Larkspur Primary School

Sickness Absence Management Policy & Procedure

Revised October 2015

INDEX

The Policy

- The Aim
- Definitions
- Scope
- Responsibilities
- Review

The Procedure

Section 1

- Introduction
- Notification and Certification of Sickness Absence
- Recording and Monitoring
- Return to Work

Section 2

- Managing Short Term Absence
- Stage 1 Informal Sickness Absence Action for a series of unrelated absences/pattern of absences
- Stage 1 Informal Sickness Absence Action for a series of wholly or largely due to the same serious and indisputable reason
- Review of Monitoring Period
- Stage 2 Formal Sickness Absence Action
- Stage 3 Formal Sickness Absence Review
- Stage 4 Formal Sickness Absence Review
- Right of Appeal

Section 3

- Managing Long Term Absence
- First Sickness Absence Review Meeting
- Second/Subsequent Sickness Absence Review Meetings
- Final Sickness Absence Review Meeting
- Right of Appeal

Section 4

- Managing Ill Health that does not lead to absence from work
- Managing Work Related Stress

Appendices

- Appendix 1 – Notification of Sickness Absence Timescales
- Appendix 2 - Occupational & Statutory Sick Pay (SSP) Entitlements
- Appendix 3 – Right of Appeal
- Appendix 4 – Disability Related Sickness

The Policy

1. Aim

1.1. The School recognises the importance of supporting employees through any periods of absence and their subsequent return to work. The School will be able to effectively manage short and long term sickness absences and be better positioned to identify any potentially unsafe work practices, issues affecting employee morale and other underlying problems employees may be facing, through the implementation of this policy and procedure.

2. Definitions

Fit Note

2.1. A fit note (or Statement of Fitness for Work) allows the employee's GP or other healthcare professional to give the School more information on how the employee's condition affects their ability to work. The 'may be fit' option enables GPs to advise that the employee can return to work if the School can offer suitable support. The information on a fit note is advice to the employee and is not binding on the School.

Disability

2.2. The Equality Act 2010 defines disability as a physical or mental impairment that has a substantial and long term adverse effect on someone's ability to carry out normal daily activities. Employees with cancer, HIV and MS are automatically covered by the Act.

Disability Related Sickness

2.3. This is a period of absence which is related to an employee's disability. The Sickness Absence Policy and Procedure also applies if an employee is unwell or unfit for work as a result of their disability or any associated treatment or therapy.

Special Leave relating to a Disability

2.4. This is paid leave given to employees who have a disability for predictable absences required for specific known reasons relating to that disability. Please refer to the School's Leave of Absence Policy for further guidance.

Industrial Injury

2.5. This is a physical or mental injury that is caused by an accident at work or is related to the type of work someone does.

Phased Return

2.6. This is a period of no more than 4 weeks to assist an employee to return to work either on reduced hours and/or modified duties.

Modified Duties

2.7. These may be assigned to an employee who may not be able to return to their full duties immediately on their return to work.

Pregnancy Related Sickness

2.8. Any sickness absence which is directly related to the employee being pregnant will not be counted in formal monitoring. Employees who are absent as a result of pregnancy related sickness may be required to take their maternity leave early. Please refer to the Maternity Scheme for further information.

Ill Health at Work

2.9. Ill health that does not lead to the employee being absent from work but has an impact on the employee's ability to undertake their job.

3. Scope

3.1. This Policy applies to all employees appointed by Governing Body of the School.

3.2. In this School, the Governing Body acts as an agent of Gateshead Council in undertaking the functions of the employer.

3.3. The Sickness Absence Management Policy will:

- maintain and improve the quality of education provided for pupils in this School by supporting employees to attend work;
- establish an effective approach to the management of sickness absence in order to reduce absence levels of employees;
- establish reasons for absence and the need for reasonable adjustments;
- demonstrate to employees that the Governing Body is acting in the best interests of the School;
- be implemented in a fair, consistent and responsible way;
- be made available to all employees.

4. Responsibilities

4.1. The Governing Body will:

- carry out its duty of care to employees with regards to any absence or period of ill health;
- delegate authority to the Head Teacher to hold meetings with employees to discuss their absence;
- consult with Human Resources and Occupational Health where appropriate;
- ensure that all relevant legislation is followed and, in particular, will not discriminate on grounds of race, colour, ethnic origin, religion, belief, gender, marital status, sexual orientation, disability or age with regard to all decisions on absence levels and reasonable adjustments;
- seek to ensure that arrangements for recruitment, induction and probationary periods are applied consistently;

- delegate authority to the Finance and Staffing Committee in respect of meetings relating to any employee's continued employment and ratify those decisions made;
- seek to ensure procedures for managing sickness absence are consistent with the principles of public life - objectivity, openness and accountability;
- adhere to policies governing employment issues from Gateshead Council i.e. redundancy and retirement policies.

4.2. The Finance and Staffing Committee will:

- exercise its responsibilities within the constraints of the School's locally managed budget and in accordance with the School's Sickness Absence Policy and Procedure
- treat information about all employees' reasons for absence as confidential;
- take account of the information provided by the Head Teacher and recommendations from the Occupational Health Unit when making decisions regarding continuing employment for employees within the School;
- in the absence of any recommendations from the Occupational Health Unit base management decisions on the information available;
- ensure that employees are aware of their right to be accompanied by a trade union representative or work colleague to all Sickness Absence Action Meetings;
- advise employees they may bring a trade union representative/work colleague to all Sickness Absence Review Meetings and have the right to be accompanied by a trade union representative/work colleague to the Final Sickness Absence Review Meeting under this procedure;
- consult with employees and their trade union representatives during each review of the Sickness Absence Policy and Procedure;
- ensure that only those Governors not employed to work in the School will attend the Final Sickness Absence Action and Final Sickness Absence Review Meetings and have decided that Staff Governors are not eligible to attend these meetings;
- minute and report all decisions to the next meeting of the full Governing Body.

4.3. The Head Teacher will:

- ensure that robust recruitment, induction and probationary processes are established and implemented;
- ensure that all employees' levels of absence are recorded, monitored and acted upon where necessary;
- ensure return to work meetings are held after every sickness absence;
- consult with employees on any reasonable adjustments to the responsibilities or accountabilities of their duties that may be necessary to improve attendance;

- ensure that employees are aware that they can be accompanied by a trade union representative or work colleague to any formal meeting under this procedure;
- present information to the Finance and Staffing Committee regarding an employee's absence(s), the support provided and the impact on the School;
- apply this policy consistently and fairly and ensure that each area is applied objectively;
- take advice from Human Resources and/or Occupational Health Unit at all formal stages of the procedure to ensure consistent application.

4.4. The Occupational Health Unit will:

- advise the School on matters relating to sickness absence;
- advise on risk assessments and, where required, the adaptation of work to the capabilities of employees in the light of their state of physical and mental health.

4.5. Employees will:

- attend work in line with their terms and conditions of employment;
- adhere to the Sickness Absence Management Procedure to ensure receipt of sick pay when they are absent due to ill health;
- attend meetings to discuss their absence(s) when required;
- comply with any referral to the Occupational Health Unit and attend any appointment made as refusal to attend may constitute a disciplinary matter;
- raise any concerns in relation to the sickness absence management process as part of their response at the sickness absence meeting.

5. Review

5.1. This Sickness Absence Management Policy and Procedure was agreed by the Governing Body of XXXX School on …… It will be reviewed when necessary to take account of changes to any relevant legislation and advice issued by the Council.

The Procedure – Section 1

1. Introduction

1.1. Larkspur Primary School recognises that all cases of sickness absence are different and that a single, standardised procedure may not always address the unique issues of each individual case. Sickness absence can vary from short intermittent periods of ill health to a continuous period of long term absence and may have a number of different causes. Nevertheless the procedure will be followed in every case unless there is clear justification to do otherwise. The stages under the procedure and the possible outcomes are not intended to be disciplinary in nature.

2. Notification and Certification of Sickness Absence

2.1. At the commencement of their employment with the School all employees will be made aware that there is a notification and certification procedure that they must adhere to when absent from the School due to sickness. This procedure is detailed in Appendix 1.

2.2. Failure to comply with the notification and certification procedure may result in the suspension or termination of an employee's sick pay. The Occupational and Statutory Sick Pay Schemes are detailed in Appendix 2.

2.3. Employees who give misleading or false statements regarding their absence(s) may be dealt with under the School's Disciplinary Policy and Procedure.

3. Recording and Monitoring

3.1. All sickness absences will be recorded on the School's sickness absence monitoring system showing the duration of the absence and the reason. The reason for the absence must be an accurate description of the ailment and recorded under the appropriate category for monitoring purposes (e.g. terms such as 'feeling poorly', 'sick' or 'unwell' are unacceptable).

3.2. Accurate recording is necessary to identify the levels and patterns of absence of all employees. An analysis of sickness absence will take place regularly. The School's trigger points (see paragraph 5.1) will be used to evaluate each employee's sickness record and highlight those employees whose sickness record warrants further attention.

4. Return to Work

4.1. The Head Teacher/Line Manager will hold a Return to Work Meeting with all employees on the day of their return or as soon as is reasonably possible to discuss the absence, reasons for it, any continuing ill health and the impact the absence may have had on the employee's work. The Return to Work

Meeting will be held in private to allow a full discussion about the absence to take place.

4.2. The School will record the date the employee returns to work on the Sickness Absence Return Form or update the sickness system and request the employee completes a self-certification form as soon as reasonably possible.

The Procedure – Section 2

5. Managing Short Term Absences

5.1. As part of managing attendance, the Head Teacher/Line Manager will address situations where frequent short to medium term sickness absences are identified. The sickness absence record for employees will be reviewed after each period of absence to identify if they have reached, or exceeded the following trigger points within a 12 month rolling period and therefore may require action:

- 3 or more separate periods of sickness over the preceding 12 months; or
- 2 or more periods of sickness, where the aggregate total of days absent exceeds 12 working days, over the preceding 12 months.

5.2. For an employee identified as reaching a trigger point, the Head Teacher/ Line Manager will analyse the reasons, lengths and frequency of absences, along with other relevant circumstances, to establish whether the absences constitute:

- a series of unrelated absences with a number of different reasons;
- a pattern of regular absences (e.g. absence on a Friday or Monday or after a holiday);or
- a series of absences wholly or largely due to the same serious and indisputable reason.

6. Stage 1 - Informal Action for a series of unrelated sickness absences/pattern of sickness absences

6.1. Where the absences are due to a series of unrelated reasons or there is a pattern of regular absences, the Head Teacher/Line Manager will hold a Counselling Meeting with the employee, in addition to the Return to Work Meeting. This meeting will discuss the absences that have occurred in the preceding 12 months, the reasons for each absence, establish if there is a reason for any pattern and any explanation for the number of occurrences.

6.2. At the end of this meeting the employee will be informed that their attendance levels are becoming a cause for concern and their attendance will be monitored and reviewed over a specified period (this would normally be 6 months) during which time a significant and sustained improvement will be expected in order to avoid the possibility of formal action.

6.3. This discussion will be confirmed in writing by the Head Teacher/Line Manager and the employee will be informed of the extent of improvement expected, along with the period over which it must be achieved and if an improvement is not achieved that formal action may be taken.

6.4. An employee may, as a result of further or a fresh diagnosis, be considered has having a disability under the Equality Act. It is important that where the employee's medical position changes or there is any doubt, that the Head

Teacher takes advice from Human Resources/the Occupational Health Unit to ensure an appropriate response to the facts.

7. Stage 1 – Informal Action for a series of sickness absences wholly or largely due to the same, serious and indisputable reason

7.1. Where the recording and monitoring of absence has identified that the absences are wholly or largely due to the same, serious and indisputable reason, and the return to work meetings show that the employee has taken every option available to them to prevent or minimise the absence the Head Teacher/Line Manager will hold a Counselling Meeting, in addition to the Return to Work Meeting, with the employee to discuss the extent to which the absences are likely to continue.

7.2. This meeting will also be used to discuss the options available to the School including the scope and benefits of adapting working patterns, equipment or conditions which may reduce or prevent future absences altogether. Where reasonable adjustments are identified, or there is medical treatment proposed, these will be put in place as soon as possible to support the employee in improving their attendance levels. Employees must be informed in writing that there should be an improvement in their attendance and that the impact of the adjustments/ treatment will be monitored over a period of time (normally 6 months).

7.3. If reasonable adjustments have already been implemented and the employee's attendance has continued to remain unsatisfactory, the Head Teacher/Line Manager will refer the employee to the Occupational Health Unit. The referral is to identify if the reason for the absences meets the disability criteria under the Equality Act, if the absences are directly related to the disability and whether there is anything further that can be done to assist the employee to remain at work and improve their attendance. The School will receive a report in response to this referral.

7.4. Where the Occupational Health Unit advise on further adjustments that could be possible, the Head Teacher/ Line Manger should consider the reasonableness of these adjustments and implement them where possible. Further monitoring of the employee's attendance should then take place to assess the impact of these adjustments.

7.5. Where the Occupational Health Unit is satisfied that all reasonable adjustments have been implemented and the employee's attendance continues to be unsatisfactory, any further absence(s) will count towards the trigger points. In this situation the Head Teacher/Line Manager will reconvene the Counselling Meeting with the employee to discuss the absences and the fact that there are no further reasonable adjustments that can be made. The employee will be informed in writing of the need to achieve a significant and sustained improvement, the time period over which this will be monitored (normally 6 months), and if an improvement is not achieved that formal action may be taken.

7.6. If any further absences are for different reasons these should be reviewed in line with the trigger points and treated as a series of unrelated sickness absences.

Review of Monitoring Period

7.7. During the monitoring period the Head Teacher/Line Manager will continue to monitor the employee's absences noting that the triggers will be adjusted in accordance with the length of the review period e.g. over a 6 month period the trigger points will be halved.

7.8. At the end of the monitoring period or earlier should the employee's levels of attendance hit trigger points prior to the end of the monitoring period, the Head Teacher/Line Manager will analyse the employee's sickness absence record during this period and determine if:

- there has been a significant and sustained improvement in attendance and no further action is necessary;
- there has been progress towards improving attendance; or
- there has been no subsequent, significant and sustained improvement in attendance.

7.9. Where there has been a significant and sustained improvement, the employee will be informed in writing that there will be no further action with regards to their attendance and they will be monitored in line with all other employees.

7.10. Where there has been some improvement or no significant and sustained improvement in accordance with any period set, formal action will be taken as detailed in Stage 2.

8. Stage 2 - Formal Sickness Absence Action

8.1. The employee will be required to attend a Sickness Absence Meeting to discuss their absences with the Head Teacher/Line Manager who will be advised by a representative from Human Resources. The employee will receive a letter giving them 5 working days' notice of the meeting, the date and its location and the right to be accompanied by a trade union representative or work colleague.

8.2. The letter will include copies of all documentation to be used at the meeting including copies of their sickness record and notes from their return to work meetings. A copy of the letter and the documentation should be enclosed for the employee's trade union representative or work colleague.

8.3. At the meeting the following will be discussed:

- the employee's sickness record;
- the reasons for absence;

- any medical information provided by the Occupational Health Unit or by the employee;
- whether there should be a new or further referral to the Occupational Health Unit;
- where applicable in the case of disabled employees, any further reasonable adjustments that may be appropriate;
- if appropriate, alternative employment on a temporary or permanent basis.

8.4. At the end of the meeting the Head Teacher/Line Manager will decide either:

- to extend the monitoring period;
- or to issue a Sickness Absence Improvement Note

8.5. Where the employee receives an extension to their monitoring period this will be confirmed in writing and their attendance will be reviewed at the end of that period. If there is no further improvement then Stage 2 will be repeated.

8.6. Where the employee receives a Sickness Absence Improvement Note they will be informed in writing of:

- the significant and sustained improvement expected;
- the timescale for achieving this improvement (normally 6 months);
- a review date;
- any identified support to assist improvement;
- the failure to improve may lead to a Final Sickness Absence Improvement Note and, ultimately, to dismissal;
- the right of appeal.

8.7. This letter should be either hand-delivered to the employee or sent by recorded delivery. An additional copy of the letter will be enclosed for the employee to give to their trade union representative or work colleague, if they so wish.

8.8. The Sickness Absence Improvement Note will be used as the basis for monitoring the employee's sickness absence over the specified period.

9. Stage 3 - Formal Sickness Absence Action

9.1. Where a Sickness Absence Improvement Note has been issued the employee will be required to attend a Sickness Absence Meeting to review the employee's attendance. The employee will receive a letter giving them 5 working days' notice of the meeting, the date and its location and the right to be accompanied by a trade union representative or work colleague.

9.2. The letter will include copies of all documentation to be used at the meeting including copies of their Sickness Absence Improvement Note, their sickness record and notes from their return to work meetings. A copy of the letter and

the documentation to be used should be enclosed for the employee's trade union representative or work colleague

9.3. This may occur earlier should the employee's absences hit the trigger points prior to the end of the monitoring period.

9.4. At the meeting the following will be discussed:

- the employee's sickness record;
- the reasons for absence;
- any medical information provided by the Occupational Health Unit or by the employee;
- whether there should be a new or further referral to the Occupational Health Unit;
- where applicable in the case of disabled employees, any further reasonable adjustments that may be appropriate;
- if appropriate, alternative employment on a temporary or permanent basis;
- the previous discussions from meetings held.

9.5. Where there has been significant and sustained improvement the Sickness Absence Improvement Note will be removed from the employee's personal file and normal monitoring of the employee's attendance will occur. The employee will be notified of this at the meeting and it will be confirmed in writing to them.

9.6. Where there has been progress towards improving attendance the Head Teacher/Line Manager will extend the Sickness Absence Improvement Note to allow for further monitoring. The extension to the Sickness Absence Improvement Note will be confirmed in writing and their attendance will be reviewed at the end of the specified period. If there is no further improvement then Stage 3 will be repeated

9.7. Where the employee's attendance remains unsatisfactory the employee will be issued with a Final Sickness Absence Improvement Note which will detail the following:

- the significant and sustained improvement expected;
- the timescale for achieving this improvement (normally 12 months);
- a review date;
- any identified support to assist improvement;
- that if there is no further significant and sustained improvement this may lead to dismissal;
- the right of appeal.

9.8. The letter should be either hand-delivered to the employee or sent by recorded delivery. An additional copy of the letter will be enclosed for the employee to give to a trade union representative or work colleague, if they so wish.

9.9. The Final Sickness Absence Improvement Note will be used as the basis for monitoring the employee's sickness absence over the specified period.

10. Stage 4 - Formal Sickness Absence Action

10.1. Where a Final Sickness Absence Improvement Note has been issued the employee will be required to attend a Sickness Absence Meeting with the Head Teacher/Line Manager to review the employee's absence. The employee will receive a letter giving them 5 working days' notice of the meeting, the date and its location and the right to be accompanied by a trade union representative or work colleague.

10.2. The letter will include copies of all documentation to be used at the meeting including copies of their Final Sickness Absence Improvement Note, their sickness record and notes from their return to work meetings. A copy of the letter and the documentation to be used should be enclosed for the employee's trade union representative or work colleague

10.3. This meeting may occur earlier should the employee's absences hit the trigger points prior to the end of the monitoring period.

10.4. At the meeting the following will be discussed:

- the employee's sickness record;
- the reasons for absence;
- any medical information provided by the Occupational Health Unit or by the employee;
- whether there should be a new or further referral to the Occupational Health Unit;
- where applicable in the case of disabled employees, any further reasonable adjustments that may be appropriate;
- if appropriate, alternative employment on a temporary or permanent basis;
- the previous discussions from meetings held.

10.5. Where there has been significant and sustained improvement the Final Sickness Absence Improvement Note will be removed from the employee's personal file and normal monitoring of the employee's attendance will occur. The employee will be notified of this at the meeting and it will be confirmed in writing to them.

10.6. When the employee has received a Final Sickness Absence Improvement Note and fails to meet the targets set out in the Note, a meeting will be convened by the Finance and Staffing Committee who will be advised by a representative from Human Resources. The employee will receive a letter giving them 5 working days' notice of the meeting, the date and its location and the right to be accompanied by a trade union representative or work colleague. The letter will include copies of all documentation to be used at

the meeting including copies of their Final Sickness Absence Improvement Note, their sickness record and notes from their return to work meetings.

10.7. At the meeting the following will be considered:

- the employee's sickness record;
- the reasons for absence;
- any medical information provided by the Occupational Health Unit or by the employee;
- whether there should be a new or further referral to the Occupational Health Unit;
- where applicable in the case of disabled employees, any further reasonable adjustments that may be appropriate;
- if appropriate, alternative employment on a temporary or permanent basis;
- the previous discussions from meetings held.

10.8. The Head Teacher/Line Manager will present the continuing concerns in relation to the employee's attendance to the Finance and Staffing Committee and the employee will have the opportunity to respond to these concerns.

10.9. The meeting will consider the matters set out in the Final Sickness Absence Improvement Note and whether there have been any significant changes that should be taken into account, including any further medical information, for example a new or different diagnosis.

10.10. At the end of the meeting, the Finance and Staffing Committee will decide to either:

- extend the monitoring period under the Final Sickness Absence Improvement Note;
- seek alternative employment for the employee as an alternative to dismissal; or,
- dismiss the employee on grounds of capability due to ill health, or where there is no medical diagnosis, for some other substantial reason.

10.11. If the decision is to extend the Final Sickness Absence Improvement Note the employee will be informed in writing of:

- the details of the discussions regarding the employee's absences
- the targets and timescale for improvement in attendance (normally 6 months);
- that if there is no further significant and sustained improvement this may lead to dismissal.

10.12. If the decision is that the employee cannot remain in their current post then as an alternative to dismissal the Finance and Staffing Committee will explore the possibility of alternative employment.

10.13. The alternative employment is dependent on a vacant post being available immediately within the School that addresses the matters that currently prevents the employee attaining satisfactory attendance. In addition, the employee must agree to the alternative employment and have the necessary skills for the post (or be able to attain the skills with some training).

10.14. Suitable alternative employment may include a post at a lower grade than the employee's current post. Protection arrangements do not apply where alternative employment is provided as an alternative to dismissal.

10.15. If alternative employment is found, the Final Sickness Absence Improvement Note will be extended and the employee will be informed in writing of:

- the details of the alternative employment;
- the details of the discussions regarding the employee's absences;
- the targets and timescale for improvement in attendance (normally 6 months);
- the fact that if there is no further significant and sustained improvement this may lead to dismissal.

10.16. If attendance is not significantly improved and sustained then the employee may be dismissed from their employment by repeating Stage 4 of the procedure.

10.17. If alternative employment is not possible then the employee will be dismissed with notice. There may be occasions where dismissal with pay in lieu of notice is appropriate and therefore dismissal will be with immediate effect and the notice period paid as a lump sum payment to the employee. Notice pay will consist of the employee's normal monthly/weekly pay including any allowances multiplied by the number of months/weeks' notice they are entitled to less tax and National Insurance contributions.

10.18. Teachers will be dismissed using their normal resignation periods and term dates as per the Burgundy Book and will therefore receive full pay with normal deductions for the period of their notice.

10.19. If the decision to dismiss is taken by the Finance and Staffing Committee the employee will be informed in writing of:

- the details regarding the employee's absence;
- the reason for dismissal (either on grounds of capability due to ill health, or where there is no medical diagnosis, for some other substantial reason);
- whether the dismissal is with notice or with pay in lieu of notice;
- the right of appeal.

10.20. The letter should be either hand-delivered to the employee's home or sent by recorded delivery. An additional copy of the letter will be enclosed for the

employee to give to a trade union representative or work colleague, if they so wish.

Right of Appeal

10.21. Where an employee receives a Sickness Absence Improvement Note, a Final Sickness Absence Improvement Note or is Dismissed with Notice or with Pay in Lieu of Notice they will have the right of appeal to the Appeals Committee of the Governing Body. The appeals process is detailed in Appendix 3.

11. Informing the Council/ Informing the School's Payroll Provider (Maintained Schools need to leave in the Council/VA Schools need to leave in Payroll Provider, please delete as appropriate)

11.1. A leaver's form confirming the termination/retirement should be sent to the Council/Payroll Provider containing the following information:

- name, designation and payroll number;
- reason why left;
- date of termination/retirement;
- notice entitlement to be paid in lieu;
- any outstanding holiday pay to be paid in lieu (where appropriate).

11.2. For all non-teaching employees who are retired on the grounds of ill health a copy of the medical certificate must be attached to the email.

11.3. This information is required to ensure the Council issues the employee with a letter confirming the School's decision. (VA Schools need to delete this sentence)

The Procedure – Section 3

12. Managing Long Term Sickness Absence

12.1. Once the employee has been absent from work for four weeks or more due to sickness, this is categorised as a long term absence. At this time, the Head Teacher/Line Manager must assess the situation and determine if a return date or date of any treatment likely to facilitate a return is known. This will become the next date for review.

12.2. Consideration should be given to the potential for returning to work in some capacity whether, returning to work on alternative duties or part time working as an interim measure.

12.3. If no return to work date is known, the employee must be referred (where appropriate) to the Occupational Health Unit. From this point on, the Head Teacher/Line Manager must review the situation on an ongoing basis and must contact the employee at least every four weeks to offer support and to obtain any further information from the employee regarding diagnosis, prognosis and improvement.

13. First Sickness Absence Review Meeting

13.1. If it is clear that the absence will continue without a known return to work date the Head Teacher/Line Manager must write to the employee no later than the end of the eighth week of absence to arrange a Sickness Absence Review Meeting with the employee. The employee will receive a letter detailing the date and location and that they can be accompanied by a trade union representative or work colleague.

13.2. Where the employee is unfit to attend the School, the meeting can, with the employee's consent, be held at their home or an alternative location.

13.3. At the meeting the Head Teacher/Line Manager will:

- explore the reasons for the absence including whether or not the employee has a disability;
- discuss the medical report from the Occupational Health Unit, if already referred, or the need to be referred for an occupational health assessment;
- discuss the employee's return to work;
- identify areas for support including whether any reasonable adjustments can be made to assist a return to work such as a phased return to work or a return to adjusted duties;
- complete / update a risk assessment;
- consider alternative employment where practicable, either on a temporary or permanent basis;
- inform the employee that they may be at risk of formal action if they are unable to carry out their current duties.

13.4. At the end of the Sickness Absence Review Meeting, the discussions with the employee will be confirmed in writing. The employee will be invited to consider any relevant option and inform the Head Teacher/Line Manager if they wish to proceed with any option outlined.

13.5. If the employee returns to work, any support (training, reasonable adjustments and/or phased return) that is put in place should be reviewed weekly to ensure that the employee can resume the full duties of the post normally over a four week period. The employee's absences should be monitored during this period to ensure that any support is having a positive impact and that the employee is able to maintain being at work. If the employee does not maintain being at work and is absent during the phased return period then it will be necessary to arrange a second Sickness Absence Review Meeting.

13.6. Where an employee is unfit to attend any Sickness Absence Review Meeting then the employee must be informed in writing of:

- the reasonableness of any adjustments that may be made;
- whether there are suitable alternative posts within the School that the employee could consider returning to;
- the opportunity to meet to discuss the options;
- the possibility of termination of employment due to an inability to perform their duties due to ill health if the absence continues.

14. **Second Sickness Absence Review Meeting**

14.1. Where the employee fails to maintain being at work or has remained absent it will be necessary for a second Sickness Absence Review Meeting to take place. For those who have been continuously absent this will take place before the end of the twelfth week of absence. The employee must have been referred to the Occupational Health Unit for assessment and the report along with any information supplied by the employee's GP/Consultant will be fully considered in light of the employee's work environment and duties.

14.2. The steps detailed in the First Sickness Absence Meeting should be repeated and the impact of any new information from the Occupational Health Unit or GP/Consultant's report applied to each of the options discussed. The employee must be advised that that their employment with the School is at risk if the absence continues. The following options available to the School should also be outlined:

- continuing with the absence to allow further time for recovery;
- ability to offer alternative employment within the School;
- ability to implement reasonable adjustments;
- termination of employment due to an inability to perform their duties due to ill health.

14.3. Following the second Sickness Absence Review Meeting, the options discussed and their feasibility will be confirmed in writing to the employee. If

the employee is now able to return to work any support (training, reasonable adjustments and/or phased return) that is put in place should be reviewed weekly to ensure that the employee can resume the full duties of the post, this would normally be over a four week period. The employee's absences should be monitored during this period to ensure that any support is having a positive impact and that the employee is able to maintain being at work.

14.4. It may be necessary to have several sickness absence review meetings to ensure that all reasonable adjustments and the options below have been explored in detail or to see if further medical intervention enables the employee to return to work:

- phased return to work – employees may require a four week phased return to duties and/or hours to ensure a successful and sustained return to work, normally phased returns are offered on full pay following a twelve week absence;
- ill health retirement - an employee in either the Local Government Pension Scheme (LGPS) or Teachers Pension Scheme (TPS) who are unfit to carry out their duties in the long term may meet the criteria for ill health retirement. Employees should be informed of how they can be assessed for consideration of early release of their pension on the grounds of ill health;
- early retirement - an employee in either the LGPS or TPS who is aged 55 or over can apply to retire early with an actuarially reduced pension. Employees will be informed of how they can be considered for early release of their pension;
- career break - where an employee is suffering from a medical condition causing a long term absence that can no longer be sustained by the School it may be beneficial to both the School and employee if the employee takes a career break. (Please refer to the School's Career Break Policy).

15. **Final Sickness Absence Review Meeting**

15.1. Where the employee remains absent from work, or a return to work has failed to maintain attendance, and all available options described above have been exhausted, the only remaining option may be to end the employee's contract of employment either by termination due to an inability to perform their duties due to ill health or retirement on the grounds of ill health.

15.2. The Head Teacher/Line Manager will write to the employee requiring them to attend a Final Absence Review Meeting with the Finance and Staffing Committee to discuss this option. The letter will give the employee 5 working days' notice of the meeting and will detail the date and its location, the risk that their employment may be terminated and the right to be accompanied by a trade union representative or work colleague.

15.3. The letter will include copies of all documentation to be used at the meeting including copies of their Sickness Absence Review Meetings letters and their

sickness record. A copy of the letter and the documentation to be used should be enclosed for the employee's trade union representative or work colleague

15.4. The Finance and Staffing Committee will hear a presentation from the Head Teacher/Line Manager with regards to the options that have been explored, the reasons why some options have not been appropriate or successful and why the termination of the employee's contract is the only remaining option.

15.5. The employee/ trade union representative or work colleague can then present as to why further time and/or adjustments should be considered to allow the employee to return to work. The Finance and Staffing Committee will then determine whether further options should be explored or decide to terminate the employee's contact of employment on the inability to perform their duties due to ill health.

15.6. The decision must be confirmed in writing to the employee. The employee will be entitled to be paid the longer of their contractual or statutory notice The letter must advise the employee of their right of appeal against this decision.

15.7. If the decision is to terminate the employment of a non-teaching employee on the inability to perform their duties due to ill health then the date of termination will be the day after the non-teaching employee has been formally notified verbally of the decision. For any non-teaching employee their notice period and any outstanding holiday entitlement will be paid as a lump sum payment.

15.8. If the decision is to terminate the employment of a Teacher on the inability to perform their duties due to ill health then the date of termination will be the relevant date for the academic term in which they are dismissed and they will receive full pay with normal deductions for the period of their notice.

Right of Appeal

15.9. Where an employee's employment is terminated due to their inability to perform their duties due to ill health they have the right of appeal to the Appeals Committee of the Governing Body. The appeals process is detailed in Appendix 3.

15.10. A leaver's form confirming the termination/retirement should be sent to the Council containing the following information:

- name, designation and payroll number;
- reason why left;
- date of termination/retirement;
- notice entitlement to be paid in lieu;
- any outstanding holiday pay to be paid in lieu (where appropriate).

15.11. For all non-teaching employees who are retired on the grounds of ill health a copy of the medical certificate must be attached to the email.

15.12. This information is required to ensure the Council issues the employee with a letter confirming the School's decision.

The Procedure – Section 4

16. Managing Ill Health which does not lead to absence from work

16.1. There may be occasions where an employee is suffering from an underlying medical condition which does not lead to the employee being absent from work. If either the Head Teacher/ Line Manager or the employee believes that ill health is having an impact on the employee's ability to undertake their job they should raise this as a concern. The Head Teacher/ Line Manager will discuss the matter confidentially with the employee, conduct or review the workplace risk assessment and discuss whether any additional support can be provided to the employee to support them at work. Depending on the circumstances, the Head Teacher/ Line Manager should consider referring the employee to the Occupational Health Unit for further advice and support.

16.2. The School has a duty to take all reasonable steps to ensure the health and safety of its employees. This means an employee can be suspended from work, due to sickness/illness if they perceive that the employee or staff/pupils may be at particular risk. This decision will be based upon a risk assessment, and will only be taken following advice from Human Resources and the Occupational Health Unit.

The Procedure – Section 4

17. Managing Ill Health which is due to work related stress

17.1. There may be occasions where an employee becomes absent from work due to “work related stress”. When this is stated as the reason for absence the Head Teacher/ Line Manager will immediately invite the employee to attend a meeting to discuss the particular areas of work they perceive to be causing them stress and to identify how these stressors can be managed. The employee can be accompanied to this meeting by a trade union representative or work colleague.

17.2. At this meeting a stress risk assessment will be completed and any adjustments that can be made to reduce the level of stress the employee perceives will be discussed. A return to work should be arranged with the adjustments in place and the employee’s attendance will continue to be monitored line with this procedure.

17.3. It may be that the employee feels unable to attend School or unable to discuss the reasons with the Head Teacher/ Line Manager. An alternative location or senior member of the leadership team will then be offered to ensure the meeting can take place. If the employee remains absent after this meeting or feels unable to attend despite the offer of alternatives then a referral will be made to the Occupational Health Unit stating that the employee perceives themselves to be suffering from “work related stress” and has been unable to discuss the stressors with the School.

17.4. Absences due to “work related stress” will be managed under either the short or long term absences steps in this procedure depending on the frequency and length of absences. Although the employee is absent from work the Head Teacher/ Line Manager has a duty of care to contact the employee to discuss their absence and to keep them informed, either verbally or in writing, of the options available to the employee and the School.

18. Notification and Certification of Sickness Absence

18.1. An employee's entitlement to statutory sick pay and occupational health pay (as set out in the contract of employment) is subject to compliance with the notification and certification procedures as set out below.

18.2. Every absence must be certified to ensure prompt and correct payment of contractual and statutory sick pay and to ensure that accurate records are maintained. The first 7 days of a period of sickness absence can be certified by completing a self-certification form which requires the start date for the absence, reason for absence and the end date if it is less than 7 days.

18.3. It is the responsibility of the Head Teacher/Line Manager to ensure the self-certification statements and fit notes are submitted covering appropriate periods of absence. If the employee does not provide these, it is the responsibility of the Head Teacher/Line Manager to remind the employee of their obligations.

18.4. The following milestones are in calendar days not working days.

Day 1

18.5. Employees absent from work due to sickness must report their absence by contacting XXXX by XXXX a.m. to allow for any supply arrangements to be made.

18.6. When making contact, the Head Teacher/Line Manager has the right to know the broad reason for the absence and the likely duration. It is also reasonable to discuss any outstanding work issues that need to be picked up.

18.7. The Head Teacher/Line Manager will note the absence start date, and update the sickness reporting system, checking the date against the self-certification form completed by the employee upon their return to work and prompt contact with the employee in 4 days if no update is received.

Day 4

18.8. The Employee must phone in and update the Head Teacher/Line Manager. If no contact is received, the Head Teacher/Line Manager will contact the employee.

Day 8

18.9. If the employee expects to be absent for more than 7 consecutive days (regardless of whether or not these are working days) they must consult a doctor and obtain a fit note which must be forwarded immediately to their Head Teacher/Line Manager. The Head Teacher/Line Manager will record this / input this into the sickness reporting system immediately, and file for future reference/send to payroll.

18.10. Where there is continuing sickness absence the employee must submit to the Head Teacher/Line Manager consecutive fit notes to cover the whole period of absence. These fit notes must be received in a timely manner and regular contact should be maintained to enable the School to support the employee and plan appropriate cover. This contact should not be via email or text as this limits the exchange of information

18.11. If an employee is absent from work due to sickness and they perceive that a holiday will improve their health they must seek certification from their GP's practice that the nature of the holiday will aid their recovery. This certification must be forwarded to the School before taking the holiday. The absence will be recorded as a continuation of the sickness absence.

19. Occupational & Statutory Sick Pay

19.1. For statutory purposes, the days of the week agreed to be qualifying days for Statutory Sick Pay are Monday to Sunday inclusive. If a period of absence includes a Friday, and the employee is also sick on the Saturday and Sunday, these days will count for Statutory Sick Pay (SSP) purposes e.g., if the first day of sickness is Thursday and the return to work is the following Monday, then this will be counted as 4 days in relation to SSP.

Non-teaching Employees

	Full Salary	**Half Salary**
During 1st year of service	1 month	
Plus after 4 months service		2 months
During 2nd year of service	2 months	2 months
During 3rd year of service	4 months	4 months
During 4th and 5th year of service	5 months	5 months
After 5 years' service	6 months	6 months

Teachers

	Full Salary	**Half Salary**
During 1st year of service	25 working days	
Plus after 4 months service		50 working days
During 2nd year of service	50 working days	50 working days
During 3rd year of service	75 working days	75 working days
During 4th and subsequent years of service	100 working days	100 working days

26.2 For the purposes of Teachers' Sick Pay Scheme working days means teaching and non-teaching days within directed time as specified under paragraph 59 of the STPCD 2000.

20. Right of Appeal

20.1. Where an employee receives a Sickness Absence Improvement Note, a Final Sickness Absence Improvement Note, or their employment is terminated, they have the right of appeal to the Appeal's Committee of the Governing Body.

20.2. The letter of appeal must be sent to the Chair of the Governing Body within 10 working days of receipt of the letter confirming the formal action being taken. The employee should state in the letter the reason for the appeal.

20.3. The Chair of the Governing Body will, within 5 working days of receipt, acknowledge the appeal letter and arrange a meeting of the Appeal's Committee of the Governing Body as soon as is reasonably practicable. The Appeal's Committee will be made up of 3 or more Governors who have had no previous involvement in the monitoring or review of the employee's sickness record.

20.4. At least 10 working days prior to the appeal, the employee will be informed in writing of the date, time and location of the appeal and their right to be accompanied by a trade union representative or work colleague. If this date is not suitable for the employee or the trade union representative or work colleague they must offer an alternative date which is within 5 working days of the original date.

20.5. At least 5 working days prior to the appeal, all relevant documentary evidence to be used at the appeal by both parties, including, if applicable, a chronology of events and minutes of the Final Sickness Absence Action/Final Sickness Absence Review Meeting, should be exchanged. Two copies of the documentation will be given to the employee, one for themselves and one to pass on to their trade union representative/work colleague. Arrangements for this exchange will be included in the letter confirming the date of appeal.

20.6. At the appeal the Head Teacher/Line Manager and Chair of the Finance and Staffing Committee will present the information, giving the background to and the reasons for the decision and include documentation as previously provided to the employee. The employee (or their trade union representative or work colleague) will have the opportunity to ask questions of the Head Teacher/Line Manager and Chair of the Finance and Staffing Committee. Members of the Appeal's Committee and their advisers may also ask questions.

20.7. The employee (or their trade union representative or work colleague) will put forward their information, including documentation as previously provided for the Appeal's Committee. The Head Teacher/Line Manager and Chair of the Finance and Staffing Committee will have the opportunity to ask questions of the employee. Members of the Appeal's Committee and their advisers may also ask questions. The Chair of the Finance and Staffing Committee and

the employee (or their trade union representative or work colleague) will then sum up their presentation if they so wish.

20.8. The Head Teacher/Line Manager, Chair of the Finance and Staffing Committee, employee and their trade union representative or work colleague will then withdraw whilst the Appeal's Committee considers the information presented, assisted by Human Resources.

20.9. If the Appeal's Committee need to recall the Head Teacher/Line Manager and Chair of the Finance and Staffing Committee or the employee (or their trade union representative or work colleague) to clarify matters on which they are uncertain, then both parties are to return notwithstanding only one may be required to comment on the point requiring clarification.

20.10. The decision of the Appeal's Committee should be given orally in the presence of both the employee (or their trade union representative or work colleague) and Head Teacher/Line Manager and Chair of the Finance and Staffing Committee, where practicable, and will be confirmed in writing.

20.11. The appeal is conducted as a review of the original decision. However in exceptional circumstances, where it is agreed that there has been some procedural irregularity or flaw in the process, the Appeal's Committee may consider any such representations and if thought appropriate, proceed with the case by way of a rehearing. The appeal will be reconvened at the earliest possible date thereafter.

20.12. If, after an appeal, a decision to dismiss is confirmed the Governing Body must notify the Council in writing of the decision to dismiss.

21 Disability Related Sickness

21.1. The Equality Act 2010 prohibits discrimination on grounds of disability. The School has an obligation to make reasonable adjustments to the working environment and/or working practices in order to enable the employee to undertake his /her duties. Whether dealing with persistent short-term absences or long-term absence, the Head Teacher/ Line Manager must have regard to the School's obligations and responsibilities under the Equality Act 2010.These obligations relate to all aspects of employment, including dismissal.

21.2. The Act requires the School to make reasonable adjustments where any physical feature of the premises or any of the terms and conditions of employment or policies and procedures place the disabled person at a substantial disadvantage.

21.3. A number of factors influence whether an adjustment is reasonable or not and include:

- the cost of the adjustment;
- the impact of the adjustment on other colleagues/ the organisation;
- the impact on health and safety on the employee/colleagues;
- the effectiveness of the proposed adjustment.

21.4. Examples of the type of adjustments are:

- adjustments to premises - providing ramps, moving furniture, re-locating light switches or door handles;
- acquiring or modifying equipment - e.g. adapted keyboards or telephones ; specialised software; specialised seating;
- providing training - to use specialist equipment or slightly different training to accommodate particular needs;
- the provision of an interpreter/signer/reader;
- adjustments to the hours worked /flexible working - i.e. to assist with travelling;
- adjustments to the job role itself - could some duties be allocated to another employee?;
- use of disability leave; or
- changing location to a more accessible area of the School.

21.5. The Head Teacher/Line Manager will endeavour to establish at the earliest opportunity, whether the employee has a disability which is contributing to their sickness absence or disadvantages them in any way.

21.6. In these circumstances the Head Teacher/Line Manager will discuss with the employee whether there are any appropriate adjustments, which could be made to prevent or reduce the disadvantage and enable the employee to improve their attendance. Advice about an individual or a referral to the

Occupational Health Unit or other relevant support agency may be appropriate and should be discussed with Human Resources.

21.7. The Head Teacher/Line Manager must document the outcome of these discussions and, in particular, to note down the reasons why further action, adjustments or adaptations could not be made.

21.8. There is no specific legal requirement to discount disability related sickness absence. However, advice must be sought from the Occupational Health Unit and Human Resources to determine whether all reasonable adjustments have been considered and implemented before any consideration is given to the procedure being followed.