



## Sickness & Leave Policy 2021

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### Scope & Purpose

This sets out our procedures for the fair and consistent management of the following:

- Short-term sickness/absence
- Long-term sickness/absence

Related policies:

- Leave Requests
- Maternity Policy
- Time Keeping & Salaries policy

Related forms & documents:

- Self-certification form
- Leave Request form
- Disciplinary Rights and Procedures
- Statement of Fitness for Work

The purpose of the policy is to ensure that staff understand the expectations of **PiPeLine Productions Academies LTD** 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.

### Terms of Reference

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).

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.

Short-term sickness - this can be further split into:

- Any absence due to ill health that lasts between half a day and three days.
- Any absence due to ill health that lasts between one and seven consecutive days.
- Any absence due to ill health that lasts between four and seven consecutive days.
- Any absence due to ill health that lasts between half a day and 20 days (four work weeks).

Long-term sickness – any absence due to ill health that lasts for a continuous period of longer than four work weeks.

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Sickness Policy & Procedure – May 2021  
PiPeLine Productions Academies LTD

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### Disabilities

We are aware that sickness absence may result from a disability. At each stage of the *sickness absence meetings procedure* (detailed below) 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.

If an employee considers themselves affected by a disability or any medical condition which affects their ability to undertake their work, they should inform a manager or one of the directors.

### Short-term Sickness/Absence

As employers, we seek to strike the right balance between an employee's genuine need to take time off work due to ill health and our need to maintain the workplace's efficiency and productivity so that additional burdens are not placed on remaining colleagues.

Short-term sickness/absence policies and procedures do not apply when there is no demonstrable sickness. In the cases of employees claiming sickness when in reality an altogether different situation is at play, disciplinary procedures apply instead.

### Sickness Absence Reporting Procedure

All employees are required to follow the reporting procedure as set out below:

- If an employee is taken ill or injured *while at work*, they should report this to a manager or director immediately.
- If they cannot attend work because they are ill or injured, they should normally **telephone** one of the managers *as early as possible and in any case, no later than 7.30am* the day of absence. The following details should be provided:
  - a) The nature of the illness or injury
  - b) The expected length of the absence from work
  - c) Contact details
- If an employee feels it is unlikely that they will be in work the following day, it is good practice to inform one of the managers the day/evening before. This can be done via text/whatsapp message. However, the most important part of the procedure is the **telephone call** on the morning of the absence and this remains even if an employee has previously messaged.
- **Contacting by text, whatsapp or email on the morning of absence is not acceptable.**



- If an employee is unable to call due to ill health or injury, it is important that a suitable person makes the telephone call on their behalf. This would only be acceptable in exceptional circumstances.

### **Statutory, Company, and Discretionary Sick Pay**

- The company's default position is that, for the first three days of sick leave, no sick pay will be paid for the duration of the absence. Any sick pay that is paid will be discretionary and under exceptional circumstances. This is only superseded if specifically overridden in an employee's contract of employment.
- After three days continual absence, employees are entitled to **Statutory Sick Pay**. You can read more about SSP here: <https://www.gov.uk/statutory-sick-pay>
- The law says that employees must be paid **£96.35** per week (correct May 2021) from the 4<sup>th</sup> day of absence due to illness or injury. This is paid for up to 28 weeks and will be calculated at a daily rate.
- 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, the employee must immediately notify the directors 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 the employee to do so, they must cooperate in any related legal proceedings and refund to us that part of any damages or compensation they recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs incurred by the employee 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 the employee in respect of the period of sickness absence.
- Failure to properly report absence or to provide medical or self-certification could lead to pay and/or employment suspension.
- If a member of staff has already been paid for a day they subsequently take as a sick day, PiPeLine reserves the right to deduct the appropriate sums from the employee's pay either in the month in which the absence has occurred or in the following pay cycle if PiPeLine was unable to recoup the amount in the previous cycle.
- If a member of staff is sent home due to illness, their pay will not be affected.
- If a member of staff is directed to remain at home by a senior member of staff due to illness, their pay will not be affected.



### **Evidence of Incapacity**

If an employee is ill for 1 to 7 consecutive days, they must complete a self-certification form which is available in *Dropbox/Academy Documents/*

For absences of more than 7 days, an employee must obtain a certificate from their doctor (a “Statement of Fitness for Work”) stating that they are not fit for work and the reason(s) why. This should be sent to PiPeLine as soon as possible. If an absence continues, further medical certificates must be provided to cover the whole period of absence.

If an employee is absent for a working week (5 days) and continues to be absent into the following working week, this will be deemed as a continuous illness of 7 days.

If an employee’s doctor provides a certificate stating that they “may be fit for work”, employees should inform managers or directors immediately. PiPeLine will discuss with the employee any additional measures that may be needed to facilitate a return to work, taking account of the advice of the doctor. This may take place at a return to work interview. If appropriate measures cannot be taken, an employee will remain on sick leave and PiPeLine will set a date to review the situation.

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, PiPeLine will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor’s invoice.

### **Unauthorised Absence**

- For absences of any length of time, the company reserves the right to perform due diligence checks to ensure the veracity of illness claims. Any evidence that contradicts claims of incapacity, even if that claim is from a doctor’s certificate, will be pursued with appropriate disciplinary and legal action.
- Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.
- If an employee does not report for work and has not telephoned a manager or director to explain the reason for the absence, a manager or director will try to contact them, by telephone and in writing if necessary. This should not be treated as a substitute for properly reporting sickness absence.

### **Keeping in Contact During Sickness Absence**

If an employee is absent due to illness or injury, they should expect to be contacted from time to time by a manager or director in order to discuss their wellbeing, expected length of continued absence from work and about any work that may require attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.

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If an employee has any concerns while absent on sick leave, whether about the reason for absence or the ability to return to work, they should feel free to contact a manager or director at any time.

If an employee is able, and wherever possible, they should make suitable arrangements to provide other members of staff with the means to cover the work they would ordinarily undertake such as appropriate lesson plans etc.

### **Medical Examinations**

- We may, at any time in operating this policy, ask an employee to consent to a medical examination by a doctor nominated by us at our expense.
- The employee will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.
- Failure to agree to a reasonable request may be considered grounds for disciplinary action.

### **Return to Work Interviews**

If an employee has been absent on sick leave for 4 or more days, we will arrange for them to have a return-to-work interview with a senior member of staff.

The return-to-work interview enables us to confirm the details of employee absence. It also gives the employee the opportunity to raise any concerns or questions they may have and to bring any relevant matters to our attention.

Where a doctor has provided an employee a certificate stating that they “may be fit for work” we will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate their return to work, taking into account the advice of doctors.

### **Return to Work from Long-Term Sickness Absence**

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

- a) Obtaining qualified medical advice
- b) Making reasonable adjustments to the workplace, working practices and working hours
- c) Consider redeployment
- d) Agree a return to work programme with everyone affected

If an employee is unable to return to work in the longer term, we will consider whether they are entitled to any benefits under their contract and/or any insurance schemes we may operate.



### **Sickness Absence Meetings Procedure**

- We may apply this procedure whenever we consider it necessary, including, for example, if:  
The employee has been absent due to illness on a number of occasions as follows:
  - a) Three or more occasions in any rolling 12 months period.
  - b) Ten or more days in any rolling 12 months period.
  - c) Or any other pattern that may cause concern.
- The employee has discussed matters at a return-to-work interview that require investigation.
- Matters have come to light regarding sickness absence that require further investigation.
- The employee has been absent for more than 20 days.
- The policy, procedure and meetings may still be applied where an employee persistently falls just below the trigger points and where the absence is perceived to be a problem.
- Employees will be given five days written notice of the date, time and place of a sickness absence meeting. We will put any concerns about the sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for the employee to consider this information before the meeting will be provided.
- The meeting will be conducted by a director or manager. Employees are entitled to bring a companion with them to the meeting.
- Employees must take all reasonable steps to attend the meeting. Failure to do so without good reason may be treated as misconduct. If an employee or their companion is unable to attend the meeting at the specified time, they should immediately inform a senior member of staff who will seek to agree a suitable alternative time.
- A meeting may be adjourned if the directors or managers are awaiting receipt of information, needs to gather further information or give consideration to matters discussed at a previous meeting. Employees will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- Confirmation of any decision made at a meeting, the rationale, and of the right of appeal will be given to the employee in writing within five days of the sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).



- If, at any time, directors consider that an employee has taken or are taking sickness absence when they are not unwell or injured, they may refer matters to be dealt with under our Disciplinary Procedure.

### **Right to be Accompanied at Meetings**

Employees may bring a companion to any meeting or appeal meeting under this procedure. Their companion may be either a trade union representative or a work colleague. They should provide their details to the member of staff conducting the meeting, in good time, before it takes place.

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.

Some companions may not be allowed; for example, anyone who may have a conflict of interest or whose presence may prejudice a meeting. This will be made clear after a discussion with the employee.

A companion may make representations, ask questions, and sum up the employee's position but they *will not be allowed to answer questions on an employee's behalf*.

Employees may confer privately with their companion at any time during a meeting.

### **Stage 1: First Sickness Absence Meeting**

This will follow the procedure set out previously on the arrangements for and right to be accompanied at sickness absence meetings.

The purposes of a first sickness absence meeting may include:

- a) Discussing the reasons for absence.
- b) Where an employee is on long-term sickness absence, determining how long the absence is likely to last.
- c) Where an employee has been absent on a number of occasions, determining the likelihood of further absences.
- d) Considering whether medical advice is required or, if already obtained, what that advice is.
- e) Considering what, if any, measures might improve an employee's health and/or attendance.
- f) 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.
- g) Warning an employee that their employment may be at risk if their attendance does not improve.

### **Stage 2: further sickness absence meeting(s)**

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Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out previously on the arrangements for and right to be accompanied at sickness absence meetings.

The purposes of further meeting(s) may include:

- a) Discussing the reasons for and impact of an employee's ongoing absence(s).
- b) Where an employee is on long-term sickness absence, discussing how long that absence is likely to last.
- c) Where an employee has been absent on a number of occasions, discussing the likelihood of further absences.
- d) 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.
- e) Considering an employee's ability to return to/remain in their job in view both of their capabilities and the needs of the company and any adjustments that can reasonably be made to their job to enable them to do so.
- f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying them.
- g) Where an employee is able to return from long-term sick leave, whether to their job or a redeployed job, agreeing a return to work programme, following medical advice.
- h) If it is considered that an employee is unlikely to be able to return to work from long-term absence, whether there are any benefits for which they should be considered i.e. access to pension.
- i) 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 an employee that they are at risk of dismissal.

### **Stage 3: final sickness absence meeting**

Where an employee has been warned that they are at risk of dismissal, we may invite them to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out above on the arrangements for and right to be accompanied at sickness absence meetings.

The purposes of the meeting will be:

- a) To review the meetings that have taken place and matters discussed with the employee.
- b) Where an employee remains 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 their possible return to work or opportunities for return or redeployment.



- c) To consider any further matters that the employee may wish to raise.
- d) To consider whether there is a reasonable likelihood of them returning to work or achieving the desired level of attendance in a reasonable time.
- e) To consider the possible termination of their employment.

Termination will normally be with full notice or payment in lieu of notice.

### **Appeals**

Employees may appeal against the outcome of any stage of this procedure and they may bring a companion to an appeal meeting as detailed above.

An appeal should be made in writing, stating the full grounds of appeal, to the directors, within five days of the date on which the decision was sent to the employee.

An employee will be given five 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.

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

An appeal meeting will be conducted by the director(s) or any suitable senior member of staff. Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.

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 days of the appeal meeting. There will be no further right of appeal.

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.

### **Review of policy**

This policy is reviewed every three years by PiPeLine Productions Academies LTD in consultation with recognised trade unions and human resources specialists. We will monitor the application and outcomes of this policy to ensure it is working effectively.