

## **THE SIR BERNARD LOVELL SCHOOL**

### **MODEL SCHOOL POLICY FOR MANAGING SICKNESS ABSENCE**

#### **1. POLICY**

1.1 The intention of the School's Governing Body, in its approach to employee sickness, ill health and disability is to:-

- Monitor sickness absence and seek to ensure high attendance levels;
- Support its concern for the health, safety and welfare of its employees;
- Assist the Headteacher/line managers and employees in dealing with health problems;
- Ensure that employees with health problems, including those absent from work, are treated fairly, sympathetically and consistently;
- Respond to the consequences of absence for service provision, costs and additional workloads falling to other employees.

1.2 This policy covers employees who are disabled and has been prepared in accordance with the provisions of the Disability Discrimination Act 1995 and the Code of Practice 2004 by the Disability Rights Commission.

#### **2. AIMS**

2.1 This document provides guidance on the management of ill health to:-

- Assist the headteacher/line managers and human resources staff in monitoring sickness absence and in dealing with individual cases in a fair and consistent manner;
- Ensure that employees and their trade union representatives are aware of these procedures;
- Clarify the roles involved;
- Prevent discrimination against employees who have a disability.

#### **3. SCOPE OF PROCEDURES**

3.1 These procedures apply to all the school's employees.

3.2 These procedures apply where an employee experiences a period, or periods, of ill health absence.

3.3 These procedures also apply where there is an established underlying medical condition or disability that does not necessarily result in long term or continuous absence from work.

3.4 Where the headteacher has health problems, then the role of Headteacher described in these procedures will be carried out by the Chair of Governors or other appropriate Governor as advised by Schools' Personnel.

3.5 The procedures described in this document do not cover situations where an employee either fails to observe the school's sickness reporting procedures (see below) or makes a false claim about sickness absence.

#### **4. SICKNESS REPORTING PROCEDURES**

- 4.1 All employees should be told by the Headteacher/Line Manager who their 'relevant manager' is for the purpose of reporting sickness absence.
- 4.2 An employee must contact the 'relevant manager' on the first day of sickness absence, informing him/her of the first day of illness, giving some indication of the nature of the illness and how long the employee expects to be away. Normally notification should be within 2 hours of the employee's normal start time unless school protocol requires earlier notification.
- 4.3 The employee must contact the 'relevant manager' on the fourth day of sickness absence to provide an update on his/her condition.
- 4.4 The employee must submit a doctor's certificate to the school not later than the eighth calendar day of absence and subsequent doctor's certificates as necessary.
- 4.5 Where the doctor's certificate covers a period exceeding fourteen days or where more than one statement is necessary, the employee should, before returning to work, submit a final statement as to fitness to resume duties.
- 4.6 A doctor's certificate for one week includes the day it is dated i.e. if the certificate is for one week dated on a Friday, you should return to work on the following Friday, not the Monday after that.
- 4.7 When an employee returns to work, irrespective of the length of the absence or whether covered by doctor's certificates, he/she must complete a self-certification statement.
- 4.8 Saturday and Sunday count as sickness days if they fall in the middle of sickness absence.
- 4.9 Please note that teachers and term time only support staff should continue to provide doctors' certificates during all periods of school closure unless and until they provide evidence of their fitness to work.

#### **5. GENERAL PRINCIPLES OF MANAGING SICKNESS**

- Review sickness absence regularly (see Guidance Notes, Page 3);
- Keep in contact with sick employees (see Guidance Notes, Page 3);
- Use the professional services of Occupational Health to guide and inform your decision making (see Guidance Notes, Page 6);
- Carry out return-to-work interviews (see Guidance Notes, Page 14);
- Seek advice and support from the Schools' Personnel Officer (see Guidance Notes, Page 9);
- Ensure that employees are aware of their right to be accompanied in all meetings (see Guidance Notes, Page 5).

#### **6. PROCEDURE FOR DEALING WITH LONG-TERM ILL HEALTH CASES**

This procedure applies when an employee's continuous sickness absence has lasted six weeks and is expected to continue or there is an underlying medical condition or

disability (that does not necessarily result in long term or continuous absence from work).

Where, however, there are a number of long term absences that appear to be due to unrelated medical conditions and which form an unacceptable pattern this will usually be considered to be sporadic and should be dealt with under the Procedure for Short Term Absence (Section 7).

### 6.1 **Six Week Review Meeting**

When an employee's absence reaches 6 weeks a review meeting should be arranged by the Headteacher/Line Manager at a mutually convenient time and venue (including the employee's home if this is preferred by the employee). The employee may wish to be accompanied at the meeting. In exceptional cases, where the employee does not want to see the Headteacher/Line Manager advice should be sought from Schools' Personnel on the appropriate method of contact.

The meeting will enable discussion of the following with the employee:

- Confirmation/clarification of the nature of the sickness absence
- The expected duration of the absence and a likely possible return to work date
- Any concerns or issues that the Headteacher/Line Manager, or the employee, has regarding the absence
- Any assistance that the school can give to support an early return to work e.g. supported/accompanied visits to the school, possible reasonable adjustments, rehabilitation, temporary or permanent redeployment
- Whether the employee should be referred to Occupational Health
- Any other support that the school can give to the employee, including details of
  - Interchange, the free, personal and confidential counselling service
  - Teacher Support Line, a telephone service providing support, advice and counselling for teachers
  - His/her Local Trade Union or Professional Association Representative.

If the employee is hospitalised at this time, the meeting and any associated action should be postponed pending the individual's discharge from hospital.

The Headteacher/Line Manager may wish to seek advice from a Schools' Personnel Officer and/or request their attendance at the meeting.

**Where the illness is as the result of an industrial injury** (defined as 'industrial disease, accident or assault arising out of or in the course of employment') then the employee may be eligible for financial assistance in accordance with the Injury Allowance Scheme (see Guidance Notes, Page 18).

### 6.2 **Occupational Health Referral**

If during, or following, the review meeting the Headteacher/Line Manager wishes to involve the Occupational Health Service this must be discussed with the employee and his/her consent sought. It should be explained to the

employee that the purpose of the referral is to obtain advice that will help the Headteacher/Line Manager make an informed decision about the most appropriate course of action to take. Normally, the employee would be expected to sign the referral form and be given a copy together with this procedural document and the guidance notes.

Where a meeting with the employee has not been possible but the Headteacher/Line Manager wishes to proceed with an OH referral every effort will be made to obtain the employee's signature; where this is not possible the form should state that the employee is aware of the referral and has been/will be provided with a copy.

### 6.3 **Three Month Review Meeting**

If the absence has continued for three months and no return to work is indicated the employee's situation should be reviewed again, repeating the procedure in 6.1.

If at this stage there is still no return-to-work date and Occupational Health advice has not yet been sought, this should now be done as a matter of course. If a report has been received and discussed following the first review meeting, it may be necessary to request a further report for up-to-date advice and information.

If not provided earlier, the employee should be given a copy of this document and the accompanying guidance notes i.e. School Policy for Managing Sickness Absence.

### 6.4 **Meeting to Review Occupational Health Advice**

Once the report has been received from Occupational Health a meeting should be arranged by the Headteacher/Line Manager with the employee, the employee's representative, if relevant, and a Schools' Personnel Officer, if required. This meeting should discuss the employee's situation in the light of all the information available and consider the options for the employee's return to work which will fall broadly into one of the following three categories:

6.4.1 **Likely to Return to Work:** where there is a likelihood of a return to normal or near normal work within the foreseeable future consideration should be given as to how the employee might be best assisted, by permanent or temporary arrangements. These could include:

- An agreed structured phased return to work
- Changes to the work situation or work practices
- Changes to an employee's working hours, where practical
- The provision of aids/adaptations/reasonable adjustments.

Your Schools' Personnel Officer can assist in planning a phased return to work. In addition he/she may recommend contacting Access to Work who can offer practical and/or financial help to an employer in order to support an employee with a disability.

6.4.2 **Likely to return but not to the employee's former duties:**

Where Occupational Health has advised that the employee will not be able to return to their former duties on medical grounds consideration should be given to the following options:

- Possible changes or substantial adjustment to the employee's duties
- Adjustments to the workplace including equipment, access arrangements, aids and adaptations.
- Where neither of the above are possible, then the school should consider redeploying the employee to a suitable post within the school (see Guidance Notes).

6.4.3 **No foreseeable likelihood of a return to work:** if after **6 months** absence, despite all the efforts of the employee, the Headteacher/Line Manager, and with the specialist advice and support from Occupational Health and Schools' Personnel, there is no prospect of a return to work in the foreseeable future, a further review of the employee's employment situation should be undertaken at a Final Review Meeting. Schools' Personnel should be contacted for advice when this course of action is contemplated.

#### 6.5 **Return to Work Plan**

When a return date has been agreed, the Headteacher/Line Manager should develop a 'return to work' plan in conjunction with the employee, their representative and Schools' Personnel as appropriate, as well as any other staff likely to be affected. The plan should be recorded – please see Guidance Notes for further details.

#### 6.6 **Final Review Meeting**

The Headteacher/Line Manager must ensure that the employee has a copy of this procedure (unless there are exceptional reasons why this should not be done on health reasons) and must ensure that up to date medical advice has been received from Occupational Health.

The final review meeting should involve the Headteacher/Line Manager, the employee, their representative or colleague, and a Schools' Personnel Officer.

The purpose of the meeting is to discuss the operation of the procedure and the employee's situation in the light of all the available information. The options for consideration will include:

- 6.6.1 the **likelihood of a return to work** in the foreseeable future, including further consideration of any ways that this could be assisted e.g. through changes to the work situation, the provision of aids/adaptations, changes to working hours, or possible redeployment on health grounds to another post in the school;
- 6.6.2 whether there are grounds for early retirement on the basis of permanent ill-health, supported by Occupational Health;
- 6.6.3 whether, if the employee's post cannot be kept open and neither 6.6.1 or 6.6.2 apply, there is a need to consider dismissal on the grounds of lack of capability due to ill-health.

#### 6.7 **Ill-Health Retirement**

Schools' Personnel will provide advice regarding the process for ill health retirement.

- 6.7.1 **Teaching Staff:** the employee must apply for ill-health retirement benefits to Teachers' Pensions. The Occupational Health Service will be actively involved in assessing the adequacy of the medical evidence supplied to Teachers' Pensions and confirming the steps that have been taken to help the teacher return to work, including consideration of part time employment, stepping down to a less demanding post or redeployment.

If Teachers; Pensions grant ill-health retirement, termination of employment normally takes place with immediate effect.

- 6.7.2 **Support Staff:** if there are potential grounds for early retirement on the grounds of ill-health, supported by Occupational Health, the employee will be requested to sign a consent form so that his/her case can be considered by an independent occupational health practitioner.

Please note: both Teachers' Pensions and the Local Government Pension Scheme have more than one level of benefit for members who retire on ill-health grounds; these relate to the employee's potential to undertake any gainful employment following retirement.

#### 6.8 **Ill-health Dismissal**

As indicated in 6.6.3, once all other options have been exhausted and there is no foreseeable return to work, the employee may be informed that the School will need to consider dismissal on the grounds of capability, due to ill-health. The possibility of this course of action should have been discussed with the employee, with the involvement of his/her representative if requested, in earlier discussions and its probability conveyed, sensitively, at the final review meeting and confirmed in writing. Please refer to Section 8 for details of the dismissal and appeal process.

#### 6.9 **Long Service Award**

Employees who retire early on ill health grounds and employees dismissed on the grounds of lack of capability due to ill health will, where eligible, receive the Council's Long Service Retirement Award.

### 7. **PROCEDURE FOR DEALING WITH SHORT-TERM/SPORADIC SICKNESS ABSENCE CASES**

This procedure applies normally when the termly monitoring process has identified absence pattern of 5 spells in a rolling 12 months, or where an employee's level and/or pattern of short term/sporadic sickness absence has become unacceptable having regard to the impact on service delivery.

#### 7.1 **Return to Work Interview**

A return to work interview should be conducted by the Headteacher/Line Manager with the employee after each instance of absence in order to identify the cause of absence and provide an opportunity to explore any particular problems the employee may have; it is also an opportunity to ensure that the self-certificate is completed (see Guidance Notes, Page 14).

#### 7.2 **Informal Review Meeting**

Where concern about an employee's level and/or pattern of absence has been triggered the Headteacher/Line Manager should review the information available, noting any patterns to the absences, what proportion is

certificated/uncertificated and what reasons have been given for the absences.

An informal review meeting should then be arranged with the employee to communicate the concerns. The employee may wish to be accompanied at the meeting.

The meeting will provide the opportunity for:

- The employee to express his/her views about the absences, including the reasons (noting any GPs or self certificates covering the absence) and any particular medical, personal or work circumstances which may have contributed.
- Counselling the employee about the difficulties emanating from a high level of absence and encouraging improvement, but in a supportive manner.
- Discussing action to achieve that improvement, which may include a referral to Occupational Health.
- Considering other forms of support, short term adjustments, or referral to the Counselling Service.
- Agreeing a timescale for improvement in attendance.

The employee should receive written confirmation of the points discussed and the agreed review period.

Where sufficient improvement is achieved within the agreed timescale this should be acknowledged by the Headteacher/Line Manager and noted on the employee's personal file.

### 7.3 **Investigatory Action**

Where the unacceptable levels/pattern of absence continues or re-occurs the Headteacher/Line Manager should ensure that all reasonable steps have been taken to ascertain whether there is any underlying reason for the absences. This should include:

- **Referral to Occupational Health**, where this has not already been done. This must be discussed with the employee and his/her consent sought. It should be explained to the employee that the purpose of the referral is to obtain advice that will help the Headteacher/Line Manager make an informed decision about the most appropriate course of action to take. Normally, the employee would be expected to sign the referral form and be given a copy together with this procedural document; Occupational Health will, however, accept an unsigned referral provided that a signed copy follows at a later date.
- **Consideration of any personal, domestic or other circumstances** that the employee asks to be considered in mitigation.

The Occupational Health report should be discussed with the employee.

7.3.1 Where the report advises that the absences are the result of an underlying medical condition or disability, the employee should be dealt with under the Long Term Ill-Health Procedure (Section 6).

7.3.2 Where the Headteacher/Line Manager is satisfied that personal, domestic or other circumstances have caused or contributed to the employees level/pattern of absence then a further review date should be set and

appropriate support measures put in place if this has not already been done. The potential consequences of continued unacceptable absences should be explained to the employee. The employee should receive written confirmation of the points discussed and the agreed review period.

- 7.3.3 Where no underlying medical condition or disability has been identified nor any acceptable mitigating circumstances, then the Headteacher/Line Manager should inform the employee that a formal Sickness Absence Interview will be arranged.

The employee has the right throughout this process and at any future meetings to be represented.

#### 7.4 **Sickness Absence Interview**

An employee will be given at least 5 working days' notice in writing to attend a Sickness Absence Interview.

The Headteacher/Line Manager will ensure that the employee has:

- A copy of this procedure and guidance notes
- A copy of their sickness absence record
- Copies of any relevant correspondence

A Schools' Personnel Officer may be requested to attend in an advisory capacity.

The Headteacher/Line Manager will conduct the interview which will include:

- An explanation of the concern about the impact of the absences on the employee's performance, on service delivery and on other employees.
- Discussion about the advice received from Occupational Health.
- An opportunity for the employee and/or representative to respond and raise any circumstances for consideration.
- An exploration of possible ways of assisting the employee to improve attendance.

After consideration of all the relevant information the Headteacher/Line Manager will reach a decision:

- That no further action is required, or
- That a further review will take place within a specified time, or
- That a First Sickness Absence Warning will be issued, which will remain on file for 12 months.

#### 7.5 **Further Sickness Absence Interview**

Where the employee's absence continues to be unacceptable after the issue of a First Sickness Absence Warning a further Sickness Absence Interview will take place and a decision reached as in 7.4 above, but a Final Sickness Absence Warning may be issued which will remain on file for 2 years.

#### 7.6 **First and Final Sickness Absence Warnings**

Sickness absence warnings should normally contain:

- A statement of the level of absence and management's concerns about its effects.
- The potential consequences for the employee of a continuing high level of absence, such as a final warning or dismissal on grounds of capability.

- Confirmation of any arrangements that are to be implemented in an effort to improve the employee's attendance including a review date.
- An explanation of the employee's right of appeal.

The employee may be required, in appropriate circumstances, to provide medical certificates for absences of less than 8 days; the school will reimburse any costs of such certificates on submission of receipts.

#### 7.7 **Dismissal Hearing**

If within 2 years of receiving a Final Sickness Absence Warning, the employee has further episodes of unacceptable levels/patterns of absence a hearing should be arranged to determine whether the employee should be dismissed on grounds of capability. Please refer to Section 8 for details of the dismissal and appeal process.

### 8. **DISMISSAL ON ILL HEALTH GROUNDS – CAPABILITY**

Where:

- An employee has exhausted all other options in the procedure for dealing with long term ill health cases, or
- An employee has had further unacceptable levels of absence following a Final Sickness Absence Warning in accordance with the procedure for dealing with short term/sporadic sickness absence cases.

Then the Headteacher will seek advice from a Schools' Personnel Officer to determine whether a hearing should be arranged to consider dismissal of the employee on grounds of capability.

#### 8.1 **Dismissal Hearing**

The Governing Body has the statutory right to delegate to the Headteacher the authority to take action, including the making of the initial dismissal determination, as appropriate. If the Headteacher has chosen not to exercise this right, or, if he/she has been involved in the earlier Sickness Absence Interviews in accordance with the procedure for dealing with short term/sporadic sickness absence cases, then a Staffing Panel comprised of Governors must be convened as necessary.

The employee should be referred to Occupational Health to obtain up-to-date information and advice prior to the hearing.

The employee should be given at least 5 working days' notice in writing of the hearing and of the right to be represented, and should be provided with copies of all relevant documentation.

The Director for Children and Young People, or her representative, has a right to attend to provide advice.

The outcome of the meeting must be confirmed in writing to the employee together with his/her right of appeal.

In the event of a decision to dismiss, Schools' Personnel must be notified in writing.

The employee will receive notice pay in accordance with the contractual or statutory entitlement (whichever is the greater) and support staff will receive a

payment for the balance of any untaken leave due for the current leave year (including up to 5 days carried over from the previous leave year). In exceptional circumstances payment in lieu of notice may be made; this is a tax free payment.

## 8.2 Appeals

Under this procedure, employees have the following rights of appeal:

- To a Governors' Appeals Panel against a First Sickness Absence or Final Sickness Absence Warning.
- To a Governors' Appeals Panel against the decision to dismiss on grounds of capability.

An employee who wishes to exercise his/her right of appeal must notify the Chair of Governors, in writing, normally within 5 working days of receipt of the written confirmation of the outcome of the Sickness Absence Interview or Dismissal Hearing. The grounds on which the Appeal is made, and any supporting information, should be sent at that time, or as soon as possible, and in any case prior to the date of the Appeal Hearing. The Appeal Hearing will normally be heard within 10 working days of the written notification of the Appeal and the decision of the Appeal Panel will be final.

## 9. ALCOHOL, DRUGS AND SUBSTANCE MISUSE POLICY

Where an employee has an alcohol or drug related problem the school should, in applying this procedure, give consideration to the School's Alcohol, Drugs and Substance Misuse Policy.

Adopted: ..... Date: .....  
Head

Adopted: ..... Date: .....  
Chair of Governors

Reviewed: ..... Date: .....  
Head

Reviewed: ..... Date: .....  
Chair of Governors

This policy will be reviewed bi-annually.