



London Design & Engineering UTC

Sickness Absence and Sick Pay Policy

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SICKNESS ABSENCE AND SICK PAY POLICY

The London Design & Engineering (LDE) UTC acknowledges and recognises that to become an outstanding educational organisation it needs great staff who are healthy, engaged and motivated. Staff who feel valued and want to give their best every day, have high expectations for the learners and want them achieve the best possible outcomes.

This policy applies to all employees of the LDE UTC and is designed to help staff in managing any sick absence that they may have. It does not form part of any employee's terms and conditions of employment and is not intended to have any contractual effect. The College however, reserves the right to amend this policy at any time.

1. SICKNESS ABSENCE NOTIFICATION AND CERTIFICATION REQUIREMENTS

1.1 TEACHING STAFF

For sudden or unplanned absences, staff need to inform the College so that their absence can be managed appropriately. The following steps should normally be taken by staff when informing their absence and upon returning to work after an absence.

Teaching staff are required to e-mail the person responsible for arranging cover at Cover@ldeutc.co.uk before 7:00am **and contact** their Head of Faculty before 8:00am on the first day of absence to inform them of:

- the fact of their sickness absence;
- the reasons for it;
- it's expected duration; and
- the action the employee is intending to take to treat their sickness e.g. visiting their GP, seeking advice from a pharmacist etc.

When informing their Head of Faculty about their absence, teaching staff are responsible for setting work on the 'Subjects Padlet' and including a link in the email they send copying in the cover manager, Cover@ldeutc.co.uk. The cover manager will arrange any printing if needed and ensure that the work is supplied to the cover teacher. The quality of cover work will be evaluated by the cover supervisor/teacher and head of faculty and then recorded onto Blue Sky. This is to ensure that loss of learning is minimised through good quality cover work.

Teaching staff must contact the Head of Faculty on each day of absence to ensure that appropriate work is being set for their classes. The person responsible for arranging cover

and the Head of Faculty will ensure that all absences in the employee's Faculty have been covered.

In very exceptional circumstances when it is not practical to contact the person responsible for arranging cover **and** the Head of Faculty on the first or subsequent days of absence, each Faculty should have contingency arrangements to ensure appropriate work is being set. If an absent teaching staff member is unable to set work then it is the Head of Faculty or Head of Subject who needs to set appropriate work and get any printing done as necessary.

When a member of teaching staff intends to return to work after a period of absence lasting more than one week he or she should inform the person responsible for arranging cover by e-mailing: Cover@ldeutc.co.uk **and contacting** the Head of Faculty on the day **before** he or she returns to work.

1.2 SUPPORT STAFF

For sudden or unplanned absences, support staff need to take the following steps to inform the College of their absence and upon returning to work after an absence.

Support staff are required to email Cover@ldeutc.co.uk and notify their Line Manager by 08:00am on the first day of sickness absence to inform them;

- the reasons for it;
- its expected duration;
- the action the employee is intending to take e.g. visiting their G.P, seeking advice from a pharmacist etc; and
- any scheduled work that needs to be completed.

Absence records will be kept by the Executive Assistant & HR Manager who will provide statistics for the CEO/Principal and the LDE UTC Board of Directors and or its Committees.

When a member of support staff intends to return to work after a period of absence lasting more than one week, he or she should inform their Line Manager on the day **before** they are due to return to work.

1.3 GENERAL NOTIFICATION REQUIREMENTS APPLICABLE TO ALL STAFF

Text messages, e-mails or messages left with colleagues will not satisfy the College's sickness absence notification requirements and may result in the absence being deemed to be unauthorised (and hence subject to disciplinary action) and in the possible loss of sickness payments, that the employee would have otherwise been entitled to.

Absence notification must be made by the employee themselves unless their incapacity is such that this is not possible in which case the employee should authorise a family member or friend to contact the College on their behalf.

2 DURING SICKNESS ABSENCE

It is essential that employees keep the College updated on the circumstances of their absence and its estimated duration. Where employees have not indicated a likely return date on the first day of their sickness absence, they will be required to telephone the College on each subsequent day of absence.

Where an employee's sickness absence lasts more than seven calendar days, the employee is required to notify their Line Manager or Head of Faculty of the facts and submit a Medical Certificate stating they are not fit for work with the reason(s) why. The Medical Certificate, must be completed and signed by a medical practitioner and forwarded to the colleges HR manager to cover the period of absence. Thereafter, Medical Certificates must be submitted for any continued sickness absence on a weekly basis, or at those intervals determined by the employee's medical certificate.

3 COMMUNICATION WITH THE COLLEGE DURING SICKNESS ABSENCE

During any period of sickness absence, employees may be required to respond to any enquiries from the College during normal working hours. This could include attending meetings or receiving home visits from authorised College personnel to discuss their condition and to liaise with Occupational Health, where the College considers this is required to help the employee to return to work.

4 STRESS

In the event that an employee is suspended from work pending or during an investigation or has been informed that the College may be investigating them for a disciplinary offence or issue of poor performance, or a grievance outcome has been received and the employee then goes off sick and produces a Fit Note with diagnoses such as "stress", "stress-related illness", "anxiety" or "depression" or any other similarly worded diagnosis, these Fit Notes will not normally be accepted as a reason for refusing to attend a meeting to discuss any of the following: disciplinary concerns, performance improvement, grievance concerns and/or sickness absence.

The College reserves the right to suspend any or all payment of College sick pay or any other payment where the timing of and/or reason for i.e. the trigger for the sickness absence is for stress, depression, anxiety etc coincides with any disciplinary and/or performance issues.

In other words, sick pay may or will be suspended in the event that an employee goes off sick with stress, depression, anxiety etc following:

- notification of a disciplinary concern and/or invite to a disciplinary investigation and/or invite to a disciplinary hearing/meeting;
- notification of a performance issue and/or invite to a performance review and/or invite to an information or formal capability meeting;
- receipt of a grievance outcome that the employee does not like; and/or
- receipt of any other decision that the employee does not like.

If an employee indicates or alleges that they are not well enough to attend any internal meeting, and sends in a Fit Note or GP's letter 'certifying' that this is the case, this will not normally be acceptable evidence of unfitness to attend a meeting. The one acceptable evidence in such a case, would be from a consultant psychiatrist whose report confirmed that the employee was too ill (with the diagnosis) to understand what would be said to them (i.e. is in a confused state and too ill to give instructions to any representative to act on their behalf or to respond in any such internal meeting). For the avoidance of doubt an 'internal meeting' will include any meetings which are called 'hearings' within policies and procedures.

It is generally recognised that involvement in internal procedures including but not limited to disciplinary concerns, performance reviews and grievances may cause employees central to the procedures to suffer 'stress' or stress-related symptoms. However, there may be circumstances where the timings and causations of these stress related symptoms must be investigated in order to determine whether sick pay can be paid and any hearing postponed. **Please note**, that there has been an increasing number of such cases across the country when disciplinary matters have been drawn to the attention of staff and in order to ensure fairness to all parties, the College is introducing clarity into our sick pay and disciplinary rules and procedures.

The College reserves the right to withhold any occupational sick pay in the following circumstances:

- a) In any case where an employee's absence or sickness relates to 'stress' or any stress related illness including anxiety or depression where this is caused in whole or in part by an allegation of misconduct or poor performance or any matter to be investigated by management and the timing of this absence or sickness coincides with the time that the employee becomes aware of any such concern or with the issuing of any warning or disciplinary sanction.

- b) In any case where any depressive or anxiety state is diagnosed as a result (in terms of timing) of a disciplinary warning or sanction being applied, then management reserves the right to suspend occupational sick pay and the disciplinary warning or sanction until the employee has returned to work.

The employee in such cases as noted above may be asked to attend a psychiatrist or psychologist of the College's choice and at its expense in order to verify diagnosis, timing and causation of any mental illness or symptoms.

Management reserves the right to seek disclosure of any GP or other medical records (including any occupational health records) to be disclosed only to a qualified medical adviser of the College's choice in order to determine the timing and causation of any such illness. Management wishes to make clear that it fully understands the stress, depression and/or anxiety caused in such circumstances and will exercise its discretion in a reasonable and sympathetic manner in any genuine case.

It should also be recognised that management has the right to manage and to exercise the disciplinary procedure in a reasonable manner when appropriate. It is recognised that any such proceedings naturally bring stress and anxiety and in the normal case it is more sensible and fairer to the employee to pursue the procedure in a timely fashion and get the matter over and dealt with as soon as possible.

However, management recognises that some individuals will find it more difficult to cope with the issue of disciplinary or performance review proceedings and in any case where serious symptoms of mental illness are verified by a doctor of the College's choice, management will act reasonable in delaying any disciplinary hearings until the employee feels well enough to cope with such proceedings.

A balance will always have to be drawn between unreasonable delay of any such hearing and the injustice that this might cause all parties and the interests of the health of the employee and natural justice. Other means of resolving the disciplinary or performance issues will be offered such as transfer of the hearing to another venue, the employee making written representations instead of attending personally, and/or sending a representative to speak on behalf of the employee.

5 CONDUCT DURING SICKNESS ABSENCE

To help employees understand what might raise doubts or queries in the mind of their line managers concerning any Fit Notes, (or self-certificates) the College has drawn up some

guidelines to employees concerning their conduct and activities during any periods of absence due to sickness or injury.

In all cases of sickness or injury, which necessitate taking time off work, it is expected that employees will do their utmost to facilitate a speedy return to fitness and to work. In this regard, they are expected to act sensibly and honestly.

Every employee that is off sick from work is expected to keep in regular contact with the College through their immediate line manager. If the employee is too sick to keep regular contact then a member of the family or a friend must do so on their behalf.

The LDE UTC trusts employees whilst they are off sick to be honest and open about the progress of their illness or injury, whether that is with their own line manager, their own doctor or the College doctor or Human Resources.

In cases of any doubt, the College has every right, once an appointment has been made in advance at the mutual convenience of both parties, to visit any employee off sick. There will only be rare cases where a doctor may advise that at any particular time, the employee ought not to be seen by management, for example in cases of severe clinical depression.

It is the duty of every employee that is off sick to be as frank, open and co-operative as possible with the College as to the reasons for the sickness absence and the progress of their illness or injury. The College would not in the normal case expect any employee who is absent from work due to sickness or injury to:

- a) Participate in any sports, hobbies or social, political, union or any other activities, meetings etc which are in any way inconsistent with their alleged illness or injuries or which could aggravate the illness or injury or which could delay recovery; healthy exercise as an aid to recovery would of course be sensible and would cause no concern on management's part;
- b) Undertake any other employment whether paid or unpaid. If an employee declares that they are incapacitated from work in relation to their employment with the LDE UTC, it will be deemed gross or serious misconduct for them to undertake any other duties whilst off sick. Unless they have discussed this with the College prior to undertaking such other employment and demonstrated that in doing so it will not delay their recovery. Clearly the College would expect an employee to do everything to aid a speedy recovery and not to work for anyone else or for themselves irrespective of whether they are getting paid or not;

- c) Engage in any work around the home in terms of home improvements or the like or outside the home such as gardening or cleaning cars or doing any work on cars etc – where this contra-indicated by the symptoms alleged or the injury or illness reported;
- d) Engage in any activity which is inconsistent with the nature of the alleged illness or injuries (e.g. be seen walking around town with bags of shopping with an alleged injury);
- e) Have elective surgery or any form of cosmetic treatment unless this has first been authorised in advance by their line manager and Human Resources it is up to management's discretion whether this is counted as paid or unpaid sick leave or whether the employee is asked to take paid holiday for this purpose;
- f) Take any holiday whether planned or unplanned unless this has first been authorised by the Principal. Holiday advised in writing by a doctor for recuperative purposes will be allowed as part of sick leave and will not be counted as holiday;
- g) Call or write in sick once an employee has started any period of leave, holiday, vacation etc. Once an employee starts their holiday, they are deemed to be on holiday and this will not count as sick leave. However, if an employee is too ill to take any holiday just before they are due to start any annual leave, then at management's discretion and subject to providing medical evidence which satisfies management e.g. a letter from a hospital consultant/registrar, this absence may be permitted to count as sick leave and not annual leave and they will then be permitted to take holiday at another time.

Please note: that any illness one day before, on, during or one day after a public bank or statutory holiday or holiday will not be accepted as a 'sick day' and no sick pay will be paid unless there are genuine and extenuating circumstances and therefore a doctor's note will be required to receive pay for this absence.

6 ARRANGEMENTS FOR RETURN TO WORK

If an employee's doctor provides a certificate stating that he or she "may be fit for work", the employee should inform the CEO/Principal immediately. The College will discuss with the employee if any additional measures that may be needed to facilitate a return to work, taking account the medical advice. This may take place at a Back to Work interview on the employee's return to work after a period of sickness absence or prior to a return to work being agreed as appropriate.

On return from a period of sickness absence of less than 7 days, employees are required to complete a sickness absence self-certification form and submit this to his or her Line Manager or Head of Faculty.

Employees are required to attend a Back to Work interview on or prior to their return to work after any period of sickness absence. This will usually be held by the employee's Line Manager/Head of Faculty or their member of the SLT or the CEO/Principal and during the meeting the reasons for the employee's absence will be discussed and the employee's Medical Certificate(s) (where appropriate) will be considered.

7 FAILURE TO COMPLY WITH THE ABOVE

Failure to comply with the College's sickness absence notification and certification procedures above may result in rendering the employee's absence unauthorised and hence subject to disciplinary action which may result in the delay or forfeiture of payments for sickness absence that the employee might have otherwise been entitled to had they complied.

8 REQUIREMENT FOR MEDICAL OR OCCUPATIONAL HEALTH REPORT

From time to time it may be necessary for the College to require the employee to be examined by and obtain a medical or occupational health report from an employee's doctor, a medical practitioner nominated by the College or an occupational health adviser to gather information about the employee's medical condition, its probable effect on the employee's future attendance at work or ability to do his or her job. Employees are required to co-operate with the College in obtaining such information and should be aware that failure to do so may constitute a breach of the terms of his or her contract of employment with the College and result in the College having to proceed with sickness absence management without the benefit of specialist advice on the basis of the existing information available.

9 ACCESS TO MEDICAL REPORTS ACT 1988

Employees have certain rights under the Access to Medical reports Act 1988. Should the College find it necessary to obtain a medical report concerning an employee's fitness for work or any other relevant matter the employee will be asked for his or her written consent. At the time of the request the employee will be advised of his or her rights under the Act.

10 MANAGING SICKNESS ABSENCE POLICY

Long term or frequent absences may, in certain circumstances, lead to the termination of the employee's employment with the College in accordance with the College's Managing Sickness Absence Policy.

11 STATUTORY SICK PAY

Employees who are absent from work because of sickness will normally be entitled to receive Statutory Sick Pay (SSP) from the College provided they meet the relevant criteria.

Once the criteria have been met, SSP is not normally payable for the first three days of sickness absence, unless the employee has been absent and in receipt of SSP within the previous eight weeks. Thereafter the College will normally pay SSP at the statutory rate in force for a maximum of 28 weeks to employees who are eligible for SSP and who have satisfied the College's sickness absence and notification requirements above. The College reserves the right to withhold payment of SSP where an employee fails to follow the correct procedure.

If two periods of incapacity from work of four or more days (PIW) occur within 56 days of each other they are linked to form one PIW. Each PIW has an entitlement of 28 weeks payment and SSP is paid on a daily basis, in respect of qualifying days, which are those days normally worked.

12 COLLEGE SICK PAY

The College also operates a College Sick Pay Scheme in accordance with the national conditions of service for teaching staff and the national conditions of service for National Joint Council (NJC) staff. All payments made under this Scheme will include SSP payments where they fall due.

12.1 TEACHING STAFF:

Teaching staff are entitled to the following sick pay in respect of bona fide sickness absence notified and certified in accordance with the required procedure set out above:

From four months to two years of continuous service	Full Pay for 25 working days and half pay for 50 working days
Up to three years of continuous service	Full pay for 50 working days and then half-pay for 50 working days
Up to four years of continuous service	Full pay for 75 working days and half-pay for 75 working days
Four years or more of continuous service	Full pay for 100 working days and half-pay for 100 working days

For the purposes of the above scheme:

- “working days” means teaching and non-teaching days within “directed time” or in the case of a Principal, normal working days; and
- “a year” is deemed to begin on 1 September and end on 31 August.

The above entitlement will be pro-rated for part-time employees.

12.2 SUPPORT STAFF:

Support Staff on NJC Conditions for Local Government Services are entitled to the following sick pay in respect of bona fide sickness absence notified and certified in accordance with the required procedure set out above.

During the first year of continuous service	1 month's full pay and after completing 4 months service, 2 months half pay
During the second year of continuous service	2 months full pay and 2 months half pay
During the third year of continuous service	4 months full pay and 4 months half pay
During the fourth and fifth year of continuous service	5 months full pay and 5 months half pay
During the sixth and subsequent years of service	6 months full pay and 6 months half pay

For the purposes of the above, one month means the employee's normal working days over the period of a calendar month. The above entitlement will be pro-rated for part-time employees.

The employee's length of service for the above purposes will be calculated from the first day of sickness absence.

For the purposes of the above scheme a "year" is deemed to be a rolling 12-month period.

The calculation of College Sick Pay will take into account any previous payments of College Sick Pay made in the year (as defined above in relation to Teaching and Support Staff) immediately before the first day of the current sickness absence.

Employees should claim any Social Security sickness benefits such as invalidity or incapacity benefits to which they may be entitled and are required to notify the College of any such payments which the College will deduct from the employee's College Sick Pay.

The rules of the College Sick Pay Scheme do not imply that termination of employment may not take place before payment of College Sick Pay has been exhausted.

13 SICKNESS ABSENCE AND DISCIPLINARY OR GRIEVANCE OR PERFORMANCE ISSUES

The College reserves the right to suspend any or all payments of sick pay where the timing of the sickness absence for such reasons e.g. stress, depression, anxiety etc. coincides with any disciplinary or performance or grievance issues. So if an employee is at work or has a disciplinary or performance issue/investigation and/or hearing or any adverse decision has been received and they then go off “sick” with stress, depression, anxiety etc., sick pay may or will be suspended until management is satisfied that the illness was not in any way triggered by any of the matters above i.e. that the medical condition or absence was not causally or temporally related.

14 SICKNESS ABSENCE AND ANNUAL LEAVE

While it is recognised that during a period of sickness absence, time away from home for example going on holiday or visiting family may be therapeutically helpful, an employee is required to seek prior approval from the College. A decision to take time away from home during a period of sick leave without giving prior notice to the College may result in a loss of their Occupational Sick Pay during that period.

If, during that period an employee would prefer not to be required to respond to College enquiries, attend meetings or receive home visits, the College can discuss treating this period as annual leave or unpaid leave, at the College’s discretion.

Please note, that the requirements in an employee’s employment contract regarding requesting annual leave will continue to apply during any period of sickness absence.

Please refer to the College’s Annual Leave Policy for further details relating to this.