

Sickness Absence Policy

This policy is effective in all Academies within the Learning without Limits Academy Trust and the Trust Central Team. Where the term 'Trust' is used in this policy, it covers all Academies and the Trust Offices.

Associated Policies:	
Capability Procedure	Staff Behaviour (Code of Conduct) Policy
Disciplinary Policy	Staff Expectations Policy
Grievance Procedure	Whistleblowing Policy
Leave of Absence Policy	

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the event of ill health difficulties. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work. However, high levels of sickness absence (be it persistent short-term, unusual patterns of absence or long-term occurrences) can have a significant negative impact. Therefore, it may be necessary to take appropriate action, which could lead to dismissal, if the length or frequency of absence becomes unsustainable.

1.5. This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. We may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.

1.6. It is the responsibility of management to monitor sickness absence and to respond effectively to actual and potential problems. It is the responsibility of Trust Leaders, Academy Principals and all levels of management to raise awareness of the effect of sickness absence levels on the quality and continuity of teaching and learning and other aspects of the effectiveness of the work of the Trust. In addition, managers have a clear obligation placed on them to identify and address problems in the work environment and/or job factors that may be contributing to staff absence.

1.7. No action will be taken under the formal part of this Sickness Absence Policy against a trade union representative without prior discussion with an appropriate trade union officer.

1.8. As part of the application of this policy, the Trust will collect, process and store personal data and special categories of data in accordance with our data protection policy. We will comply with the requirements of the Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (until 23rd May 2018) and until the GDPR is no longer directly applicable.

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6.5.1 Any sickness absence that is notified to them is recorded and reported to the Principal/CEO, AOM or HR Lead as appropriate, as soon as possible.

6.5.2 Arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).

6.6. You should expect to be contacted during your absence by either your line manager, HR Admin, AOM or Principal who will want to enquire after your health and be advised, if possible, as to your expected return date.

7. Evidence of Incapacity

7.1. If the absence continues for less than eight days

8.2. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.

8.3. If you do not report for work and have not contacted the Principal/CEO, your line manager, AOM or HR Lead to explain the reason for your absence, your line manager, AOM or HR Lead will try to contact you, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

9. Sick Pay

9.1. You should refer to your contract for details of the sick pay to which you are entitled.¹

9.2. Failure to properly report your absence or to provide medical or self-certification could lead to your pay being suspended.

10. Keeping in Contact During Sickness Absence

10.1. If you are absent on sick leave you should expect to be contacted from time to time by your line manager, AOM or HR Admin in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention, for example, an ongoing project that is urgent and will need to be dealt with in your absence. Such contact is part of the Trust's duty of care to its employees and is intended to provide reassurance and will be k.7 (c) ()9.7 (r) 1Whe re a a9 (a) b3 2 (r) 1Aa f 0 Td (p) 3 (as) 9.5 (e) (c) the enable minimum

contact method, for example phone call, v airal meeting ortext message, andgulari(a)-3(ey)TJ0 Tc 0 Tw 5.652 0 Td()Tj-0.001

10.2. If you have a nycinomey rism while absent on sick.-5.5 (l)-3.2 (e)-6 (a)7.6 (v)-8.6 (e)4.9 (,)-4 (w)4.4 (h)-0.7 (e)-6 (t

10.3. We ae offer access to confiden1eial counselling, which is available on reques1e. Each member of s1eaff mus(a)-3(e b)e regis(8 (e)-4.4 (re)-3 (d)2.)14 bey 1eheir Academy, or (a)-3(eh)ee Trus(a)-3(e fo)-6.7 (

_____ Full dee1etails of all employee wellbeing services and benefits can be found at [www.lwla\(a4\(.o\)-7.6\(r\)-0.8\(g\)1.6\(.u\)1.3\(k\)JEMC ETBT/Span AMCID 66 BDC 0](http://www.lwla(a4(.o)-7.6(r)-0.8(g)1.6(.u)1.3(k)JEMC ETBT/Span AMCID 66 BDC 0) examina1eion by our Occupa1eional Heal1eh provi1eour expensee).

10.4.2 You will be asked 1o agree tehat any reporte produced in connection with any s examination may bee disclosed teo us and tha1 we may discuss the conteents o repor1e wi1eh our advisers and 1ehe relevan1e doc1eor.

¹ Con1raec1s aere written 1o aedhere 1o the Buerguendy/Green book 1o refler1 aeny naetior1aegreemen1s

12. Returning to Work from Long-term sickness absence

We are committed to helping employees return to work from long-term sickness absence. As part of the sickness absence discussions we will, where appropriate and possible, support returns to work by:

- 12.1.1 Obtaining medical advice.
 - 12.1.2 Referring to a recent Occupational Health report, independent specialist or GP report.
 - 12.1.3 Making reasonable adjustments to the workplace, working practices and working hours, including a time-limited phased return to work.
 - 12.1.4 A phased return to work will often be a recommendation of an occupational health advisor or the employee's GP.
 - 12.1.5 Employees will receive their full pay on the phased return. Phased returns to work should be for a maximum of six weeks. In the event an employee requests that the phased return is extended beyond six weeks, a dialogue should be held with the employee in regards to a temporary contractual change being made to their working hours to accommodate the request and their pay adjusted accordingly.
 - 12.1.6 Considering redeployment; and/or
 - 12.1.7 Agreeing a return to work programme with everyone affected.
- 12.2. If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract and/or any insurance schemes we operate.
- 12.3. If a disclosure is found to be malicious or vexatious then formal disciplinary action/ investigation may follow.

13. Sick Leave and Annual Leave

- 13.1. This section only applies to non-teaching staff on all year round 52 week contracts. Each case will be considered on an individual basis with contractual obligations and the business needs of the Trust taking precedence in the decision making process.
- 13.2. If you become sick or injured while on annual leave such that you would be unfit for work you may ask us to treat the period of incapacity as sick leave and reclaim the annual leave.
- 13.3. To be able to claim Trust sick pay you must notify your line manager, AOM or HR Lead of your incapacity immediately, and the usual requirements for medical evidence in this policy will also apply, even if you are abroad.
- 13.4. If you are on sick leave you may choose to cancel any pre-arranged annual leave that would otherwise coincide with your sick leave. You should notify your Principal/CEO, line manager, AOM or HR Lead as soon as possible that you wish to do this.
- 13.5. If your period of sick leave extends into the next holiday year, or if there is not enough time left in the current holiday year to make it practicable to take your remaining holiday

entitlement, you can carry any unused holiday entitlement over to the following leave year up to a maximum of 5 days.

14. Sickness Absence Procedures

In managing short term absence any action taken should be fair, reasonable, and justifiable in the particular circumstances. Advice and support is available from Human Resources at any stage.

Note: If a manager has cause to believe that an employee's absence is not due to sickness the Trust's Disciplinary Procedure should be invoked.

- 14.2. On each occasion an employee is absent the manager should consider (having reviewed the employee's previous absence record and taking account of previous return to work discussions) whether the level of absence is unacceptable.
- 14.3. Each individual case should be considered carefully by the line manager, AOM or HR Lead and an assessment of the individual's absence record should first be undertaken to determine whether:
 - their record indicates the likelihood of future absences, for example apparent general poor health with a variety of ailments
 - their record indicates a disabling health problem
 - their absences could have been attributable to work related incidents or situations
 - their absences result from a disability or a common ailment that may have exacerbated an existing disability
 - their record indicates a discernible pattern
 - there are other mitigating circumstances
- 14.4. Where the manager considers that the level of absence is unacceptable, at the return to work discussion following the latest absence (subject to anything revealed in that meeting), they should advise the employee that the formal absence management procedure is to be invoked. The manager should explain the procedure to the employee and the potential consequences if their attendance does not improve to an acceptable level.
- 14.5. Unless mutually agreed, we will give you five working days written notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.
- 14.6. The meeting will be conducted by your line manager, AOM or HR Lead and will normally be attended by a Trust HR representative. You may bring a companion with you to the meeting (see paragraph 15).
- 14.7. You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform line manager, AOM or HR Lead who will seek to agree an alternative time.

~~14.9~~ Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within five working days of a sickness absence meeting (unless

19.4. You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.

19.5. Where practicable, an appeal meeting will be conducted by a Line Manager, AOM or HR Lead senior to the individual who conducted the sickness absence meeting.

19.6. Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.

19.7. Following an appeal, the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible, within five working days of the appeal meeting. There will be no further right of appeal.

19.8. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

20. LwLAT Wellbeing Statement

20.1. The Trust will always put the effective education of our learners at the heart of any decision that we make. In doing so, we recognise that the requirement to adhere to policies and procedures may be time consuming and can impact on workload. For this reason the Trust and its Academies will always endeavour to support staff when policies and procedures are being actioned.

21. Review of this policy

21.1. This policy is reviewed annually, or sooner if required by new or statutory legislation, by the Trust Board in consultation with the recognised trade unions. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.