



CST SICKNESS ABSENCE POLICY AND PROCEDURE

1. SCOPE OF PROCEDURE

- 1.1 This Sickness Absence Policy and Procedure applies to all CST employees. The purpose of this procedure is to establish a framework for the effective management of staff sickness absence taking into account both the welfare of employees and the requirements of the Charity to deliver an effective service to its members.
- 1.2 For the avoidance of doubt this policy may be used concurrently with CST's Capability Procedure and Disciplinary Policy.
- 1.3 In fairness to all staff, both in supporting staff who are ill and in supporting staff who have to manage and maintain the service whilst colleagues are absent, CST will:
- 1.3.1 Never ignore sickness absence
 - 1.3.2 Always monitor attendance
 - 1.3.3 Ensure that short term absences do not go unnoticed
 - 1.3.4 Take swift, supportive action if the absence is work related
 - 1.3.5 Keep accurate, up to date, employee attendance records
 - 1.3.6 Handle attendance problems promptly, sensitively and in a supportive manner
 - 1.3.7 Deal with each person as an individual and treat all equally and fairly
 - 1.3.8 Seek appropriate and independent medical advice as appropriate in order to support and manage the situation.

2. STAFF OBLIGATIONS

- 2.1 Staff are expected to comply with this sickness and absence procedure.
- 2.2 Staff must ensure medical advice and treatment is received as quickly as possible in order to facilitate a return to work.
- 2.3 To keep in regular touch (consistent with the employee's medical condition) and inform the Executive Officer/Chief Executive Officer or nominated person (or Chair in the case of sickness absence of the Chief Executive Officer), of any significant developments affecting the period of absence.

September 2018

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2.4 To attend medical appointments promptly.

3. SICKNESS NOTIFICATION PROCEDURE

3.1 The employee must contact the Executive Officer/Chief Executive Officer promptly to advise of any absence through sickness.

3.2 Brief details of the reason for absence and, if possible, some indication of a likely return to work date should be given during this contact. The position in relation to current workload should be discussed in order to help the Executive Officer/Chief Executive Officer make appropriate cover arrangements.

3.3 If the employee's absence is the result of an accident or an injury sustained at work, then this information must be made known. The employee should indicate if the incident has been reported, when it was reported and to whom.

3.4 If the employee is still unfit for work after three successive working days the employee must once again contact the Executive Officer/Chief Executive Officer on the fourth day of absence and advise them of the likely duration of the continued absence.

3.5 A self-certificate should be completed from not later than the fourth working day of absence.

3.6 A doctor's Statement of Fitness for Work (a "doctor's statement") must be provided by all staff where sickness absence lasts beyond 7 calendar days.

3.7 The doctor's statement must be forwarded to the Executive Officer/Chief Executive Officer to reach him/her on or before the eighth day of absence.

3.8 If more than one doctor's statement is required for any period of absence, the employee must keep the Executive Officer/Chief Executive Officer informed of developments on a weekly basis. The Executive Officer/Chief Executive Officer is also entitled to make reasonable contact with the employee during the sickness absence, whether or not the employee have complied with the requirement to make weekly contact. The purpose of maintaining such contact (whether on a weekly or reasonable basis) during such period of sickness absence is to ensure that the needs of the Charity are fulfilled, to give the employee the opportunity to indicate if there are any ways in

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which CST may be able to support the employee and to give them the opportunity (if they wish it) to be kept up to date with developments at work.

- 3.9 The requirement that the employee maintain weekly contact during any period of sickness absence may be relaxed by the Executive Officer/ Chief Executive Officer if a doctor's statement indicates that such contact would hamper the employee's return to work or, alternatively, by agreement between the employee and the Executive Officer/Chief Executive Officer.

4. RETURN TO WORK DISCUSSIONS

- 4.1 After **every** absence the Executive Officer/Chief Executive Officer must discuss with the employee:

- the reasons for the employee's absence
- whether the appropriate notification has been completed
- the employee's fitness to work; and
- whether there are any issues which require particular support from CST.

- 4.2 A record of this return to work discussion should be placed on the employee's personnel file.

- 4.3 The Executive Officer/Chief Executive Officer may use the return to work discussion as an opportunity to bring the employee up to date with developments within work during the absence.

- 4.4 Because of the nature of the employee's medical condition the employee may prefer not to discuss the reasons for absence with the Executive Officer and in that case the employee may hold the return to work discussion with the Chief Executive Officer.

5. OCCUPATIONAL HEALTH REFERRAL

- 5.1 The Executive Officer/Chief Executive Officer may, at any time considered appropriate, refer the employee to an Occupational Health Specialist for an assessment of:

- The employee's health
- Its impact on the employee's attendance at CST
- Its impact on the employee's fitness to perform their duties
- Its impact on the employee's ability to attend formal meetings or interviews under any other procedure particularly in the light of the guidance at page 20 of the

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Health and Work Handbook produced by the Faculty of Occupational Medicine,
Royal College of General Practitioners, Society of Occupational Medicine

- What steps could be taken to improve the employee's health and/or attendance

A referral to an Occupational Health Specialist is a supportive measure and the employee is expected to cooperate fully where such a referral is made. Occupational Health appointments will be scheduled during working time, where possible.

- 5.2 Before making any decision to dismiss the employee on notice under this Sickness Absence Policy and Procedure the Charity will have referred the employee for at least one Occupational Health assessment.
- 5.3 Notwithstanding Paragraph 5.2 above, if the employee decides not to engage in an Occupational Health referral the Charity will have no option but to proceed to make decisions without the benefit of medical advice.

6. PERSISTENT INTERMITTENT ABSENCE

- 6.1 Persistent intermittent sickness absence can be defined as frequent short-term absences from work that are normally sporadic and attributable to minor ailments, in many cases unconnected.
- 6.2 Managerial problems are created by the frequency of the absences and the reasons behind the absences. It can only be addressed effectively through proper monitoring systems and effective management action.

Triggers

- 6.3 Whilst each case of sickness absence should be considered individually and based on the employee's working arrangements, the following triggers will normally lead to a Formal Absence Review Meeting:
- 6.3.1 Sickness absence of 10 or more working days in any 12 month period, accrued over 3 periods of absence or more.
- 6.3.2 Sickness absence of 6 or more days accrued over 2 or more periods in any 4 month period.

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6.3.3 Two periods of sickness absence both lasting 4 or more days in any 12 month period.

6.3.4 Any levels of absence which show a trend or pattern e.g. Friday – Monday absences, monthly dates (e.g. last Friday every month) and any other notable dates.

7. LONG TERM ABSENCE

7.1 Long-term absence is where an employee is absent from work for a considerable number of weeks or months as the result of a serious health problem.

7.2 It can normally be distinguished from persistent intermittent absence in that it tends to be continuous and usually can be traced to an underlying medical condition.

Trigger

7.3 An absence lasting 4 working weeks will normally lead to a Formal Absence Review Meeting.

8. FORMAL ABSENCE REVIEW MEETINGS

8.1 Where a Formal Absence Review Meeting has been triggered in accordance with Paragraphs 6.3 or 7.3 above, the Chief Executive Officer will write to the employee inviting them to a Formal Absence Review Meeting. The employee will be given at least 5 working days' notice of such meeting. At the same time as sending the employee the letter inviting them to the meeting a copy of the Absence Report will also be sent which shall:

- Set out the employee's absences from work indicating the employee's reasons given for the absence
- Set out any suggestions made by the employee or the Chief Executive Officer to make reasonable adjustments to working arrangements that could reduce the employee's absence or assist the return to work
- Include copies of self-certificates, doctor's statements and all medical reports including any obtained from Occupational Health.

8.2 At a Formal Absence Review Meeting the employee will have the opportunity to:

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- Present any medical evidence in the employee's possession
- Make reasonable suggestions about managing the employee's return to work including any phased return to work, change or reduction of duties and/or working hours
- Make suggestions of other reasonable adjustments that could be made

9. FORMAL RESPONSES

9.1 The Chief Executive Officer will confirm the outcome of the Formal Absence Review Meeting in writing within 5 working days of the date of such meeting. The Executive Officer may, in addition to making an Occupational Health referral, make the following formal responses:

9.1.1 Reasonable adjustments to working arrangements

These will vary on a case by case basis depending on the medical condition identified.

9.1.2 A First Written Caution

9.1.2.1 In the context of a persistent intermittent absence this is a caution that if the employee are absent from work for two or more days in the period of the next six months the employee will be at risk of a Final Written Caution.

9.1.2.2 In the context of a long term sickness absence this is a caution that if the employee are not fully back to work within between 4-12 working weeks there will be a further Formal Absence Review Meeting. The precise number of working weeks will be set by reference to the available medical evidence.

9.1.3 A Final Written Caution

9.1.3.1 In the context of a persistent intermittent absence this is a caution that if the employee is absent from work at all in the period of the next six months the employee will be at risk of dismissal.

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9.1.3.2 In the context of long term sickness absence this is a caution that if the employee is not fully back to work within between 4-12 working weeks the employee will be referred to the Final Absence Review which could lead to dismissal. The precise number of working weeks will be set by reference to the available medical evidence.

9.2 The Final Absence Review Meeting will consist of a Panel of Trustees who may make the following responses:

9.2.1 Dismissal with Notice

In coming to such a decision in relation to a case of **persistent intermittent absence** the Panel will consider:

- (a) The total absence and pattern of absence
- (b) The available medical prognosis
- (c) Any advice from Occupational Health
- (d) The reasons advanced for the absence
- (e) How long the employee has worked for CST
- (f) Is the job a key job? If so, how long can CST effectively function without that contribution?
- (g) The additional demands the persistent intermittent absence has generated for other employees
- (h) Whether other reasonable adjustments have been considered
- (i) Whether other reasonable adjustments have been made and, if so, whether they were effective

9.2.2 In coming to such a decision in relation to a case of **long term absence** the Panel will consider:

- (a) The available medical prognosis
- (b) Any advice from Occupational Health
- (c) Is complete recovery likely and, if so, when?
- (d) How long the employee has worked for CST
- (e) Is the job a key job? If so, how long can CST effectively function without that contribution?
- (f) The additional demands the absence has generated for other employees

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- (g) Whether alternative employment or a transfer is available, suitable and acceptable
- (h) Whether ill-health retirement has been explored
- (i) Whether other reasonable adjustments have been considered
- (j) Whether other reasonable adjustments have been made and, if so, whether they were effective

9.2.3 In a case where the panel's decision is to terminate employment the Chief Executive Officer will be tasked take appropriate steps to terminate the employment.

9.3 In the event that employment is terminated as set out above:

9.3.2 The employee's contract of employment contains a garden leave clause the Chief Executive Officer may exercise that clause so that the employee is not required to attend work during the notice period but remain employed and so bound by the terms of the contract of employment until the expiry of the notice period; or

9.3.3 The Chief Executive may authorise payment in lieu of notice to bring the contract to an end with immediate effect.

9.4 The employee may appeal against a First Written Caution or a Final Written Caution by writing to the Chief Executive Officer within 5 working days of being sent the relevant caution.

9.5 The employee may appeal against a dismissal with notice by writing to the Chief Executive Officer within 10 working days of being sent the notification of termination.

9.6 The Appeal Hearing will be before a new Panel of Trustees.

9.7 Any appeal letter lodged in accordance with Paragraphs 9.4 or 9.5 above must set out the grounds of the employee's appeal in detail.

9.8 The fact of the appeal does not delay the commencement of any period under any caution or of any notice period.

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- 9.9 Any appeal should normally be heard within 20 working days of the receipt of the employee's appeal letter.
- 9.10 The Panel is not required to hear oral evidence and may rely on written evidence.
- 9.11 If the Panel does decide to hear oral evidence, the employee will be given an opportunity to comment on it either by (a) attending the meeting or (b) reviewing the notes of that oral evidence after the meeting (if the employee were not present at the meeting where such oral evidence was given). In the event of (b) the employee must provide any response to the notes of the oral evidence within 5 working days of receipt of the same.
- 9.12 The Chief Executive Officer will confirm the outcome of the Appeal Meeting in writing to the employee within 5 working days of the date of the Appeal Meeting. The decision of the Panel is final and there will be no further right of appeal. The outcomes of the Appeal Meeting are that:
- the Panel may uphold the decision of the previous Panel; or
 - the Panel may uphold the employee's appeal, overturn the decision of the previous Panel and refer the matter back to the Chief Executive Officer for reconsideration

10. REPRESENTATION

- 10.1 If the employee is the subject of This Sickness Absence Policy and Procedure leading to a meeting within this policy, the employee may be accompanied at such interview or meeting by a Trade Union representative, friend or companion.
- 10.2 The employee must let the Chief Executive Officer know who the representative will be at least one working day before any interview or meeting.
- 10.3 If the employee has any particular reasonable need, for example, a disability, the employee can also be accompanied by a suitable helper.
- 10.4 The employee's representative can address the relevant interview or meeting in order to:
- (a) put the employee's case
 - (b) sum up the employee's case

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(c) respond on the employee's behalf to any view expressed at the relevant interview or meeting; and

(d) ask questions on the employee's behalf

10.5 The employee's representative can also confer with the employee during the relevant interview or meeting.

10.6 The employee's representative has no right to:

(a) answer questions on the employee's behalf

(b) address the relevant interview or meeting if the employee does not wish it;
or

(c) prevent the employee from explaining their case

10.7 Where the employee has identified a representative and they has confirmed in writing to the Chief Executive Officer that they cannot attend the date or time set for the relevant interview or meeting, it will be postponed for no more than five working days from the date set to a date or time agreed with the employee's representative provided that it is reasonable in all the circumstances. Should the employee's representative subsequently be unable to attend the rearranged date, the meeting may be held in their absence or written representations will be accepted.

10.8 Such meetings will not normally be arranged for days when the employee are not in work. If the allegations are sensitive the Chief Executive Officer may hold the interview or meeting away from the workplace.

11 OCCUPATIONAL SICK PAY

11.1 CST will pay the following occupational sick pay in accordance with the requirements stated within this policy and payment includes any entitlement to Statutory Sick Pay (SSP). Benefits will be paid pro rata for part time staff.

- During the first 6 months of employment: 2 weeks full pay and 2 weeks half pay
- Between 6 months employment and up to 2 years' employment: 13 weeks full pay and 13 weeks half pay.
- After 3 years' employment: 26 weeks full pay and 26 weeks half pay.

11.2 During periods of sickness absence, within any leave year, annual leave will continue to accrue. The annual leave rules apply to accrued leave at the end of the leave year i.e.

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only 3 working days accrued leave may be carried into the following year. All leave accrued is pro rata to the hours worked.

12 REVIEW

This procedure may from time to time be reviewed and amended or updated in the light of working experience, employment law and case law and the circumstances of the Charity. An up-to-date copy will be retained in the workplace for staff perusal.

Authorised signatory

Date 21 September 2018; Revised 2 November 2018

Date of review: July 2019

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