



Health & Attendance

Approved by: Trust Board

Last reviewed: July 2023

Next review due: July 2024

HEALTH & ATTENDANCE

This policy is written and approved at board level, but applies to all employees, trustees and governors of schools, settings, and services, hereafter the 'organisations', within The Claxton Trust.

1. Introduction

The aims of this Health and Attendance policy are to:

- set out the Trust's approach to sickness absence management, including but not limited to;
 - its trigger points
 - the requirements for notification
 - the requirements for certification
 - its position on payment during sickness absence
- ensure employees and managers are aware of their responsibilities when sickness absence from work occurs
- ensure that any sickness absence is dealt with fairly and consistently

This policy and procedure apply to all employees within the Trust, it does not form part of any employee's contract of employment and it may be amended at any time.

2. Scope

This policy covers short-term and long-term absences. The definitions used in this policy are:

- Short-term absence: frequent, intermittent, short periods of absence
- Long-term absence: any period of absence over 28 days (calendar)
- Trigger points absence monitoring system to highlight levels or patterns of sickness that require further attention

In the case of a breach of this policy and procedure, employees may be subject to disciplinary proceedings and possible withdrawal of sick pay.

Breaches include, but are not limited to, a failure to follow notification and certification requirements, when a Trust has reason to believe the sickness absence is not genuine and when the employee is undertaking inappropriate activities, including working for another organisation, whilst off sick.

Other relevant policies may include Disciplinary, Time off work (non-sickness), Unauthorised absence.

3. Trigger points

If levels of sickness absence reach a trigger point your sickness absence may be discussed with you and managed in line with the Trust's absence management procedures (section 11).

In any six-month period, the trigger points are:

- three separate occasions of sickness absence
- a continuous sickness absence of 10 working days or more
- an absence which appears to have a recurring recognisable pattern i.e. frequent absenteeism around a weekend

These trigger points are for guidance only and the Trust reserves the right to raise any concerns at an earlier stage where there are reasonable grounds for concern, or at a later stage, where appropriate.

4. Sick pay

4.1. Statutory sick pay

Subject to compliance with the Trust's procedures, the Trust will pay statutory sick pay (SSP) to eligible employees at the national rate, which is subject to the deduction of tax and national insurance contributions.

SSP is payable from the fourth day of absence and up to 28 weeks.

To qualify for SSP, employees must complete and provide a self-certification form to the Trust.

4.2. Occupational sick pay

Subject to compliance with the Trust's procedures, the Trust will pay occupational sick pay.

Eligibility for occupational sick pay including duration and level of payment, is in accordance with the relevant conditions of service.

5. Medical appointments

The Trust will allow reasonable time off where appointments are unable to be scheduled outside of working hours.

Before arranging non-urgent medical appointments, employees should seek approval from their line manager and should endeavour to arrange appointments at the beginning or end of the day, or during lunchtime, to minimise the time they have to be absent from work. Evidence of the appointment may be requested by the Trust.

6. Notification requirements

6.1. First day of absence

It is a requirement that employees telephone their line manager or other nominated appropriate person to report that they are too unwell to come to work. The employee should aim to do this as early as possible and before their normal start time.

In circumstances where the employee is incapacitated or unable to contact the Trust to report their absence, their next of kin should do so on their behalf, at the earliest opportunity.

It is not permissible to contact the Trust by email, text message or via social media without prior permission.

6.2. Ongoing absence

For each subsequent sick day after the first day of absence, the employee should telephone their line manager before as early as possible and before their normal start time. However, managers should use their discretion and can agree different arrangements as appropriate.

7. Certification requirements

7.1. Absence up to 7 days

Employees are permitted to self-certify for any absence up to 7 days (calendar, inclusive of bank holidays).

A copy of the complete self-certification form should be provided to the Trust upon a return to work for sick pay to be processed.

Unless specifically requested, employees are not required to provide a statement of fitness for work i.e., 'doctors fit note', for absences up to 7 days.

7.2. Absence over 7 days

Where sickness absence lasts longer than 7 calendar days, medical evidence is required in the form of a fit note and should cover the duration of the absence.

If a fit note expires and the employee is not well enough to return to work, the employee should obtain a further fit note to ensure their absence is certified and should provide it to the Trust at the earliest opportunity.

The Trust reserves the right to require employees to obtain a fit note for absences of any duration. In circumstances where the employee incurs a cost for obtaining a fit note for an absence up to 7 days, the Trust will reimburse reasonable costs incurred.

7.3. Certification during school holidays

Where an employee is not fit to work on the last day of term and is not fit for work on the first day of the next term, a fit note is required to cover the holiday period.

7.4. Sickness during annual leave

If an employee becomes unwell during annual leave and wishes to treat this as sick leave and reclaim annual leave, they will need to provide appropriate certification as per sections 7.1 and 7.2.

8. Maintaining Contact

It is a requirement that contact is maintained between employer and employee.

It is anticipated that at an early stage of the absence, arrangements will be made between employee and employer as to the frequency and form contact is to take.

A failure to maintain reasonable contact may be dealt with under the Trust's disciplinary policy.

9. Return to work following period of absence

It is good practice for return-to-work meetings to be carried out when an employee returns to work after a period of absence. This will be carried out by the line manager or other appropriate person.

10. Occupational health referral

During any period of absence (short-term and long-term) or upon return to work, the Trust may require an employee to engage with an occupational health provider, to obtain medical advice on their health or reason for the absence.

Employees are expected to attend an appointment, co-operate with the occupational health professional, and provide consent for the release of medical information.

10.1. Occupational health recommendations

A report by an occupational health provider is advisory.

The report may contain recommendations of support and reasonable adjustments including a phased return to work or temporary or permanent adjustments to an employee's role. The report should be discussed with the employee and the Trust should decide whether recommendations are reasonable and can be implemented.

11. Informal and formal absence management procedures

If an employee's absence has met the Trust's trigger points and/or is persisting on a short-term or long-term basis, the Trust may choose to move into informal or formal management procedures.

11.1. Attendance improvement plans (AIP)

An AIP is a record of the attendance levels the employee will need to achieve to improve and maintain their attendance. The AIP should give the employee adequate time to demonstrate attendance has improved in a sustainable manner and should include details of the support the employee will be offered to help them achieved improved attendance.

An AIP can be implemented in both informal and formal management procedures.

11.2. Right to be accompanied

The employee has the right to be accompanied at a formal meeting by a trade union representative or appropriate work colleague.

The employee should provide the name of the representative within 2 working days of the meeting. Where the chosen companion is unavailable on the day scheduled for the meeting, the employee may request the meeting is rescheduled within 5 working days of the original date. If the employee is unable to attend the meeting in this timeframe, the meeting may take place in a timeframe at the discretion of the Trust. If the representative remains unavailable, the employee may be asked to choose another representative.

During the meeting the companion may put the employee's case forward and confer with the employee, they may not answer on the employee's behalf or address the attendees if the employee demonstrates they do not wish this.

11.3. Informal review meetings

Informal review meetings are arranged to discuss, including but not limited to, the cause of the absence, anticipated return to work, fitness for duties, support, and reasonable adjustments.

An attendance improvement plan (AIP) may be an outcome of an informal meeting.

11.4. Formal meetings

Where formal action is required because of an employee's attendance record, the Trust will invite the employee to a formal meeting with reasonable notice.

11.5. Formal meeting outcomes

The outcome of a formal absence review meeting could include;

- First written warning and/ or an attendance improvement plan
- Final written warning and/ or an attendance improvement plan
- Dismissal (with notice), where the employee has been given informal support and has been issued with a first and final written warning and is unable to exercise their duties due to ill health
- Dismissal (with notice), where the employee has not been issued with a first or final warning. Considerations should include;
 - if the employee has been absent on a long-term basis
 - if the Trust has allowed for a reasonable period of recovery
 - if medical advice has been sought and considered
 - if a return to work in the short-term is unlikely
 - if there are reasonable adjustments that would enable the employee to return to work

11.6. Duration of warnings

In circumstances where a warning is issued, it will be 'live' for a period of 12 months, unless the employee is notified otherwise.

11.7. Appeal

The employee has the right to appeal against the Trust's decision at any stage of the process. To exercise this right they must write to the person specified clearly stating the grounds for appeal, within 7 days from receipt of the letter.

An appeal will be heard by an appropriate person who was not involved in the original meeting.

At the discretion of the Trust, the appeal will be a rehearing or a review of the original decision.

New evidence will only be considered if relevant and there is sufficient reason why this has referenced earlier.