KEYS
Academy Trust

Managing Sickness Absence Policy

KEYS Academy Trust
Unlocking the future

Version control summary and overview details

TKAT Statutory Policy • All schools require a policy on this area. • There should be no changes to the core text. • LGBs will minute that they have noted Trust approval and will adopt the policy effective immediately. • This is a Trust policy to be implemented by all schools within The Keys Academy Trust to ensure a consistent approach for all.
Version control Version 1 – November 25 • New policy based on Browne Jacobson model policy Version 2 November 26 • Formatting changes only. • 7.6 wording changed from 'may' to 'will' • Trust wellbeing provider details added

Reviewed by (Trust Officer)	Hester Wooller, CEO
Approved by TKAT Trustee Committee:	FAPPP
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TKAT vision
We are a family of distinctive schools at the heart of the diverse communities we serve. In line with our Christian ethos, we aspire to excellent learning and pastoral care for pupils and staff and are committed to being open and welcoming to all.

Key areas of note
Please note the following, which will be applicable throughout the policy:

- Any reference to 'headteacher' should read as whatever title is relevant to the school using the policy (i.e. Executive Headteacher/Head of School or Headteacher). Anything else will be explicitly referenced within the policy.
- Any reference to 'everyone' to staff, trustees, local governors and pupils.
- Any reference to 'we' should be read as The Keys Academy Trust.
- Any reference to 'parents' should be read as 'parents, carers and guardians'.

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1. Purpose

1.1 The purpose of this policy is to establish a fair, consistent and supportive approach to managing sickness absence across The Keys Academy Trust (TKAT). It seeks to promote employee health and wellbeing, maintain appropriate levels of attendance and ensure that sickness absence is managed sensitively and effectively, balancing the needs of individual employees with the operational requirements of the Trust and its schools.

1.2 TKAT recognises that employees may experience periods of ill health, ranging from occasional short-term absence to longer-term or recurring medical conditions. The Trust is committed to understanding individual circumstances, providing appropriate support and facilitating a safe and sustainable return to work wherever reasonably practicable.

2. Aims

2.1 Through this policy, TKAT aims to achieve the following:

a) Establish clear expectations and responsibilities for reporting, recording and managing sickness absence.
b) Promote good attendance while recognising and responding appropriately to genuine illness and individual health needs.
c) Ensure sickness absence is managed fairly, consistently, sensitively and without unlawful discrimination.
d) Identify and address patterns of absence or concerns about attendance promptly and appropriately.
e) Support employee wellbeing through regular communication, access to relevant support services and occupational health advice where appropriate.
f) Facilitate timely, safe and sustainable returns to work, including consideration of reasonable adjustments and phased returns where appropriate.
g) Ensure employees and managers understand the procedures for reviewing sickness absence, including formal meetings, decisions and appeals.
h) Minimise the impact of sickness absence on colleagues, pupils and the effective operation of TKAT schools.

3. Scope

3.1 This policy applies to all TKAT employees, regardless of role, grade or working pattern, except those serving a probationary period. It does not apply to contractors, consultants, agency workers or self-employed individuals working for the Trust.

3.2 The policy applies to both short-term and long-term sickness absence and sets out the arrangements for the following:

a) Reporting and recording sickness absence, including requirements for medical evidence.
b) Sick pay and the relationship between sickness absence and annual leave.
c) Maintaining appropriate contact with employees during periods of absence.
d) Supporting employees with disabilities or medical conditions, including consideration of reasonable adjustments.
e) Conducting return-to-work interviews and supporting returns following long-term absence.
f) Accessing occupational health advice and other wellbeing support.

g) Managing persistent or prolonged sickness absence through informal and formal procedures, including meetings, warnings and appeals.
h) Addressing unauthorised absence or suspected misuse of sickness absence procedures, where appropriate, Under the Trust's disciplinary arrangements.

3.3 This policy should be read alongside TKAT's Leave of Absence Policy, Managing Stress and Wellbeing Policy, Disciplinary Policy and relevant data protection policies.

3.4 This policy does not form part of any employee's contract of employment and may be amended by TKAT at any time. The Trust may also vary the procedures or timescales set out in this policy where appropriate to the individual circumstances.

3.5 In implementing this policy, TKAT will process personal information, including health-related special category data, in accordance with applicable data protection legislation, its Staff Privacy Notice, Data Protection Policy and Retention and Disposal Policy.

4. Definitions

4.1 Short-term sickness absence: Any absence that lasts between half a day and 20 days (four working weeks).

4.2 Long-term sickness absence: Any absence that lasts for a continuous period of longer than four working weeks.

5. Disabilities

5.1 We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out later in this policy), 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.

5.2 If you consider that you are affected by a disability or any medical condition, which affects your ability to undertake your work, you should inform your Headteacher and TKAT HR Manager.

6. Sickness absence reporting procedure

6.1 All employees are required to follow the reporting procedure set out below.

6.2 If you are taken ill or injured while at work, either of which meaning you are unable to continue working, you should report this to the headteacher/line manager as per TKAT's leave of absence reporting policy. The headteacher/line manager will make arrangements for anyone who is unwell to be accompanied home (if needed) and/or to receive medical treatment if needed/where necessary (at work ideally, or otherwise elsewhere).

6.3 If you cannot attend work because you are ill or injured, the following details should be provided to your school:

a) The nature of your illness or injury.
b) The expected length of your absence from work.
c) Contact details.
d) Any outstanding or urgent work that requires attention, including information in relation to student work that needs covering.

6.4 Contacting by text message or email is not acceptable, unless it has been agreed as a reasonable adjustment by your line manager.

6.5 Managers should ensure that:

a) Any sickness absence that is notified to them is recorded.
b) Arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).

6.6 If you are ill or injured during a period of pre-arranged annual leave, you may elect to treat the days of incapacity as sickness absence instead of annual leave. You must inform your manager of your incapacity and its likely duration as soon as possible, even if you are abroad. The usual requirements for self-certification and medical certificates in this policy will apply.

6.7 To ensure we are doing all we are able to in order to support pregnant employees, a pregnant employee will be asked to attend a return-to-work interview when returning to work after any period of absence. However, any sickness absence by a pregnant employee for a pregnancy-related reason will not be taken into account when checking if the need for formal action under our sickness absence management procedure has been triggered.

7. Evidence of incapacity

7.1 For sickness absence of up to and including seven calendar days, you must complete a self-certification form.

7.2 For absence of more than a week, you must obtain a certificate from an eligible healthcare professional (a 'Statement of Fitness for Work'), stating that you are not fit for work and the reason(s) why. This should be forwarded to your line manager as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.

7.3 If your healthcare professional provides a certificate stating that you 'may be fit for work', you should inform your line manager immediately. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your healthcare professional's advice. This may take place at a return-to-work interview (see the relevant section for more information on return to work interviews). If appropriate measures cannot be taken, you will remain on sick leave, and we will set a date to review the situation.

7.4 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.

7.5 Where an employee is absent immediately prior to a TKAT closure period, they will continue to be deemed as being absent for the purposes of recording sickness and statutory and/or contractual sick pay during the TKAT closure period, unless they provide a fit note indicating they are fit to return to work.

7.6 If you are undergoing an elective or cosmetic surgery procedure for which you will be absent from work, you will need to follow the Leave of Absence Policy in the first instance. For any time off after that, any entitlement to TKAT sick pay (as set out in the section about sick pay below) will be subject to receipt of satisfactory medical evidence. This medical evidence will need to be in the form of a report from your doctor or a specialist confirming that you are undergoing the procedure on medical advice. You will be required to take annual leave or arrange for any surgery and recovery to take place outside of term time for any absence related to a purely elective procedure.

7.7 Where absence appears to be as a result of an infectious disease, TKAT reserves the right to obtain medical evidence to ascertain whether the infection was directly attributable to the workplace.

8. Unauthorised absence

8.1 Cases of unauthorised absence will be dealt with under our disciplinary procedure.

8.2 Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.

8.3 If you do not report for work and have not telephoned your line manager to explain the reason for your absence, your line manager will try to contact you, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

9. Sick pay

9.1 You should refer to your contract for details of the sick pay to which you are entitled.

9.2 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, you must immediately notify your line manager or Headteacher of that fact and of any claim, compromise, settlement, or judgement made or awarded in connection with it, and all relevant particulars that we may reasonably require. If we require you to do so, you must cooperate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you 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 to you in respect of the period of sickness absence.

9.3 Failure to properly report your absence, undertake medical examinations as set out in the ‘keeping contact during sickness absence’ section, or to provide medical or self-certification, could lead to your pay being suspended.

10. Keeping in contact during sickness absence

10.1 If you are absent on sick leave you should expect to be contacted from time to time by your headteacher/line manager in order to discuss your wellbeing, expected length of continued absence from work, and any of your work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum. It is the joint responsibility of both the line manager and the employee to maintain contact.

10.2 If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager at any time.

10.3 We signpost access to confidential counselling, which is available from SAS Wellbeing Service. Staff Wellbeing - Schools Advisory Service

10.4 Medical examinations

a) We may, at any time in operating this policy, ask you to attend a medical examination by our occupational health department.
b) You 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.
c) Failure to agree to a reasonable request may result in decisions being made in the absence of any medical information. In some circumstances, disciplinary action may be taken where you do not cooperate with the sickness absence process.
d) In the event of a difference of opinion between an employee's GP or other healthcare professional and TKAT occupational health advisors, regarding an employee's fitness for work, functional capacity, or the existence of an underlying medical condition contributing towards persistent absences, the OH advisor's advice will normally take precedence. In some cases, an independent medical advisor may be asked to give a second opinion.
e) This process is in line with our staff privacy notice, which sets out how we will gather, process, and hold special category personal data of individuals during employment.

11. Return to work interviews

11.1 If you have been absent on sick leave for any period of time we will arrange for you to have a return to work interview with your headteacher/line manager.

11.2 A return to work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.

11.3 Where your doctor has provided a certificate stating that you '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 your return to work, taking account of your healthcare professional's advice.

12. Returning to work from long-term sickness absence

12.1 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see on sickness absence meetings), we will, where appropriate and possible, support returns to work in the following ways:

a) Obtaining medical advice.
b) Making reasonable adjustments to the workplace, working practices, and working hours, including a time-limited phased return to work.
c) A phased return to work will often be a recommendation of an occupational health advisor or the employee's GP.
d) Employees will receive their full pay on the phased return. Phased returns to work should be for a maximum of four weeks. In the event an employee requests that the phased return is extended beyond four weeks, a dialogue should be held with the employee in regard to a temporary contractual change being made to their working hours to accommodate the request, and their pay adjusted accordingly.
e) Considering redeployment.
f) Agreeing a return to work programme with everyone affected.

12.2 If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract and/or any insurance schemes we operate.

13. Sick leave and annual leave

13.1 If you become sick or injured while on annual leave, such that you would be unfit for work, you may ask us to treat the period of incapacity as sick leave and reclaim the annual leave.

13.2 To be able to claim company sick pay you must notify your line manager of your incapacity immediately, and the usual requirements for medical evidence in this policy will also apply, even if you are abroad.

13.3 If you are on sick leave, you may choose to cancel any prearranged annual leave that would otherwise coincide with your sick leave. You should notify your line manager as soon as possible that you wish to do this.

13.4 If your period of sick leave extends into the next holiday year, or if there is not enough time left in the current holiday year to make it practicable to take your remaining holiday entitlement, you can carry any unused holiday entitlement over to the following leave year up to a maximum of 20 days to be used within three months of your return to work.

14. Terminal illness

14.1 Where an employee is suffering from a terminal illness, we will endeavour as far as possible to accommodate their wishes and to provide additional support where feasible. This includes discussion of the possibility of ill-health retirement or facilitating conversations with the relevant pension scheme.

14.2 While we will support employees who wish to continue working, employees with a terminal illness should bear in mind that there may come a time when they will be unable to continue working. In this case, the employee's Headteacher will discuss the options with the employee, with the support of TKAT HR.

14.3 The employee's line manager will talk to the employee about whether to inform their colleagues, and if so, when and how to do so with the employee's permission.

14.4 TKAT provides Wellbeing services to assist during this difficult time, please refer to the TKAT Managing Stress and Wellbeing policy or SAS Wellbeing Service. Staff Wellbeing - Schools Advisory Service.

15. Sickness absence meetings procedure

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

a) You have been absent due to illness on a number of occasions in line with the following triggers for action:
   i. Five or more instances of absence in any twelve-month period; or
   ii. When an individual accumulates ten or more calendar days absence within any twelve-month period; or
   iii. When an absence appears to have a recurring recognisable pattern, for example frequent absenteeism around a weekend.

b) If there is a common theme or link which gives cause for concern from the reasons given for absence.

c) If you have discussed matters at a return-to-work interview that require investigation

These triggers should be pro rata for part-time employees and consideration should be given to adjusting triggers for employees with a disability. Pregnancy-related absences should be discounted when calculating triggers.

15.2 Unless it is impractical to do so, we will give you five days' written notice of the date, time, and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.

15.3 The meeting will be conducted by your headteacher/line manager and may be attended by a member of the TKAT HR team. You are able to be accompanied to the meeting – see the note later in this policy on the right to be accompanied to a meeting.

15.4 You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion is unable to attend at the time specified, you should immediately inform your headteacher/line manager who will seek to agree an alternative time.

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

15.6 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within five 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).

15.7 Formal warnings issued for sickness will remain live for a period of 12 months from the date of issue, during which time further absences beyond the review period would be dealt with either at the next stage of the procedure or by an extension of the current live warning. If further absences occur shortly after the end of the 12-month period (or any extended warning), we reserve the right to deal with the matter at the same stage of the procedure and not return to earlier stage.

15.8 If at any time your headteacher/line manager considers that you have taken, or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our disciplinary policy and procedures.

16. Right to be accompanied at meetings

16.1 You may bring a 'companion' (defined below) to any meeting or appeal meeting under this procedure.

16.2 Your companion may be either a trade union representative or a work colleague. You should provide their details to your headteacher/line manager conducting the meeting, in good time before it takes place.

16.3 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 a request if they so wish.

16.4 We may at our discretion permit other companions (for example family members) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.

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

16.6 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

17. Stage 1: first sickness absence meeting

17.1 This will follow the procedure set out in the relevant paragraphs above on the arrangements for and right to be accompanied at sickness absence meetings.

17.2 The purposes of a first sickness absence meeting may include the following:

a) Discussing the reasons for absence.
b) Where you are on long-term sickness absence, determining how long the absence is likely to last.
c) Where you have been absent on a number of occasions, determining the likelihood of further absences.
d) Considering whether medical advice is required or, if already obtained, what that advice is.
e) Considering what, if any, measures might improve your health and/or attendance.
f) Determining a way forward, action that will be taken and a timescale for review, and/or a further meeting under the sickness absence procedure.
g) Issuing a written warning that your employment may be at risk if your attendance does not improve, or you do not return to work.

18. Stage 2: further sickness absence meeting(s)

18.1 Depending on the matters discussed at the first stage of the sickness absence procedure, if your attendance remains unsatisfactory, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in the relevant paragraphs above on the arrangements for, and right to be accompanied at sickness absence meetings.

18.2 The purposes of further meeting(s) may include the following:

a) Discussing the reasons for, and impact of your ongoing absence(s).
b) Where you are on long-term sickness absence, discussing how long your absence is likely to last.
c) Where you have been absent on a number of occasions, discussing the likelihood of further absences.
d) If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
e) Considering your ability to return to/remain in your job in view both of your capabilities and the needs of TKAT and any adjustments that can reasonably be made to your job to enable you to do so.
f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
g) Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a phased return to work programme.
h) If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
i) Determining a way forward, action that will be taken, and a timescale for review and/or a further meeting(s). This may depend on steps we have already taken.
j) Issuing a final written warning that your employment may be at risk of dismissal if your attendance does not improve or you do not return to work.

19. Stage 3: final sickness absence meeting

19.1 Where you have been warned that you are at risk of dismissal and the improvement has not been made, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out in the relevant paragraphs above on the arrangements for, and right to be accompanied at sickness absence meetings.

19.2 The purposes of the meeting will be as follows:

a) To review the meetings that have taken place, the matters discussed, and warnings issued.
b) Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either with regard to your possible return to work, or opportunities for return or redeployment.
c) To consider any further matters that you wish to raise.
d) To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
e) To consider if ill health retirement is a possibility where medical advice is clear it is unlikely that an employee will be fit to return to their role in the near future.
f) To consider the possible termination of your employment.
g) Termination will normally be with full notice or payment in lieu of notice.

20. Appeals

20.1 You may appeal against the outcome of any stage of this procedure, and you may bring a companion to an appeal meeting (see the relevant section in this policy regarding companions).

20.2 An appeal should be made in writing, stating the full grounds of appeal, to your line manager within five days of the date on which the decision was sent to you.

20.3 Unless it is not practicable, you will be given five days' written notice of an appeal meeting. In cases of dismissal, the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.

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

20.5 Where practicable, an appeal meeting will be conducted by a manager senior to the individual who conducted the sickness absence meeting.

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

20.7 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 five days of the appeal meeting. There will be no further right of appeal.

20.8 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.