Caring for young minds

The Family School London

An Anna Freud Centre Initiative

THE SICKNESS ABSENCE POLICY

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Coordinator	HT - BM
Principal Signature	Matthew Hillman

At the heart of all policies at The Family School are the following principles:

- Every young person in our school, whatever his or her personal circumstances can learn and achieve.
- Every young person in our school, whatever his or her self-perception and previous experiences, has academic and creative potential to become a valuable member of society.
- The key to learning at The Family School lies within the quality of the relationships between pupils, family members, staff and the intermediate agencies with whom we work.
- The success of our school is based on high expectations, mutual trust, caring for each other and taking responsibility.
- Every young person in our school is capable of becoming an agent for change in his or her local community.

Our vision is to provide our pupils with the confidence, academic progress, and ambition to take the next steps towards a successful and productive life and to be able to contribute positively within their local community and wider society.

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Policy Statement

This Sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.

Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).

The Family School Trust as the employer of staff at The Family School wishes to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.

This policy does not form part of any employee's contract of employment with The Family School 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.

1. General principles

Pears Family School wishes to:

- promote a healthy and safe workplace;
- encourage staff to take personal responsibility and a positive approach to managing their health and wellbeing;
- provide supportive management that enables workloads to be managed appropriately through an effective performance management process;
- identify potential health and wellbeing issues early before they become a problem; and
- manage all sickness absence empathetically and effectively, consistent with achieving the school's aims in providing excellence in the delivery of educational outcomes.

In clear cases of misconduct the disciplinary policy should be used instead of this procedure; for example:

- if an employee fails to follow absence notification rules;
- if the reason for not being at work is unsatisfactory and/or vague;
- if the absence is unauthorised resulting from failure to provide medical certificates;
- if the employee has been carrying out an activity which cannot be reasonably consistent with the nature of their sickness absence; and
- if the employee has deliberately falsified medical certificates.

2. Legal Requirements

When managing sickness absence The Family School takes account of various legal and contractual issues including:

- Sick Pay Provisions;
- Equality Act;
- Access to Medical Records Act;
- Data Protection Act/ GDPR and
- Employment Rights Act especially for maternity related absence

This policy and procedure has also been written to align with the ACAS Code of Practice on attendance.

3. Staff Covered By The Policy

This policy covers all employees at all levels and grades, including senior managers, trainees, part-time and fixed-term employees. It does not apply to agency workers or self-employed contractors.

4. Confidentiality and Dignity

Reasons for absence will only be discussed by managers on a need to know basis e.g. with a relevant, more senior manager. If a formal attendance review process is undertaken, the proceedings will be confidential.

Medical reasons for all sickness absence are considered strictly confidential in accordance with the Data Protection Act and Access to Medical Records Act and should normally only be divulged to a third party external to the organisation with the prior consent of the employee.

5. Disabilities

The Family School is aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure, 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 an employee considers that they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager.

6. Medical and Dental Appointments

Staff are encouraged to attend routine medical and dental appointments as part of the school's proactive approach to maintaining well-being and to identify early symptoms that may be causing concern.

To balance this with the school's overall aim to provide excellence in the student's educational experience staff are required to follow the following steps.

- Arrange appointments outside of working hours whenever possible.
- Where the above approach is not possible, then to arrange the appointment outside of the main school opening hours.
- Where neither of the above approaches is possible, to give maximum notice to their line manager in order to ensure essential duties can be covered in their absence. In certain circumstances staff may be requested to provide written confirmation of the appointment from the relevant establishment.

7. Sickness Absence Reporting Procedure

Employees should refer to this policy and the associated procedures for details of the sickness absence reporting procedure.

If employees are taken ill or injured while at work they should report to the School's Business Manager to make arrangements for anyone who is unwell to be accompanied where necessary.

8. Sickness Notification

Employee Responsibilities

If an employee cannot attend work because they are ill or injured they should normally telephone their line manager as early as possible, In the case of PFS this will be the operational assistant head and the headteacher, and no later than 30 minutes after the time when they are normally expected to start work. If the employee is physically not able to report their absence themselves then a family member, friend or member of the medical profession may do so on their behalf.

The following details should be provided:

- the nature of the illness or injury;
- the expected / anticipated length of absence from work;
- contact details; and
- any outstanding or urgent work that requires attention.

The employee should expect to be contacted during absence by their line manager and / or the administrator who will want to enquire after their health and be advised, if possible, as to an expected return date.

If an employee is absent for more than three days, they should update their line manager on the fourth day and, if possible, give some indication of when they expect to return to work. Thereafter, contact with the manager should happen on a weekly basis. In some cases of longer term absence, the manager may request to visit the employee at home and where this occurs the employee is expected to cooperate unless there are extenuating circumstances.

Managers Responsibilities

Managers should ensure that any sickness absence that is notified to them is recorded and arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).

Where absence appears to be for a work-related reason, managers must ensure that any health and safety reporting requirements have been met, that Occupational Health and/or the person nominated with the responsibility for Health and Safety are involved, if appropriate, and that any necessary remedial action is taken.

9. Evidence of Incapacity

For sickness absence of up to seven calendar days employees must complete a self-certification form which is available from the school business manager.

For absence of more than 7 days employees must obtain a certificate from their doctor (a "Statement of Fitness for Work") stating that they are not fit for work and the reason(s) why. This should be forwarded to the school business manager as soon as possible. If the absence continues, further medical certificates must be provided to cover the whole period of absence. This includes school holidays.

If the employee's doctor provides a certificate stating that they "may be fit for work" the employee should inform school business manager. We will discuss with the employee any additional measures that may be needed to facilitate a return to work, taking account of the doctor's advice. This may take place at a return to work interview (see section 15). If appropriate measures cannot be taken, the employee will remain on sick leave and we will set a date to review the situation.

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

10. Conditional Return to Work

The advice given on a Statement of Fitness for Work is not binding on the employer and whilst The Pears Family School will do whatever is practicable to enable the member of staff to return to work within the conditions advised by their GP, in cases where this is not possible the certificate will cover their continued absence.

11. Unauthorised 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.

If an employee does not report for work and has not telephoned the administrator or their line manager to explain the reason for absence, the administrator will try to contact them by telephone and in writing if necessary. This is an attempt to clarify the reason for absence and should not be treated as a substitute for reporting sickness absence.

12. Sick Pay

Employees should refer to their contract or the staff handbook for details of the sick pay to which they 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, the employee must immediately notify the School Business 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 the employee to do so, they must co-operate in any related legal proceedings and refund to us that part of any damages or compensation recovered that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs 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 in respect of the period of sickness absence.

13. Keeping in Contact During Sickness Absence

If absent on sick leave an employee should expect to be contacted from time to time by the administrator or line manager in order to discuss their wellbeing, expected length of continued absence from work and any work related matters that require attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.

If an employee has any concerns whilst absent on sick leave, whether about the reason for the absence or their ability to return to work, they should feel free to contact the administrator or their line manager at any time.

14. Medical Examinations

We may, at any time in operating this policy, ask an employee to consent to a medical examination by our Occupational Health Department or a doctor nominated by us at our expense.

An employee 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.

15. Return-to-work Interviews

Following an absence from work we will arrange for the employee to have a return-to-work interview with their line manager. This interview enables us to confirm the details of the absence. It also gives the employee the opportunity to raise any concerns or questions they may have, and to bring any relevant matters to our attention. Where the employee's doctor has provided a certificate stating that they "may be fit for work" we will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate a successful return to work, taking account of the medical advice.

16. Returning To Work From Long-Term Sickness Absence

We are committed to helping members of staff make a successful return to work following long-term sickness absence. Employees who are off work sick for more than 4 weeks may be considered long-term sick. As part of our sickness absence meetings procedure (see paragraph 18 below), we will, where appropriate and possible, support returns to work by:

- obtaining medical advice;
- making reasonable adjustments to the workplace, working practises and working hours;
- considering redeployment; and/or
- agreeing a return to work programme with everyone affected.

If the employee is unable to return to work in the longer term, we will consider whether they are entitled to any benefits under their contract and/or any insurance schemes we operate.

17. Sickness Absence Meetings Procedure

We may apply this procedure whenever we consider it necessary, including, for example, if the employee:

- has been absent due to illness on a number of occasions;

- has discussed matters at a return to work interview that require investigation; and/or
- has been absent for more than 10 days.

18. Informal Absence Review Meeting (1st Stage)

The manager will alert the employee to the fact that this stage of the procedure has been triggered.

For continuing absence the meeting will:

- establish and explore the reason for the continued absence; and
- whether there is a good prospect of recovery and return to work in the near future (in which case there may be no need for further action).

Dependent upon the information gained, the manager may discuss:

- referral to an Occupational Health Provider;
- any conditions their GP has entered on their Statement for Fitness for work;
- any adjustments to the job/facilities/equipment that are needed to enable a successful return to work; or
- whether temporary redeployment is helpful and practicable.

The employee will be given information that is relevant to them and their circumstances, especially factors that will have a bearing on decisions being made by managers e.g. referral to the next stage of the procedure; willingness to accept redeployment or different hours; etc.

For repeated absences the meeting will:

- establish with the employee whether there is any underlying factor causing the absences; and
- whether there is anything that can be done to stop/reduce any reoccurrence.

Managers will ensure the employee understands that if attendance does not improve to an acceptable level then the next stage of the procedure will be triggered.

The informal review of absence meeting may be combined with the Return to Work interview where this is practicable but the fact that the first stage of the absence review process has been triggered should be recorded on the SelfCertificate & Return to Work form.

19. Formal Absence Review Meeting (2nd Stage)

This stage applies where the employee has absence beyond the levels set in para 18 and / or the employee has failed to attain the return to work or the standard of attendance informally agreed at stage 1.

The purposes of a formal sickness absence meeting may include:

- discussing the reasons for absence;
- where the employee is on long-term sickness absence, determining how long the absence is likely to last.
- where the employee has been absent on a number of occasions, determining the likelihood of further absences.
- considering whether medical advice is required.
- considering what, if any, measures might improve the employee's health and/or attendance.
- agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure.

Unless it is impractical to do so, we will give the employee five days written notice of the date, time and place of a sickness absence meeting. We will put any concerns about 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 a meeting will be provided. The meeting will be conducted by the employee's line manager and will normally be attended by a member of the senior team. The employee may bring a companion to the meeting (see para 20)

The employee must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If the employee or their companion are unable to attend at the time specified the employee should immediately inform the line manager who will seek to agree an alternative time.

A meeting may be adjourned if the line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at the meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

All decisions made during the meeting will be confirmed in writing as will the employee's right to appeal the decision and any warnings given regarding future security of employment. This notification will be given in writing within 10 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). The employee will be required to sign and return a copy of the correspondence to acknowledge its receipt. A copy of the correspondence will be retained on the employee's personal file but be disregarded after six months if they have demonstrated an acceptable level of attendance.

If, at any time, the line manager considers that the employee has taken or is taking sickness absence when they are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

20. Right To Be Accompanied At Meetings

The employee may bring a companion to any meeting or appeal meeting under this procedure.

The companion may be either a trade union representative or a fellow employee. Their identity must be confirmed to the line 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 such a request if they so wish.

Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting.

We may, at our discretion, permit a companion who is not an employee or union representative (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.

A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on their behalf. The employee may confer privately with their companion at any time during a meeting.

21. Final Absence Review Meetings (3rd Stage)

Depending on the matters discussed at the second stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the third stage of the sickness absence procedure will follow the procedure set out in paragraph 19, including the arrangements for and right to be accompanied at sickness absence meetings para 20.

The purposes of further meeting(s) may include:

- discussing the reasons for and impact of ongoing absence(s);
- where the employee is on long-term sickness absence, discussing how long the absence is likely to last.
- where the employee has been absent on a number of occasions, discussing the likelihood of further absences;
- if medical advice has not previously been obtained, considering whether it is required;

- If medical advice has been obtained, considering the advice that has been given and whether further more detailed advice is required;
- considering the employee's ability to return to/remain in the post in view both of the employees future capacity to meet the requirements of the post and the needs of the school, and any adjustments that can reasonably be made to the post to enable these needs to be met;
- considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying the employee;
- where the employee is able to return from long-term sick leave, whether to the existing post or a redeployed post, agreeing a return to work programme; and
- if it is considered that the employee is unlikely to be able to return to work from long-term absence, whether there are any benefits for which they should be considered.

Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s) may, depending on steps we have already taken, include warning the employee that they are at risk of dismissal. Warnings in this part of the procedure are final warnings under the procedure and will be confirmed in writing as will any decisions made at this meeting. The employee is required to sign and return a copy of this correspondence to acknowledge its receipt. A copy of the warning will be retained on the employee's personal file but will be disregarded after twelve months if they have demonstrated an acceptable level of attendance.

22. Dismissal On Grounds Of Ill- Health (4th Stage)

Where the employee has been warned that they are at risk of dismissal, we will invite them to a meeting under the fourth stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out in paragraphs 19, including the arrangements for and right to be accompanied at sickness absence meetings, para 20.

This stage applies where the employee:

- does not appear to have a reasonable prospect of returning to work in the reasonably foreseeable future; or
- has not achieved an acceptable level of attendance following a final warning

The Principal or a member of senior leadership team, with an HR Adviser representing The Family School, will hold this meeting to consider whether:

- (or not) to dismiss the employee on the grounds of his/her ill-health and continued absence(s), following non-compliance with a final warning;
- the circumstances of the illness and the terms of the relevant pension scheme may support an application for ill-health early retirement; or

- because of extenuating circumstances, the employee should continue on sick leave for the foreseeable future

If the manager who has been managing the case until this stage is not a member of the Senior Leadership Team, then the School will arrange for the Principal or a relevant senior manager to chair the meeting. In this case the original member will attend the meeting to impart his/her knowledge of the case.

The outcome of this meeting will be confirmed to the employee in writing. Termination will normally be with full notice or payment in lieu of notice.

23. Appeals

The employee may appeal against the outcome of any stage of this procedure and may bring a companion to an appeal meeting (see paragraph 20).

An appeal should be made in writing, stating the full grounds of appeal, to the person who chaired the dismissal meeting, within ten days of the date on which the decision was sent to the employee.

Unless it is not practicable, the employee will be given written notice of an appeal meeting within one week of the meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in support of an appeal may delay an appeal meeting if further investigation is required.

The employee will be provided with written details of any new information which comes to light before an appeal meeting. They will also be given a reasonable opportunity to consider this information before the meeting.

Depending on the circumstances, an appeal meeting will be conducted by a manager senior to the individual who conducted the sickness absence meeting, a governor or a Director of The Family School.

Depending on the grounds for appeal, the appeal meeting may be a complete rehearing of the matter or a review of the original decision.

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 ten 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.