



# Chiltern Way Academy Trust

Turning Futures Around

## **Health and Attendance Policy**

**Responsibility for this policy (job title): Business Manager**

**Responsibility for its review: CEO**

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## 1. INTRODUCTION

1.1 Chiltern Way Academy Trust (“the Academy”) is committed to promoting the health, well-being and attendance of employees. This policy covers the standards that are expected of employees and managers in handling sickness absence.

1.2 This policy and procedure applies to all Academy employees.

## 2. PRINCIPLES

2.1 This policy and procedure is based on the following principles:

- a. All employees should take responsibility for maintaining good attendance.
- b. Managers should take a consistent, sensitive and supportive approach to employees who are absent from work due to ill-health. We will support employees to return to work as soon as they feel well enough to do so. Support includes:
  - Phased returns to work in cases of long-term sickness absence
  - Consideration of reasonable appropriate adjustments
  - Access to counsellors where necessary
- c. Attendance is monitored to ensure all employees are treated consistently and that accurate information on sickness levels is maintained. Monitoring allows for potential problems relating to employee’s sickness to be identified and addressed early.
- d. Sickness absence records will be held confidentially at all times in accordance with the requirements of the Data Protection Act 1998 [2018] and the Access to Medical Records Act 1988.
- e. The advice of Occupational Health will be sought where necessary.
- f. The Academy operates a sick pay scheme (see appendix 1).
- g. Failure to comply with the certification procedures may result in the loss of sick pay.
- h. If attendance does not improve, employment may be terminated on the grounds of ill health incapability
- i. The Academy’s Conduct and Discipline policy may be used where:
  - The sickness absence reporting procedure has not been followed
  - medical or self-certificates have been falsified
  - the sickness scheme has been abused
- j. Employees have the right to be accompanied by a trade union representative or work colleague at the formal stages (stage 3 and/or stage 4) of the short term and long term sickness procedures and any appeal hearing.
- k. Not to discriminate against any employee in the application of this policy and procedure on protected characteristics of age, disability, gender reassignment, marriage and civil partnership, maternity and pregnancy, race, caste, religion or belief, sex, sexual

orientation, or other grounds protected in law (e.g. part-time worker status, trade union membership or HIV positive status).

- l. The Academy is aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- m. If the employee considers that s/he is affected by a disability or any medical condition which affects their ability to undertake their work, the employee should inform the line manager.
- n. If the employee has a disability, the Academy will consider whether reasonable adjustments may need to be made to the sickness absence meetings procedure, or to the employee's role or working arrangements.
- o. If employees have any misgivings about either the process or the managers leading it, they should tell us openly so that we can address their concerns. Any meeting recorded without the consent of all those present (covert recordings) will be treated as a conduct matter.

### **3. NOTIFICATION OF ABSENCE**

- 3.1 The employee must telephone by 7.30am on the first day of absence. They should provide details of their illness, a likely return date and any work commitments that may need rearranging. Please refer to Appendix 2 for reporting guidelines.
- 3.2 If the absence continues, the employee should notify their manager of the nature and likely duration of the absence. Employees should maintain weekly contact with their line manager, unless otherwise agreed, during ongoing periods of absence.

### **4. ABSENCE CERTIFICATION**

- 4.1 For absences up to seven calendar days, a Self-Certification form should be completed on the employee's return to work and given to the line manager.
- 4.2 For absences of more than seven calendar days a medical certificate is required. This should be sent as soon as is reasonably practical to the line manager. Further certificates should be submitted if the absence exceeds the expiry date of the original certificate.

### **5. RETURN TO WORK**

- 5.1 Managers will discuss absences with employees when they return to work to establish the reason for the absence, anything the manager or the Academy can do to help and that the employee is fit to return to work. The discussion should be recorded on a 'Return to Work Discussion Form'.

## **6. MEDICAL APPOINTMENTS**

- 6.1 Where possible routine medical appointments e.g. doctors, dentists should be made outside normal working hours. Where this is not possible, the Academy will allow a maximum of one hour's paid time off for these appointments. Line managers have the discretion to agree additional time off for appointments where considered appropriate.

## **7. ABSENCE DUE TO MATERNITY**

- 7.1 Absences relating to pregnancy will be kept separate from sickness absence records. See the maternity guidelines for more information.

## **8. MANAGING FREQUENT, SHORT-TERM AND PERSISTENT ABSENCES**

- 8.1 Trigger points for a review under this procedure are either:

- Three periods of absence within a six-month rolling period; or
- Absences appearing to have a recurring recognisable pattern, e.g. frequent absenteeism around a weekend or particular special events

### **8.2 Stage 1 – Informal Discussion**

The line manager should hold an informal discussion with the employee to ascertain the cause(s) for the absences, to share the relevant monitoring information indicating any patterns of absences and to explore whether there is an underlying health problem and if so whether there are any reasonable adjustments which can be made to the workplace or work practices which would be effective to improve attendance.

As a result of the discussion, the manager may indicate that an improvement in attendance is required, that monitoring will continue and that a follow up meeting will take place. A written summary of the outcome of the meeting, including the date for the follow up meeting should be given to the employee.

### **8.3 Stage 2 – Seeking More Information**

The line manager should hold a follow up meeting as arranged and where there is an underlying health problem should explore whether there are any reasonable adjustments which can be made to the workplace or work practices which would be effective to improve attendance.

If the level or pattern of absence continues to give cause for concern, the manager should advise the employee that the level of attendance is unsatisfactory and that it may become necessary to move to the formal Stage 3.

The line manager should consider seeking assistance from Occupational Health (OH) to help them understand any underlying health issues. OH will discuss the reasons for absence with the employee and if appropriate request a medical report from their GP/Specialist, with the employee's consent. They will take into account all the relevant information and provide a written report to the Academy. The report should be discussed with the employee and the

appropriate action to be taken, including review dates. A written account of the outcome will be kept on the supervision file.

If the employee refuses at any stage of this procedure to consent to attend Occupational Health appointments or to provide access to a GP report, any decisions on the employee's employment can only be made on the information available. Consequently failure to attend OH appointments or management meetings could impact on decisions made with regard to future employment.

If an underlying health problem has been indicated, it may be necessary to make reasonable adjustments to the job, method of working, hours of work etc in order to facilitate an acceptable level of attendance and performance. The requirements of the Equality Act 2010 to make reasonable adjustments will be considered. A further review should be agreed to monitor the situation.

#### **8.4 Stage 3 – Formal Meeting**

If there is no improvement over the review period, the line manager should hold a formal meeting with the employee.

At this formal meeting the following issues will be discussed:

- (a) Discussing the reasons for and impact of the ongoing absence(s).
- (b) Discussing how long the absence is likely to last.
- (c) 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 the employee's ability to return to/remain in their job in view both of the employee's capabilities and the Academy's needs and any adjustments that can reasonably be made to the job to enable the employee to do so.
- (f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying the employee.
- (g) Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may include warning the employee that he/she is at risk of dismissal.

The outcome will either be:

- No further action necessary.
- The issue of a formal warning outlining a further review period, where the situation will be monitored; or
- To deal with the case under the conduct and discipline policy and procedure if it is considered that there is sufficient evidence to suggest that the employee's absences are not sickness related and they are using the scheme to take unauthorised absence

## 8.5 Stage 4 – Final Formal Meeting

If there is no improvement, over the review period, the line manager should hold a formal meeting with the employee.

At this formal meeting the following issues will be discussed:

- (a) Discussing the reasons for and impact of the ongoing absence(s).
- (b) Discussing how long the absence is likely to last.
- (c) 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 the employee's ability to return to/remain in their job in view both of the employee's capabilities and the Academy's needs and any adjustments that can reasonably be made to the job to enable the employee to do so.
- (f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying the employee.
- (g) Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may include warning the employee that he/she is at risk of dismissal.

The outcome may be:

- No action
- Review the arrangements set out in stage 3
- Termination on the grounds of capability due to ill health.

## 9. MANAGING LONG TERM SICKNESS ABSENCE

9.1 The trigger point for long term sickness absence is when the employee has been continuously absent for 28 consecutive calendar days.

### 9.2 Stage 1 – Seeking Information

The manager will fully investigate the situation and arrange a suitable time and place for an informal discussion with the employee as soon as possible.

### 9.3 Stage 2 – Informal Meeting

The meeting should normally cover the following:

- Length of absence and reason for absence
- Likely length of future absence
- Diagnosis and prognosis

- Whether any reasonable adjustments can be made which would facilitate improved attendance or a return to work
- The manager should outline their concerns regarding the situation including the impact of the absence on the Academy and students
- The employee should give their assessment of the situation
- The employee should be asked for their permission to seek medical advice from OH and for their GP to be contacted. The employee may refuse to give consent, but should be aware that in these circumstances any employment decisions will be based on the available information.

Notes of the meeting will be given to the employee and a copy kept on the employee's supervision file.

#### **9.4 Stage 3 – Formal Absence Review Meeting**

At this formal meeting the following issues will be discussed:

- (a) Discussing the reasons for and impact of the ongoing absence(s).
- (b) Discussing how long the absence is likely to last.
- (c) Discussing the likelihood of further absences.
- (d) Up to date Occupational Health or other medical advice.
- (e) Considering the employee's ability to return to/remain in their job in view both of the employee's capabilities and the Academy's needs and any adjustments that can reasonably be made to the job to enable the employee to do so.
- (f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying the employee.
- (g) Where the employee is able to return from long-term sick leave, whether to the original or a redeployed job, agreeing a return-to-work programme.
- (h) If it is considered that the employee is unlikely to be able to return to work from long-term absence, whether ill health retirement is available.
- (i) If it is considered that the employee is unlikely to be able to return to work from long-term absence, whether employment will be terminated.

Contact with the employee will be documented by a follow-up letter on each occasion. The employee will be given the opportunity to make proposals to resolve the absence.

The outcome may be:

- No action
- Review the arrangements set out in stage 3
- Termination on the grounds of capability due to ill health

#### **9.5 Stage 4 – Termination of Employment**

If at the Stage 3 Meeting reasonable adjustments, ill health retirement and redeployment have been considered and the employee remains unable to return to work and the Academy

determines that it can no longer sustain the level of sickness absence employment may be terminated on the grounds of capability due to ill health.

## **10. RIGHT OF APPEAL**

- 10.1 Employees may appeal at any of the formal stages in these procedures, i.e. Stages 3 and 4. The appeal should be submitted within 10 working days' of the date of the written notification of the decision.
- 10.2 Once an appeal has been received in writing, an appeal hearing will normally be convened promptly, allowing at least ten working days written notice of the hearing.
- 10.3 An appeal against a written warning will be heard by a different manager at the same level or above as appropriate. An appeal against dismissal will be heard by the grandparent manager or equivalent.
- 10.4 Where dismissal has been confirmed, the appeal process set out in the Capability Policy will be followed.

**APPENDIX 1 - SICK PAY SCHEME FOR EMPLOYEES ON  
BUCKS PAY AND EMPLOYMENT CONDITIONS**

1. Employees' entitlement to pay during periods of sickness absence is usually composed of two elements; Statutory Sick Pay (SSP) and Contractual Sick Pay (CSP). Both schemes are administered by Buckinghamshire County Council and paid to employees in conjunction with each other. The amount of SSP included in an employee's gross pay will be 'topped up' by any sickness payment that an employee is entitled to under the Council's Contractual Sick Pay scheme. Both schemes are taxable and employees will have to pay National Insurance and Pension contributions on these.
  
2. The Sick Pay employees receive from the Council will be based on a combination of the employee's entitlement to Statutory Sick Pay and Contractual Sick Pay in accordance with the employee's Contract of Employment. The length of time an employee receives CSP is based on their length of service (see below), taking into account any sickness they have had in the 12 months prior to their first day of absence. An employee's entitlement to sick pay starts from the first day of absence; therefore if their service increases whilst they are absent, they are not entitled to further sick pay. For this purpose, length of service means cumulative service in local government and related employment.

<b>Years of Service</b>	<b>Pay Entitlement</b>
During the first year of service	One month's full pay and (after completing four months' service) two months' half pay
During the second year of service	Two months' full pay and two months' half pay
During the third year of service	Four months' full pay and four months' half pay
During the fourth and fifth years' of service	Five months' full pay and five months' half pay
After five years' service	Six months' full pay and six months' half pay

3. When an employee is off sick they will receive their entitlements to SS/CSP combined in such a way that at no time will their total pay when off work exceed their normal pay when at work. In exceptional circumstances where an employee has exhausted their entitlement to sick leave on either full or half pay, an extension may be considered.
  
4. Line managers should operate a 'bring forward' system for the review of sick pay in all cases of long-term sickness absence so that they may advise the employee when a reduction in sick pay is to occur. This also allows early consideration to be given to the possibility of extension of sick pay.

**5. Qualifying days – SSP**

- 5.1 SSP calculations operate over the full seven-calendar day week. It is therefore necessary for managers to collect full details of any period of sickness from their employee. This includes weekends, public holidays, annual leave, or any other day that they would not be required to work, so that calculations of SSP can be properly made and the Council has full and accurate records of employees' sickness absence.

**6. Absence caused by Third Party negligence**

- 6.1 Where an absence is caused by third party negligence and the employee successfully recovers damages from the third party, the Council reserves the right to recoup any contractual sick payments that have been made.

## Appendix 2

### Staff guidelines on absence

The Academy is committed to improving staff health and wellbeing and aims to take a consistent, sensitive and supportive approach towards employees who are absent from work due to ill-health.

We have a duty of care to look after all our employees and are mindful that employee absence has a direct impact upon the students and staff.

The Academy's Health and Attendance Policy is available on the T drive / Approved Policies and on our website: <https://chilternway.org/policies>

### Notifying Sickness Absence

You must telephone by 7.30am on the first day of absence and every three days thereafter:

Team	Line Manager
Teachers / Support / Behaviour	Paul Coffey 07717 787371  Nick Hall 07921 872360  Callum Mansell 07377 650354
Administration	Linda Switzer 07717 787374
Facilities	Neil Aves 07496 701784

Provide details of your illness, anticipated length of absence and any work commitments that may need rearranging.

Staff can self-certify for a period of up to seven days (see form below); after this time, a medical certificate is required. Please maintain contact with your line manager during ongoing periods of absence.

Line managers must report absences to any interested party and send copies of all self-certification forms and medical certificates to Sefi Raji [sraji@chilternway.org](mailto:sraji@chilternway.org)

Staff should have a 'return to work' meeting with their line manager following any absence.

### Staff Guidelines on Planned Absence

The CEO has responsibility for establishing the Academy's Leave of Absence Policy and for ensuring that all employees are treated equally and consistently when applying for leave of absence.

### Leave of Absence

The Academy's Leave of Absence Policy is available on the T drive / Approved Policies and on our website: <https://chilternway.org/policies>

The Head of Campus or Business Director will use his/her discretion for requests of up to two hours, for example a parent/carer requesting one hour to see their child in a Christmas Nativity play. Staff should complete the Leave of Absence Request Form - available in T/Whole School Useful Documents - in advance of any planned absence to enable SLT to make appropriate cover arrangements.

### **Applications for Leave of Absence**

Requests for leave of absence (with or without pay) should be directed to the Head of Campus and in the case of Admin staff, to the Business Director. To guarantee a fair and consistent approach across the Academy, the Heads of Campus and Business Director will authorise absences up to a total of 5 days' per annum. The CEO will authorise absences totalling 5-10 days' per annum. Exceptional absence requests totalling over 10 days' per annum will be referred to the Trust Board. All approved Leave of Absence forms should be sent to Sefi Raji, [sraji@chilternway.org](mailto:sraji@chilternway.org)

### **Continual Professional Development (CPD)**

Staff professional development, to meet the Academy's needs, should be planned and budgeted, during Performance Management Reviews. Any ad-hoc training that you believe is either essential or has benefit to you and the students, should be discussed with the Head of Campus.

Before embarking on any course staff need to complete a CPD form – available in T/Whole School Useful Documents or from Sarah Adlington. This must be signed by the Head of Campus to ensure it has been agreed, there is sufficient cover and it has been suitably budgeted. Once approved Sarah Adlington will book the course.

Following your attendance on the course, complete the feedback - ideally with your line manager - and return your form to Sarah, to ensure your training is recorded on SIMS.

## Self-Certification / Record of Sickness Absence Form

This form should be completed for all periods of sickness absence. If the absence is for less than 7 days the form can be completed upon return to work. However, if the absence continues for longer, the form should be sent to the employee to complete, or be completed by the line manager and confirmed by the employee at the earliest opportunity.

### a) To be completed by the employee: (Please refer to notes below when completing this form)

**Employee Name:**

**SAP Personnel Number:**

**Service:**

**Post Title:**

I certify that I was absent from work due to sickness during the period stated below:

Date sickness absence started\*:

Date sickness absence ended\*:

Number of working days absent: (for absence monitoring purposes)

- \* Please note that all days should be counted, not just working days, in line with Statutory Sick Pay requirements.
- If the absence was for more than 7 days, please attach to this form a medical certificate from your GP.

My reason for absence was as follows: (please tick appropriate box)

Viral Infection		Work Related Stress	
Eye, Ear, Nose and Mouth/ Dental		Back Problems	
Stress/depression/mental health/fatigue syndrome (inc. anxiety, nervous debility/disorder & M.E.)		Other Muscular skeletal disorders (inc. neck, legs, feet, arms or hands; also joint problems such as arthritis)	
Stomach, Liver, Kidney & digestion (inc. diarrhoea, vomiting and stomach upset)		Critical Illness (inc. cancer, major organ transplant, stroke etc.)	
Migraine/Headache		Surgery related absence	
Cold/Flu (inc. coughs, throat infections, etc.)		Chest, respiratory (for example asthma, bronchitis, hayfever)	
Accident at work		Accident outside work	
Heart, Blood Pressure, Circulation		Neurological illness (inc. epilepsy, motor neurone disease)	
Other reasons for absence (This code should only be used if the reason for sickness absence is not listed above)			

## **NOTIFICATION OF ILLNESS**

If for any reason you are unable to come to work due to ill health, you must notify your line manager giving the reason as quickly as possible on that day. Immediate notification is important and delay could jeopardise your pay entitlement. If your absence continues after the third working day you must contact your line manager as to the nature and possible duration of your illness. This form is to be completed on your first day of return to work.

A medical certificate must be obtained and sent immediately to your line manager if your sickness lasts more than 7 calendar days. For all such absences you will be required to complete this form in respect of the first 7 days either during your absence (in which case the form will be sent to you) or on your return to work.

## **PURPOSE**

The purpose of keeping sickness absence records is to monitor overall sickness absence trends across the authority (without identifying individual cases) and to enable line managers to monitor individual absence levels/trends, discussing with and supporting employees where issues are identified. In addition, the County Council must meet statutory obligations in relation to sick pay and statistical returns for example, Best Value Performance Indicators. All records are kept confidentially and access to them restricted. From 1 April an employee will be able to view their individual absence record through Employee Self Service on SAP or via their line manager.

## **DATA PROTECTION**

The information given in this form will be processed for calculating sick pay entitlements and absence monitoring purposes in accordance with the Data Protection Act and associated legislation.

## **NOTE**

In accordance with the relevant conditions of service, the Council may, at its discretion, refer an employee to the Occupational Health Physician or other medical practitioner as appropriate. Medical evidence relevant to periods of absence may also be obtained from an employee's doctor by a doctor nominated by the County Council with the employee's consent. Any referral will have regard to the provisions of the Access to Medical Reports Acts 1988. The intention is to provide individuals with a measure of access to medical reports provided by their doctors. This is achieved by giving individuals a right to see, comment on and consent to the provision of such reports. Further details of Buckinghamshire County Council's procedure are set out in the Framework for Managing People or are available from Human Resources.

If the County Council for any reason withholds Statutory Sick Pay, the employee will have the right to appeal through the agreed procedure.

## **DECLARATION**

I declare the reasons shown for my absence and the information given on this form is correct, to the best of my knowledge. I understand that making a false statement may result in disciplinary action being taken and sick pay being terminated.

**Signature:**

**Date:**

**Full name (please print)**

**To be completed by the line manager**

I certify that I have:

- discussed this absence with the employee
- ensured that the necessary certifications are completed and retained by me
- ensured that the absence is recorded via MSS or ensured the Payroll Team has been notified using the Notification of Absence form (only where the manager does not have access to MSS)

**Signature of Line Manager:**

**Date:**

**Full Name: (please print)**