

## Staff Sickness and Absence Policy

Date Prepared	Term 5 2019	
Author	G Chisnell CEO	
Checked by (Trustee)	S Smith	
Date ratified	13 July 2021	
Review date	Term 6 2022	
Item	Title	Page
1	Aims	1
2	Contractual Sick Pay	1
3	Statutory Sick Pay (SSP)	2
4	Grant of sick pay to victims of crimes of violence	4
5	Infectious disease	4
6	Absence and accidents	4
7	Returning to work	6
	Appendix A – Return to work form	8

### 1. Aims

This policy aims to ensure that absence is managed in a consistent, supportive and effective way so that the highest quality of provision is maintained for the pupils and that staff are supported to return to work. As a trust, staff operate under the equivalent terms and conditions outlined in the Kent Scheme. This policy applies to all employed staff across Veritas Multi Academy Trust.

### 2. Contractual Sick Pay

Entitlement to contractual sick pay is based on your length of service: -

Sick Pay Entitlement	Service Required
1 month full pay	Up to 4 months' service
1 month full pay + 2 months 1/2 pay	During year 1 (after 4 months' service)
2 months full pay + 2 months 1/2 pay	During year 2
4 months full pay + 4 months 1/2 pay	During year 3
5 months full pay + 5 months 1/2 pay	During year 4 & 5
6 months full pay + 6 months 1/2 pay	After year 5

### Temporary Staff

If you are employed on a temporary basis of 4 months or less you are only entitled to statutory sick pay or incapacity benefit depending on your earnings.

If you are a temporary member of staff and have been employed for a continuous period of more than 4 months you will be entitled to Veritas Multi

Academy Trust's contractual sick pay benefits detailed above (depending on the length of your contract).

### **Extending Contractual Sick Pay**

Sick pay may only be extended in exceptional circumstances. There are no common criteria for considering requests, as it is dependent on your individual circumstances. However, examples include extending pay when an individual has a life-threatening or terminal illness or where there is a clearly, defined return to work date specified by Occupational Health. The decision to extend statutory sick pay must be approved by the trust CEO.

### **Calculation of Contractual Sick Pay Entitlement**

Continuous service is taken into account to determine the period of sickness entitlement received.

Sick pay is calculated on a rolling year, therefore the combined amount of paid sick leave taken in the previous 12 months is calculated on the first day of new absence and deducted from the allowance.

State benefits payable by the Department of Social Security (DSS) in accordance with Social Security Acts and Regulations are offset against contractual sick pay. Staff have an obligation to declare their entitlement to any of these benefits and any subsequent alteration to the circumstance the entitlement is based on.

Sick pay continues to be paid for public holidays unless the allowance is exhausted. In this instance, no payment will be made other than Statutory Sick Pay (SSP) if applicable, unless a period of annual leave has been agreed which covers the public holiday.

In determining normal pay during sick leave, Veritas MAT will include:

- Regular overtime payments made to a staff member where their terms of employment provide that they must, each month, work hours in excess of usual hours (and for which overtime payment is made as a regular addition to salary) and
- Regular payments e.g. acting-up payments, standby duty
- Any enhancements which have formally been agreed via a business case for 'out of hours' working will not be paid during periods of sick leave.

### **Accrual of Annual Leave Entitlement**

Annual leave accrues during sick leave and you may request to take leave during a period of sickness absence.

### 3. Statutory Sick Pay (SSP)

Veritas MAT, via the academy in which the staff member is employed, is responsible for paying SSP to you for up to 28 weeks sickness absence, after which period the staff member must claim sickness benefit from the DSS. Payment of SSP is included with your salary and subject to PAYE income tax, National Insurance and pension contributions.

#### Conditions of SSP

SSP is paid where the staff member has taken 4 days of sickness in a row (including Saturdays, Sundays, public holidays and rest days). If the staff member has taken less than 4 days sick leave you will not be entitled to SSP.

SSP is payable for qualifying days and for Veritas MAT there are 7 qualifying days in a week. This applies to staff members whether full-time or part-time, so they may receive SSP for days when they would not have been required to work.

#### Payment of SSP

The payslip will detail SSP paid and if the staff member is entitled to contractual sick pay SSP will be offset against this. Where entitlement to contractual sick pay has reduced to half pay the staff member will receive SSP in addition, providing this does not exceed full pay.

#### Non-Payment of SSP

Staff are not entitled to SSP in the following circumstances:

- if the average weekly earnings over the previous 8 weeks are below the lower weekly earnings limit for National Insurance Contributions
- if the employee is off sick within 8 weeks or less of a previous SSP claim (or certain other benefits)
- if the employee has already had 28 weeks SSP in one spell of sickness, or in linked spells, or from a previous employer
- if the employee is on maternity leave or entitled to receive maternity related payments on the first day of sickness
- if the employee is in legal custody
- if the employee is on strike on the first day of absence.

If the employee is not entitled to SSP Employee Service Centre will send them the appropriate forms and it is then their responsibility to pursue any further claim for benefit with the DSS. If they receive further benefits they must give Employee Service Centre evidence of this in order for their pay to be adjusted accordingly.

## **Withdrawal of Sick Pay**

Where the employee does not observe the conditions of the sick pay scheme or they are guilty of conduct prejudicial to recovery, including during any period of annual leave taken whilst you are sick, disciplinary action may be taken and sick pay withdrawn.

## **4. Grant of Sick Pay to Victims of Crimes of Violence**

If the employee is absent from work due to an injury sustained through violent crime, Occupational Sick Pay and/or SSP will be paid regardless of whether a claim has been made to the Criminal Injuries Compensation Board. Where an award is made to the employee, they are not required to refund any proportion to Veritas MAT.

However, where an award has been made by the Compensation Board, Veritas MAT can discount any sick leave taken as a result of the injury when calculating the sick pay entitlement.

## **5. Infectious Diseases**

If the employee has come into contact with an infectious disease that could present a public health risk, they must seek advice from a GP and not attend work if any symptoms are experienced. In these circumstances your absence will not be deducted from your entitlement to normal sick leave.

## **6. Absence and Accidents**

### **Contractual Sick Pay**

Contractual sick pay allowance is not payable to the employee if they are absent from work as a result of sickness or injury sustained either:

- through active pursuit of sport as a profession, or
- if the employee has intentionally placed themselves at risk.

### **Absence Related to a Work Injury**

The employee will receive normal sick pay if you injure yourself whilst at work, but this needs to be recorded separately from your normal ill health absence.

### **Third Party Accidents**

If the employee is has had an accident which has caused them to report in sick they are not entitled to receive sick pay if damages are potentially recoverable from a third party. The employee will be given the opportunity to apply for an advance in lieu of sick pay that will need to be repaid to Veritas MAT or academy when damages are received.

Where a refund of the advance is made in full, the period of absence will not be recorded. Where the refund is partially made, Veritas MAT may at its discretion decide what (if any) period of absence should be recorded.

Recovery of damages must be dealt with in this way to enable you to claim the loan as part of any damages, as they must be repaid to Veritas MAT. If the employee received sick pay equivalent to wages paid the employee would be unable to include loss of wages in a third party claim. The academy can authorise an advance in lieu of sick pay.

### **Reporting Your Sickness - Sickness Notification**

It is the employee's responsibility to notify their manager of sickness absence from day one of absence. The employee is also responsible for reporting the first 7 days of your absence using a self-certification form available from the academy office.

### **Statement of Fitness for Work (Fit Notes) formerly Medical Certificates**

A Fit Note is required if your period of absence lasts 8 days or more, inclusive of rest days and public holidays. Subsequent notes must be submitted to cover absence if it extends beyond the period of the initial certificate.

Exceptionally, Veritas MAT may request Fit Notes to cover any period of absence (Veritas MAT / the academy will meet any costs incurred) and can request that you attend an Occupational Health Assessment.

Fit Notes must be signed by a qualified medical practitioner.

### **Dental and Medical Appointments**

If you are attending a dental or medical appointment this will not normally be recorded as sick leave, but you will need to get agreement to attend from your line manager beforehand.

### **IVF Treatment and Other Elective Procedures**

Sick leave cannot be used for IVF treatment or elective surgery. Where the employee requires time off this should be unpaid, unless you choose to use your annual leave or have agreed flexible working with their line manager to cover this. In the case of sickness following treatment the normal sick leave provisions will apply.

### **Short Term, Frequent Absence**

If the employee has been absent for 3 periods or more in a six month period a formal meeting may be arranged to discuss the matter in more detail.

The employee's line manager may refer you to Occupational Health to establish if there is an underlying health reason for your periods of absence. If no underlying health condition exists the employee may be issued with a managerial warning.

### Long Term Sickness

If you are absent from work for a continuous period of 4 weeks this is regarded as being long term and will normally result in a referral to Occupational Health to seek further advice.

### Ill Health & Disability

If you are disabled as defined by the Equality Act 2010, Veritas Multi Academy Trust has a legal obligation to consider any reasonable adjustments to enable you to continue working.

One such adjustment could be considering redeployment to a suitable alternative post within the trust. If you are redeployed to a lower graded post, salary protection (or loss of earnings compensation) would apply.

### Ill Health - Drugs & Alcohol

Absence relating to drugs or alcohol dependency is normally treated by Veritas Multi Academy Trust as an ill- health issue in the first instance, but misconduct, gross misconduct or gross incompetence resulting from the use or abuse of alcohol or drugs will be investigated under the trust's Disciplinary Procedure. For further information, see the **Performance & Capability Procedure**.

### 7. Returning To Work

Upon returning to work you must meet with your principal or line manager for a return to work meeting to discuss any problems or issues and your line manager will review your absence record, as necessary. The meeting will be recorded using the return to work form in appendix A.

## Appendix A – Return to work form

**Record of Return to Work interview – to be completed by the line manager for significant periods of sickness absence**



<b>Name of employee</b>	
<b>Job title</b>	
<b>Date of return to work interview</b>	

<b>Number of days sick in past 12 months</b>	
<b>Number of periods of sickness in past three months</b>	
<b>Patterns of absence causing concern?</b>	Yes No

The following points should be discussed, and actions agreed, as appropriate;

Is the employee fit to return to work?	Yes No
If the absence is longer than seven calendar days, has a doctor's certificate of fitness to work or hospital certificate been supplied to cover the period?	Yes No
Was sickness caused or exacerbated by workplace factors? (What actions can be taken to remove or minimise these?)	Yes No
Was absence caused by stress? (Consider a referral for counselling)	Yes No
Is a referral to Occupational Health advisable?	Yes No
Does the employee need any support or adjustments to return to work?	Yes No
Is informal management action necessary? (Where levels/patterns of absence are of concern)	Yes No

<b>Details of discussion (continue on separate sheet if necessary):</b>

<b>Signed</b>	<b>Date</b>
<b>Line Manager</b>	

Copy to: