exceeding 4 weeks.

The Academy recognises that employees may, unfortunately, suffer serious illness and require a lengthy period of convalescence to recover. The Academy will take a sympathetic approach.

The management of an employee's long-term sickness absence will be carried out pro-actively with the primary aim being to support the employee and facilitate his/her return to work as soon as possible. The Academy will, where appropriate and possible, support a return to work by obtaining medical evidence; making reasonable adjustments to the workplace, working practices and working hours; considering redeployment and/or agreeing a return to work programme with everyone affected.

### **5.1 Making contact and keeping in touch with the absent employee**

Reasonable contact will be maintained with the employee. The purpose of this contact will be supportive and to ensure that the employee knows that Academy is interested in his/her health and well-being.

Once the employee's sickness absence exceeds 4 weeks, HR will write to the employee and outline who the point of contact will be, how contact will be maintained and the frequency of the contact. The point of contact will usually be the line manager. It may be appropriate in certain cases for contact to be maintained through a trade union representative depending on the particular circumstances surrounding the illness. Initial contact will ascertain the likely duration of the absence and what support the Academy can offer to facilitate a return to work.

HR may instigate contact prior to elapse of the 4 week period where the reason for the absence is work-related, e.g. stress, anxiety, depression etc.

### **5.2 Medical Advice**

HR will refer the employee to Occupational Health or another nominated Doctor for an assessment of the effects of his/her condition, the likely duration of the illness or condition and what steps the Academy could reasonably take to facilitate a return to work. Where appropriate the referral may include a request to also obtain a medical report from the employee's GP or specialist. In this case the Academy would abide by the relevant provisions of the Access to Medical Reports Act 1998.

Once in receipt of the Doctor's report, HR will arrange a meeting with the employee to discuss its content. The medical report will inform discussions on measures that may be taken to facilitate a return to work or otherwise. This will include joint consideration of reasonable adjustments that could be made and the timing and possible phasing of a return to work.

### **5.3 Formal Absence Review – Stage One**

Where a decision has been taken to move to a formal procedure for dealing with long-term sickness absence, a Senior Manager will invite the employee to a meeting at the Academy to discuss the situation. Dependent on the individual circumstances and subject to the employee's agreement, it may be appropriate to conduct the meeting off site. The employee must take all reasonable steps to attend the meeting. Failure to do so without good reason may be treated as misconduct. The employee concerned may wish for the meeting to go ahead in their absence and authorise a work colleague or trade union representative to represent them. The Academy must receive the authorisation before the meeting and in writing. The Academy will consider any such requests but is not obliged to agree to them and reserves the right for the meeting to continue in the absence of either the employee or their representative.

The employee will have the right to be accompanied by their trade union representative or a work colleague. Unless it is impractical to do so, at least 5 working days notice will be given for attendance at the Formal Absence Review. The Academy will put any concerns about the employee's sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for the employee to consider this information before the Formal Absence Review will be provided.

At the end of the Formal Absence Review, Stage One the manager will decide if:

- The employee is able to indicate an anticipated date of return in the near future that is acceptable to the Academy. No further action will be required other than the normal monitoring of sickness absence.
- The employee is unable to provide an anticipated date of return but general improvement in health would seem to indicate a return to work is possible in the medium term. A date for a further review meeting will be set at which the situation will be reviewed.
- The employee is unable to provide an anticipated date of return and there is general concern about the possibility of returning to work to undertake the full range of roles and responsibilities. If this is the case, the matter must be referred to Occupational Health Services for a medical assessment.

The decision of the meeting will be confirmed in writing.

### **5.4 Formal Absence Review – Stage Two**

Where the long-term absence of an employee continues due to the nature of the illness and agreed by Occupational Health Services or the agreed plan of action from Stage One has not resulted in a return to work, the Senior Manager shall inform the employee that the matter will now be referred to the next stage, that of a Formal Absence Review, Stage Two hearing.

This meeting will be chaired by the Head Teacher who may be advised by a HR representative. The meeting will be set at the earliest possible convenient date but

by no later than 10 working days following the decision to move to Formal Absence Review - Stage Two. It may be appropriate to hold the meeting off site.

The employee will have the right to be accompanied by their trade union representative or a work colleague.

Details of the case and notification of any witnesses to be called will be circulated to all parties at least 10 days before the hearing. The employee will be invited to submit documentation and all witnesses as appropriate. This must be provided at least 5 working days before the hearing.

The employee must take all reasonable steps to attend the meeting. Failure to do so without good reason may be treated as misconduct. Dependent on the individual circumstances, the employee may wish for the meeting to go ahead in their absence and authorise a work colleague or a trade union representative to represent them. The Academy must receive the authorisation before the meeting and in writing. The Academy will consider any such requests but is not obliged to agree to them and reserves the right for the meeting to continue in the absence of either the employee or their representative.

At the hearing the Senior Manager will detail the nature of the long-term sickness and refer to any documentation including the report by Occupational Health Service.

The employee (or representative) will have the opportunity to present evidence explaining the reasons for their long-term sickness absence and the steps proposed for a return to work.

After hearing the evidence from both parties, the Head Teacher will take one of the following actions:

- Decide no further action is required at this stage,
- Agree that a phased return to work is possible and agree a plan of action with the member of staff to achieve this stated goal,
- Agree that a further review period would be appropriate, after which there would be a further hearing before the same panel (if possible), or
- Decide that the employee is unable to return to work or is unfit to carry out the duties for which they are employed and should be dismissed on grounds of incapability or 'some other substantial reason'.

The Head Teacher will normally confirm their decision in writing within 5 working days of the meeting. Where dismissal is the agreed decision, the letter must include reasons for dismissal, the date employment will terminate and the right of appeal. Dismissal will be with contractual notice.

## **5.5 Appeals – Stage Three**

An employee has a right of appeal against action taken as a result of a formal meeting at Formal Absence Review - Stage Two of this procedure. Written notice of appeal must be submitted to the Chair of Governors within 5 working days of being

notified of the outcome of Formal Absence Review - Stage Two of the procedure stating the full grounds of appeal.

The appeal will be heard by a Governor. The employee will have the right to be accompanied by their trade union representative or a work colleague. The decision will be confirmed in writing and there will be no further right of appeal.

## **6.0 Ill-Health Retirement**

Where there is no alternative to termination of employment, agreement will be sought with the employee to apply for ill-health retirement and the immediate payment of pension benefits under the rules of either the Local Government Pension Scheme or the Teachers' Pension Scheme. The Academy will do everything possible to facilitate such an outcome including arrangements to secure further medical evidence through the Occupational Health Doctor. The decision to grant ill-health retirement benefits is not a decision made by the Academy.

Should ill-health retirement through the pension scheme be secured the Academy would then agree with the employee a date for retirement and notify the pension scheme administrator.

Where ill-health retirement is not an option the matter will be considered under Stage Two of the Formal Absence Review.

## **7.0 Sick Pay Entitlements**

Employees may be entitled to contractual sick pay (set out below) subject to the terms of their contract, and complying with the qualifying rules and the rules for notification and certification of sickness absence under this policy. Contractual sick pay is inclusive of any SSP that may be due for the same period. The following payments are made on the basis that the period of absence occurs in any 12 month period.

**Teachers**

<b>Length of service</b>	<b>Full Pay</b>	<b>Half Pay</b>
0 – 4 months	25 days	
5 – 12 months	25 days	
13 – 24 months	50 days	50 days
25 – 36 months	75 days	75 days
37 months	100 days	100 days

**Support Staff**

<b>Length of service</b>	<b>Full Pay</b>	<b>Half Pay</b>
0 – 4 months	1 month	
5 – 12 months	1 month	2 months
13 -24 months	2 months	2 months
25 – 36 months	4 months	4 months
37 – 60 months	5 months	5 months
61 months	6 months	6 months