



## Freegrounds Junior School Sickness Absence Policy

Date of last review: October 2020

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Approved by: Policy working party

Signed: *AD*

### 1. Purpose

This School expects excellent levels of attendance at work and is committed to supporting the wellbeing of everyone. The School acknowledges that there may be circumstances when an employee is unable to attend work. If this happens, the employee will be treated fairly and sensitively.

The policy sets out how the School will manage sickness absence. Further guidance is available in this How to Guide and this must be referred to.

### 2. Scope

The policy and this how to guide apply to:	<ul style="list-style-type: none"><li>• Teachers including Leadership, Upper Pay Range, Main Pay Range and Unqualified Teachers</li><li>• Support Staff.</li></ul>
The policy and this how to guide do not apply to:	<ul style="list-style-type: none"><li>• Volunteers</li><li>• Contractors</li><li>• Agency workers.</li></ul>

This policy is non contractual and does not form part of any employee's terms and conditions.

Employees that have been subject to a TUPE into the School may be excluded from this policy. In such cases, the employee should refer to their own contractual policies and procedures.

Employees with less than two years service may be subject to a shortened procedure as detailed in [Appendix One](#).

Employees are actively encouraged to contact their professional association/ trade union representative at the earliest opportunity to obtain advice and support at any point during this procedure.

The School expects all parties to maintain confidentiality throughout the application of the policy.

### 3. How to use this document

**Principles** This How to Guide provides information about the procedure to follow when applying the Managing Sickness Absence policy. The document has been written in the second person to address the line manager, referred to throughout the document as 'you'.

Throughout this guide, the word 'must' is used as a 'requirement' of the policy and procedure. The word 'should' is used to indicate actions or processes that are considered to be best practice.

Please note that the section numbering in the policy and this how to guide are not aligned.

#### How do I address my concern?

Type of concern	Refer to the...
Unsatisfactory performance due to a lack of skill, knowledge, experience or aptitude	Performance Management and Capability policies
Failure to report sickness absence or to provide a statement of fitness for work certificate	Education Personnel Services team for advice
Sickness absence which is not genuine or is an unauthorised absence, or working elsewhere when off sick	Disciplinary policy and how to guide
An employee's concern(s) about a decision or action taken when applying the policy	Education Personnel Services team for advice.  If matters are related - use the meetings and appeals process within the policy.  If matters are unrelated - run the policy and the Grievance policy concurrently.  Or, in certain cases action under the policy may pause to address the grievance.

If you are unsure which policy to use please contact Education Personnel Services.

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## 4. Introduction

This School expects excellent levels of attendance at work and is committed to supporting the wellbeing of everyone.

The School will take all reasonable steps to ensure that the working environment, work demands and management processes are not detrimental to its employees' health and wellbeing.

The School acknowledges that there may be circumstances when an employee is unable to attend work. If this happens, the employee will be treated fairly and sensitively.

The School will work with an employee to support them to achieve excellent attendance. There may be occasions to review an employee's absence when the School has identified that there is a concern. In such circumstances, this should be addressed early on to help reach a resolution.

### Policy aims

The aims of the policy and this how to guide are to:

- improve and maintain attendance
- manage absence positively
- provide a framework for managing unacceptable levels of absence
- ensure the employee is made aware of absence concerns in a timely manner
- support the employee to be in attendance in their role
- support a culture of excellent attendance within the school to facilitate school improvement.

### Key definitions

(shown in alphabetical order)

**Equality Act 2010** - a person has a disability for the purposes of the Equality Act 2010 if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

**Health Conditions without sickness absence** - occur when an employee's underlying medical condition has an impact on their ability to fulfil the full duties of their role but does not affect their attendance at work. Such cases can be managed under the long term sickness absence process. These concerns may originate as a performance concern but further review might indicate they are more appropriately managed using the Managing Sickness Absence policy and this how to guide.

**Long term sickness absence** - occurs when an employee is unable to return to work over an extended period of more than 28 consecutive calendar days due to an underlying medical condition or conditions. The line manager must seek advice from Education Personnel Services in such cases.

**Short term sickness absence** - are periods of sickness absence that are not continuous and are normally short term in duration. The absences may be for related or unrelated reasons. The impact of the absence is that an employee is unable to attend work regularly and consistently.

**Statement of fitness for work certificate** - also known as a 'fit note'. Usually issued by a GP or a hospital doctor. The note will say the employee is either 'not fit for work' or 'may be fit for work' with recommendations on how this can be achieved.

**Timescales** - all references to 'days' in this how to guide refer to working days, regarded as Monday to Friday, excluding public holidays. Periods of notice that are specified indicate the number of clear days between (and exclusive of) the day the letter is issued and the day of the meeting/ hearing.

## 5. Managing sickness absence concerns

### Considerations

If an employee's sickness absence is causing concern, you may need to take action to address the situation. You must consider:

- whether there are [extenuating circumstances](#)
- if the absence is [disability related](#)
- information from a [return to work interview](#)
- whether the employee has reached or exceeded a [trigger point](#)
- the reason(s) and frequency of the absence and whether there are trends or patterns.

## 6. Short term sickness absence

### Definition

**Short term sickness absence** - are periods of sickness absence that are not continuous and are normally short term in duration. The absences may be for related or unrelated reasons. The impact of the absence is that an employee is unable to attend work regularly and consistently.

### Policy stages and principles

The possible stages are:

- informal stage
- formal stage one
- formal stage two
- formal stage three - may result in dismissal
- appeal after each formal stage.

There is a shortened procedure for employees with less than two years service as detailed in [Appendix One](#).

As a general principle you will seek to use the informal stage prior to progressing to the formal stages.

In exceptional circumstances, it may be appropriate to start at the formal stage without using the informal stage. You must seek advice from Education Personnel Services in such cases.

The employee must be given a reasonable period of time to achieve the required improvement before moving to the next stage of the policy.

An employee may have a disability classified by the [Equality Act 2010](#). You must refer to the Reasonable Adjustments guidance before progressing to the informal or formal stages of the policy.

### Trigger points – short term absence

A trigger point is a measure set by the School to monitor absence levels, the types of absence and absence trends.

A trigger point is intended to be a prompt for you to decide whether any further action is necessary. A record must be made of your decision.

The School will set trigger points.

A short term absence trigger point in Hampshire County Council is considered as follows:

- **6 working days\* over two or more occasions in the past 12 months\*\***
- **9 working days\* or 4 occasions (totalling 6 or more working days) in the past 12 months**
- **whenever the level, frequency or pattern of absence causes a concern due to operational impact.**

*\*pro-rata for employees who work part time or in their first two years of service.*

*\*\*the previous 12 month period is calculated from the first day of the current absence.*

The School may choose to apply an alternative trigger point. A Governing Body may wish to operate on different trigger points to those suggested above. In such cases, there will be a requirement to discuss and consult with staff and their representatives to seek their input prior to a governing body determination on trigger points.

The Headteacher will report sickness absence trend data to the Governing Body on a regular basis.

## **Interpreting the trigger points**

The following table helps to explain how you can interpret the trigger points:

<b>Trigger point</b>	<b>Interpretation</b>
<ul style="list-style-type: none"><li>• 6 working days* over two or more occasions in the past 12 months**</li></ul>	<ul style="list-style-type: none"><li>• at least 6 days on at least two or more occasions in the past 12 months.</li></ul>
<ul style="list-style-type: none"><li>• 9 working days* or 4 occasions (totalling 6 or more working days) in the past 12 months</li></ul>	<ul style="list-style-type: none"><li>• 9 days on more than one occasion or</li><li>• at least 4 or more occasions totalling 6 or more working days in the past 12 months</li></ul>

*\*pro-rata for employees who work part time or in their first two years of service.*

*\*\*the previous 12 month period is calculated from the first day of the current absence.*

To calculate an employee's sickness, you should work back 12 months from the first day of the employee's current period of sickness.

## **Return to work interview**

It is helpful to undertake a return to work interview with the employee following each occasion of sickness absence. This should be undertaken in a sensitive manner to enable any particular circumstances to be discussed.

When undertaking the return to work interview you should consider whether it is appropriate to discuss:

- the reason for the absence
- general welfare, as an opportunity to check the employee is fit to return to work
- whether a risk assessment needs to be completed
- any support that the employee may need
- whether the employee should visit their doctor
- how the employee is taking responsibility for their own wellbeing
- any relevant work updates
- next steps and policy advice.

You should use the "return to work interview" template for recording the discussion. Once the template is completed, you should share this with the employee and keep a copy for your records.

## 7. Informal stage

### Informal stage

As a manager, the School expects you to have open and transparent discussions with an employee to seek to address absence concerns.

You must raise an absence concern promptly with the employee.

You should speak to the employee by having an informal discussion known as a managerial support discussion. Depending on the circumstances, this could become a series of informal discussions.

It may be appropriate to develop an [action plan](#), as a supportive tool to help the employee.

It is important that you make it clear to the employee that the discussion is the informal stage of the Managing Sickness Absence policy. The employee must be made aware that it is not a routine discussion.

### Right of representation

The employee is not usually accompanied at any discussions within the informal stage of the policy. There may be circumstances when the employee asks to be accompanied and consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process.

### How to manage an informal managerial support discussion

When undertaking the informal managerial support discussion, you must:

- provide clear tangible examples of when and why attendance has been unacceptable, which must be based on facts
- summarise the discussions that have been held during any return to work interviews
- ask the employee to respond explaining any reasons they feel may be relevant
- try to establish whether the employee has taken action to address the concern(s)
- discuss with the employee whether there is any support, training or reasonable adjustments that may help to improve their attendance
- identify the standards of attendance expected
- ensure you explain to the employee what is expected of them
- decide on an outcome and agree this with the employee if possible.

### Outcome of the informal stage

The manager undertaking the managerial support discussion(s) must decide on the outcome.

The possible outcomes of the informal stage are:

- the employee provides an explanation and you determine that no further action is needed
- an agreement is reached with the employee about how to improve their attendance
- an [Occupational Health/ medical practitioner referral](#) is made to if appropriate
- [reasonable adjustments](#) are considered if appropriate
- any support/ development/ training needs are identified, agreed and put in place as needed which could include an [action plan](#) if appropriate
- a realistic timescale is set within which an improvement needs to take place and review meetings are scheduled
- a clear statement is made to the employee that if they are unable to improve their attendance, further action under the formal stages of the Managing Sickness Absence policy may be necessary.

A record must be made of each discussion. You can use the 'record of informal discussion' template to complete a record of the discussion. You should:

- seek to agree the record with the employee if possible
- share the record with the employee
- keep a copy on the employee's personnel file.

## 8. Formal stage

### Formal stage

At each formal stage of the policy, the employee must be invited to attend a meeting/ hearing.

### Meeting/ hearing arrangements

The employee must receive in writing the invitation to the meeting/ hearing.

The letter must give the employee **7 working days** notice of the meeting/ hearing. The timescales for the meeting/ hearing can be varied by mutual agreement.

Meeting/ hearing arrangements should ensure that:

- the date is set in consultation with the employee's representative and Education Personnel Services, where applicable
- a suitable venue is sourced
- consideration is given to access to refreshments (water)
- there are adequate break out rooms reserved for relevant parties
- reasonable adjustments are considered if applicable
- appropriate arrangements are made to enable a [formal record of the meeting/ hearing](#) to be made.

### Formal record of the meeting/ hearing

A formal record must be taken during the meeting/ hearing. This may be made by audio recording the meeting/ hearing or by a note taker. It is the School's responsibility to make the appropriate arrangements.

Copies of the notes or audio recordings will be provided on request. Audio recordings will not be transcribed.

If an audio recording takes place, a copy of the recording must be retained by the School. The School must comply with all relevant retention and storage requirements.

The notes/ audio recording and documents shared within the formal meeting/ hearing are confidential to those present in that meeting/ hearing.

In some cases, it may be necessary as is reasonable in the circumstances to circulate documents to other School employees, in connection with the matter. Any information communicated to other School employees in connection with the matter must be treated as confidential.

For governor hearings in maintained schools, there remains a legal requirement to have a written record of the meeting of the Governor Committee.

## Alternative date

The School expects that the employee and their representative will make all reasonable efforts to attend the first scheduled meeting/ hearing date and time.

If it is not possible, the employee may propose an alternative date and/ or time. This should be within **5 working days** of the original meeting/ hearing.

The meeting/ hearing will be rescheduled.

If the employee is unable to attend or does not attend the re-arranged meeting/ hearing, the chair must decide whether to proceed in their absence. Further advice should be sought from Education Personnel Services.

## Sharing of information

The manager and employee are required to exchange all relevant papers and supporting evidence in advance of the meeting/ hearing.

Management documents will be supplied with the invitation letter. This will include any appeal information from the previous formal stage.

A simple record about the situation with details of return to work interviews and the informal discussion(s) may be all that is required during the early stages of the process.

A template management report is available to help you compile relevant information in more complex cases and at formal stage three.

The employee will be provided with two copies of all documents that will be provided to the chair/ panel in advance of the meeting/ hearing. One copy is for their reference and the other is for their representative.

You can arrange for a copy of the management documents to be sent directly to the representative, if consent is given by the employee.

The employee or their representative must submit all relevant papers and supporting evidence to arrive with the chair at least **3 working days** before a meeting/ hearing.

In exceptional circumstances, additional information may need to be submitted to the chair/ panel outside of the above timescales. If this happens, the information should be shared with all parties as soon as possible.

If additional documents are submitted on the day of the meeting/ hearing, time must be given to allow all parties to read the documentation.

## Right of representation

The employee has the right to be represented/ accompanied at a formal stage meeting/ hearing or appeal meeting. This can be by a professional association/ trade union representative or a work colleague.

It is the employee's responsibility to:

- arrange their own representative
- liaise with their representative to agree the formal meeting/ hearing or appeal meeting date and time
- advise management of the representative's details.

There is no right to legal representation at any stage of this policy.

**Who chairs the formal meeting/ hearing**

**For Teachers and Support Staff**

Stage	Chair/ Panel	HR Adviser	Right to be represented/ accompanied
Stage one	Line manager	If required	Yes
Stage two	Line manager or other manager	HR Adviser	Yes
Stage three/ less than two years service	Headteacher (where they have delegated powers of dismissal) OR a Governors' Committee	HR Adviser	Yes

**Who chairs the formal meeting/ hearing**

**For a Headteacher**

Stage	Chair/ Panel	HR Adviser	Right to be represented/ accompanied
Stage one	Chair of Governors	If required	Yes
Stage two	Chair of Governors	HR Adviser	Yes
Stage three/ less than two years service	Governors' Committee	HR Adviser	Yes

**Other meeting/ hearing conditions**

The chair/ panel should not have had previous involvement in the case.

The chair/ panel must declare any conflict of interest or involvement in the matters prior to the meeting/ hearing so that an alternative chair/ panel can be found.

The HR Adviser to the chair does not perform a decision making role. Their function is to provide advice on legal issues, correct application of the policy and how to guide and procedural matters.

**Other meeting/ hearing attendees**

Other meeting/ hearing attendees may include:

- the manager/ alternative manager with an HR Adviser if required to present the case/ respond to the appeal
- the chair of a meeting/ hearing (at an appeal meeting only)
- a professional association/ trade union representative or work colleague
- witnesses (which may include the line manager or chair of the previous meeting/ hearing)
- a note taker
- an observer for training purposes with the consent of all parties.

**Witnesses**

Witnesses are not normally required to be involved or attend a meeting/ hearing in absence cases.

The manager and the employee can request witnesses to attend the meeting/ hearing. It is the responsibility of either party to arrange their own witnesses. The chair of the meeting/ hearing must be notified in advance of the meeting/ hearing of the witnesses who will be called.

Witnesses should only be called if they can provide significant information regarding the case. Witnesses must be given due notice to attend the meeting/ hearing by the person who wishes to call them.

If a witness is unable or refuses to attend the meeting/ hearing then the chair can use the witness's statement contained within the management report.

A witness may find it difficult or distressing to attend a meeting/ hearing. You can provide information about support that is available to the witness during the process. If the professional association/ trade union representative requests a witness it is their responsibility to provide the witness with support.

### **Attending formal meetings/ hearings**

If the employee is not well enough to attend the meeting/ hearing, it may be deferred until they are able to attend. Every effort should be made to make it possible for the employee to attend if they wish to do so. A meeting/ hearing will not be deferred indefinitely because the employee is unable to attend.

If the employee does not attend, the chair will need to decide whether to defer the meeting/ hearing or to continue in the employee's absence.

If the employee is unable to attend, their professional association/ trade union representative may attend the meeting/ hearing. The professional association/ trade union representative would represent the employee. Alternatively the employee can submit a written statement.

### **How to manage a formal meeting/ hearing**

During the formal meeting/ hearing, the chair must:

- outline the purpose of the meeting/ hearing, introduce attendees and confirm housekeeping arrangements (for example toilets, fire alarm)
- explain the possible outcomes of the meeting/ hearing
- decide whether to accept any new evidence presented on the day of the meeting/ hearing by either party
- ensure that the employee is given an explanation about why their absence is causing a concern and discuss the measures put in place during any previous stage(s) of the policy, referring to any documents or examples - or ask the manager to do so
- provide the employee with an opportunity to respond, referring to any documents or examples, or the representative can do this on their behalf
- call any witnesses who can be questioned by all parties
- invite all parties to ask questions at the appropriate point
- invite both parties to summarise their case, you will summarise first (new evidence must not be introduced at this point)
- adjourn the meeting/ hearing, if necessary, to consider the evidence and decide on the outcome
- reconvene the meeting/ hearing in the case of an adjournment
- notify the employee of the outcome and the reason(s) for the decision
- keep a written record during the meeting/ hearing to refer to when reaching a decision and to help with producing the outcome letter.

### **Outcome of a formal stage meeting/ hearing**

The chair of the formal stage meeting/ hearing must fully consider all evidence presented and decide on an outcome.

Any outcome given will apply from the date of the meeting/ hearing.

If the employee is issued with a warning, the chair must make a clear statement to the employee about the importance of improving their attendance. The employee should understand that if they are unable to improve their attendance, further action under the formal stages of the Managing Sickness Absence policy may be necessary. If sufficient improvement is not made within the review period or if an improvement is not sustained as follows:

- **at stage one** - for a 12 month period following the formal stage meeting, the employee may be required to attend a formal stage two meeting
- **at stage two** – for at least 12 – 24 months following the formal stage meeting, the employee may be required to attend a formal stage three hearing.

Stage	Possible outcomes
At any stage (including employees with less than two years service)	<ul style="list-style-type: none"> <li>• no further action</li> <li>• to manage the concern on an informal basis</li> <li>• reaching an agreement with the employee about how to improve their attendance</li> <li>• an <a href="#">action plan</a> is issued and a review period agreed</li> <li>• any additional support, action plan or development/ training required to help the employee</li> <li>• setting a realistic timescale within which an improvement needs to take place and review meetings are scheduled</li> <li>• whether a further <a href="#">referral to Occupational Health/ medical practitioner</a> is appropriate</li> <li>• whether reasonable adjustments need to be considered and/ or implemented where appropriate to do so</li> <li>• whether redeployment opportunities will be explored</li> </ul>
Formal stage one	<ul style="list-style-type: none"> <li>• a first written warning of 12 months</li> </ul>
Formal stage two	<ul style="list-style-type: none"> <li>• the Stage 1 first written warning remains in force for a further specified period</li> <li>• a first written warning of 12 months</li> <li>• a final written warning of between 12 - 24 months</li> <li>• to progress to a formal stage 3 hearing of which a potential outcome could be dismissal</li> </ul>
Formal stage three	<ul style="list-style-type: none"> <li>• a first written warning of 12 months</li> <li>• a final written warning of between 12 – 24 months</li> <li>• to refer the employee back to a formal stage 2 meeting with a final written warning and a further review period</li> <li>• explore the possibility of medical redeployment (pending a recommendation from Occupational Health/ medical practitioner)</li> <li>• to dismiss on the grounds of medical capability with contractual notice</li> <li>• to dismiss on the grounds of ill health retirement. The employee must be a member of either the Teachers Pension Scheme (TPS) or Local Government Pension Scheme (LGPS) and medical approvals must have been gained.</li> </ul>
Formal stage for an employee with less than two years service	<ul style="list-style-type: none"> <li>• a final written warning is issued (with an action plan and review meetings) and is valid for between 12 – 24 months</li> <li>• to dismiss on the grounds of medical capability with contractual notice</li> <li>• to dismiss on the grounds of ill health retirement. The employee must be a member of either the Teachers Pension Scheme (TPS) or Local Government Pension Scheme (LGPS)</li> </ul>

	and medical approvals must have been gained.
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The length of the warning depends on:

- the nature of the absence
- whether there is a belief that the absence may reoccur
- whether a warning at the same stage has previously been issued.

If a dismissal takes place the School must make arrangements to complete the necessary leaver actions including:

- cancelling the employee's IT account
- obtaining the employee's identity card
- completing the other leaver requirements.

A dismissal can take place before the employee has exhausted their entitlement to occupational sick pay.

If the outcome is dismissal, any sums owing to the School from the employee will normally be deducted from their final pay.

The chair of the meeting/ hearing must also explain to the employee that:

- a copy of the letter detailing the outcome will be placed on their personnel file
- they have the right of appeal.

## **Previous warnings**

An absence concern may arise whilst a warning is still live. The chair will take the previous warning into account at a formal stage meeting/ hearing. This may lead to a higher sanction being imposed.

Expired warnings may be taken into consideration. This would be in circumstances where the employee has a history or pattern of the same or similar absence concern(s) over a prolonged period of time which continues to give cause for concern.

The chair must seek advice from Education Personnel Services.

## **Confirming the outcome**

The chair will normally advise the employee verbally of the outcome at the meeting/ hearing, unless agreed otherwise with the employee.

The chair must confirm the outcome in writing within **5 working days** of the meeting/ hearing. The outcome letter will include details of any warning and/ or sanction issued. A template letter is available to ensure all of the necessary information is included.

A copy of the outcome letter and any warning must be placed on the employee's personnel file.

## **How to develop an action plan**

An action plan is a tool for you and the employee to use to assist with improving attendance. The aim of an action plan is to identify and record any activity that will enable the employee to demonstrate their ability to meet and maintain the expected standards of attendance.

The action plan can be used to record key outcomes from a formal meeting/ hearing including any associated timescales.

The action plan should include:

- the specific level of attendance and timescale in which this should be achieved
- the associated action(s) to be taken
- who is responsible for arranging or providing any relevant support, training or guidance as appropriate
- dates of review meetings.

Working with the employee, you should seek to agree the action plan if possible. You must share the action plan with the employee and keep a copy for your records.

## **Review meetings**

Following a formal stage meeting/ hearing, you must hold scheduled review meetings with the employee. These must be followed by a final review meeting before the end of a warning period.

You should agree a series of dates and times to meet with the employee throughout the duration of the length of the warning issued.

The School recommend that review meetings should be held every 4 weeks. Once the employee is sustaining an improvement in attendance, together you can agree to decrease the frequency of the meetings.

The purpose of the meetings are to provide an opportunity to:

- review the employee's attendance
- review any action plan as appropriate
- discuss any other support that may be relevant
- establish whether there is a need to progress to the formal stages of the policy.

A record must be made of each discussion. You should:

- seek to agree the record with the employee if possible
- share the record with the employee
- keep a copy on the employee's personnel file.

The principles of the [right of representation](#) will apply.

## **Progression through the formal stages**

The employee must be given a reasonable period of time to achieve the required standard of attendance at each of the formal stages.

The formal stage of the policy can begin if:

- the employee does not achieve the required improvement
- an improvement is not sustained for a 12 month period following the managerial support discussion.

There may be circumstances in which you feel the employee's absence is sufficiently serious to progress straight to the formal stages without a managerial support discussion taking place. In such cases, you must contact Education Personnel Services for advice before taking further action.

Progression through the formal stages normally occurs where sickness absence levels continue to be a concern whilst a written warning remains active. If there are concerns, you should speak to the employee at the earliest opportunity. You do not have to wait until a scheduled review meeting, the end of the review period or warning.

There may be circumstances when an employee has a history and pattern of sickness absence over a prolonged period of time which causes concern, despite there not being an active warning. A history of sickness absence concerns may be identified by a record of previous written warnings and/ or where there are examples to show that the employee has been unable to sustain regular and committed attendance levels. In such cases there may be grounds upon which to move to any stage of the procedure.

You can progress to the next formal stage and re-enter at the appropriate point if:

- the employee does not achieve the required improvement
- there is further absence which may be for a different reason
- if an improvement is not sustained for a 12 month period following a formal stage one meeting
- if an improvement is not sustained for a 12 - 24 month period following a formal stage two meeting
- the employee has not been successfully redeployed and/ or has refused a reasonable offer of alternative employment.

## 9. Appeal for short term sickness absence

**Appeal stage** The employee has the right to appeal against the outcome of a formal meeting/ hearing.

**Right of appeal** The employee must submit their appeal in writing within **10 working days** following receipt of the written outcome of the formal meeting/ hearing. This must include the full reasons for the appeal.

The employee must send their appeal letter as follows:

<b>Stage of the original meeting/ hearing</b>	<b>Appeal letter sent to</b>
Formal stage 1	Chair of the original meeting
Formal stage 2	Chair of the original meeting
Formal stage 3	Clerk to Governors

The appeal is not a repeat of the original meeting/ hearing. It seeks to address the specific issues raised by the employee in their appeal letter.

The grounds for appeal are (this is not an exhaustive list):

- finding/ outcome was unreasonable
- emergence of new evidence which could have a material effect on the outcome
- terms of a warning are unreasonable (duration or conditions imposed with the warning)
- unfair/ incorrect application/ breach of the policy which could have had a material effect on the outcome.

A complete re-hearing is only permitted in exceptional circumstances where the chair determines that the submitted grounds of appeal identify:

- there was a defect in the procedure
- new evidence has to come to light since the meeting/ hearing which may have an impact on the decision
- there is a dispute about evidence given by one or more witnesses at the original meeting/ hearing. In these cases it may be necessary to rehear the witness's evidence at the appeal.

Following an appeal of a formal stage three hearing, there is no further right of internal appeal.

**Appeal meeting** The employee must be invited to attend a meeting.

**Meeting arrangements** The principles of [meeting/ hearing arrangements](#) will apply.

**Formal record of the meeting** The principles of [formal record of the meeting/ hearing](#) will apply.

**Alternative date** The principles of an [alternative date](#) will apply.

**Sharing of information** You and the employee are required to exchange details of any additional papers and supporting evidence in advance of the appeal meeting. The original papers will normally be sent with the invitation letter. Education Personnel Services will advise you on the collation and distribution of papers.

The principles of [sharing of information](#) will apply.

**Right of representation** The principles of the formal stage [right of representation](#) will apply.

**Who chairs the appeal meeting****For Teachers and Support Staff**

Stage	Chair/ Panel	HR Adviser	Right to be represented/ accompanied
Appeal against a formal warning	Headteacher/ Governors' Committee	If required	Yes
Appeal against dismissal	Governors' Committee	HR Adviser	Yes

**For a Headteacher**

Stage	Chair/ Panel	HR Adviser	Right to be represented/ accompanied
Appeal against a formal warning	Governors' Committee	If required	Yes
Appeal against dismissal	Governors' Committee	HR Adviser	Yes

**Other appeal meeting conditions**

The principles of [other meeting/ hearing conditions](#) will apply.

**Other appeal meeting attendees**

The principles of [other meeting/ hearing attendees](#) will apply.

**Witnesses**

The principles of [witnesses](#) will apply.

**How to manage an appeal meeting**

During the appeal meeting, the chair must:

- introduce attendees and confirm housekeeping arrangements (for example toilets, fire alarm)
- outline the purpose of the appeal meeting and confirm the reasons for the appeal (as outlined in the employee's appeal letter and/ or invite letter to the appeal meeting)
- decide whether to accept any new evidence presented on the day of the meeting by either party
- ask the employee or their representative to present their appeal, referring to any documents or examples
- call any witnesses if applicable
- provide the School with an opportunity to respond to the appeal and present the grounds upon which previous decisions have been made, referring to any documents or examples and call any witnesses (for example the chair of the previous meeting/ hearing)
- invite all parties to ask questions at the appropriate point
- adjourn the meeting, if necessary, to consider the appeal and decide on the outcome
- reconvene the appeal meeting in the case of an adjournment to notify the employee of the outcome
- keep a written record during the appeal meeting to refer to when reaching a decision and to help with producing the outcome letter
- notify the employee of the outcome and the reason(s) for the decision.

## Outcome of the appeal meeting

The chair must fully consider all evidence presented and decide on an outcome.

The possible outcomes are:

- the appeal is not upheld and the previous decision remains. The chair must be able to justify that there is insufficient evidence to overturn the decision of the original formal stage meeting/ hearing
- the appeal is upheld. This is likely to occur when:
  - new evidence has been presented
  - a review of the process has uncovered flaws in how the Managing Sickness Absence policy was applied
  - there are flaws in how the formal stage meeting/ hearing was conducted
  - if mitigating circumstances have been uncovered which were not previously taken into account
- to reinstate the employee. The employee's service remains continuous and any loss of pay between dismissal and reinstatement will be paid. The School is responsible for contacting their payroll provider to make the arrangements to ensure the employee receives their pay. The School must also make the necessary arrangements for the employee to have their IT account reinstated
- to impose a different outcome in place of the original decision.

The outcome cannot impose a higher sanction than issued at the formal meeting/ hearing although a lower sanction can be applied.

There is no further internal right of appeal.

## Confirming the outcome

The chair will normally advise the employee verbally of the outcome at the meeting, unless agreed otherwise with the employee.

The chair must confirm the outcome in writing within **5 working days** of the meeting. A template letter is available to ensure all of the necessary information is included.

A copy of the outcome letter must be placed on the employee's personnel file.

## 10. Long term sickness absence

### Use this section when:

- an employee has exceeded the long term sickness absence trigger or
- you have been managing an employee's short term sickness absence under the formal stages and the employee then exceeds the long term sickness absence trigger
- when an employee's underlying medical condition has an impact on their ability to fulfil the full duties of their role but does not affect their attendance at work.

### Definitions

**Long term sickness absence** – occurs when an employee is unable to return to work over an extended period due to an underlying medical condition or conditions.

**Health conditions without sickness absence** – occur when an employee's underlying medical condition has an impact on their ability to fulfil the full duties of their role but does not affect their attendance at work. Such cases can be managed under this **long term sickness absence** process. These concerns may originate as a performance concern but further review might indicate they are more appropriately managed using the Managing Sickness Absence policy and this how to guide.

### Policy stages and principles

The possible stages are:

- absence review stage
- formal stage three meeting - may include a mutual agreement discussion and may result in dismissal
- appeal - only following a formal stage three meeting.

A formal decision about the employee's future employment must not be taken at the absence review stage. Such decisions must be made at a formal stage three meeting.

### Trigger point – long term absence

A trigger point is a measure set by the School to monitor absence levels, the types of absence and absence trends.

A trigger point is intended to be a prompt for you to decide whether any further action is necessary. A record must be made of your decision.

The School's **long term absence trigger** is:

**28 calendar days or more on one occasion.**

### Absence review stage of long term sickness absence

The School should speak to the employee by having an absence review discussion. Depending on the circumstances, this could become a series of discussions. A record must be made of each discussion.

It is important that you make it clear to the employee that the discussion is the absence review stage of the Managing Sickness Absence policy. The employee must be made aware that it is not a routine discussion.

Discussions at the absence review stage for long term sickness absence are an opportunity for you to:

- discuss the absence and any underlying medical conditions/ circumstances as appropriate
- discuss any recommendations from Occupational Health/ medical practitioner
- identify possible next steps.

A formal decision about the employee's future employment must not be taken at a review meeting. Such decisions must be made at a formal stage three hearing.

Ideally discussions at the review stage for long term sickness absence will take place face to face in the workplace or as part of a home visit. A home visit must be made by prior agreement with the employee. You should also give consideration to any request from the employee to hold the discussion at a neutral venue. Where a face to face meeting is not possible a review may be held as a telephone conversation.

Discussions at the absence review stage for long term sickness absence are repeated throughout the period of long term absence. The number and frequency of the review discussions will depend on the circumstances of each case. As a guide, it is recommended these should be arranged for every 4-6 weeks.

A review meeting should normally be held if an employee has been on long term sickness absence and is due to return to work. This should be scheduled prior to their return.

### **Right of representation**

The employee is not usually accompanied at any discussions within the absence review stage of the policy. There may be circumstances when the employee asks to be accompanied and consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process.

### **How to manage a discussion at the absence review stage**

When undertaking the absence review stage discussion, it provides an opportunity for you to:

- talk to the employee about the circumstances which can include asking about any treatment plans, key dates, an anticipated return to work date (if known) and setting a review date if applicable
- identify any actions for the employee
- review recommendations made by Occupational Health/ the employee's medical practitioner
- consider whether a referral to Occupational Health/ medical practitioner is appropriate if you have not already done so or if existing medical information is not current
- consider whether reasonable adjustments are appropriate
- seek the employee's views and expectations regarding a possible return to work or future plans
- discuss the possibility of medical redeployment if recommended by Occupational Health/ medical practitioner
- discuss ill health retirement (IHR) if the employee is a member of the Teachers Pension Scheme (TPS) or Local Government Pension Scheme (LGPS)
- advise the employee about their sick pay entitlement
- discuss whether the employee would like to explore the option of a mutual agreement
- discuss whether it is appropriate to move to a formal stage three meeting
- decide on an outcome and agree this with the employee if possible.

A record must be made of each discussion. You can use the 'record of long term absence review discussion' form to complete a record of the discussion. You should:

- seek to agree the record with the employee if possible
- share the record with the employee
- keep a copy on the employee's personnel file.

**How to progress to a formal stage three meeting**

A formal stage three meeting will be held where:

- the absence can no longer be sustained - either continuous absence or a history or pattern of periods of long term absence over a prolonged period of time
- the medical advice recommends that the employee will not return to their substantive role in the foreseeable future. This may be supported by medical redeployment
- the medical advice recommends that the employee will not return to work in any capacity in the foreseeable future. This may be supported by a recommendation of ill health retirement (IHR)
- in extreme long term sickness absence cases, formal action is appropriate and all other support/ interventions have been considered/ exhausted.

It may be appropriate to obtain an up to date Occupational Health/ medical practitioner report prior to a formal stage three meeting. You must ask the employee whether there have been any changes to the medical advice to determine if a further Occupational Health/ medical practitioner report is required.

**Formal stage 3 meeting**

The employee must be invited to attend a meeting/ hearing.

**Meeting arrangements**

The principles of the [formal stage meeting/ hearing arrangements](#) will apply.

**Formal record of the meeting**

The principles of [formal record of the meeting/ hearing](#) will apply.

**Alternative date**

The principles of an [alternative date](#) will apply.

**Sharing of information**

The principles of [sharing of information](#) will apply.

**Right of representation**

The principles of [right of representation](#) will apply.

**Who chairs the formal stage three meeting**

**For Teachers and Support Staff**

Stage	Chair/ Panel	HR Adviser	Right to be represented/ accompanied
Stage three	Headteacher (where they have delegated powers of dismissal) OR Governors' Committee	HR Adviser	Yes

**For a Headteacher**

Stage	Chair/ Panel	HR Adviser	Right to be represented/ accompanied
Stage three	Governors' Committee	HR Adviser	Yes

<b>Other meeting conditions</b>	The principles of <a href="#">other meeting/ hearing conditions</a> will apply.
<b>Other meeting attendees</b>	The principles of <a href="#">other meeting/ hearing attendees</a> will apply.
<b>Attending a formal meeting</b>	The principles of <a href="#">attending a formal meeting/ hearing</a> will apply.
<b>How to manage a formal stage three meeting</b>	<p>The formal stage three meeting must be handled with sensitivity.</p> <p>During the formal meeting, the chair must:</p> <ul style="list-style-type: none"> <li>• outline the purpose of the meeting, introduce attendees and confirm housekeeping arrangements (for example toilets, fire alarm)</li> <li>• explain the possible outcomes of the meeting</li> <li>• decide whether to accept any new evidence presented on the day of the meeting by either party</li> <li>• ensure that the employee is given an explanation about why their absence is causing a concern</li> <li>• discuss any measures put in place during any previous stage(s) of the policy, referring to any documents or examples, if applicable</li> <li>• ask the employee about any treatment plans, key dates and anticipated return to work date (if known)</li> <li>• review recommendations made by the employee's medical practitioner and/ or Occupational Health</li> <li>• provide the employee with an opportunity to respond, referring to any documents or examples, or the representative can do this on their behalf</li> <li>• seek the employee's views and expectations regarding a possible return to work or future plans</li> <li>• consider whether any reasonable adjustments are required to support the employee back to work</li> <li>• invite all parties to ask questions at the appropriate point</li> <li>• adjourn the meeting, if necessary, to consider the evidence and decide on the outcome</li> <li>• reconvene the meeting in the case of an adjournment</li> <li>• notify the employee of the outcome and the reason(s) for the decision</li> <li>• keep a written record during the meeting to refer to when reaching a decision and to help with producing the outcome letter.</li> </ul>
<b>Outcome of the formal meeting</b>	<p>The chair of the formal stage meeting must fully consider all evidence presented and decide on an outcome.</p> <p>The outcome will apply from the date of the meeting.</p> <p>The chair of the meeting must decide whether:</p> <ul style="list-style-type: none"> <li>• to manage the concern on an informal basis</li> <li>• the employee returns to work with relevant support/ adjustments</li> <li>• to discuss a predicted return to work date (if known)</li> <li>• to discuss a return to work plan (if a return to work date is known)</li> <li>• to assess any medical information (including Occupational Health/ medical practitioner reports)</li> <li>• reasonable adjustments need to be considered and/ or implemented where appropriate to do so</li> <li>• a further referral to Occupational Health/ medical practitioner is appropriate</li> <li>• to explore the possibility of medical redeployment (pending a recommendation from Occupational Health/ medical practitioner)</li> <li>• the employee would like to explore the option of a mutual agreement</li> </ul>

- the employee is dismissed on the grounds of medical capability with the appropriate contractual notice
- the employee is dismissed on the grounds of ill health retirement with the appropriate contractual notice if the employee is a member of either the Teachers Pension Scheme (TPS) or Local Government Pension Scheme (LGPS).

The chair of the meeting must explain:

- the outcome
- the reasons for the decision
- that a copy of the letter detailing the outcome will be placed on the employee's personnel file
- the employee has the right of appeal.

If a dismissal (including ill-health retirement) takes place the School must make arrangements to complete the necessary leaver actions including:

- cancelling the employee's IT account
- obtaining the employee's identity card
- completing the other leaver requirements.

The chair must not disclose the specific reasons for the dismissal as this must remain confidential.

A dismissal can take place before the employee has exhausted their entitlement to occupational sick pay.

If a dismissal takes place, any sums owing to the School from the employee will normally be deducted from their final pay.

### **Confirming the outcome**

The chair will normally advise the employee verbally of the outcome at the meeting, unless agreed otherwise with the employee.

The chair must confirm the outcome in writing within **5 working days** of the meeting. A template letter is available to ensure all of the necessary information is included.

A copy of the outcome letter must be placed on the employee's personnel file.

## 11. Appeal for long term sickness absence

<b>Appeal stage</b>	<p>The employee has the right to appeal against the outcome of a formal stage three meeting only of the long term sickness absence section of this policy.</p> <p>The appeal is not a repeat of the original meeting. It seeks to address the specific issues raised by the employee in their appeal letter. A complete re-hearing is only permitted in exceptional circumstances. This could be for example, where the chair determines that the submitted grounds of appeal identify:</p> <ul style="list-style-type: none"><li>• there was a defect in the procedure</li><li>• new evidence has to come to light since the meeting which may have an impact on the decision.</li></ul> <p>Following an appeal of a formal stage three meeting, there is no further right of internal appeal.</p>
<b>Right of appeal</b>	<p>The employee must submit their appeal in writing within <b>10 working days</b> following receipt of the written outcome of the formal meeting. This must include the full reasons for the appeal.</p> <p>The employee must send their appeal to the Clerk to Governor's.</p> <p>An appeal at this stage can take two forms:</p> <ol style="list-style-type: none"><li>1. against dismissal because the employee wants to remain in employment. The appeal may be against the medical advice or any non-medical aspects relating to the dismissal. This is managed under the appeal process of this policy</li><li>2. against the non-award or tier of ill-health retirement (IHR) (open to members of the Teachers Pension Scheme (TPS) or Local Government Pension Scheme (LGPS) only). This is managed under the TPS and for members of the LGPS the Internal Dispute Resolution procedure (IDRP).</li></ol> <p>Under the Managing Sickness Absence policy, an employee appealing dismissal can do so on one of the following grounds:</p> <ul style="list-style-type: none"><li>• an appeal against the medical advice and the decision to dismiss based on this medical advice</li><li>• other appeal - any appeal concerning non-medical aspects of the dismissal relating to actions taken by the School. This includes, for example whether the procedure has been followed correctly.</li></ul> <p>There is no right to appeal a mutual agreement as both parties are consenting to enter into the agreement.</p>
<b>Appeal meeting</b>	<p>The employee must be invited to attend a meeting.</p>
<b>Meeting arrangements</b>	<p>The principles of <a href="#">meeting/ hearing arrangements</a> will apply.</p>
<b>Formal record of the meeting</b>	<p>The principles of <a href="#">formal record of the meeting/ hearing</a> will apply.</p>
<b>Alternative date</b>	<p>The principles of an <a href="#">alternative date</a> will apply.</p>
<b>Sharing of information</b>	<p>The principles of <a href="#">sharing of information</a> will apply.</p>
<b>Right of representation</b>	<p>The principles of the formal stage <a href="#">right of representation</a> will apply.</p>

**Who chairs the appeal meeting**

Stage	Chair/ Panel	HR Adviser	Right to be represented/ accompanied
Appeal	Governors' Committee	HR Adviser	Yes

**Other appeal meeting conditions**

The principles of [other appeal meeting conditions](#) will apply.

**Other appeal meeting attendees**

The principles of [other appeal meeting attendees](#) will apply.

**How to manage an appeal meeting**

The principles of [how to manage an appeal meeting](#) will apply.

**Outcomes of an appeal meeting**

The principles of the [possible outcomes of an appeal meeting](#) will apply.

**Confirming the decision**

The principles of [how to confirm the decision](#) will apply.

## 12. Other policy requirements

### Confidentiality

It is expected that all parties involved in the managing sickness absence process will maintain confidentiality as appropriate. This is both within and outside of the School (including social media). If any party does not maintain confidentiality action may be taken under the Disciplinary policy.

The employee may choose to disclose their own medical condition/ prognosis to their colleagues as part of their own health and wellbeing, or following medical advice. If they wish to disclose this information, you should speak with the employee about how best to communicate the information.

### Right of representation

Employees are actively encouraged to contact their professional association/ trade union representative at the earliest opportunity to obtain advice and support at any point during this procedure.

The employee is not usually accompanied at any discussions within the informal stage or the absence review stage of the policy. There may be circumstances when the employee asks to be accompanied and consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process.

The employee has the right to be represented/ accompanied at a formal stage meeting/ hearing or appeal meeting. This can be by a professional association/ trade union representative or a work colleague.

It is the employee's responsibility to:

- arrange their own representative
- liaise with their representative to agree the formal meeting/ hearing or appeal meeting date and time
- advise management of the representative's details.

There is no right to legal representation at any stage of this policy.

### Sick pay

**For Teachers only** – details of sick pay entitlements can be found in the Burgundy Book.

**For Support Staff only** - details of sick pay entitlements can be found in the Green Book.

### Reporting sickness absence

An employee must report their absence to the School as soon as possible and before their normal start time, unless other local arrangements apply.

The nature of the sickness absence will determine when it is appropriate for the employee to contact the School to report ongoing sickness absence.

If the employee is unable to contact the School to notify their sickness absence, a relative or friend can report it on their behalf.

Where an employee requests the reason for their absence to be kept confidential, you should maintain confidentiality in such circumstances.

If the employee fails to report their sickness absence accurately, they may be subject to action under the Disciplinary policy.

### Headteacher absence

If the Headteacher is likely to be absent for longer than two weeks, the Chair of Governors must notify the School Improvement Manager. The Chair of Governors must liaise with the School Office to ensure that the sickness absence is recorded.

The Chair of Governors is encouraged to contact Education Personnel Services as soon as possible for further advice.

### **Recording sickness absence**

The School is responsible for recording the start and end dates of the absence. This will ensure the payroll provider or payroll system is updated. This is essential to ensure that the employee is paid correctly.

Where an employee leaves work early due to sickness this must be recorded as follows:

- having worked over half the working day – this will be recorded as a half day's sickness absence.
- having worked less than half the working day - this will be recorded as a full day's sickness absence.

### **Keeping in touch during sickness absence**

The School and the employee are required to engage in and maintain appropriate contact during periods of sickness absence. The frequency and method(s) of contact should be agreed.

If an employee is in hospital or receiving other inpatient care, you should make arrangements to establish a point of contact. This could be a family member, a friend or a professional association/ trade union representative. This will enable you to keep in touch whilst the employee is absent.

### **Statement of fitness for work certificate**

An employee can self-certify for absences of 7 calendar days or less. Therefore they do not need to provide you with a Statement of Fitness for Work certificate.

A Statement of Fitness for Work certificate is required for sickness absences of more than 7 calendar days. A medical practitioner will provide the employee with a Statement of Fitness for Work certificate. The employee must retain the original and provide a **copy** of the Statement of Fitness for Work certificate to the School in a timely manner.

The Statement of Fitness for Work certificate will indicate whether an employee is:

- not fit for work for a specified period
- fit for work subject to one or more of the following adjustments:
  - phased return
  - altered hours
  - amended duties
  - workplace adaptations.

If the Statement of Fitness for Work certificate gives details of suggested adjustments, you must consider whether these can be made. This should be done by:

- discussing the advice on the statement with the employee and the possible options available
- considering how it affects the job and the workplace
- considering the functional comments where any of the return to work boxes are ticked and any other action(s) that could help the employee return to work
- completing a risk assessment, monitoring and reviewing as agreed
- seeking further advice from Occupational Health/ medical practitioner as required.

If the adjustments can be made, the employee should return to work. You will need to agree the return date with the employee and set a review date.

If the adjustments cannot be made, then you should explain to the employee why this has not been possible. The employee will need to stay at home for the duration of the current Statement of Fitness for Work certificate. The employee

may need to obtain further statements in due course when their current statement expires. You should keep a record of this decision.

An employee does not need a Statement of Fitness for Work certificate when they are fit to return to work. The doctor can indicate whether they wish to see the employee before they return to work.

If the employee does not provide a Statement of Fitness for Work certificate when requested, they may lose their occupational sick pay entitlement. If this happens, you must write to the employee to request a copy. Action may also be taken under the Disciplinary policy.

If the employee does not provide a Statement of Fitness for Work certificate, you must contact them to request a copy. If the employee does not respond to you or provide a Statement of Fitness for Work certificate, you must contact them again.

If the employee has still not responded to you or provided a Statement of Fitness for Work certificate, you must write to the employee. This letter will provide information regarding whether the employee may lose their entitlement to occupational sick pay. A template letter is available for you to use to include all of the relevant information.

For further advice please contact Education Personnel Services.

## **Medical appointments**

An employee must obtain consent from the School if they are required to attend a medical appointment during work time.

The employee is not entitled to paid time off to attend planned dentist, doctor or hospital appointments. Where possible, such appointments should be taken in the employee's own time unless it is covered by another leave provision.

Depending on the circumstances, the employee may be required to attend a regular appointment/ clinic. The employee may ask to amend their working pattern and you should discuss this with them.

The health appointment may be necessary because the condition is a direct result of an injury at work. In such cases it may be appropriate for the employee to be paid for the time to attend the health appointment.

An employee with a disability may be granted reasonable time off during working hours for appointments, rehabilitation or treatment. This should be considered as a reasonable adjustment if it is not possible for the employee to attend an appointment outside of working hours.

A pregnant employee is entitled to paid time off to attend ante natal appointments. You can request to see written notification of a medical appointment and the employee is required to provide this to you.

## **Planned operations**

An employee is responsible for notifying the School in advance of a planned operation. The principles of [recording sickness absence](#) will apply.

To help plan cover, you should encourage the employee to provide you with:

- the reason for the absence
- the anticipated duration
- the predicted recovery period
- any possible changes in their ability to undertake their role when they return.

It is generally expected that you will not normally need to seek advice from Occupational Health/ medical practitioner for a planned operation. If there are

complications or changes that were not anticipated you may need to seek Occupational Health/ medical practitioner advice at the relevant time.

An employee may be undergoing elective (not medically required) surgery. Wherever possible, the surgery and the recovery period should be scheduled in non working time. If this is not possible, then the employee should request unpaid leave. If the employee is a member of support staff who does not work term time only, this request could be unpaid leave or annual leave. Any request must be made in advance of the surgery.

The employee may experience complications following the elective surgery. If this happens, the employee must contact you at the earliest opportunity to report their sickness absence.

## **Emergency operations**

If an employee has an emergency operation, they or a relative/ friend must notify the School at the earliest opportunity. You will need to manage this situation sensitively and compassionately.

You will need to consider:

- if it is appropriate to inform colleagues
- what information is appropriate to share
- how to cover the employee's work in the short term
- when it may be appropriate to obtain medical advice.

The principles of [recording sickness absence](#) will apply.

## **Referral to Occupational Health/ medical practitioner**

It may be necessary to refer the employee to Occupational Health/ medical practitioner to obtain medical advice and information. This will help you to understand:

- the health issues
- the possible impact on the employee's attendance
- whether any reasonable adjustments are required.

As short term frequent absence is often due to unrelated ad-hoc illness a referral is not always necessary. In the following circumstances you should seek Occupational Health/ medical practitioner advice to inform your decision making:

- there are concerns of an underlying condition
- the absences are for the same illness
- the employee has reached or exceeded the trigger
- you are moving into the formal stages of the policy
- the employee has requested to be referred.

You should meet with the employee to discuss the reasons for the referral and the process. You can use the template letter to confirm the arrangements for making a referral if appropriate.

The School expect the employee to attend any medical appointments and to co-operate with the referral.

You must explain to the employee that:

- it is important for them to attend the medical appointment(s) so relevant information relating to their health can be shared with you and any needs at work can be supported
- they must tell you as soon as possible if there is any reason that prevents them from attending an appointment, so you can discuss ways to resolve any issues
- they must contact Occupational Health/ medical practitioner immediately if they wish to rearrange an appointment for an alternative date/ time
- they must inform you of a change of date/ time.

You should contact the employee 2 days before any medical appointment to remind them about the appointment.

If an employee does not co-operate with the referral, any assessment or decision taken will be based on the information available.

If the employee provides consent, you can attend at the end of the medical appointment. The purpose would be to enable you to be part of the discussions about possible outcomes and next steps.

Once you are in receipt of the referral advice from Occupational Health/ medical practitioner, you must make arrangements to discuss this with the employee.

Depending on the circumstances, it may be appropriate to write to the employee advising them that the information has been received. You should invite them to discuss the referral advice with you. You can use the template letter to ensure all of the relevant information is included.

Once you have discussed the referral advice with the employee, you should confirm the outcome of your discussions in writing.

### **Phased return to work**

A phased return involves a temporary adjustment or adjustments to an employee's role. This may enable the employee to return to work earlier than would otherwise be possible or to facilitate a return to work where the employee is not able to return to the full duties of their role. It may not always be necessary as it will depend on the nature of the sickness absence and the employee's needs.

As part of the phased return, temporary adjustments may need to be put in place. These adjustments may relate to contractual hours, working pattern, the working environment or duties of the role. You are responsible for deciding what adjustments can be accommodated. In making this decision you must consider whether the employee is likely to have a disability.

The duration of a phased return is typically no more than 6 weeks. In some circumstances, this may need to continue for a longer period of time. You must discuss any extension of a phased return with the employee and seek further medical advice.

**For Support Staff who do not work term time only** - the employee may wish to take annual leave for some or all of their period of sickness absence. This must be agreed with the School. In such cases, for systems and pay purposes, the employee will 'return' from sickness absence and start a period of annual leave. The record must be reverted back to sickness absence if the employee continues on sickness absence after the annual leave period has been fulfilled. This will ensure the employee is paid correctly for the annual leave period.

### **Reasonable adjustments**

The School and the employee will work together to identify and consider any reasonable adjustments.

You must consider reasonable adjustments as a matter of priority. This can support the employee to be able to attend work. Reasonable adjustments must be considered before commencing the formal stages of the Managing Sickness Absence policy and throughout the application of it.

If any adjustments are required and a return to work is possible, this can form part of the phased return to work plan. You must complete a risk assessment for the employee when they return to work to ensure their health and safety is not put at risk.

## **Adjustments to support an employee to remain at work**

Adjustments can be considered to support an employee to remain at work to avoid sickness absence. This may be appropriate where an employee has recently developed a medical condition or an existing condition has worsened. Adjustments may be temporary or permanent and you must discuss with the employee before implementing.

Options can include (this is not an exhaustive list):

- adapting the role on a temporary or permanent basis including implementing physical aids/ adaptations within the working area
- reduction of hours by offering the post as part time or a job share arrangement.

It may be appropriate to seek advice from Occupational Health/ medical practitioner before implementing any adjustments.

## **Permanent adjustments**

Where Occupational Health/ medical practitioner recommend a permanent adjustment, the School must consider whether it is a reasonable adjustment which can be made.

If the adjustment cannot be made, this will be managed under a formal stage three hearing.

## **Redeployment**

Redeployment can be considered at any stage in the policy and:

- must not be used as a sanction
- should result in satisfactory attendance in the new role
- is subject to a suitable opportunity being available
- the Redeployment Policy will apply.

## **Working whilst off sick**

An employee may have more than one role/ or another employer. Due to the difference in the nature of the two roles, the employee may be on sickness absence from one role whilst still being able to work in the other role.

Where an employee is off sick from a role, they must not work in a second role, either for the School or another employer, during the normal working hours of the first role.

## **Extenuating circumstances**

Extenuating circumstances must be considered before taking any formal action under the Managing Sickness Absence policy.

This could include absences due to:

- an infectious disease including those notifiable to [public health](#)
- pregnancy related illness
- gender reassignment
- time off for dependents
- a physical injury arising as a result of a breach of Health & Safety
- certified absence as a result of a recent bereavement - sickness absence in this context would normally follow a period of compassionate leave
- an injury sustained at the School whilst performing normal duties
- absences relating to domestic abuse.

Each absence will be considered on a case by case basis and no precedents will be set. It is your decision as a manager to determine whether extenuating circumstances apply. If extenuating circumstances apply, you will not need to take any formal action under the policy. You must provide relevant support to an employee where the absence is considered as an extenuating circumstance.

Once a period of absence has been determined as an extenuating circumstance:

- that period of absence cannot later be redefined unless clear evidence to the contrary emerges at a later date

- the absence cannot be taken into consideration when assessing total days absence over a given period of time.

For further advice please contact Education Personnel Services.

**Health and safety including accidents at work**

Any Health and Safety issues must be dealt with in accordance with the relevant Health & Safety procedures.

Certain absences resulting from an accident or injury at work must be reported under the “Reporting of Injuries, Diseases and Dangerous Occurrences Regulations” 1995 (RIDDOR).

Maintained Schools must not class an accident or injury at work as an “industrial injury” until confirmed by the Head of Children’s Services Health and Safety Team or nominated Senior Risk Adviser. Academy Schools and external customers are advised to seek advice from their own Health and Safety advice service.

**Disability related absence**

The School must take a disability into account when considering an employee’s absence.

To help support the employee at work, you may need to:

- make reasonable adjustments
- make a referral to Occupational Health/ medical practitioner to obtain medical advice
- discuss other forms of support that the employee may require.

**Pregnancy related absence**

Pregnancy related absence during the employee’s pregnancy must be:

- recorded as sickness absence
- paid according to the employee’s sick pay entitlement
- excluded when reviewing the employee’s absence record.

The employee is responsible for reporting and certifying pregnancy related absence in the normal way.

An employee may have pregnancy related sickness during the last four weeks before the expected week of childbirth. This will automatically trigger the start of the employee’s maternity leave.

**Instructions to leave work on health grounds**

In exceptional circumstances, an employee may be instructed to leave work where they:

- present as unwell or
- have a condition which causes concern and poses a risk to them and/ or others.

The employee will remain at home and receive their entitlement to occupational sick pay until it is appropriate for them to return.

If the employee’s absence goes beyond 7 calendar days, they will need to see their doctor to obtain a Statement of Fitness for Work certificate.

**Medical suspension**

In some circumstances, medical suspension may be necessary. This is usually in the case of specific conditions, such as:

- active pulmonary tuberculosis
- epilepsy
- psychiatric disorders.

The Headteacher must seek immediate advice from Education Personnel Services and Occupational Health/ medical practitioner. This advice must be sought before making any decision to suspend the employee. The advice will enable the Headteacher to decide if there is a need to temporarily suspend the

employee.

Medical suspension decisions must only be taken by the Headteacher. This must be on the basis of medical advice.

Suspension can only be lifted by the full governing body.

The employee's return to work must be conditional based upon medical clearance. There must be regular checks for a period of time, which will be agreed between the employee, the Headteacher and Occupational Health/ medical practitioner.

**For Teachers only** - a teacher who has been absent from duty for a period of more than three months arising from a psychiatric disorder (including that arising from alcohol, drug or other substance misuse) must not be permitted to resume teaching until there is evidence of their fitness to do so. The employee must seek advice from their GP.

## **Mutual agreement**

The contract of employment may be ended by mutual agreement between the employee and the School. This is an alternative to a formal stage meeting/ hearing.

The School must respect the employee's decision as it has to be agreed by both parties. If the employee does not wish to enter into a mutual agreement, then it is likely a formal stage meeting/ hearing will be arranged.

A mutual agreement is an alternative approach for the employee rather than attending a formal stage meeting/ hearing. This can help the employee to avoid the stress and pressure of a formal meeting/ hearing. This can be particularly helpful if the employee's condition means they are unlikely to return to work within a reasonable timescale.

A mutual agreement may be agreed with ill health retirement (IHR).

A mutual agreement is neither a dismissal nor a resignation. It is a letter setting out an agreed end date of employment, and other related arrangements. It is signed by both parties.

There is no right to appeal a mutual agreement as it is entered into with the consent of both parties.

The employee is encouraged to seek advice from their professional association/ trade union representative before entering into any discussions.

You must contact Education Personnel Services for further advice.

## **Ill-health retirement (IHR)**

For the employee to qualify for ill-health retirement, they must:

- obtain a medical report from Occupational Health/ medical practitioner
- meet the ill-health retirement criteria of being permanently unable to continue in their job or any alternative role due to a medical condition
- understand that an independent medical practitioner will recommend whether they qualify for ill health retirement.

There is a potential time delay in the process of granting any ill health retirement. Although the employee may consider they meet the criteria for ill health retirement, this has to be verified by Occupational Health/ medical practitioner.

Any action under this policy will be temporarily suspended if ill health retirement is being considered or a decision about ill health retirement is being appealed.

Relevant action under this policy will resume at the point ill health retirement is not approved or when the outcome at an appeal stage is known.

**For Headteachers and Teachers only** – for further details please refer to the [Teachers Pensions website](#).

**For Support Staff only** - for further details please refer to the [LGPS website](#).

**Long term ill-health and terminal illness**

An employee, their doctor or Occupational Health may advise you that the employee has a long term ill health condition or a terminal illness. In such cases, you must contact Education Personnel Services for further advice.

**Sickness during annual leave – for Support Staff who do not work term time only**

**For Support Staff who do not work term time only** – if an employee is sick during a period of annual leave, they are entitled to have their annual leave entitlement reinstated.

The principles of [recording sickness absence](#) will apply.

The absence will be included in any absence trigger reports.

**Sickness and accrual of annual leave - for Support Staff who do not work term time only**

**For Support Staff who do not work term time only** – annual leave will continue to accrue during sickness absence including during periods of half or nil pay.

The employee must have the opportunity to:

- use their annual leave upon their return to work where there is time to do so or
- carry forward the statutory element of their annual leave for a further 18 months from the end of the leave year in which the leave arose, or
- use their unused annual leave entitlement during their period of sickness absence.

If the employee wishes to substitute a period of sickness absence for annual leave, the principles of recording sickness absence will apply.

The accrual and carry forward of annual leave is less likely to be an issue in relation to short term absence as it is not likely to build up. Therefore, the employee should be able to take their annual leave and not need to carry it forward.

**Formal action concerning a professional association/ trade union representative**

Where there are concerns involving a professional association/ trade union representative, must notify and seek advice from Education Personnel Services before taking formal action.

The professional association/ trade union representative is encouraged to seek advice from their professional association or trade union branch.

**13. Support**

**Support for the employee**

Employees:

A professional association or trade union representative can offer information and workplace support as well as signposting to useful support organisations. Support is also available from Employee Support on 0800 030 5182.

**Support for the manager**

Any queries can be directed to Education Personnel Services on 02380 383500 or [eps.consultants@hants.gov.uk](mailto:eps.consultants@hants.gov.uk).

For Schools which subscribe to Hampshire County Council's Occupational Health Service, the manager can access the Managers' Advice Line by telephoning 023 8062 6600 (8am – 4pm weekdays). The Managers' Advice Line can support with

any health related query prior to making a referral or during management of a case.

#### **14. Toolkit**

Informal discussion form template, action plan template, invite and outcome letter templates, template management report.

#### **15. Related documents**

To help with the application of this document it may be useful to read the following:

- [Department for Work and Pensions – Statement of Fitness for Work – A guide for employers](#)
- Managing Capability policy and how to guide
- Maternity guidance
- Redeployment.

## 16. How to Guide governance

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### Roles and responsibilities

Everybody	<ul style="list-style-type: none"> <li>• adopt a pro-active approach to well-being to prevent sickness absence</li> <li>• apply the Managing Sickness Absence policy accurately</li> <li>• maintaining confidentiality.</li> </ul>
The Headteacher/ manager	<ul style="list-style-type: none"> <li>• reviewing sickness absence records on a regular basis</li> <li>• identifying concerns and deciding on appropriate action</li> <li>• maintaining regular contact with the employee during a period of absence and throughout the process</li> <li>• considering adjustments and deciding whether to implement them where reasonable to do so</li> <li>• arranging meetings/ hearings as necessary</li> <li>• drafting and issuing of letters, reports and documentation with Education Personnel Services support as necessary.</li> </ul>
All employees	<ul style="list-style-type: none"> <li>• attending work unless unfit to do so</li> <li>• engaging and co-operating with the Occupational Health/ medical practitioner referral process, including attending all appointments</li> <li>• arranging their own professional association/ trade union representative or work colleague if desired and advising management of this.</li> </ul>
The Education Personnel Services caseworker	<ul style="list-style-type: none"> <li>• advising on policy application and best practice</li> <li>• supporting with case management</li> <li>• advising on the completion of letters, reports and relevant documentation</li> <li>• attending meetings where appropriate in an advisory capacity.</li> </ul> <p>The Education Personnel Services HR Adviser does not perform a decision making role.</p>
Occupational Health/ medical practitioner	<ul style="list-style-type: none"> <li>• receiving referrals from management and reviewing employees as appropriate</li> <li>• requesting medical information</li> <li>• providing advice to support a return to work</li> <li>• making recommendations in line with the needs of the School</li> <li>• recommending whether ill health retirement criteria are met and the tier of ill health retirement.</li> </ul>
The professional association, trade union representative or Hampshire County Council work colleague	<ul style="list-style-type: none"> <li>• advising/ supporting their member/ colleague/ manager</li> <li>• attending arranged meetings/ hearings and/ or appeal meetings. If this is not possible, then arrangements should be made so that meetings/ hearings and/ or appeal meetings are covered by an alternative representative and are not delayed</li> <li>• making representations, advocating and mitigating on behalf of the employee, submitting papers if appropriate, asking questions and addressing a meeting/ hearing on behalf of the employee.</li> </ul> <p>They may not answer questions on behalf of the employee.</p>

## **Appendix One – Managing sickness absence for employees with less than two years service**

**This appendix will be used for addressing sickness absence if the employee has less than 2 years' continuous service.**

### **Short term absence**

**Policy stages**      The possible stages are:

- informal stage
- formal stage – may result in dismissal
- appeal only against a dismissal.

**Informal stage**      The principles of the [informal stage](#) will apply.

**Formal stage**      The principles of the [formal stage](#) will apply.

**Appeal stage**      The principles of the [appeal](#) section will apply. An employee only has the right of appeal against a dismissal decision. There is no right of appeal against a warning.

### **Long term absence**

**Managing long term absence**      The principles of [long term absence](#) will apply.