



Sickness Absence

A Model Procedure for Schools



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October 2013

The policy was adopted by the governing body of [name] school on [date]

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1. Purpose

- 1.1 This procedure is designed to manage staff sickness absence. It aims to encourage employees to achieve and maintain acceptable standards of attendance and is designed to ensure fairness and consistency in the management of employee performance.

2. Application of the policy

- 2.1 The procedure applies to all school employees. It does not apply to staff employed by external contractors.
- 2.2 Other parties may have a role within sickness absence management including: Occupational Health Service and/or other medical advisers (e.g. consultants, specialists); HR advisers; and Trade Unions / Professional Associations. Specific roles and responsibilities are outlined in the body of the procedure and appendices.

3. Key principles

- 3.1 The underlying principle of the Procedure is a recognition that the majority of staff have excellent attendance records, and will take time off only where absolutely necessary. It recognises that the vast majority of sickness absence is genuine. It is intended to be used in cases involving absence from work due to sickness and is designed to ensure that all staff are dealt with compassionately and equitably and to avoid discrimination.
- 3.2 This Procedure is intended to balance the needs of the school with the interests of individual employees. It is based on the following principles:
 - achieving high levels of attendance through the reduction of sickness absence from work;
 - reducing levels of sickness absence by providing a safe and healthy environment
 - treating all staff with dignity and sensitivity, fairly and consistently and in confidence,
 - minimising disruption to the effective provision of education to pupils;
 - minimising disruption to the operation of the school and reduce additional staffing costs resulting from sickness absence;
 - maintaining adequate sickness absence monitoring procedures and records, using the information collected to improve attendance levels;
 - distinguishing between genuine sickness absence issues and issues of competence and conducting and addressing these in a fair and firm manner;
 - ensuring all staff are aware of the school procedure for managing sickness absence.
- 3.3 Attendance has a direct effect on teaching and learning and the School therefore expects employees to attend work regularly, be a regular timekeeper, conform to sickness and absence reporting procedures and to make every effort to:

- Attend work when fit to do so.
- Comply with the Sickness Absence Reporting Policy.
- Ensure medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work.
- Ensure the Headteacher/line manager receives medical certificates promptly.
- Keep the Headteacher/line manager informed of any significant developments, which may affect attendance at work.
- As far as possible to make domestic arrangements including medical appointments out of school hours

3.4 Any part day sickness absence will not be included when an employee is specifically sent home by their Headteacher/line manager. Any subsequent day(s) sickness will be included

4. Definitions and trigger points

4.1 This procedure divides absence into broadly 3 different types and identifies trigger points to guide Headteacher's and line managers with regard to how to address absence as follows:

a. Short-term absence

It is difficult to define short-term absence but it will normally be absences lasting less than 8 working days per year, which may fall into the following categories:

- Occasional spells of short-term sickness not necessarily related, e.g. colds, stomach upsets.
- Regular periods of short term sickness arising from a chronic ailment or condition, which may not be curable but is controllable and should not prevent the member of staff from performing effectively when at work.

b. Intermittent persistent absence

These are repetitive and frequent short-term absences that are unpredictable and often cause problems for schools in terms of providing cover. Absences may be self-certified or covered by medical certificates. The following triggers should be used:

- **More than 8 working days or more** within any 'rolling' 12-month period, pro rata for part time employees
- Any other unacceptable patterns of short-term absence (e.g. every Monday etc.)

When any of the triggers are reached, the sickness absence procedure must be introduced, the employee informed and a Formal Absence Review Meeting held. Procedures must be followed for all cases so that employees are managed consistently and fairly.

c. Long-term absence

Long-term absence is where an employee is absent from work for a considerable number of weeks or months as the result of a serious health problem. Long-term absence is defined as an absence lasting **20 working days or more** and can lead to a Formal Absence Review Meeting.

4.2 Underlying medical condition

4.2.1. Where an employee's sickness is caused by an underlying medical condition, their case will be treated particularly sensitively and the following will be considered before deciding on any course of action:

- the likely period before an improvement can be expected and whether or not the employee will return to full fitness
- the impact of the absence on the work of the school;
- whether the medical condition is such that redeployment to another area of work or adjustments to the job or working hours would eliminate the need for the employee to take time off
- whether the medical problem is sufficiently severe and long term to make an application for ill-health retirement an option

4.2.2 However, if the above actions are not appropriate, and there is no clear evidence that the sickness level is likely to improve in the near future, the formal steps below will be followed

5. Reporting Sickness Absence

5.1 First day

5.1.1 Employees should contact their school no later than one hour before their normal starting time on the first day of absence; only in exceptional circumstances should a representative of the employee make contact on the employee's behalf. Brief details of the reason(s) for absence and, if possible, an indication of a return to work date should be given or as locally arranged by the Headteacher/line manager. Simple details of the work programme for that day, for example, a planned meeting that will need to be cancelled, location of test papers, books, resources etc. should also be provided, where appropriate.

5.1.2 If the Headteacher is absent s/he should contact the Chair of Governors who will inform the Head of Schools Human Resources and request advice as appropriate.

5.1.3 If the absence is the result of an accident or an injury sustained at work, then this information must be made known. In this context the employee should indicate if the incident has been reported and to whom.

5.2 During the absence

- 5.2.1 If the employee is still unfit for work, he/she must again contact the Headteacher or designated line manager as to the likely duration of the absence.
- 5.2.2 **Up to 7 calendar days** - If the absence lasts no more than 7 calendar days, the employee must provide the Headteacher or line manager with a self-certificate covering every day of absence, including half-days.
- 5.2.3 **Eight days and beyond** - If the absence lasts beyond 7 calendar days, a doctor's statement of fitness for work must be provided to cover the remainder of the period of illness i.e. from day eight of absence onwards. The statement should be forwarded to the Headteacher or line manager to reach them on or before the 8th day of absence. If more than one doctor's statement is required, the statements must be provided on time and the employee must keep the Headteacher or line manager informed of developments on a weekly basis.
- 5.2.4 The final certificate must indicate the date on which an employee will be fit to return to duty. The GP/Medical Practitioner may certify that the employee is:
- fit for work;
 - not fit for work; or
 - May be fit for *some* work now.
- 5.2.5 During periods of long-term absence the employee has a responsibility to keep the Headteacher/line manager (or in the case of the Headteacher, the Chair of Governors) informed of their progress.
- 5.2.6 *The reporting procedures in 5.1 and 5.2 may be amended or added to by any local arrangements in place by the school.*
- 5.2.7 Further clarification of roles and responsibilities under the sickness procedures is detailed in Appendix A.

5.3 Failure to follow notification requirement

- 5.3.1 It is the employee's responsibility to comply with the sickness notification rules. Failure to comply may lead to the absence being deemed unauthorised, resulting in the withholding of sick pay and/or disciplinary action.
- 5.3.2 If an employee fails to submit a certificate to the required timescales, the Headteacher/line manager will write to inform the employee that sick pay will be withheld if none is received within three working days. If sickness certificates are submitted late, without good reason, pay will be reinstated only from the date the certificate is received. Only statutory sick pay is

paid. The Headteacher/line manager may, at their discretion, decide that the period from the start of sickness absence to the date the doctor's certificate is received is paid at the statutory sick pay rate, provided that the late doctor's certificate covers this period.

6. The Sickness Absence Procedure

6.1. Stage 1: Informal Stage

- 6.1.1 **Return to work meeting** - An informal discussion should take place between the head teacher/line manager and the employee returning to work after every period of sickness absence, to discuss the reasons for their absence and ensure that they are fully fit for work, including reviewing any support or adjustments that may be needed to facilitate their return.
- 6.1.2 The employee should complete a 'Return To Work Form', which should be returned to the Headteacher/line manager, or as locally agreed, prior to the return to work meeting. This form will be kept as a record of the return to work meeting and placed on the employees file
- 6.1.3 Where the level of sickness starts to become a concern, the Headteacher/line manager will discuss with the member of staff how this will be monitored and managed, at this stage the Headteacher/line manager has the option of taking the matter forward under the formal stages.

6.2. Stage 2: Formal Stages

- 6.2.1 **Formal meeting** - The Headteacher/line manager will give at least five working days' notice of the meeting.
- 6.2.2 At the meeting the employee has the right to be accompanied by a work place colleague or a representative from the employee's trade union. There will also be a school appointed note taker present.
- 6.2.3 If an employee or their representative cannot attend the meeting, the employee can suggest another date so long as it is reasonable and is not more than ten calendar days after the date originally proposed by the Headteacher/line manager. If the employee and/or their representative do not attend the rescheduled meeting, then it may be held in their absence.
- 6.2.4 The purpose of the meeting is to find out: -
- How the employee is feeling
 - What treatment and medical advice the employee has received to date
 - What work activities the employee feels s/he can and cannot do
 - The prospects of a full return to work
 - Whether a recovery can be facilitated by a phased return to work

- Whether temporary or permanent medical redeployment should be considered.
- That if their attendance does not improve that their future employment may be at risk.

6.2.5 For cases of long-term sickness, if there is no firm return to work date, then an occupational health referral and subsequent review meeting should be set.

6.2.6 For employees with a high level of certificated absence, if it is established that there is an underlying medical condition then a further occupational health referral and review meeting should be set.

6.2.7 A letter should be sent to the employee to confirm what was discussed and the outcomes of the meeting within five working days.

Formal review meeting

6.2.8 The provisions as set out from 6.2.2 to 6.2.5 inclusive shall apply.

6.2.9 The Headteacher/line manager at the end of the review meeting can decide to: -

- Set a further review period (unless a further review period has already been set)
- Discuss with the employee whether it is possible to transfer to an alternative post within the school on the terms and conditions of service of the new post
- Refer to a consideration hearing.

6.2.10 At the formal review meeting the employee has the right to be accompanied by a work place colleague or a representative from the employee's trade union. There will also be a school appointed note taker present.

6.2.11 If an employee or their representative cannot attend the meeting, the employee can suggest another date so long as it is reasonable and is not more than ten calendar days after the date originally proposed by the Headteacher/line manager. If the employee and/or their representative do not attend the rescheduled meeting, then it may be held in their absence.

6.2.12 A letter should be sent to the employee to confirm what was discussed and the outcome/s of the meeting within five working days.

6.3. Stage 3: Formal Hearing

6.3.1 A formal hearing will be arranged in cases where there has been no improvement in the level of absence due to sickness and it is the Headteacher/line manager's view that consideration be given to terminating the employee's contract.

- 6.3.2 The hearing will be heard by the Headteacher or a panel appointed by the Governing Body.
- 6.3.3 At least five working days' notice will be given of the hearing together with the written report prepared by the Headteacher/line manager.
- 6.3.4 At the hearing the employee has the right to be accompanied by a work place colleague or a representative from the employee's trade union. There will also be a school appointed note taker and a Human Resources representative present to give advice to the Headteacher/panel of governors.
- 6.3.5 If an employee or their representative cannot attend the hearing, the employee can suggest another date so long as it is reasonable and is not more than 10 calendar days after the date originally proposed by the Headteacher/line manager. If the employee and/or their representative do not attend the rescheduled hearing, then it may be held in their absence.
- 6.3.6 The Headteacher/line manager should prepare a report which details absence record, describes the action taken to date and provides medical evidence/opinion. The report should be provided to the employee 10 days before the hearing and the employee should be given the opportunity to submit a written response. All relevant documents, including the employee's written response, if available, should be made available to the Headteacher or panel of governors simultaneously at least 3 days before the hearing.
- 6.3.7 In exceptional circumstances extensions to these deadlines would be made. Where medical evidence, including observations of Occupational Health or an employee's GP's/Consultant's report is not available in the prescribed timescale the hearing will be deferred until such reasonable time as they are available. The manager should explain to the Headteacher or panel of governors, all action that has been taken in accordance with this procedure. The employee and/or their representative should be given the opportunity to make representations.
- 6.3.8 At the conclusion of the hearing the Headteacher/panel of governors can decide one of the following:
- Refer back for a further review meeting
 - Discuss with the employee whether it is possible to transfer to an alternative post within the school on the terms and conditions of service of the new post
 - Terminate employment with contractual /statutory notice (or pay in lieu of notice) because the employee is incapable of satisfactorily performing the job for which they are employed.
- 6.3.9 The decision of the Headteacher/governing body panel and notification of the employee's right of appeal must be confirmed in writing within five working days.

6.3.10 In the event of a decision to terminate employment, this decision will be communicated to the Employer (Head of Schools Human Resources). In the event of the employer determining to confirm the decision to terminate the employment it will confirm to the employee within 14 days of the hearing

6.3.11 **Factors to consider when making a decision:** In making a decision regarding an employee's continuing employment, the following should be considered: -

Operational Factors

- The pressures which the absence is placing on other employees
- Pupils' need for stability and continuity, particularly, perhaps, during the run up to public examinations
- The maximum period over which the school could reasonably contain the absence or phased return to full time working
- Possible temporary restructuring to contain an initial part-time return to work or to minimise disruption.
- The nature of the absences
- Whether the absence is work related
- The consequences of the absence on the quality of service and effect on colleagues
- Further action that might be taken to resolve problems
- Whether the sickness management and control procedures have been followed
- Whether the Equality Act 2010 applies and whether a reasonable adjustment could be made
- The extent to which the employee has been cautioned regarding the consequences of the continuing absences
- Any medical evidence, such as the likelihood of the employee's health recovering
- the employee's record
- Evidence of any medical witnesses called
- Expert advice

Personal Factors

- Particular experience and expertise that the employee is able offer
- Length of service and past attendance record
- Nature of the illness and prospect for full recovery
- Whether the employee has a disability and what reasonable adjustments may be necessary
- His/her ability and willingness to be flexible in the short term
- Advantage of a further period of time off to improve health and regain fitness

- What reasonable adjustments to the workplace might be necessary to enable him/her to continue to fulfil their job?

6.4. Stage 4: Appeals

- 6.4.1 The employee may submit a formal written notice of appeal to the Clerk to Governors within five working days from the date of the letter from the Headteacher/Panel of governors. The appeal notice must set out the grounds on which the appeal is being made.
- 6.4.2 The appeal hearing will be heard by a Governing Body panel of two or three governors who were not at the original hearing.
- 6.4.3 At least five working days' notice will be given of the appeal together with the notes of the original hearing.
- 6.4.4 At the appeal hearing the employee has the right to be accompanied by a work place colleague or a representative from the employee's trade union. There will also be a school appointed note taker and a Human Resources representative present to give advice to the appeals panel.
- 6.4.5 If an employee or their representative cannot attend the appeal hearing, the employee can suggest another date so long as it is reasonable and is not more than ten calendar days after the date originally proposed by the appeals panel. If the employee and/or their representative do not attend the rescheduled appeal hearing, then it may be held in their absence.
- 6.4.6 The purpose of the appeal is for the employee to challenge the grounds on which the consideration hearing reached its decision and also to submit any factors, which the employee considered, were not taken into account or could not have been known at the time of the hearing.
- 6.4.7 At the conclusion of the appeal, the panel can make one of the following decisions:
- Uphold the decision of the original hearing
 - Change the decision of the original hearing.
- 6.4.8 The decision of the Governing Body appeal panel is final and the employee will be formally notified of the outcome in writing within five working days.

Other points to note

7. Occupational Health Referral

- 7.1 An outcome of the return to work meeting/formal meeting may be to refer an employee to the Council's Occupational Health provider. The purpose of a referral is to gain medical advice on any underlying medical condition which is causing the sickness absence and/or whether the employee is fit for their duties. The referral will also indicate whether or not there are any steps that the Headteacher/line manager could take to facilitate the employee's return to work (for further information, contact Schools' HR).
- 7.2 Should an employee refuse to attend occupational health then they must be informed that procedures will continue and that a decision will be made on the information available (without the professional/medical advice from the Council's provider).
- 7.3 Once the information from the Occupational Health Adviser has been received, the Headteacher or line manager should take into consideration all the available facts and then arrange to meet the employee to discuss the outcome.
- 7.4 It may be appropriate to re-refer the employee to the Occupational Health Department for further advice at any stage in the process.

8. Home visits

- 8.1 A home visit will normally only be arranged if the employee is deemed medically incapable of any form of travel, however such visits may be necessary with the prior agreement of the employee.

9. Overlapping of Grievance and Sickness Absence Procedures

- 9.1 An employee may raise a grievance after the Sickness Absence Procedure has started against him/her.
- 9.2 The Headteacher or Chair of Governors should consider the implications of the grievance on the capability. If the grievance has been raised before the appeal stage of the procedure and the matters of grievance are linked to those of the sickness absence, then the grievance should be considered within the sickness absence appeals procedure. If the grievance concerns matters that are unrelated to the capability, then a separate process under the Grievance Procedure will need to start.

Appendix A: Sickness Absence Reporting Procedure

The school's sickness reporting procedure must be followed at all times. Failure to adhere to the requirements of this procedure could result in occupational sick pay being withheld and/or disciplinary action being taken.

Employee Responsibilities during periods of sickness absence

- Employees should contact their school in line with the school reporting procedures and no later than one hour before their normal starting time on the first day of absence.
- Simple details of the work programme for that day, for example, a planned meeting that will need to be cancelled, location of test papers, books, resources etc. should also be provided.
- Leaving a voicemail/texting or e-mailing is not considered appropriate in terms following the absence reporting procedures.
- Where staff do not have ready access to a phone, management should be made aware of this in advance of any absence. The method of communication with the school should be agreed.
- Only in exceptional circumstances should a relative or a representative of the employee make contact on the employee's behalf. Brief details of the reason(s) for absence and, if possible, an indication of a return to work date should be given.
- Employees must obtain a medical certificate/statement and submit this by no later than the eighth day of absence.
- If more than one doctor's statement is required, the statements must be provided in a timely manner and the employee must keep the Headteacher or line manager informed of developments on a weekly basis.
- During your absence you should remain available to attend Occupational Health or any management meetings that you are required to attend, if you do not this could result in disciplinary action.
- If you are going to be away from your normal residence during a period of sickness absence, you must notify the Headteacher or your line manager, informing them of the reason, any medical advice you have received and providing a suitable contact address and telephone number.
- If you are travelling abroad during periods of sickness absence you must notify the Headteacher or your line manager prior to any travel arrangements being made. You must inform the Headteacher/line manager of the reason, dates, provide medical evidence that you are able to travel during period of sickness absence and provide suitable contact details.

Employer responsibilities

- Ensure that individuals are aware of the Sickness Absence Procedure, including reporting processes;
- Ensure the relevant person is available to take telephone calls regarding sickness absence at the times indicated in the schools absence reporting procedures
- Monitor and regularly review levels of sickness absence throughout the school, take action as appropriate and record any action taken in individual cases
- As required, implement the Procedure fairly, sensitively and confidentially.
- Supporting employees who are sick through the effective operation of sick pay schemes and management systems and fulfilling duties under the Equality Act;
- Handle attendance problems promptly and sensitively, in a supportive manner;
- Treat all staff fairly and consistently;

To obtain more information on the Model Sickness Absence Procedure, please contact:

 020 7527 5677

 alan.grant@islington.gov.uk