

Eastwood Park Academy Trust (EPAT)

EPAT

Believe Succeed Together

Sickness-Absence Policy

| | |
|----------------------------|-----------|
| Date Reviewed | June 2023 |
| Date Ratified by the Trust | July 2023 |

Contents

| | | |
|------|---|----|
| 1.0 | Sickness-Absence..... | 3 |
| 2.0 | Communicating Absence..... | 3 |
| 3.0 | Sick Pay..... | 3 |
| 4.0 | Returning to Work..... | 4 |
| 5.0 | Measuring and Recording Sickness-Absence – Bradford Factor..... | 4 |
| 6.0 | Outcomes Associated with Bradford Factor Score..... | 5 |
| 6.1 | No Action..... | 5 |
| 6.2 | Verbal Warning..... | 5 |
| 6.3 | Written Warning and Occupational Health Referral..... | 5 |
| 6.4 | Final Written Warning..... | 6 |
| 6.5 | Termination of Employment (Dismissal)..... | 6 |
| 7.0 | Data Protection..... | 7 |
| 8.0 | Ill Health Retirement..... | 8 |
| 8.1 | Teaching Staff..... | 8 |
| 8.2 | Support Staff..... | 8 |
| 8.21 | Appeals..... | 8 |
| | Appendix A Return to Work Form..... | 10 |

1.0 Sickness-Absence

'Sickness-absence' is any absence from work (other than that excluded by certain provisions stipulated in the Leave of Absence Policy) which is attributed to an employee's physical (excluding pregnancy-related sickness) or mental condition.

Employees are encouraged to disclose drug/alcohol problems so that the Trust can support them. Where possible and appropriate, drug and alcohol misuse will be treated as an ill-health issue and as such, will be dealt with under this policy. Employees will be expected, and supported, to follow an appropriate programme of support/rehabilitation.

Employees should not arrive at work under the influence of drugs and/or alcohol or any other substance that may impair their ability to carry out their duties. If, in the reasonable opinion of the employer, an employee presents him/herself for work and the employer considers they are not able to carry out their duties, this could lead to disciplinary action.

2.0 Communicating Absence

The employee must make contact with their line manager as soon as possible on the **first** day of their absence. This contact should be in the form of an e-mail and also forwarded to the member of staff responsible for arranging cover.

When contacting their line manager, the employee should report the nature of the illness (and its likely duration) and arrangements for cover work and/or any other work that needs attention during their absence. The line manager may telephone the employee to discuss their absence.

Where an employee cites the reason for absence as an underlying health issue that could amount to a disability under the Equality Act 2010 (which includes both physical and mental impairments), the line manager will seek advice before implementing this policy.

The employee must make further contact on the **fourth** and **seventh** day of absence and further regular contact must be maintained thereafter.

The employee will be required to provide a Fit Note from the **eighth** day (including non-working days) of absence.

During the period of absence, the line manager, or other appropriate manager, will contact the employee on a weekly basis by e-mail or telephone to inform them of key work issues (where appropriate) to support the employee during the absence and to facilitate an early return where possible. In exceptional circumstances, where appropriate and agreed between the parties, contact may be through a third party.

3.0 Sick Pay

An employee's sick pay allowance is detailed in their *Written Particulars*. The Trust will consider any requests for an extension to sick pay on a case by case basis.

4.0 Returning to Work

Where practicable, one day's notice should be given of fitness to return to work.

A return to work meeting will normally be conducted by the line manager on an employee's return to work following **any** period of absence. The purpose of this meeting is to discuss the period of absence, update the employee on work related matters and to identify any additional support that may be required. **A Return to Work Form** is available in **Appendix A**.

An employee is expected to return to work at the expiry of a Fit Note, unless a further note is obtained. It is open to an employee to return to work prior to the expiry of the Fit Note, if they, and the constituent academy, consider this to be appropriate. However, any such intention must be discussed with the line manager prior to return, who may carry out a risk assessment where appropriate, and only where the manager is also satisfied as to the employee's fitness, may the employee return early.

Where an employee returns from a long period of absence (**4 weeks or more**) reasonable adjustments (refer to table below) may be implemented, subject to advice from Fit Notes, and Occupational Health (OH) Advisors. While every effort will be made to accommodate the advice on Fit Notes or from OH Advisors, it is not legally binding and it will be for the Trust in discussion with the employee, to determine what adjustments, if any, are appropriate and possible.

| Reasonable Adjustment | Description |
|-----------------------|---|
| Phased Return | Gradual increase over a defined period of time, in the intensity of work duties or working hours. |
| Altered Hours | A change to the hours worked e.g. a later start time. This does not necessarily mean working fewer hours. |
| Amended Duties | An amendment to duties to take account of a medical issue. |
| Workplace Adaptations | A workplace is adapted to take account of a medical issue e.g. adapted/specialised equipment, different location of work. |

Adjustments to facilitate an early return to work will be for a limited period and will normally **not exceed 6 weeks**. In other circumstances, longer term or permanent contractual changes (or other adjustment) may be made.

5.0 Measuring and Recording Sickness-Absence – Bradford Factor

The Bradford Factor is a simple calculation used to calculate sickness-absence for the academic year and is referenced in an employee's PM Review. The basic formula for calculating the Bradford Factor Score is: **D x S x S**

D = the number of **working days** lost due to sickness / FTE.

S = the number of **spells** of absence due to sickness.

6.0 Outcomes Associated with Bradford Factor Score

| Days | Spells | | | | | | | | | |
|------|--------|----|-----|-----|-----|-----|-----|------|------|------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | 1 | | | | | | | | | |
| 2 | 2 | 8 | | | | | | | | |
| 3 | 3 | 12 | 27 | | | | | | | |
| 4 | 4 | 16 | 36 | 64 | | | | | | |
| 5 | 5 | 20 | 45 | 80 | 125 | | | | | |
| 6 | 6 | 24 | 54 | 96 | 150 | 216 | | | | |
| 7 | 7 | 28 | 63 | 112 | 175 | 252 | 343 | | | |
| 8 | 8 | 32 | 72 | 128 | 200 | 288 | 392 | 512 | | |
| 9 | 9 | 36 | 81 | 144 | 225 | 324 | 441 | 576 | 729 | |
| 10 | 10 | 40 | 90 | 160 | 250 | 360 | 490 | 640 | 810 | 1000 |
| 11 | 11 | 44 | 99 | 176 | 275 | 396 | 539 | 704 | 891 | 1100 |
| 12 | 12 | 48 | 108 | 192 | 300 | 432 | 588 | 768 | 972 | 1200 |
| 13 | 13 | 52 | 117 | 208 | 325 | 468 | 637 | 832 | 1053 | 1300 |
| 14 | 14 | 56 | 126 | 224 | 350 | 504 | 686 | 896 | 1134 | 1400 |
| 15 | 15 | 60 | 135 | 240 | 375 | 540 | 735 | 960 | 1215 | 1500 |
| 16 | 16 | 64 | 144 | 256 | 400 | 576 | 784 | 1024 | 1296 | 1600 |
| 17 | 17 | 68 | 153 | 272 | 425 | 612 | 833 | 1088 | 1377 | 1700 |
| 18 | 18 | 72 | 162 | 288 | 450 | 648 | 882 | 1152 | 1458 | 1800 |
| 19 | 19 | 76 | 171 | 304 | 475 | 684 | 931 | 1216 | 1539 | 1900 |

| Score | Possible Outcomes |
|---------|---------------------------------------|
| 0-49 | No Action |
| 50-124 | Verbal Warning |
| 125-399 | Written Warning and/or OH Referral |
| 400-649 | Final Written Warning |
| 650+ | Termination of Employment (Dismissal) |

6.1 No Action

A Bradford Factor Score of 0-49 requires no action from the line manager.

6.2 Verbal Warning

A Bradford Factor Score of 50-124 will result in the employee receiving a verbal warning from their line manager. This will usually occur during a **Return to Work Meeting**.

6.3 Written Warning and Occupational Health Referral

A Bradford Factor Score of 125-399 will result in the employee receiving a written warning from the Principal, or CEO if it concerns the Principal, or Chair of the Trust if it concerns the CEO. This is likely to follow a **Review Meeting** and may also involve, at an appropriate stage, a referral to **Occupational Health (OH)**.

Employees are obliged to attend appointments with an Occupational Health Adviser. Where an employee refuses to consent to the Occupational Health Adviser contacting their GP, decisions, which may have implications for their future employment, will be taken on the basis of the information available at the time. Refer to [Innovate Healthcare](#).

It will normally be appropriate to make a referral to OH for employees with a Bradford Factor Score of 125-399 and/or **after 4 weeks absence**, depending on the nature of the ill-health, to provide information about the employee's long-term prognosis and to explore options to facilitate and early return to work, where appropriate. In certain circumstances, particularly those involving stress or depression, a referral made be made sooner, **usually after 2 weeks absence**, as evidence suggests that early intervention increases the chance of a successful return to work.

Following a referral to an Occupational Health Adviser, **and/or at any other appropriate stage**, the line manager will arrange to meet with the employee to discuss their absence. The employee may be accompanied by a trade union representative or work colleague. The purpose of the **Review Meeting** is to discuss the long-term prognosis and any strategies which may support the employee's return to work and/or improve their level of absence. A monitoring period will usually be established covering at least one term.

Review meetings can occur at any stage during a period of absence if there are concerns regarding the nature and/or length of the absence.

6.4 Final Written Warning

A Bradford Factor Score of 400-649 or continuous absence of usually 3 or more months will result in the employee receiving a final written warning from the Principal, or CEO if it concerns the Principal, or Chair of the Trust if it concerns the CEO.

The employee will also be required to attend a **Formal Absence Review Meeting**. They will be given at least 5 school days' written notice of the meeting and this will include the right to be accompanied by a trade union representative or work colleague. Within 10 school days of the Formal Absence Review Meeting, the line manager will notify the employee in writing of the:

- Key issues discussed and timescale for expected improvement.
- Support, guidance and monitoring systems.
- Outcome of the medical referral, where appropriate.
- Notice that if attendance does not improve sufficiently within the given timescale, the matter may be referred to a formal hearing which may result in dismissal.

6.5 Termination of Employment (Dismissal)

A Bradford Factor Score of 650+ or continuous absence of usually 6 or more months, following, if appropriate, exploration of suitable alternative employment options and/or ill-health retirement, will result in the matter being considered at a formal hearing, the outcome of which could be termination of employment on the grounds of lack of capability due to ill-health.

The employee will be required to attend a **Formal Absence Review Hearing**, conducted by the Principal, or in the case of the Principal, the CEO, or in the case of the CEO, the Chair of the Trust. They will be given at least 5 school days' written notice of the meeting and this will include the right to be accompanied by a trade union representative or work colleague. Where an employee's health

prevents their attendance, the hearing may proceed in their absence and full account will be made of any written representations and/or presentations made on their behalf by their chosen representative.

The employee will be notified in writing of the outcome of the hearing within 5 school days. The notification will include notice where a decision is made to dismiss (and will specify any entitlement to pay during this period) and details of the right of appeal.

Notes of the meeting will also be provided as soon as possible after the meeting.

6.51 Appeals

The employee has the right of appeal to the Trust against any formal sanctions, including dismissal. Such an appeal must be made in writing, clearly setting out the grounds, within 5 school days of receipt of the written notification of the outcome of the hearing.

Employees may be asked for clarification of the grounds for their appeal where this is not clear.

All appeals will be heard by the Trust Appeal Committee. The decision of this committee is final, subject to the employee's rights at law.

The employee will be given at least 5 school days' notice of the appeal hearing in writing and may be accompanied by a trade union representative or work colleague.

Wherever possible, the decision of the hearing will be notified verbally to the employee at the end of the hearing. In any case the employee will be issued with a written notification of the outcome within 5 school days of the hearing.

7.0 Data Protection

Fit Notes provided by employees will be copied and the original will be returned to the employee. Copies of self-certificates, Fit Notes and Return to Work forms will be held on employees' personal files in accordance with data protection requirements.

Where the Trust is seeking medical advice on an employee, it is aware of its obligations under the Access to Medical Reports Act 1988 and data protection legislation. In particular, the Trust will ensure that it obtains the employee's consent before seeking a medical report from the employee's own doctor or from Occupational Health Advisers. The Trust will not share any information relating to an Occupational Health referral or report with the Trust's HR advisers without seeking the employee's prior written consent.

Any medical/health information concerning employees collected as part of this policy will count within the "special categories of personal data" and, as such, will be kept confidential and stored securely in line with the Trust's Retention Policy in the "restricted access" section of the personal file.

Any personal data collected/recorded in line with this policy will only be processed in line with the Trust's Data Protection Policy. In particular, managers will only record personal information required to manage sickness absence under this policy and will only keep such information for as long as necessary.

8.0 Ill Health Retirement

8.1 Teaching Staff

A teacher may make an application for ill health retirement at any time. The application should be supported by an employee's GP/specialist and must be reviewed and considered by the employer's Occupational Health Service. The decision to grant ill health retirement rests with Teachers' Pensions Service (TPS).

There are two levels of benefit:

- Partial Incapacity Benefits (PIB) – where an employee is deemed to be unfit to continue teaching but fit to undertake other employment.
- Total Incapacity Benefit (TIB) – where the employee is considered unfit for any employment.

Different benefits apply to each type of retirement.

If an employee is deemed unfit by the TPS, the last day of service must be agreed as soon as possible under the Regulations and normal contractual notice periods cease to apply.

8.2 Support Staff

In order to qualify for ill health retirement benefits, an Occupational Health Adviser is required to sign a Certificate of Permanent Incapacity indicating that the employee is permanently incapable of continuing in their role. The employer must then dismiss the employee on the grounds of ill health incapacity.

There are three levels of benefit:

- Tier 1 - where there is no reasonable prospect of the employee obtaining other gainful employment before their normal retirement age.
- Tier 2 - where, although the employee is unlikely to be fit to obtain gainful employment within 3 years, it is likely that they will be fit to do so prior to the normal retirement age.
- Tier 3 - where it is likely that the employee will be fit to obtain other gainful employment within a period of 3 years.

Different benefits apply to each Tier.

Where a Certificate of Permanent Incapacity is signed, the employee will be invited to a formal meeting with the Principal. An employee should make every effort to attend this meeting, may make representations and may be accompanied by a representative or other appropriate person. Any dismissal will be with contractual notice.

8.21 Appeals


An employee has the right of appeal against:

The decision to dismiss on the grounds of permanent incapacity, in which case they should notify the Principal, in writing, stating the grounds for the appeal within 5 days of the dismissal meeting. Any appeal will be heard by the Trust Appeals Committee.

The medical opinion stated on the Certificate of Permanent Incapacity, in which case they should notify the Principal, in writing, stating the grounds for the appeal as soon as possible after receiving the Certificate. This appeal will be dealt with by the Occupational Health Service and is separate from any appeal against a dismissal on the grounds of permanent incapacity. The outcome of any such medical appeal may affect any pension benefits they may have been entitled to, if any, but may not affect the decision to terminate their employment.

An employee may also contest a decision made in relation to the Local Government Pension Scheme under the internal disputes resolution procedure (IDRP). Details of this procedure will be notified to employees.

Appendix A Return to Work Form

|  | |
|--|--|
| Date: | |
| Employee's Name: | |
| Period of Absence: | |
| Number of Days Absent: | |
| Number of Spells of Absence : | |
| Bradford Factor Score: | |
| Details of Sickness/Injury | |
| | |
| Issues Discussed | |
| | |
| Support/Actions Discussed | |
| | |
| Other Relevant Information | |
| | |