

## Testwood School Sickness Absence Policy and Procedure

Key Responsibility area:	Mr T. Webber/SP&PP
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### Revision History

Version	Date	Amendments	Initials
1.0	23.04.19	Governor changed to Trustee	JB
1.1	12.01.22	Temporary Covid Change paragraph 4, page 5	JP
1.2	16.11.22	Removed 1.1 above	JP
1.3	24.11.23	Revised revision dates	TW
1.4	13.11.24	Hybrid HR replaced Education Personnel Services Revised revision dates	TW
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1.6	06.05.26	Revised revision dates	TW

### 1. Purpose

This school expects excellent levels of attendance at work and is committed to supporting the wellbeing of everyone. The school acknowledges that there may be circumstances when an employee is unable to attend work. If this happens, the employee will be treated fairly and sensitively.

The policy sets out how the school will manage sickness absence.

### 2. Scope

The policy applies to:

- Teachers including Leadership, Upper Pay Range, Main Pay Range and Unqualified Teachers
- Support Staff.
- The policy does not apply to:
  - Volunteers
  - Contractors
  - Agency workers

This policy is non contractual and does not form part of any employee's terms and conditions.

Employees are actively encouraged to contact their professional association/ trade union representative at the earliest opportunity to obtain advice and support at any point during this procedure.

### **3. Principles**

The school expects all parties to maintain confidentiality throughout the application of the policy.

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### **4. Introduction**

This school expects excellent levels of attendance at work and is committed to supporting the wellbeing of everyone.

The school will take all reasonable steps to ensure that the working environment, work demands and management processes are not detrimental to its employees' health and wellbeing.

The school will work with an employee to support them to achieve excellent attendance. There may be occasions to review an employee's absence when the school has identified that there is a concern. In such circumstances, this should be addressed early on to help reach a resolution.

The aims of the policy are to:

- improve and maintain attendance
- manage absence positively
- provide a framework for managing unacceptable levels of absence
- ensure the employee is made aware of absence concerns in a timely manner
- support the employee to be in attendance in their role
- support a culture of excellent attendance within the school to facilitate school improvement

## **5. Managing sickness absence concerns**

### **Considerations**

If an employee's sickness absence is causing concern, you may need to take action to address the situation. You must consider:

- whether there are extenuating circumstances
- if the absence is disability related
- information from a return to work interview
- whether the employee has reached or exceeded a trigger point
- the reason(s) and frequency of the absence and whether there are trends or patterns

## **6. Short term sickness absence**

### **Definition**

Short term sickness absence - are periods of sickness absence that are not continuous and are normally short term in duration. The absences may be for related or unrelated reasons. The impact of the absence is that an employee is unable to attend work regularly and consistently.

### **Policy stages and principles**

The possible stages are:

- informal stage
- formal stage one
- formal stage two
- formal stage three - may result in dismissal
- appeal after each formal stage

As a general principle you will seek to use the informal stage prior to progressing to the formal stages.

The employee must be given a reasonable period of time to achieve the required improvement before moving to the next stage of the policy.

### **Trigger points – short term absence**

The following trigger points apply to a rolling 12 months from the first day of the current absence:

- 6 working days over two or more occasions in the past 12 months
- 9 working days or 4 occasions (totalling 6 or more working days) in the past 12 months.

## **Return to work interview**

When undertaking a return to work interview, after each period of absence you should consider whether it is appropriate to discuss:

- the reason for the absence
- general welfare, as an opportunity to check the employee is fit to return to work
- whether a risk assessment needs to be completed
- any support that the employee may need
- whether the employee should visit their doctor
- how the employee is taking responsibility for their own wellbeing
- any relevant work updates
- next steps and policy advice

## **7. Informal stage**

As a manager, the school expects you to have open and transparent discussions with an employee to seek to address absence concerns. You must raise an absence concern promptly with the employee.

It may be appropriate to develop an action plan, as a supportive tool to help the employee.

The employee does not have the right of representation at the informal stage.

How to manage an informal managerial support discussion

When undertaking the informal managerial support discussion, you must:

- provide clear tangible examples of when and why attendance has been unacceptable, which must be based on facts
- summarise the discussions that have been held during any return to work interviews
- ask the employee to respond explaining any reasons they feel may be relevant
- try to establish whether the employee has taken action to address the concern(s)
- discuss with the employee whether there is any support, training or reasonable adjustments that may help to improve their attendance
- identify the standards of attendance expected
- ensure you explain to the employee what is expected of them
- decide on an outcome and agree this with the employee if possible

## **8. Formal stage**

At each formal stage of the policy, the employee has the right to be accompanied by a trade union representative or work place colleague. The employee must be invited in writing to attend a meeting/ hearing providing 7 working days' notice, unless otherwise agreed by mutual agreement.

The school expects that the employee and their representative will make all reasonable efforts to attend the first scheduled meeting/ hearing date and time. If it is not possible, the employee may propose an alternative date and/ or time. This should be within 5 working days of the original meeting/ hearing. If the employee is unable to attend or does not attend the re-arranged meeting/ hearing, the chair must decide whether to proceed in their absence

A formal record must be taken during the meeting/ hearing.

The chair must confirm the outcome in writing within 5 working days of the meeting/ hearing. The outcome letter will include details of any warning and/ or sanction issued

If sufficient improvement is not made within the review period or if an improvement is not sustained as follows, then:

- at stage one - for a 12 month period following the formal stage meeting, the employee may be required to attend a formal stage two meeting
- at stage two – for at least 12 – 24 months following the formal stage meeting, the employee may be required to attend a formal stage three hearing

A dismissal can take place before the employee has exhausted their entitlement to occupational sick pay.

## **Review meetings**

Following a formal stage meeting/ hearing, you must hold scheduled informal review meetings with the employee. These must be followed by a final review meeting before the end of a warning period.

You should agree a series of dates and times to meet with the employee throughout the duration of the length of the warning issued.

The purpose of the meetings are to provide an opportunity to:

- review the employee's attendance
- review any action plan as appropriate
- discuss any other support that may be relevant
- establish whether there is a need to progress to the formal stages of the policy

## **9. Appeal for short term sickness absence**

### **Appeal Stage**

The employee has the right to appeal against the outcome of a formal meeting/ hearing.

The employee must submit their appeal in writing within 10 working days following receipt of the written outcome of the formal meeting/ hearing. This must include the full reasons for the appeal.

### **Meeting arrangements**

The principles of the Formal Stage meeting/ hearing arrangements will apply.

The outcome cannot impose a higher sanction than issued at the formal meeting/ hearing although a lower sanction can be applied.

There is no further internal right of appeal.

## **10. Long term sickness absence**

### **Definitions**

Long term sickness absence – occurs when an employee is unable to return to work for a period of over one month due to an underlying medical condition or conditions.

Health conditions without sickness absence – occur when an employee's underlying medical condition has an impact on their ability to fulfil the full duties of their role but does not affect their attendance at work. Such cases can be managed under this long term sickness absence process. These concerns may originate as a performance concern but further review might indicate they are more appropriately managed using the Managing Sickness Absence policy and this how to guide.

### **Policy stages and principles**

The possible stages are:

- absence review stage
- formal stage three meeting - may include a mutual agreement discussion and may result in dismissal
- appeal - only following a formal stage three meeting

A formal decision about the employee's future employment must not be taken at the absence review stage. Such decisions must be made at a formal stage three meeting.

### **Absence review stage of long term sickness absence**

The school should speak to the employee by having an absence review discussion. Depending on the circumstances, this could become a series of discussions. A record must be made of each discussion.

It is important that you make it clear to the employee that the discussion is the absence review stage of the Managing Sickness Absence policy.

Discussions at the absence review stage for long term sickness absence are an opportunity for you to:

- discuss the absence and any underlying medical conditions/ circumstances as appropriate
- discuss any recommendations from Occupational Health/ medical practitioner
- identify possible next steps

A formal decision about the employee's future employment must not be taken at a review meeting. Such decisions must be made at a formal stage three hearing.

Ideally discussions at the review stage for long term sickness absence will take place face to face in the workplace or as part of a home visit. A home visit must be made by prior agreement with the employee. You should also give consideration to any request from the employee to hold the discussion at a neutral venue. Where a face to face meeting is not possible a review may be held as a telephone conversation.

Discussions at the absence review stage for long term sickness absence are repeated throughout the period of long term absence. The number and frequency of the review discussions will depend on the circumstances of each case.

A review meeting should normally be held if an employee has been on long term sickness absence and is due to return to work. This should be scheduled prior to their return.

### **Right of representation**

The employee is not usually accompanied at any discussions within the absence review stage of the policy. There may be circumstances when the employee asks to be accompanied and consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process.

How to manage a discussion at the absence review stage

When undertaking the absence review stage discussion, it provides an opportunity for you to:

- talk to the employee about the circumstances which can include asking about any treatment plans, key dates, an anticipated return to work date (if known) and setting a review date if applicable
- identify any actions for the employee
- review recommendations made by Occupational Health/ the employee's medical practitioner

- consider whether a referral to Occupational Health/ medical practitioner is appropriate if you have not already done so or if existing medical information is not current
- consider whether reasonable adjustments are appropriate
- seek the employee's views and expectations regarding a possible return to work or future plans
- discuss the possibility of medical redeployment if recommended by Occupational Health/ medical practitioner
- advise the employee about their sick pay entitlement
- discuss whether the employee would like to explore the option of a mutual agreement
- discuss whether it is appropriate to move to a formal stage three meeting
- decide on an outcome and agree this with the employee if possible

A record must be made of each discussion

### **How to progress to a formal stage three meeting**

A formal stage three meeting will be held where:

- the absence can no longer be sustained - either continuous absence or a history or pattern of periods of long term absence over a prolonged period of time
- the medical advice recommends that the employee will not return to their substantive role in the foreseeable future. This may be supported by medical redeployment
- the medical advice recommends that the employee will not return to work in any capacity in the foreseeable future.

It may be appropriate to obtain an up to date Occupational Health/ medical practitioner report prior to a formal stage three meeting. You must ask the employee whether there have been any changes to the medical advice to determine if a further Occupational Health/medical practitioner report is required.

### **Formal stage 3 meeting**

Meeting arrangements

The principles of the Formal stage meeting/ hearing arrangements will apply

### **Outcome of the formal meeting**

The chair of the formal stage meeting must fully consider all evidence presented and decide on an outcome. The chair of the meeting must decide whether:

- to manage the concern on an informal basis
- the employee returns to work with relevant support/ adjustments
- to discuss a predicted return to work date (if known)
- to discuss a return to work plan (if a return to work date is known)
- to assess any medical information (including Occupational Health/ medical practitioner reports)
- reasonable adjustments need to be considered and/ or implemented where appropriate to do so
- a further referral to Occupational Health/ medical practitioner is appropriate
- to explore the possibility of medical redeployment (pending a recommendation from Occupational Health/ medical practitioner)
- the employee would like to explore the option of a mutual agreement
- the employee is dismissed on the grounds of medical capability with the appropriate contractual notice

A dismissal can take place before the employee has exhausted their entitlement to occupational sick pay.

The chair must confirm the outcome in writing within 5 working days of the meeting.

## **11. Appeal for long term sickness absence**

### **Appeal stage**

The employee has the right to appeal against the outcome of a formal stage three meeting only of the long term sickness absence section of this policy.

### **Meeting arrangements**

The principles of Formal meeting/ hearing arrangements will apply.

Following an appeal of a formal stage three meeting, there is no further right of internal appeal.

The employee must submit their appeal in writing within 10 working days following receipt of the written outcome of the formal meeting. This must include the full reasons for the appeal.

## **12. Other policy requirements**

### **Confidentiality**

It is expected that all parties involved in the managing sickness absence process will maintain confidentiality as appropriate.

### **Reporting sickness absence**

An employee must report their absence to the school as soon as possible and before their normal start time, unless other local arrangements apply.

The nature of the sickness absence will determine when it is appropriate for the employee to contact the school to report ongoing sickness absence.

If the employee is unable to contact the school to notify their sickness absence, a relative or friend can report it on their behalf.

Where an employee requests the reason for their absence to be kept confidential, you should maintain confidentiality in such circumstances.

If the employee fails to report their sickness absence accurately, they may be subject to action under the Disciplinary policy.

### **Keeping in touch during sickness absence**

The school and the employee are required to engage in and maintain appropriate contact during periods of sickness absence. The frequency and method(s) of contact should be agreed.

If an employee is in hospital or receiving other inpatient care, you should make arrangements to establish a point of contact. This could be a family member, a friend or a professional association/ trade union representative. This will enable you to keep in touch whilst the employee is absent.

### **Statement of fitness for work certificate**

An employee can self-certify for absences of 7 calendar days or less. Therefore they do not need to provide you with a Statement of Fitness for Work certificate.

A Statement of Fitness for Work certificate is required for sickness absences of more than 7 calendar days. A medical practitioner will provide the employee with a Statement of Fitness for Work certificate. The employee must retain the original and provide a copy of the Statement of Fitness for Work certificate to the school in a timely manner.

If the employee does not provide a Statement of Fitness for Work certificate when requested, they may lose their occupational sick pay entitlement. If this happens, you must write to the employee to request a copy. Action may also be taken under the Disciplinary policy.

### **Medical appointments**

An employee must obtain consent from the school if they are required to attend a medical appointment during work time.

The employee is not entitled to paid time off to attend planned dentist, doctor or hospital appointments. Where possible, such appointments should be taken in the employee's own time unless it is covered by another leave provision.

Depending on the circumstances, the employee may be required to attend a regular appointment/ clinic. The employee may ask to amend their working pattern and you should discuss this with them.

The health appointment may be necessary because the condition is a direct result of an injury at work. In such cases it may be appropriate for the employee to be paid for the time to attend the health appointment.

An employee with a disability may be granted reasonable time off during working hours for appointments, rehabilitation or treatment. This should be considered as a reasonable adjustment if it is not possible for the employee to attend an appointment outside of working hours.

A pregnant employee is entitled to paid time off to attend ante natal appointments. You can request to see written notification of a medical appointment and the employee is required to provide this to you.

### **Planned operations**

An employee is responsible for notifying the school in advance of a planned operation. The principles of recording sickness absence will apply.

To help plan cover, you should encourage the employee to provide you with:

- the reason for the absence
- the anticipated duration
- the predicted recovery period
- any possible changes in their ability to undertake their role when they return

It is generally expected that you will not normally need to seek advice from Occupational Health/ medical practitioner for a planned operation. If there are complications or changes that were not anticipated you may need to seek Occupational Health/ medical practitioner advice at the relevant time.

An employee may be undergoing elective (not medically required) surgery. Wherever possible, the surgery and the recovery period should be scheduled in non working time. If this is not possible, then the employee should request unpaid leave. If the employee is a member of support staff who does not work term time only, this request could be unpaid leave or annual leave. Any request must be made in advance of the surgery.

The employee may experience complications following the elective surgery. If this happens, the employee must contact you at the earliest opportunity to report their sickness absence.

### **Emergency operations**

If an employee has an emergency operation, they or a relative/ friend must notify the school at the earliest opportunity. You will need to manage this situation sensitively and compassionately.

You will need to consider:

- if it is appropriate to inform colleagues
- what information is appropriate to share
- how to cover the employee's work in the short term
- when it may be appropriate to obtain medical advice

The principles of recording sickness absence will apply.

### **Referral to Occupational Health/ medical practitioner**

It may be necessary to refer the employee to Occupational Health/ medical practitioner to obtain medical advice and information. This will help you to understand:

- the health issues
- the possible impact on the employee's attendance
- whether any reasonable adjustments are required

As short term frequent absence is often due to unrelated ad-hoc illness a referral is not always necessary. In the following circumstances you should seek Occupational Health/ medical practitioner advice to inform your decision making:

- there are concerns of an underlying condition
- the absences are for the same illness
- the employee has reached or exceeded the trigger
- you are moving into the formal stages of the policy
- the employee has requested to be referred

You should meet with the employee to discuss the reasons for the referral and the process. You can use the template letter to confirm the arrangements for making a referral if appropriate.

The school expect the employee to attend any medical appointments and to co-operate with the referral.

You must explain to the employee that:

- it is important for them to attend the medical appointment(s) so relevant information relating to their health can be shared with you and any needs at work can be supported
- they must tell you as soon as possible if there is any reason that prevents them from attending an appointment, so you can discuss ways to resolve any issues
- they must contact Occupational Health/ medical practitioner immediately if they wish to rearrange an appointment for an alternative date/ time
- they must inform you of a change of date/ time

### **Phased return to work**

A phased return involves a temporary adjustment or adjustments to an employee's role. This may enable the employee to return to work earlier than would otherwise be possible or to facilitate a return to work where the employee is not able to return to the full duties of their role. It may not always be necessary as it will depend on the nature of the sickness absence and the employee's needs.

As part of the phased return, temporary adjustments may need to be put in place. These adjustments may relate to contractual hours, working pattern, the working environment or duties of the role. You are responsible for deciding what adjustments can be accommodated. In making this decision you must consider whether the employee is likely to have a disability.

The duration of a phased return is typically no more than 6 weeks. In some circumstances, this may need to continue for a longer period of time. You must discuss any extension of a phased return with the employee and seek further medical advice.

For Support Staff who do not work term time only - the employee may wish to take annual leave for some or all of their period of sickness absence. This must be agreed with the school. In such cases, for systems and pay purposes, the employee will 'return' from sickness absence and start a period of annual leave. The record must be reverted back to sickness absence if the employee continues on sickness absence after the annual leave period has been fulfilled. This will ensure the employee is paid correctly for the annual leave period.

### **Reasonable adjustments**

The school and the employee will work together to identify and consider any reasonable adjustments.

You must consider reasonable adjustments as a matter of priority. This can support the employee to be able to attend work. Reasonable adjustments must be considered before commencing the formal stages of the Managing Sickness Absence policy and throughout the application of it.

If any adjustments are required and a return to work is possible, this can form part of the phased return to work plan. You must complete a risk assessment for the employee when they return to work to ensure their health and safety is not put at risk.

### **Adjustments to support an employee to remain at work**

Adjustments can be considered to support an employee to remain at work to avoid sickness absence. This may be appropriate where an employee has recently developed a medical condition or an existing condition has worsened. Adjustments may be temporary or permanent and you must discuss with the employee before implementing.

Options can include (this is not an exhaustive list):

- adapting the role on a temporary or permanent basis including implementing physical aids/ adaptations within the working area

- reduction of hours by offering the post as part time or a job share arrangement

It may be appropriate to seek advice from Occupational Health/ medical practitioner before implementing any adjustments.

### **Permanent adjustments**

Where Occupational Health/ medical practitioner recommend a permanent adjustment, the school must consider whether it is a reasonable adjustment which can be made.

If the adjustment cannot be made, this will be managed under a formal stage three hearing.

### **Redeployment**

Redeployment can be considered at any stage in the policy and:

- must not be used as a sanction
- should result in satisfactory attendance in the new role
- is subject to a suitable opportunity being available
- the Redeployment Policy will apply

### **Instructions to leave work on health grounds**

In exceptional circumstances, an employee may be instructed to leave work where they:

- present as unwell or
- have a condition which causes concern and poses a risk to them and/ or others

The employee will remain at home and receive their entitlement to occupational sick pay until it is appropriate for them to return.

If the employee's absence goes beyond 7 calendar days, they will need to see their doctor to obtain a Statement of Fitness for Work certificate.

For Support Staff who do not work term time only – if an employee is sick during a period of annual leave, they are entitled to have their annual leave entitlement reinstated.