



## Sickness Absence Policy

*Effective from:*

**December 2025**

*Approved by:*

**People & Culture Committee**

*Responsibility:*

**Director of People and Organisational Development**

### Policy changes since the last review

- Inclusion of enhanced sick pay entitlements for Teaching and Associate Staff for ease of access to this relevant information.
- An amendment to return to work interviews, moving this from a return to work interview after 2 days of sickness absence, to a return to work interview after every period of sickness absence, regardless of length of time.
- Clarified the triggers that may result in a formal absence review meeting, particularly those relating to long-term absence.
- Clarified the reasons when the absence will trigger a Stage 2 and/or Stage 3 meeting.
- Amended the appeals section to clarify that an appeal will need to be a more senior leader than the person doing the formal absence review meetings and adding in a section to cover a situation where the Headteacher may do the formal absence review meetings.

### Review process:

This policy will be reviewed according to The Mercian Trust's Policy Schedule outlined in its Scheme of Delegation. If there are any changes in legislation or legal requirements, an earlier review will be conducted to ensure compliance and relevance.



## **1 INTRODUCTION**

- 1.1 This policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.2 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.3 We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. 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.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation, where required. We may also vary the procedures set out in this policy, including any time limits, as appropriate in any case.
- 1.5 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 Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time, in relation to how we collect, hold and share special category personal data. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Distribution Policy and in line with the requirements of Data Protection Legislation.

## **2 SCOPE AND PURPOSE**

- 2.1 This policy has been agreed in consultation with the recognised trade unions and covers all employees at all levels and grades regardless of status except those employees who are in their probationary period.
- 2.2 The purpose of the policy is to ensure that staff understand the expectations of the Trust in terms of attendance at work. In applying this policy, we aim to ensure that attendance is managed appropriately and consistently and that employees receive relevant support.

## **3 DEFINITIONS**

- 3.1 Short-term sickness absence - any absence that lasts between half a working day and 20 working days.
- 3.2 Long term sickness absence - any absence that lasts for a continuous period of longer than 20 working days.

## **4 DISABILITIES**

- 4.1 We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out in paragraph 14 of this policy), 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.
- 4.2 If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform your line manager.

## **5 SICKNESS ABSENCE REPORTING PROCEDURE**

- 5.1 All employees are required to follow the reporting procedure set out below.

- 5.2 If you are taken ill or injured while at work, you should report this immediately to your line manager. Managers should contact the relevant person to make arrangements for anyone who is unwell to be accompanied home and/or to receive medical treatment where necessary.
- 5.3 If you cannot attend work because you are ill or injured, you should use the protocol relevant to your school or site following the agreed local arrangements for reporting your absence as soon as possible. This will help enable the school and/or your manager to make the relevant cover arrangements.
- 5.4 The following details should be provided:
  - 5.4.1 The nature of your illness or injury.
  - 5.4.2 The expected length of your absence from work.
  - 5.4.3 Contact details
  - 5.4.4 Summary of any outstanding or urgent work that requires immediate attention, including information in relation to student work that needs covering.
- 5.5 Contacting us by social media, text message or email to notify your absence is not acceptable.
- 5.6 **Managers** should ensure that:
  - 5.6.1 Any sickness absence that is notified to them is recorded and reported to HR.
  - 5.6.2 Arrangements are made, where necessary, to cover work and to inform colleagues (while maintaining confidentiality).
  - 5.6.3 The absence is entered onto the relevant school or central system.

## 6 HOLIDAYS AND SICKNESS

- 6.1 If you are ill or injured during a period of pre-arranged annual leave you may elect to treat the days of incapacity as sickness absence instead of annual leave. You must inform your manager of your incapacity and its likely duration, and follow the normal sickness absence notification procedure, as soon as possible even if you are abroad. The usual requirements for self-certification and medical certificates in this policy will apply. If approved, you will be able to take your holiday at another time, but you may also have to repay the holiday pay that you received.
- 6.2 To be able to claim enhanced sick pay you must notify your line manager or a HR representative of your incapacity immediately, and the usual requirements for medical evidence in this policy will also apply, even if you are abroad
- 6.3 When you are off work sick, you continue to accrue holiday. You are able to contact us to request holiday whilst you are off sick. In such cases, you will be paid holiday pay rather than sick pay for the days which you request to be treated as holiday.

## 7 EVIDENCE OF INCAPACITY

- 7.1 For sickness absence of up to seven calendar days you must complete a self-certification form at the earliest possible opportunity on day 1. This form is available from the Headteacher's PA or your line manager (if you are in the Central MAT teams).
- 7.2 For absence of more than seven calendar days you must obtain a certificate from an eligible healthcare professional (a 'Statement of Fitness for Work') stating that you are not fit for work and the reason(s) why. This should be forwarded to your line manager or HR as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence, including where your absence is over a school closure/holiday period.

- 7.3 If your healthcare professional provides a certificate stating that you 'may be fit for work' you should inform your line manager or HR immediately. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your healthcare professional's advice. This may take place at a return to work interview (see paragraph 12). If appropriate measures cannot be taken, you will remain on sick leave, and we will set a date to review the situation.
- 7.4 Where we are concerned about the reason for absence, or frequent short-term absence, we may require a medical certificate for each absence regardless of duration. In such circumstances, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.
- 7.5 Where an employee is absent immediately prior to a Trust closure period, they will continue to be deemed as being absent for the purposes of recording sickness and statutory and/or contractual sick pay during the Trust closure period, unless they provide a fit note:
- Absences of less than 7 calendar days require a self-certification sick note via an email sent to their line manager indicating they are fit to return to work
  - Absences of 7 calendar days or more will require a doctor's sick note indicating they are fit to return to work. The cost of a fit note will be covered by the Trust if applicable on production of a doctor's invoice.
- 7.6 If you are undergoing an elective or cosmetic surgery or procedure for which you will be absent from work, then any entitlement to Academy sick pay (as set out in paragraph 9) will be subject to receipt of satisfactory medical evidence. This medical evidence will need to be in the form of a report from your doctor or a specialist confirming that you are undergoing the procedure on medical advice. You may be required to take annual leave for any absence related to a purely elective procedure.
- 7.7 Where absence appears to be as a result of an infectious disease the Trust reserves the right to obtain medical evidence to ascertain whether the infection was directly attributable to the workplace.

## **8 UNAUTHORISED ABSENCE**

- 8.1 If you do not report for work and have not telephoned your line manager to explain the reason for your absence, your line manager or HR will try to contact you and/or your emergency contacts (if this is deemed appropriate and necessary), by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.
- 8.2 Cases of unauthorised absence will be dealt with under our Disciplinary Procedure unless exceptional circumstances can be proven e.g. emergency hospitalisation.
- 8.3 Absence that has not been notified according to the sickness absence reporting procedure or is not covered by required supporting evidence (for example, a fit note) will be treated as unauthorised absence.

## **9 SICK PAY**

- 9.1 You should refer to your contract for details of the enhanced sick pay to which you are entitled. In most cases for Teaching staff this will be in line School Teachers Pay and Conditions Document and for Associate staff this will be in line with National Joint Council agreement. See tables below;
- 9.2 Teaching Staff

Service	Enhanced Sick Pay
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During first year of service	Full pay for up to 25 calendar days, and half pay for up to a further 50 calendar days
During second year of service	Full pay for up to 50 calendar days, and half pay for up to a further 50 calendar days
During third year of service	Full pay for up to 75 calendar days, and half pay for up to a further 75 calendar days
During fourth year of service and subsequent years	Full pay for up to 100 calendar days, and half pay for up to a further 100 calendar days

### 9.3 Associate Staff

Service	Enhanced Sick Pay
During probation period	No entitlement
During first year of service, subject to successful probation	One month's full pay and two months half pay
During second year of service	Two months' full pay and two months' half pay
During third year of service	Four months' full pay and four months' half pay
During fourth and fifth year of service	Five months' full pay and five months' half pay
After five years' service	Six months' full pay and six months' half pay

- 9.4 If a period of sickness absence is, or appears to be, occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, you must immediately notify your line manager and HR of that fact and of any claim, compromise, settlement or judgement made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, you must cooperate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.

- 9.5 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 We expect you to maintain regular contact with us during any period of sickness absence. If you are absent on sick leave you should expect to be contacted from time to time by your line manager or HR in order to discuss your wellbeing, expected length of continued absence from work and if any of your work requires attention by a colleague in your absence. Such contact is intended to provide reassurance and will be kept to a reasonable minimum, take into account the reason for absence and any medical advice given in relation to maintaining contact. Failure

to maintain contact or a refusal to maintain contact, without a reasonable reason, may be treated as misconduct and dealt with under the Disciplinary Procedure.

- 10.2 If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager or HR at any time.
- 10.3 We offer access to confidential counselling, which is available for anyone affected by, or accused of, bullying or harassment. Should you wish to access the external counselling service, please contact Vivup directly on: Telephone 03303 800 658.
- 10.4 We expect you to cooperate with our requests for updates on your condition and expected length of absence.

## **11 MEDICAL EXAMINATIONS**

- 11.1 We may, at any time in operating this policy, ask you to attend a medical examination by our Occupational Health providers and/or a doctor nominated by us (at our expense).
- 11.2 We will ask for your consent for our nominated occupational health provider and/or doctor to have full access to medical reports. You do not have to consent, but if you don't, this may result in decisions being made in the absence of any medical information. In some circumstances disciplinary action may be taken where you do not cooperate with the sickness absence process.
- 11.3 In the event of a difference of opinion between an employee's GP or other healthcare professional and the Trust's occupational health advisors, regarding an employee's fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent absences, the OH advisor's advice will normally take precedence. In some cases, an independent medical advisor may be asked to give a second opinion.
- 11.4 This process is in line with our Workforce Academy Privacy Notice which sets out how we will gather, process and hold special category personal data of individuals during employment.

## **12 RETURN-TO-WORK INTERVIEWS**

- 12.1 Return to work interviews will be carried out by your line manager after each sickness absence, regardless of the length of absence. In most cases these will be informal check-ins, if the length of absence is short (1-3 working days) and infrequent.
- 12.2 A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.
- 12.3 Where your doctor has provided a certificate stating that you 'may be fit for work' we will hold a return-to-work interview to discuss any additional measures that may be needed to facilitate your return to work, taking account of your healthcare professional's advice.

## **13 RETURNING TO WORK FROM LONG-TERM SICKNESS ABSENCE**

- 13.1 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see section 14), we will, where appropriate and possible, support returns to work by:
  - 13.1.1 Obtaining medical advice;
  - 13.1.2 Making reasonable adjustments to the workplace, working practices and working hours, including a time-limited phased return to work.

- 13.2 A phased return to work will often be a recommendation of an occupational health advisor or the employees GP.
- 13.3 Employees will receive their full pay on the phased return. Phased returns to work should be for a maximum of 2 working weeks. In the event an employee requests that the phased return is extended beyond 4 working weeks, a dialogue will 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.
- 13.4 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.

## **14 SICKNESS ABSENCE MEETINGS PROCEDURE**

- 14.1 We may apply this procedure whenever we consider it necessary, including, for example, if you:
- 14.1.1 Have been absent due to illness on a number of occasions (short term absence) in line with the following triggers for action:
- Three or more occasions in a three-month period
  - 10 or more days in any rolling 12 months
  - Or any other pattern that causes concern e.g. you are frequently off work due to illness on Fridays or Mondays
  - The policy may still be applied where the employee persistently falls just below the trigger points and where the absence is perceived to be a problem.
- 14.2 Have been absent from work for longer than 20 working days (long term absence) and you have already had an informal absence review meeting with us to discuss the reason for your absence and any help or assistance that we may be able to provide. In cases of long term sickness absence, we may, at any point during your absence, seek to obtain a medical opinion regarding your condition and likely timescale for recovery. This request may be made at our first informal meeting with you or at any time during your absence from work. Any request will be processed in line with the 'medical opinion' section.
- 14.3 Consideration should be given to adjusting triggers for employees who have different working patterns. In consultation with HR and based on any advice from medical professionals including Occupational Health, consideration will also be given to adjusting triggers for employees with a disability. Pregnancy related absences should be discounted when calculating triggers.
- 14.4 If a trigger point is hit, then you will generally be invited to a formal hearing at which your absence levels can be discussed.
- 14.5 We will give you five 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 and may be attended by a member of the HR team 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 or should you require any reasonable adjustments to be made to enable you to attend the meeting, you should immediately inform your line manager or a HR representative who will seek to agree an alternative time and/or make any reasonable adjustments that are possible.

- 14.8 This meeting will provide an opportunity to take an in-depth look at the reasons, impact and possible solutions in respect of your absence. We will always approach such meetings supportively, with the aim of understanding and addressing any underlying problems which are contributing to high absence levels. Having looked at all options available, one outcome of this meeting may be the imposition of a warning. We will explain the improvement we require and what support we will provide to help you with this. You will then be set a target for improved attendance in line with the system set out above. You have the right to appeal any warning issued. The same process of meeting, warning and right of appeal will be followed at each stage of the absence management process. If, following the imposition of a final written warning, absence remains an issue and avenues for support have been explored, a final formal meeting may result in the termination of your employment with notice.
- 14.9 A meeting may be adjourned if your line manager or a HR representative is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 14.10 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 as soon as is practicable.
- 14.11 Formal warnings issued for sickness will remain live for a period of 12 months from the date of issue, during which time further absences beyond the review period would be dealt with either at the next stage of the procedure or by an extension of the current live warning. If further absences occur shortly after the end of the 12-month period (or any extended warning), we reserve the right to deal with the matter at the same stage of the procedure and not return to earlier stage.
- 14.12 If, at any time, your line manager or a HR representative considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

## **15 RIGHT TO BE ACCOMPANIED AT MEETINGS**

- 15.1 You may bring a companion to any meeting or appeal meeting under this procedure.
- 15.2 Your companion may be either a trade union representative or a work colleague. You should provide their details to your line manager or a HR representative conducting the meeting, in good time before it takes place.
- 15.3 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 15.4 We may at our discretion permit other companions (for example family members) where this will help overcome particular difficulties caused by a disability or difficulty understanding English.
- 15.5 Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting. Companions should not normally work at another school/site, unless no-one reasonably suitable is available at the school/site at which you work.
- 15.6 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

## **16 STAGE 1: FIRST SICKNESS ABSENCE MEETING**

- 16.1 This will follow the procedure set out in paragraphs 14 and 15 on the arrangements for and right to be accompanied at sickness absence meetings.

- 16.2 The purposes of a first sickness absence meeting may include:
- 16.2.1 Discussing the reasons for absence.
  - 16.2.2 Where you are on long-term sickness absence, determining how long the absence is likely to last.
  - 16.2.3 Where you have been absent on a number of occasions, determining the likelihood of further absences.
  - 16.2.4 Considering whether medical advice is required or, if already obtained, what that advice is.
  - 16.2.5 Considering what, if any, measures might improve your health and/or attendance.
  - 16.2.6 Determining a way forward, action that will be taken and a time-scale for review, and/or a further meeting under the sickness absence procedure.
- 16.3 An outcome of a Stage 1 meeting may include the issuing of a written warning that your employment may be at risk if your attendance does not improve.

## **17 STAGE 2: FURTHER SICKNESS ABSENCE MEETING(S)**

- 17.1 Depending on the matters discussed at the first stage of the sickness absence procedure and the outcome of that meeting, a further meeting or meetings may be necessary if your sickness levels don't improve within the required timescale or remain a concern. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in paragraphs 14 and 15 on the arrangements for and right to be accompanied at sickness absence meetings.
- 17.2 The purposes of further meeting(s) may include:
- 17.2.1 Discussing the reasons for and impact of your ongoing absence(s).
  - 17.2.2 Where you are on long-term sickness absence, discussing how long your absence is likely to last.
  - 17.2.3 Where you have been absent on a number of occasions, discussing the likelihood of further absences.
  - 17.2.4 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.
  - 17.2.5 Considering your ability to return to/remain in your job in view both of your capabilities and the needs of the Trust and any adjustments that can reasonably be made to your job to enable you to do so.
  - 17.2.6 Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
  - 17.2.7 Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a phased return to work programme.
  - 17.2.8 If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.

- 17.2.9 Determining a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.
- 17.3 An outcome of a Stage 2 may include the issuing of a final written warning that your employment may be at risk if your attendance does not improve.

## **18 STAGE 3: FINAL SICKNESS ABSENCE MEETING**

- 18.1 Where you have been warned that you are at risk of dismissal and the improvement has not been made within the required timescale or your sickness levels remain a concern, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out in paragraphs 14 and 15 on the arrangements for and right to be accompanied at sickness absence meetings.
- 18.2 The purposes of the meeting will be:
- 18.2.1 To review the meetings that have taken place, the matters discussed and warnings issued.
  - 18.2.2 Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
  - 18.2.3 To consider any further matters that you wish to raise.
  - 18.2.4 To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
  - 18.2.5 To consider if ill health retirement is a possibility where medical advice is clear it is unlikely that an employee will be fit to return to their role in the near future.
  - 18.2.6 To consider the possible termination of your employment.
  - 18.2.7 Any termination of employment will normally be with full notice or payment in lieu of notice.

## **19 APPEALS**

- 19.1 You may appeal against the outcome of any stage of this procedure, and you may bring a companion to an appeal meeting (see paragraph 16).
- 19.2 An appeal should be made in writing, stating the full grounds of appeal, your line manager or a HR representative within five working days of the date on which the decision was sent to you.
- 19.3 Unless it is not practicable, you will be given five working days written notice of an appeal meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.
- 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 leader more senior than the individual who conducted the final sickness absence meeting or by a senior leader within the Trust, if a Headteacher has conducted the sickness absence meeting. HR will also be in attendance.

- 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 Reasons for appeal are unfair process, sickness policy not applied correctly, unreasonable outcome based on the evidence presented and considered or where there is new evidence to present.
- 19.8 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 and where practicable, within five days of the appeal meeting. There will be no further right of appeal.
- 19.9 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 of service or pay.

## **20 REVIEW OF POLICY**

- 20.1 This policy is reviewed every 2 years by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.