

Eastwood Park Academy Trust (EPAT)

EPAT

Believe Succeed Together

Sickness-Absence Policy

Date Reviewed	June 2020
Date Ratified by the Trust	July 2020

Contents

1.0	Sickness-Absence.....	3
2.0	Communicating Absence.....	3
3.0	Sick Pay.....	3
4.0	Returning to Work.....	3
5.0	Measuring and Recording Sickness-Absence – Bradford Factor.....	4
6.0	Outcomes Associated with Bradford Factor Score.....	4
6.1	No Action.....	5
6.2	Verbal Warning.....	5
6.3	Written Warning and Occupational Health Referral.....	5
6.4	Final Written Warning.....	5
6.5	Termination of Employment (Dismissal).....	6
7.0	Data Protection.....	7
8.0	Ill Health Retirement.....	7
8.1	Teaching Staff.....	7
8.2	Support Staff.....	7
8.21	Appeals.....	8
	Appendix A Return to Work Form.....	9
	Appendix B: Employee Factsheet on Referrals to Occupational Health.....	10

1.0 Sickness-Absence

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.

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.

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 GP Fit Note from the **eighth** day (including non-working days) of absence.

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

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 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 GP Fit Note, unless a further note is obtained. It is open to an employee to return to work prior to the expiry of the GP 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 overleaf) may be implemented, subject to advice from GP Fit Notes, and Occupational Health (OH) Advisors. While every effort will be made to accommodate the advice on GP 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 which will usually **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.

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, and, where appropriate, 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 limited information available. Details of the referral process are included in **Appendix B**.

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 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 this **Review Meeting** will be 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.

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 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 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 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+ and/or continuous absence over a period of 12 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: The Certificate indicates that there is no reasonable prospect of the employee obtaining other gainful employment before their normal retirement age.
- Tier 2: The Certificate indicates that 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: The Certificate indicates that it is likely that the employee will be fit to obtain other gainful employment within a period of 3 years. The pension benefit is payable for a maximum of 3 years. If the employee obtains gainful employment before the expiry of 3 years, their pension benefits will cease. A review will be conducted after 18 months and if the employee is deemed capable of obtaining gainful employment at that point, pension benefits will cease.

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

 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	

Appendix B: Employee Factsheet on Referrals to Occupational Health

This information sheet seeks to provide answers to the most commonly asked questions about referrals to Essex Wellbeing/Occupational Health for an assessment.

1. What is Occupational Health (OH)?

Occupational Health is an advisory service run by experienced, qualified medical and nursing advisers who are specialist in this field.

The role of Occupational Health is to support managers in ensuring your health is not harmed by your job and to make sure you are fit to carry out your role.

Occupational Health provides advice on reasonable adjustments and adaptations in the workplace that may enable you to work effectively without it impacting on your health. It is then up to your manager to consider this advice and decide whether it is practical or feasible to put these adjustments and adaptations in place.

Occupational Health is not able to give you treatment or diagnose your health problems; or have any influence over waiting lists. You still need to see your own doctor for this.

Occupational Health is an impartial service and we cannot get directly involved in disagreements or other 'management' issues.

2. Where is Occupational Health (OH)?

OH is located in Wellbeing Services - which is located on 2nd floor of B block in County Hall, Chelmsford. We also have a limited number of external clinics in Colchester, Harlow and Basildon. While we endeavour to make appointments at the most convenient site, numbers are limited and we cannot guarantee this. You may be offered an appointment at County Hall to expedite the referral process.

3. Why have I been referred?

You should be notified by your line manager/senior manager as to why you have been referred. There is a common misconception that employees are only referred when there is doubt about the legitimacy of their absences or when there are going to be disciplined or dismissed. This is not the case; OH is there for your benefit as well as for your manager.

4. Do I have to go?

The purpose of the referral is to see how the referring manager can support you at work. You do not have to attend the appointment at Occupational Health. However, in those circumstances, your employer would have no choice but to take decisions based on the incomplete information that was made available to them. It is in your interest to attend so that Occupational Health can provide advice to your manager based on all the facts.

5. What will Occupational Health do?

On arriving in OH you will be seen by one of the Occupational Health clinicians who will discuss the reasons for the referral and gather information from you, such as confidential health information, details about on-going treatment and investigations and identifying any possible barriers that may affect your ability to return to work. You may also be provided with advice about the management of your health condition(s).

The OH clinician will not normally undertake any intimate examinations that require the removal of any clothing except a coat.

6. What do I need to bring?

It may be helpful if you could bring with you: details of any medications you are on and the names and addresses of your GP and hospital specialists you are under the care of.

7. Will OH be contacting my GP or other medical practitioners who are treating me?

Occupational Health may wish to get further clinical information. In accordance with the Access to Medical Reports Act 1988 your consent will need to be obtained by the Occupational Health team before they request a report from your GP, hospital doctor / consultant (PTO) or any other medical specialist who is treating you. You do not have to give this consent. In those circumstances Occupational Health will base their report on the information they have, although this may be incomplete. It is advised that it would be in your best interests to ensure Occupational Health have a full picture of your state of health position so that they are able to provide clear advice to your manager about any support you require.

You have the right to see a copy of the report from your doctor before it is sent to Occupational Health and you will be asked to formally notify this on the consent form that you will be asked to complete.

8. What is likely to be written in the manager's advice letter?

First and foremost, the advice letter will **not** normally include any specific medical details, unless you are happy for us to divulge such information. It is likely to contain an outline of the current situation such as the functional difficulties which may impact on attendance and/or performance, but the main contents will be answers to the questions in the referral and any OH recommendations that may assist your return to work or recovery. Your manager is not bound by this advice and needs to consider it in balance with other business needs.

It is not considered to be a verbatim report of the conversation between yourself and the clinician but a letter of advice and recommendations to your manager taking on board what was discussed between yourself and the OH clinician and discussions that the clinician may have had with their OH colleagues, your manager and, if necessary, the named HR consultant.

All management advice letters will be sent by e-mail as a password-protected attachment unless requested. The password will be sent in a separate e mail on confirmation of receipt if it was not given to you during your consultation. Where e-mail addresses are not available, hard copies will be sent by post.

9. Do I have the right to see the report before it is sent to my manager?

Occupational Health will discuss the contents of the advice letter with you and you will be asked to sign a consent form. If you indicate the wish to see the report before it is sent to the referring manager, you will have up to 3 school days to respond with your feedback. If we do not get any feedback by 12.00 noon on the third day, the letter will automatically be released.

Our role is purely to report back on health issues and how it impacts on work along with any advice on adjustments or means of support. If there are any work related issues we will only be briefly summarising this, in very general terms clearly collating what you reported with the information in the original referral.

10. Do I have the right to stop OH sending the advice letter?

By attending the appointment you have accepted the process and that a report will be made.

11. What can I do if I don't agree with what Occupational Health has said?

You can submit your own written comments to Occupational Health which will then be sent with the advice letter or alternatively you can send it directly to the referring manager.

12. What about confidentiality?

Medical information or sensitive personal issues will **not** be divulged without your consent. Otherwise everything else is potentially open to being released e.g. reasons given for cancellations, work related issues, recommendations on reasonable adjustments and advice in relation to Equality Act 2010.

13. If I want to make a complaint what should I do?

If you wish to make a complaint you will need to put this in writing to the Wellbeing Manager, c/o Wellbeing Service, PO Box 11, County Hall, Chelmsford CM1 1LX.