**SICK PAY AND ABSENCE MANAGEMENT POLICY**

[applies to all Trust employees]

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**1. Introduction**

1.1 The aim of this policy is to provide a robust framework to support the management of absence due to sickness, and to maximise attendance at work. All employees are required to maintain regular and consistent attendance at work as regular or prolonged absence has a negative effect on the quality of educational provision for children, however BCUAT also recognises that a certain level of sickness absence is unavoidable. The effective management of sickness absence is therefore essential and this policy is intended to provide a balanced approach which is supportive of and sympathetic towards employees, whilst providing means of proactively managing the consequences of absence for BCUAT and its academies.

* 1. Through application of this policy, BCUAT aims to:
		1. Reduce the level of sickness absence through early intervention and support

1.1.2 Support staff through periods of ill-health with the aim of securing a timely and sustained return to work, or other resolution as appropriate

* + 1. Limit the impact on colleagues and planned activities when sickness absence does occur
		2. Ensure a fair and consistent approach to the management of sickness absence without discrimination
		3. Minimise the likelihood of sickness absence by identifying causes of absence and recommending, where practical and appropriate, necessary changes in working practice or environment.

1.3 It is important that staff correctly follow the procedures for notification of sickness absence, production of appropriate documentation (e.g. Return to Work meeting, self-certification, Fit Note) and maintain reasonable contact during periods of absence. Any apparent failures to meet this requirement will be investigated and ultimately may be regarded as a disciplinary matter.

1.4 It is the responsibility of managers to apply this procedure in a consistent and equitable manner and to exercise the duty of care to employees at all times.

**2. Scope**

This policy applies to all employees of Birmingham City University Academies Trust (BCUAT), including employees working in academies operating as part of the Trust and all Head Office employees.

**PART 1 – Principles of Absence Management**

**3. Notification of Sickness Absence**

* 1. In the first instance, Academy staff should notify the Principal by calling between 6.30 and 7.30am on the first day of absence. This is to ensure that appropriate cover can be arranged where necessary in advance of the start of the school day. The employee must then call the School Office by 3pm to explain the nature of their illness and indicate whether they will be back in work the following day, or to indicate the likely duration of their absence.
	2. In situations where it is not possible to determine an expected return date the employee must agree a process for keeping the Principal informed of their situation on a regular basis. This notification must be made in person, normally via a telephone call to allow for a conversation to take place about any relevant issues, which may include plans for covering the anticipated duration of the absence.
	3. BCUAT Head Office staff should notify their line manager of their absence prior to their usual start time, following the guidelines outlined in point 3.2.
	4. It is not acceptable for text messages, emails or messages passed by third parties to be used as the preferred contact method unless the circumstances are exceptional, notwithstanding point 3.1 which is intended to support arrangements for arranging appropriate cover and is to be used in addition to point 3.2. Failure to comply with this requirement for reporting absences may result in sick pay not being paid and the absence treated as unauthorised.
	5. To ensure that staff are paid correctly and to avoid overpayments being made, Principals and line managers need to ensure that all sickness absences are reported to the Office Manager (academies) or HR Consultant (Head Office) so that the absence can be recorded and processed in time to meet monthly payroll deadlines.

**4. Self-Certification and Fit Notes**

* 1. If an employee has been absent for between 1 and 7 days, regardless of working patterns and including weekends, they must complete a self-certification form within 48 hours of their return to work.
	2. If staff have been absent for more than 7 days (including weekends), they must provide a Fit Note from their GP/hospital. Further Fit Notes must be submitted to cover any continuing absence and must cover the entire period of absence. The final Fit Note must indicate the date the employee is fit to return to normal duties. Employees are required to submit the certificate to the Office Manager or Principal (academies) or HR Consultant (Head Office) as quickly as possible; failure to do so may delay BCUAT’s ability to pay staff any sick pay which may be due.
	3. The aim of the Fit Note is to assist recovery and maintain good health. Therefore, if the recommendation provided by the GP on the Fit Note is ambiguous, for example, if ‘light duties’ are recommended but there is no information to clarify what the appropriate ‘light duties’ may be for that individual, then until such time that ‘light duties’ in the context of that individual can be defined, the return to work of that person will be delayed and advice will be sought from Occupational Health as appropriate.
	4. If BCUAT delays the return to work of a member of staff pending further information from Occupational Health, then they are not required to provide a further Fit Note for the remainder of that period of absence.
	5. The Trust reserves the right to request a Fit Note in certain circumstances for any period of illness, even though this may be fewer than eight consecutive days. This should be the exception rather than the rule and is most likely in cases of persistent short-term absence (i.e. frequent absences of one or two days not related to a known ongoing medical condition). If a cost is incurred in relation to obtaining such a certificate, then the Trust shall reimburse those costs upon production of a proper receipt.
	6. General Practitioners and Medical Consultants may indicate that providing Fit Notes in these circumstances (i.e. for sickness absence between 1 and 7 days) is not necessary and this is correct in accordance with Statutory Sick Pay requirements. However, as BCUAT pays benefits in excess of the statutory arrangements, and as BCUAT will, in these circumstances, re-credit annual leave in excess of the statutory entitlement, this requirement is reasonable to ensure that any possible abuses are kept to a minimum. It is the member of staff’s responsibility to try and obtain a Fit Note or private medical certificate in the first instance. However, should their General Practitioner or other medical advisor continue to refuse to issue this, then staff will need to contact the Human Resources Department and arrange for a letter to be sent to their General Practitioner or other medical advisor.

**5. Entitlement to Sick Pay**

5.1 Where absences occur due to sickness, BCUAT supports its employees initially through the payment of sick pay. BCUAT’s sick pay scheme is in two parts, namely: Statutory Sick Pay (SSP) and Occupational Sick Pay (OSP). Following successful completion of their probation period, the OSP employees receive varies according to their length of service, up to a maximum of 6 months full pay followed by 6 months half pay. SSP is determined from time to time by the Government both in terms of value of the payment and duration of the payment. Details regarding SSP can be obtained from the Payroll Department.

5.2 When staff receive “full pay” this means that the combination of OSP and SSP, after tax etc. will be equal to their normal net salary. When staff receive “half pay” the combination of OSP and SSP will after tax be equal to half their normal net salary (unless half pay is less than SSP, in which case they will receive SSP in full).

**6. Statutory Sick Pay (SSP)**

* 1. SSP is paid by BCUAT, on behalf of the State, to employees who are sick. There are two rates of SSP. These rates are related to normal average earnings levels. The rates are determined by the Government.
	2. The average salary used to determine the level of SSP and the level of SSP staff may be entitled to is reviewed by the Government each April. The Payroll Department can advise the current rates.
	3. In order to be eligible for SSP employees need to fulfil certain conditions, details of which can be obtained from the Payroll Department. Employees will be paid SSP unless they are not entitled to it.
	4. The qualifying days for SSP are Monday to Saturday. If an employee is not entitled to, or is about to exhaust their entitlement to SSP, the Payroll Department will notify them via an SSP1 (E) form to enable them to submit a claim to the State.

**7. Occupational Sick Pay (OSP)**

7.1 Employees are entitled to the following periods of Occupational Sick Pay, dependent on length of service (w*orking examples can be found in Appendix A):*

|  |  |
| --- | --- |
|  | **Entitlement Period** |
| ***Service*** | ***Full Pay*** | ***Half Pay*** |
| Staff who are completing their probationary period (usually first 6 months) | Nil | Nil |
| After successful completion of probationary period but less than 2 years’ service | 1 Month (**26 days**) | 1 Month (**26 days**) |
| After 2 years’ service | 2 Months (**52 days**) | 2 Months (**52 days**) |
| After 3 years’ service | 4 Months (**104 days**) | 4 Months (**104 days**) |
| After 4 or more years’ service | 6 Months (**156 days**) | 6 Months (**156 days**) |

7.2 A month, for the purpose of the calculation of entitlement, is deemed to contain 26 working days, including Saturdays. If any member of staff who would normally work on a Friday is off sick on a Friday, then the Saturday will also be counted as one full day (7.4 hours) of sickness absence for the purpose of entitlement calculation. This will apply irrespective of individual contracted working hours or patterns and to all full and part time staff who would normally work on a Friday. For example, if a member of staff is off sick on a Thursday and Friday and returns to work on the following Monday, this will be regarded as 3 days (Thursday, Friday and Saturday) of sickness absence for entitlement purposes

7.3 In the event of full-time employees contracted to work shift patterns, their weekend may occur during the working week (Monday – Friday). For example, if their last working day is a Thursday, their weekend may be Friday and Saturday. Therefore, in this instance, the Friday would be taken into account (instead of the Saturday) for the purposes of calculating entitlement.

7.4 Following successful completion of the probation period, sick pay entitlement calculations will include continuous service with some other organisations recognised by BCUAT for the purpose of counting continuous service

7.5 For the purposes of calculating entitlement to sick pay, a year is currently deemed to commence on 1st January. Should staff already be in receipt of sick pay on the 1st January, they will not commence a new entitlement until they have returned to work from illness. Entitlement to OSP is calculated on a rolling 12 monthly basis. On day one of each new period of sickness absence, the number of days of sickness absence staff have had over the preceding 12 months will be taken into account and deducted from their current OSP entitlement. Their OSP entitlement in place at day one of the current period of sickness absence will remain unchanged until they return to work. A working example can be found in Appendix A.

7.6 Each year, the amount of sick pay already received over the previous 12 months will be offset from their overall entitlement, until staff have completed 12 months without sickness absence.

*For example, if their OSP entitlement is 26 days Full Pay and 26 days Half Pay and staff had 6 days absence ending on 30th June 2012 this absence would be included in any further OSP calculations over the next twelve months until 1st July 2013.*

**8. Sickness Absence and Annual Leave entitlement**

8.1 There are occasions when sickness may occur during a period of annual leave including bank holidays and closure days. Where applicable, BCUAT will re-credit employees with the corresponding number of days of annual leave during which they were sick, provided that the employee complies with the notification procedures as set out in section 3 of this policy. In such cases, regardless of the number of days of sickness, the employee may be required to provide a relevant Fit Note to their line manager no later than the end of the week in which they return to work. For example, if they have booked two weeks of annual leave and then report sickness absence for three of these days, only these three days will be re-credited (assuming sickness absence reporting and certification procedures have been complied with). This applies only to employees with an annual leave entitlement.

8.2 In the event that an employee falls ill whilst on holiday abroad, it is their responsibility to prove their illness. Therefore, if they see a local medical consultant, either the note provided must be in English or it will be the employee’s responsibility to get any note translated.

8.3 Line managers will in consultation with the Human Resources Consultant determine whether an employee has complied with the appropriate procedures and whether such annual leave will be re-credited. The employee will then be informed of the outcome by their line manager.

8.4 In the event that annual leave is re-credited it must be taken within the current calendar year. It is at the discretion of the line manager whether untaken annual leave can be carried forward from one calendar year to the next, however this should only be granted in exceptional circumstances. It is the employee’s responsibility to ensure that they request to take all of their annual leave entitlement in the current calendar year.

8.5 BCUAT is not permitted to make payments in lieu for accrued statutory holiday entitlement that remains untaken at the end of the calendar year. In the situation where a employee has been unable to take any or all of their basic statutory holiday entitlement by the 31st December due to sick leave BCUAT will carry-over any such outstanding entitlement into the next calendar year only. Payment in lieu of outstanding accrued statutory holiday entitlement will only be made when a member of staff is leaving the employment of BCUAT.

8.6 Employees should note that during a period of prolonged sickness absence they are, by agreement with their line manager, able to take holiday up to a maximum of 28 days per annum where relevant. During such periods their sick pay will be suspended and absence will not count against their entitlement.

**9. Return to Work Meetings**

9.1 A Return to Work meeting is an essential and compulsory element in the management of sickness absence and must be carried out on every occasion of absence, however brief.

9.2 The Return to Work meeting should take place on the day of return, or as soon as reasonably practicable and will be conducted by the Office Manager or Principal (academies) or the line manager (Head Office).

9.3 The precise nature of the Return to Work meeting will vary according to individual circumstances, however the primary purpose of this meeting will be to recognise that the employee has been absent and to offer support on their return to work.

9.4 The following are guidelines as to what should be included in the discussion with the employee:

* + - An opportunity for the manager to express proper interest in the employee’ welfare
		- Summarise anything the employee has missed during their absence and discuss how they will settle back into work (especially for longer absences)
		- The reason for absence. Is it related to a previous absence? Is it likely to recur? Do we need to complete a risk assessment or consider making adjustments to role/hours/environment? Would a referral to Occupational Health be beneficial?
		- The impact of the absence and implications of further absence
		- Give the employee an opportunity to discuss any concerns or difficulties

9.5 An accurate record should be kept of every Return to Work meeting – a template is available from the Office Manager or HR Consultant.

9.6 Where appropriate, the Return to Work meeting can be used to agree the provision of welfare and support and for the preparation of action plans for improving individual attendance.

**10. Informal Welfare Contact**

10.1 It has been proven that where regular contact is maintained with the absent employee, a timely return to work is more likely to occur. It is also part of the employer’s duty of care to keep up to date with the welfare of all employees, even during periods of absence. Therefore reasonable contact by telephone should be maintained during periods of sickness absence – the employee should agree with their line manager/Principal what is considered “reasonable”.

10.2 Where absence becomes “long-term”, that is a continuous period of more than four weeks, a welfare visit should be arranged if appropriate (depending on the nature of the condition). This can take place at the place of work, at the employee’s home or a mutually agreed neutral venue.

10.3 The welfare visit should usually be arranged and conducted by the line manager/Principal – the HR Consultant may also attend if required.

10.4 Although it is an informal meeting which should already have been verbally agreed, the employee should receive a written invitation confirming the date, time, venue and who will be in attendance. They are entitled to bring a friend/family member/union representative if they wish.

10.5 The welfare visit will follow a similar format to a Return to Work meeting and the main aims are to:

* + - Keep the employee informed on what is happening in the workplace
		- Discuss the ongoing reason for absence, review their ongoing condition and current prognosis based on GP/hospital advice
		- Investigate whether anything can be done to facilitate an early return to work (e.g. adjustments to role/hours/environment, referral to Occupational Health)
		- If possible, agree a return date to aim for (this may be subject to change depending on what progress the employees makes in their recovery) – consider what support the employee may need and whether a phased return would be beneficial
		- Discuss the impact of the ongoing absence and implications of further absence
		- Give the employee an opportunity to discuss any concerns or difficulties they may have
		- Agree a follow-up meeting or alternative next steps

10.6 If absence continues to be prolonged, further welfare visits may be needed, unless a formal absence management procedure is triggered

**11. Reasonable Adjustments**

11.1 BCUAT aims to support all employees in their attempt to return to work as soon as they are ready to resume their contracted working arrangements or to discuss reasonable adjustment which may be made on a temporary basis to assist employees in returning to full duty following a period of illness or injury.

11.2 Recommended reasonable adjustments may be included on a Fit Note from a GP or in a report following referral to Occupational Health. Regardless of the origin of the recommendation, BCUAT and its academies will endeavour to accommodate it on a temporary basis, wherever reasonably practicable.

11.3 Reasonable adjustments may include:

* + - Temporary reduction in working hours
		- Temporary change to working pattern
		- Temporary change of role
		- Temporary reduction in duties
		- Phased return to full working hours/duties
		- Assistance with transport to and from work
		- Provision of specialist furniture/equipment
		- Other environmental changes e.g. only working on ground floor to avoid stairs

11.4 The decision on what reasonable adjustments can be offered will be made by the Principal or line manager, after consultation with the member of staff and the HR Consultant, and with due consideration to any medical advice received from BCUAT’s Occupational Health service providers or the employee’s GP.

11.5 Where an employee’s long term absence has been attributable to them acquiring a disability, BCUAT will advise the individual of contact details for Access to Work to initiate a self-referral. The work place assessment by Access to Work will be undertaken in consultation with the employee, to allow consideration of what reasonable adjustments should be made to support the disabled employee. Similarly, employees with existing disabilities may need to review their existing adjustments with their manager and the HR Consultant after a period of long term absence if necessary. *(The* [*Access to Work Scheme*](http://www.direct.gov.uk/en/DisabledPeople/Employmentsupport/WorkSchemesAndProgrammes/DG_4000347) *is a national initiative promoted by Job Centre Plus and aims to provide practical and financial support for disabled people who are in employment or who are seeking to enter paid employment).*

11.6 Where reasonable adjustments may involve a temporary reduction in working hours, BCUAT will ensure that the employee is made aware of the effect this may have on their pay and benefits. BCUAT wishes to minimise any financial hardship which may result from a temporary reduction in working hours. In such circumstances BCUAT is prepared to consider different options on a case by case basis (and dependant on the employee’s individual circumstances) as an alternative to a temporary salary reduction. Options will be discussed and agreed between the employee, their line manager/Principal and the HR Consultant and may include one or a combination of the following, where applicable:

* + - An agreement to trade-off annual leave in excess of the statutory entitlement
		- An agreement to allow the member of staff to time off in lieu by working additional hours to make the time up at a later date
		- An agreement to work from home
		- Unpaid leave

**12. Phased Return to Work**

12.1 In cases of long-term absence, it is often recommended that the employee return to work on a “phased return”, whereby their working hours and/or duties are gradually increased over a period of time until they are back to their full substantive hours/duties.

12.2 Details of the phased return should be agreed in advance in principle by the employee, with their line manager/Principal, and if necessary the HR Consultant. The aim is for the employee to increase their hours/duties a little each week, over a period of no more than 6 weeks. In most cases the process of returning to full hours/duties should take no more than 3-4 weeks.

12.3 Although the details should have provisionally been agreed in advance to facilitate operational planning, a flexible approach may be required to managing the phased return. The employee should meet with their line manager/Principal at the end of each week to discuss how they’re feeling and to confirm whether they feel able to increase their hours/duties the following week as planned. Consideration will need to be given to both the welfare of the employee and operational requirements, with the ultimate aim of a full and sustainable return to work. Where the employee is still on reduced hours and/or duties after a 6-week phased return, further advice may be required on the long-term likelihood of a full return to the role.

12.4 The period of phased return will be on normal pay, with no reduction for reduced hours.

**13. Occupational Health**

13.1 A referral to Occupational Health can be made, where appropriate, at any time during a period of absence or to prevent/minimise absence. Long-term absences (over 4 weeks) or recurring absences for the same condition will usually result in a referral to OH.

13.2 The employee must be made aware that a referral is being made on their behalf, and they may request to see the referral form.

13.3 Following a period of absence, BCUAT reserves the right to request positive confirmation via an independent Occupational Health report of a member of staff’s fitness to work when it is deemed necessary.

13.4 Employees may request a referral to Occupational Health if they have an underlying health issue they would like to discuss. Please contact the HR Consultant in the first instance.

13.5 The usefulness of the report provided by Occupational Health depends greatly on the information provided in the referral and the specific questions asked. The report will usually provide advice on what the underlying medical conditions are, how this may impact the employee in their role and what, if any, adjustments need to be made to the role/hours/environment. A copy of the report will be sent to the employee before it is sent to the person who made the referral (usually HR Consultant).

13.6 It is important for employees to attend arranged appointments with Occupational Health. If they are unable to attend with good reason they must telephone immediately to rearrange. If an employee refuses without good cause to consent to meeting with Occupational Health, decisions about managing their absence may need to be made without medical information being made available.

**14. Absence due to work-related illness or injury**

14.1 If an employee has an accident at work which is followed by a period of absence, a Fit Note may be required from the first day of absence. Where a cost is incurred in obtaining this, the Trust will reimburse the employee on production of appropriate receipts.

14.2 An Incident Report Form must be completed, preferably by the employee involved or by their line manager or another designated person. The Health & Safety Executive will need to be notified as appropriate,

14.3 In the event of absence due to injury resulting from work for BCUAT or while on BCUAT business, BCUAT will retain the right to review individual sick pay entitlement should it expire before recovery on a case by case basis.

**15. Medical Suspension**

15.1 The Trust and its academies reserve the right to send an employee home if they do not believe that employee is well enough to perform their duties and/or their continued presence may place at risk the health and welfare of colleagues and pupils.

15.2 The employee must be informed in these circumstances that although it is an informal meeting, they may be accompanied as long as this does not unreasonably delay the convening of the meeting. The line manager/Principal should discuss with the employee the reasons why they are being sent home. The employee should be informed that suspension from work is on health grounds, not conduct-related, and during this period they will receive normal pay.

15.3 If an employee requests to return to work, they may be asked to produce a Fit Note confirming that they are well enough to return and/or attend an appointment with Occupational Health.

**16. Pregnancy-related Absence**

16.1 When notified that an employee is pregnant, the line manager should consider the workplace risks by completing a risk assessment form and, in discussion with the employee, agree any reasonable adjustments and/or respond to any concerns raised.

16.2 Pregnant employees attending antenatal appointments will have the absence recorded as an antenatal appointment. Pregnant employees have a statutory entitlement to take reasonable paid time off work to attend necessary antenatal appointments. Line Managers can request documentary evidence for these appointments, following the first appointment. Necessary appointments are generally those which are recommended by a GP or midwife as being essential for the health of the employee and their unborn child during the pregnancy.

16.3 Pregnant employees who are off sick due to their pregnancy (excluding attendance at antenatal appointments) will have such absence recorded as sick leave as it will be deducted from individual sick pay entitlement. However the reasons for this sick leave should be recorded as pregnancy-related. The information may also be used to highlight overall trends so that BCUAT will able to make informed decisions on how it meets its legal responsibilities in matters of pregnancy. Recording pregnancy-related sickness absence in this way will enable BCUAT to ensure that pregnancy-related sickness absence is not taken into consideration for redundancy purposes, should attendance be a criterion for consideration.

16.4 A pregnant employee who is absent with a pregnancy-related illness from the 4th week before the expected week of childbirth will be required to commence their maternity leave with effect from the second day of absence.

16.5 Line managers who recognise pregnancy-related absences should discuss this with their HR Consultant so that due consideration can be given to offering additional support or adjustments to the work situation on an individual basis.

16.6 All other information related to pregnancy can be found in the Family-Related Leave Policy.

**17. Disability-related Absence**

17.1 The Equality Act 2000 is a statutory framework which provides legal protection from discrimination on the grounds of disability and places a duty on employers to consider and accommodate reasonable adjustments.

17.2 When notified that an employee is disabled, a risk assessment must be completed and recorded by the line manager/Principal when investigating reasonable adjustments for the disabled employee. A record will be kept of any absence which the employee states is related to their disability.

17.3 Employees who are required to attend appointments related to a declared disability will have such absence recorded as sick leave as it will be deducted from individual sick pay entitlement. However the reason for this sick leave should be recorded as disability-related. The information may also be used to highlight overall trends, for example, levels of disability-related absence compared to the number of disabled people employed, so that BCUAT will able to make informed decisions on how it meets its legal responsibilities in matters of disability. Recording disability-related sickness absence in this way will enable BCUAT to ensure that disability-related sickness absence is not taken into consideration for redundancy purposes, should attendance be a criterion for consideration.

17.4 Line managers who recognise disability-related absences (other than attendance at appointments) should discuss this with their HR Consultant so that due consideration can be given to offering additional support or adjustments to the work situation on an individual basis.

17.5 The Sickness Absence Management Stages will still apply and the Absence Triggers will remain the same where absence is related to a disability.  However, in accordance with the Quality Act 2000 the Trust must consider and accommodate reasonable adjustments.

**18. Infectious Diseases**

18.1 If an employee suspects that they have an infectious disease, then they must seek immediate advice from their doctor. They should then advise their manager of the diagnosis made by their GP and the manager should seek further advice from the HR Consultant. BCUAT will then investigate all cases where any members of staff have contracted an infectious disease to establish:

* + - Whether the disease prevents the member of staff from working or continuing to carry out duties
		- Whether the disease was contracted during the course of duties

18.2 Having established the facts, BCUAT will decide on the basis of Occupational Health advice the appropriate course of action. In the event of the disease being contracted as a result of work undertaken for BCUAT or while on BCUAT business, BCUAT will retain the right to review individual sick pay entitlement should it expire before recovery on a case by case basis.

**19. Chronic or Terminal Illness**

If an employee is diagnosed with a chronic or terminal illness, appropriate support will be provided. It is primarily the responsibility of the line manager/Principal to maintain contact as this is part of the Trust’s duty of care. However, the employee’s wishes will be of paramount importance and such cases will be dealt with sensitively and confidentially.

**20. Hospital, Doctor’s and Dental Appointments**

***20.1 Hospital and Doctor’s Appointments***

BCUAT recognises that employees may be required to attend a hospital or doctors’ appointment during working hours and may not be in a position to negotiate the timing of such appointments. Requests to attend appointments should be dealt with sympathetically at the manager’s discretion, within the following framework:

* + - Granting a period of unpaid leave
		- Agreeing to allow the member of staff to make up time lost
		- Agreeing to allow the member of staff to book time off as annual leave (where relevant)
		- Off-setting time off as recompense for any outstanding time in lieu

BCUAT reserves the right to request sight of confirmation of any such appointment i.e. appointment card or letter of confirmation, etc.

***20.2 Dental Appointments***

Employees should make every effort to book routine dental appointments at the beginning or end of their working pattern/day. Where an employee is required to attend such an appointment in working hours, they must provide adequate notice to their line manager and provide sight of their appointment card if requested. In such circumstances, the member of staff will also be required to work additional hours to make the appropriate amount of time up. If this is not possible then another suitable mechanism for recompensing BCUAT for lost time should be agreed with the relevant manager with reference to the bullet points in paragraph 20.1 above.

**21. Other absence-related issues**

21.1 If the absence of an employee is the result of the actionable negligence of a third party in respect of which damages are recoverable, the employee will need to advise the HR Consultant immediately. In the event of payment of damages, BCUAT will recover through deduction from salary, if necessary, the aggregate amount of sick pay paid during the period of absence or as much as is deemed appropriate and reasonable. Full details of any settlement will need to be provided.

21.2 If an employee is absent from work because of injury in respect of which a claim will lies with the Criminal Injuries Compensation Board, and is otherwise qualified to receive sick pay, they will receive sick pay without being required to refund any proportion of it from the sum which the Compensation Board may award.

21.3 BCUAT will review all cases where absence is caused by the individual’s own conduct, for example, sporting activities, involvement in criminal or illegal activity, unauthorised secondary employment or where the individual has acted in a way which is prejudicial to their recovery. Payment of sick pay may be withheld subject to a review.

21.4 Engaging in secondary employment while absent on sick leave or activities considered inconsistent with the reason for absence or which are likely to otherwise delay a return to work, will result in action taken in accordance with the disciplinary procedure following investigation.

21.5 BCUAT will not pay sick pay if it suspects fraud and any allegation of such an activity may result in the implementation of the disciplinary and dismissals procedure following investigation.

21.6 While BCUAT seeks to deal sympathetically absence due to ill health, persistent absenteeism, continuing poor attendance records, abuses of the Sick Pay and Absence Management Scheme or persistent failure to comply with reporting procedures may all result in the implementation of BCUAT’s disciplinary procedures following investigation. The implementation of such procedures may result in dismissal, should BCUAT determine that there is a case to answer, a situation BCUAT would wish to avoid.

21.7 In accordance with BCUAT’s terms and conditions of employment, in certain instances it may be appropriate to ask staff to undergo a medical examination. This may be connected to sick pay rules or it may be for Occupational Health reasons. At the point of the request, the purpose of the medical examination will be made known to the member of staff.

21.8 In the event that absences are found to be due to reasons other than sickness the line manager/Principal should meet with the employee to agree clear standards of performance, detail failings in terms of performance and identify sufficient time to improve along with the identification of additional support

21.9 Persistent absenteeism, continuing poor attendance records, abuses of the sick pay scheme or failure to comply with reporting requirements may result in the implementation of BCUAT’s disciplinary and dismissal procedures following investigation.

**PART 2 – Absence Management Triggers and Stages**

**1. Definitions of absence**

* 1. **Short Term Absence**

It is recognised that employees will from time to time be absent due to sickness for one or more days. This will usually not be a problem, as long as procedures detailed in Part 1 of this policy are followed, especially timely completion of Return to Work meetings and self-certification of absence. Following this guidance enables accurate recording and monitoring of absence, helping line managers to identify any patterns of absence and possible issues at an early stage and in the first instance to assist the employee in addressing any underlying health issues.

* 1. **Long Term Absence**

BCUAT classifies continuous periods of absence exceeding 26 days (including Saturdays) as long term absence (approximately 4 weeks). During periods of long term absence the employee must discuss and agree with their line manager/Principal a mechanism for keeping them informed of their situation, for example, a weekly telephone call or email. The line manager/Principal should also ensure that the employee is kept informed of developments within the workplace.

Informal welfare contact should be made within a period of 4 calendar weeks of continued absence and a visit arranged if appropriate – see pages 7-8. Where a visit is not possible, telephone contact should be made. The main purpose of the welfare contact is to ascertain the employee’s current condition and offer support. Where absence continues beyond 6 calendar weeks, further contact should be made on a regular basis.

Although informal in nature, employees retain their right to be accompanied by a trade union representative, work colleague or friend/family member at welfare meetings.

**2. Absence Triggers**

Sickness absence has a huge operational impact on schools, and therefore poor attendance can only be supported for a limited time. The stages of the Absence Management process are detailed in this part of the policy – this process will be triggered as follows:

Short-term absence: 3 or more periods of absence in the previous 6 months or more than 6 days total absence in the previous 6 months

Long-term absence: Where absence continues for more than 6 weeks continuously and interventions for facilitating return to work such as Occupational Health and reasonable adjustments have been exhausted (timing will also depend on the nature of the employee’s condition)

**3. Initial Absence Review**

3.1 When an employee has activated a trigger, an assessment should be made to decide whether to proceed to Formal Stage 1.

3.2 The assessment will be completed by the line manager/Principal, with guidance from the HR Consultant to ensure fairness and equity.

3.3 The following factors may be considered in determining whether or not to proceed to Formal Stage 1:

* + - Underlying medical condition, if known
		- Previous attendance record
		- Absence patterns (for example Mondays/Fridays/days immediately following bank holidays)
		- Employee’s own health management
		- Pregnancy/disability-related absence
		- Other causes for concern

3.4 Where it is decided not to proceed to Formal Stage 1, the line manager/Principal should record the reasons for this decision in a note on the employee’s file

3.5 If it is decided to proceed to Formal Stage 1, the employee should be notified that this is now a formal procedure.

**4. Formal Stage 1 Meeting**

4.1 The employee should receive written notice of not less than 5 working days before the date of the meeting and must be informed of his/her right to be accompanied by a Trade Union representative or willing colleague. The meeting must take place in an appropriate and private space, free from interruption – this will usually be at the place of work but a neutral venue may be requested in advance and will be considered if reasonably practicable.

4.2 This stage of the process should be conducted by the line manager or Principal, to be referred to as the Designated Person.

4.2 At the Stage 1 meeting the Designated Person should:

* + - Provide the employee with support and listen to what they have to say
		- Discuss with the employee any medical condition and/or underlying health issues and the likelihood of it continuing/recurring
		- Discuss the pattern/frequency/length of absence
		- Discuss the operational impact of the employee’s absence on colleagues/pupils
		- Consider a referral to Occupational Health if they are concerned about the nature of the employee’s absence, and if this has not already been done
		- Discuss recommendations from any previous referral to Occupational Health
		- For long-term absence, discuss any reasonable adjustments that may facilitate an early return to work and set a target return date
		- For short-term absence, review the employee’s levels of absence and set targets and review periods (not exceeding 12 months) with regular monitoring
		- Assess the overall situation and whether the absence has any other impact
		- Inform the employee in writing of the outcome and any recommendations made within 5 working days. The letter should also inform the employee of their right to appeal the decision in writing with 10 working days and that they should provide full reasons for their grounds of appeal

4.3 If required, the appeal will be heard by an Appeals Committee (see section 7).

**5. Formal Stage 2 Meeting**

5.1 Stage 2 will be activated in either of these two situations:

* + - The employee has failed to achieve the attendance targets set at the Stage 1 meeting (there is no need to wait until the end of the review period if absence already exceeds the target set)
		- Long-term absence has continued beyond the target return to work date agreed at the Stage 1 meeting

5.2 The employee should receive written notice of not less than 5 working days before the date of the meeting and must be informed of his/her right to be accompanied by a Trade Union representative or willing colleague. The meeting must take place in an appropriate and private space, free from interruption – this will usually be at the place of work but a neutral venue may be requested in advance and will be considered if reasonably practicable.

5.3 This stage of the process should be conducted by the Designated Person (line manager or Principal).

5.4 At the Stage 2 meeting the Designated Person should:

* + - Provide the employee with further support and listen to what they have to say
		- Review the situation and respond to any developments that may have occurred
		- Review current medical opinion
		- Confirm that all available options as appropriate to the case have been pursued (such as referral to Occupational Health, counselling, rehabilitation, risk assessments, reasonable adjustments, ill-health retirement)
		- For long-term absence, agree a further target return to work date
		- For short-term absence, review the targets and agree a new review period (not exceeding 12 months) with regular monitoring
		- Make a recommendation regarding the continued employment of the employee based on their absence record
		- Inform the employee in writing of the outcome and any recommendations made within 5 working days. The letter should also inform the employee of their right to appeal the decision in writing with 10 working days and that they should provide full reasons for their grounds of appeal

5.5 If required, the appeal will be heard by an Appeals Committee (see section 7).

**6. Formal Stage 3 Hearing (Absence Review Committee)**

6.1 Stage 3 will be activated where continued employment is no longer considered feasible due to one of the following situations:

* + - The employee has failed to achieve the attendance targets set at the Stage 2 meeting (there is no need to wait until the end of the review period if absence already exceeds the target set)
		- Long-term absence has continued beyond the target return to work date agreed at the Stage 2 meeting

6.2 The employee should receive written notice of not less than 5 working days before the date of the hearing and must be informed of his/her right to be accompanied by a Trade Union representative or willing colleague. The letter will set out the concerns in relation to the employee’s attendance at work and where appropriate that the hearing could result in dismissal. The hearing must take place in an appropriate and private space, free from interruption – this will usually be at the place of work but a neutral venue may be requested in advance and will be considered if reasonably practicable.

6.3 The hearing will take place before an Absence Review Committee, made up of members of the Local Advisory Board (see Appendix 2).

6.4 The Principal will present the management case at the Stage 3 hearing based on a sickness absence management report outlining the facts of the case, including:

* + - Feasibility of the employee’s future employment based on medical evidence
		- The impact their level of sickness absence is having on the school
		- What alternative courses of action exist
		- The terms of the employee’s contract of employment and that if a decision is taken to dismiss, then employment may be terminated in line with the employee’s Written Statement of Particulars

6.5 The purpose of the Stage 3 hearing is for the Absence Review Committee to consider the report received from the Principal, and take into consideration medical opinion and the representations made by the employee and their representative.

6.6 When considering the appropriate course of action, including potential dismissal, the Absence Review Committee should refer to the checklist below and seek to balance the needs of the employee and the school:

* + 1. Has adequate consultation/contact been maintained with the employee throughout the absence?
		2. Does the school have the most up-to-date medical position/recommendations?
		3. What is the length/frequency of each period of absence?
		4. Is it reasonable to wait any longer for further developments (i.e. referral for treatment)?
		5. Is there a real likelihood of a return to work?
		6. Is there a safety risk if the employee returns to work?
		7. What is the impact of the absence on school service delivery/cost and other employees?
		8. What alternative courses of action exist e.g. appropriate reasonable adjustments?
		9. Is medical retirement an option and has this possibility been exhausted?
		10. Has reasonable alternative employment been identified/offered (if applicable)?
		11. Based on the position occupied, how feasible is it to amend duties/working hours to facilitate a return to work?
		12. Is the absence as a result of a work-related injury or illness, pregnancy or disability and has this been taken into consideration/
		13. Can future attendance targets be set?

6.7 As a result of the hearing, the Committee may determine that the employee should be dismissed with notice in line with their Written Statement of Particulars (or that pay in lieu of notice be paid to the employee in certain circumstances) or decide on an alternative course of action. Should the outcome be dismissal, the notice period will be effective from the date upon which this decision is communicated to the employee.

6.8 The Chair of the Committee will inform the employee in writing of the outcome and any recommendations made within 5 working days of the hearing. The letter should also inform the employee of their right to appeal the decision in writing within 10 working days of the decision, and that they should provide full reasons for their grounds of appeal.

6.9 If required, the appeal will be heard by an Appeals Committee.

**7. Appeals Committee**

7.1 Upon written notification that an employee wishes to exercise his/her right to appeal against the decision taken at any formal stage, the Appeals Committee shall acknowledge receipt of this notification. The appeal shall we heard as soon as practically possible after the written notification of the appeal.

7.2 The employee and his/her representative shall be given not less than 5 working days’ notice f the date, time and place of the hearing of the Appeals Committee. The hearing must take place in an appropriate and private space, free from interruption – this will usually be at the place of work but a neutral venue may be requested in advance and will be considered if reasonably practicable.

7.3 The Appeals Committee will be selected by the Chair of the Local Advisory Board and will be made up of members of the Local Advisory Board who have not previously been involved in the case. The appeal will focus on the grounds of appeal set out in the letter from the employee.

7.4 The process for the Appeals Committee to hear the appeal at Formal Stage 1 or Formal Stage 2 meeting is detailed in Appendix 3. The process for the Appeals Committee to hear appeals against a dismissal decision made by the Absence Review Committee following a Formal Stage 3 hearing is detailed in Appendix 4.

7.5 The results of the appeal should be communicated by the Chair of the Committee in writing within 5 working days of the hearing and a copy of the letter shall be retained on the employee’s personal file. The final hearing appeal exhausts the internal process.

**8. Records**

In order that comprehensive records are maintained, copies of all letters, minutes and other correspondence arising out of this process shall be retained on the employee’s personal file.

**9. Confidentiality**

9.1 All meetings and any subsequent appeal hearings will be dealt with in the strictest of confidence. All individuals involved at any stage of the process must adhere to this.

9.2 Any documents relating to the formal process must be kept secure at all times.

9.3 All matters will remain confidential in accordance with the Data Protection Act 1998, except in circumstances where there is a legal requirement to disclose such information.

**Appendix 1: Entitlement to OSP**

*BCUAT employees are entitled to the following periods of Occupational Sick Pay:*

|  |  |
| --- | --- |
|  | **Entitlement Period** |
| ***Service*** | ***Full Pay*** | ***Half Pay*** |
| Employees completing their probationary period (usually first 6 months) | Nil | Nil |
| After successful completion of probationary period but less than 2 years’ service | 1 Month (**26 days**) | 1 Month (**26 days**) |
| After 2 years’ service | 2 Months (**52 days**) | 2 Months (**52 days**) |
| After 3 years’ service | 4 Months (**104 days**) | 4 Months (**104 days**) |
| After 4 or more years’ service | 6 Months (**156 days**) | 6 Months (**156 days**) |

* + - Employees on a probation period at the first day of sickness absence are not entitled to OSP
		- Employees who have completed their probationary period or who have more than 6 months service as of the first day of sickness absence are entitled to 26 days full pay, 26 days half pay
		- Service on 1st January in the current year is more than 6 months but less than 24 months are entitled to 26 days full pay, 26 days half
		- Service on 1st January in the current year is more than 24 months but less than 36 months are entitled to 52 days full pay, 52 days half pay
		- Service on 1st January in the current year is more than 36 months but less than 48 months are entitled to 104 days full pay, 104 days half pay
		- Service on 1st January in the current year is more than 48 months are entitled to 156 days full pay, 156 days half pay
		- For the purposes of calculating sick pay entitlement, all sickness absence within the probationary period will be taken into consideration

***Example:***

Assuming you have an OSP entitlement of 26 days full pay and 26 days half pay, and 28 days in total of sickness absence in the 12 months preceding 16th February 2012. You are absent due to sickness on 16th February 2012. As you have already had 28 days sickness absence over the preceding 12 months, 26 of these days would have been at full pay and 2 at half pay. Your remaining entitlement as at 16th February 2012 would therefore be 24 days half pay. If you were then absent from 16th February to 31st March 2012 (a further 32 days in total) you would receive half pay only for 24 of these days, and no pay for the remaining 8 days. OSP entitlement is only then renewed upon their return to work on 1st April 2012. OSP entitlement for any subsequent periods of sickness absence would also be calculated in the same way.

If you were also absent up to and including the 16th February 2011 (for example, from 1st to 16th February 2011) totalling 16 days, these 16 days would also be counted as part of your previous sickness absences counting back 12 months from the 16th February 2012. In this case, as of the 16th February 2012, you would have had a total of 44 days of sickness absence as at 16th February 2012 as opposed to 28 days.

**Appendix 2: Formal Stage 3 Hearing Procedure (Absence Review Committee)**

|  |  |
| --- | --- |
| **Action** | **Person** |
| * Introductions and explanation of the process to be followed
* That an adjournment may be requested at any time during the hearing
 | Chair of the Absence Review Committee |
| Outline reasons for the hearing | Principal |
| Presentation of the management case, including the calling of witness(es) if applicable | Principal |
| Questions to the Principal (and their witnesses) | Employee/Trade Union rep/colleague |
| Questions to the Principal (and their witnesses) | Chair/Committee |
| Presentation of the employee’s case, including the calling of witness(es) if applicable | Employee/Trade Union rep/colleague |
| Questions to the employee (and their witnesses) | Principal |
| Questions to the employee (and their witnesses) | Chair/Committee |
| Summing up of the management case (no new evidence can be introduced at this stage) | Principal |
| Summing up of the employee’s case (no new evidence can be introduced at this stage) | Employee/Trade Union rep/colleague |
| Withdraw from the hearing whilst the case is being considered | PrincipalEmployee/Trade Union rep/colleague |
| If the Chair requires further clarification on a point of fact, both parties will be asked to return even if the question is to be put to one side only, so that the other side can hear what is being said | Chair/Committee |
| The Chair/Committee makes a decision | Chair/Committee |
| Hearing reconvened, all parties return and employee informed of decision and right of appeal | Chair of Absence Review Committee |
| Formal letter confirming decision and right of appeal issued within 5 working days | Chair of Absence Review Committee |

**Appendix 3: Appeals Committee Procedure (Stage 1 or Stage 2 appeal)**

|  |  |
| --- | --- |
| **Action** | **Person** |
| * Introductions and explanation of the process to be followed
* That an adjournment may be requested at any time during the hearing
 | Chair of the Appeals Committee |
| Presentation of the employee’s case, including the calling of witness(es) if applicable | Employee/Trade Union rep/colleague |
| Questions to the employee (and their witnesses) | Principal |
| Questions to the employee (and their witnesses) | Chair/Committee |
| Presentation of the management case, including the calling of witness(es) if applicable | Principal |
| Questions to the Principal (and their witnesses) | Employee/Trade Union rep/colleague |
| Questions to the Principal (and their witnesses) | Chair/Committee |
| Summing up of the employee’s case (no new evidence can be introduced at this stage) | Employee/Trade Union rep/colleague |
| Summing up of the management case (no new evidence can be introduced at this stage) | Principal |
| Withdraw from the hearing whilst the case is being considered | PrincipalEmployee/Trade Union rep/colleague |
| If the Chair requires further clarification on a point of fact, both parties will be asked to return even if the question is to be put to one side only, so that the other side can hear what is being said | Chair/Committee |
| The Chair/Committee makes a decision | Chair/Committee |
| Hearing reconvened, all parties return and employee informed of decision and right of appeal | Chair of Appeals Committee |
| Formal letter confirming decision and right of appeal issued within 5 working days | Chair of Appeals Committee |

**Appendix 4: Appeals Committee Procedure (Stage 3 appeal)**

|  |  |
| --- | --- |
| **Action** | **Person** |
| * Introductions and explanation of the process to be followed
* That an adjournment may be requested at any time during the hearing
 | Chair of the Appeals Committee |
| Presentation of the employee’s case, including the calling of witness(es) if applicable | Employee/Trade Union rep/colleague |
| Questions to the employee (and their witnesses) | Chair of Absence Review Committee |
| Questions to the employee (and their witnesses) | Chair of Appeals/Committee |
| Presentation of the management case, including the calling of witness(es) if applicable | Chair of Absence Review Committee |
| Questions to the Chair of the Absence Review Committee (and their witnesses\*) | Employee/Trade Union rep/colleague |
| Questions to the Chair of the Absence Review Committee (and their witnesses\*) | Chair of Appeals/Committee |
| Summing up of the employee’s case (no new evidence can be introduced at this stage) | Employee/Trade Union rep/colleague |
| Summing up of the management case (no new evidence can be introduced at this stage) | Chair of Absence Review Committee |
| Withdraw from the hearing whilst the case is being considered | Chair of Absence Review Committee Employee/Trade Union rep/colleague |
| If the Appeals Chair requires further clarification on a point of fact, both parties will be asked to return even if the question is to be put to one side only, so that the other side can hear what is being said | Chair of Appeals/Committee |
| The Appeals Chair/Committee makes a decision | Chair of Appeals/Committee |
| Hearing reconvened, all parties return and employee informed of decision and right of appeal | Chair of Appeals |
| Formal letter confirming decision and right of appeal issued within 5 working days | Chair of Appeals |

*\* it is anticipated that the Principal would be called as a witness*