

Worlingham CEVC Primary School



MODEL SICKNESS ABSENCE MANAGEMENT POLICY AND PROCEDURE

Due consideration has been given to all children/adults/stakeholders with regard to the protected characteristics under the Equality Act 2010.

Date approved:	
Name of Committee:	
Chair of Committee signature:	
Date of next review:	

Headteacher: Mrs Holly Marchand
School No. 935 3111

Model Sickness Absence Management Policy and Procedure

CONTENTS

1. Purpose
2. Scope, aims and principles
3. Roles and responsibilities
4. Disability
5. Pregnancy-related absence
6. Absence due to alcohol or drug misuse
7. Referral to occupational health
8. Sickness absence reporting procedure
9. Certification
10. Sick pay
11. Monitoring absence
12. Unauthorised absence
13. Trigger points
14. Short-term and long-term absence definitions
15. Informal stages: return to work / informal meetings
16. Formal stages: ill health capability review procedure
17. Appeals
18. Medical redeployment or retirement

Procedure for a Hearing (Appendix 1)

1. Purpose

This model Sickness Absence Management Policy and Procedure has been developed to assist headteachers and governing bodies to manage sickness absence and to create a culture of attendance, underpinned by clear reporting procedures and active management and monitoring of absence throughout the school.

Everyone feels the impact of ill-health and absence. It can significantly affect how the school performs and affects the service the school provides.

2. Scope, aims and principles

This procedure applies to all staff, except during any probationary period, when probation procedures will apply.

The use of the term 'manager' throughout this procedure refers to the person who has responsibility for managing attendance of an employee or group of employees.

In these procedures the term "Governing Body" means the governing body of the school concerned and any committee of the Governing Body acting with delegated authority, or any body acting in a similar way to a governing body. The terms "Director for Children and Young People" and "Head of Legal Services" includes any officer acting with appropriate delegated authority on behalf of the County Council.

The governing body aims to:

- Maintain high levels of attendance;
- Minimise disruption to the education of pupils;
- Treat employees' absence in a consistent, fair and sensitive manner;
- Provide a reasonable and safe working environment, appropriate welfare support, and advice on general health issues
- Enhance employee relations
- Ensure prompt action is taken
- Recognise where relevant training is necessary
- Create a positive culture which supports the health, safety and wellbeing of staff

The school's principles are:

- Good attendance is recognised and valued
- All absences are treated as genuine, unless there is reason to doubt this
- The absence management procedure is designed to be proactive and support rather than punitive
- Management of absence will be dealt with in a non-discriminatory way
- Individuals and health-related information will be treated with respect and in confidence, in accordance with the requirements of the Data Protection Act and the Access to Medical Reports Act
- Open communication between managers and employees is greatly encouraged

3. Roles and responsibilities

The Governing Body is responsible for minimising the disruption to the school due to the absence of its employees. The purpose of this policy is to ensure that:

- The school exercises its duty of care and has proper regard to the health, safety and welfare of its employees;
- the Governing Body's [and, where appropriate, the Local Authority's broader] responsibility to promote a healthy workforce is acknowledged;
- all members of staff understand that repeated or long term absence has a demotivating impact on other colleagues and impacts on the learning and achievement of pupils;
- all members of staff understand that absence always has a cost, whether direct or indirect.

The **Governing Body** will monitor and review this policy from time to time; delegate to the Headteacher the necessary discretion to operate absence management procedures and arrangements; and ensure that fair and consistent standards are applied to the management of absence.

The **Headteacher** (with the assistance of senior staff) is responsible overall for the day-to-day management of sickness absence. They will also ensure that all management employees have appropriate training/coaching on this policy and its guidelines to ensure consistency of its application. The Headteacher is also responsible for ensuring that all employees have a return to work meeting on their first day back from every absence, or as soon as reasonably practicable, regardless of its duration, and that the relevant forms are completed and then passed to the Bursar/Business Manager in a timely manner for recording and monitoring absence.

The **Bursar/Business Manager** will ensure that the school has suitable arrangements for enabling employees to notify absence; for communicating information about absence in a timely manner for payroll and other necessary purposes; and for following up absence in appropriate circumstances in line with HR guidance.

Employees have a duty to attend for work unless they are unable to do so through sickness or injury, or unless their absence has been otherwise approved. They have a responsibility to report their own absence through sickness or other emergency using the school's procedures, and to produce medical evidence as required. Employees are also expected to participate fully in any occupational health or other appropriate medical review process/provision offered by the school, or other agencies, in support of their health and attendance at work. Failure to do so may limit the support or information that the school is able to consider when making decisions under this procedure.

Further information about monitoring is set out in section 11.

4. Disability

The Equality Act 2010 makes it unlawful for the school to unjustifiably treat a person with a 'protected characteristic', such as a disability, less favourably than a person who does not have a disability for any reason related to the person's disability. Disability should not be equated with poor health.

The Act also requires employers to consider all reasonable adjustments in the school which would enable an employee with a disability to continue to work. Therefore, the school will ensure that all reasonable adjustments are considered and, where possible, provided, in discussion with the employee.

The definition of disability, according to the Equality Act 2010 is “a physical or medical impairment which has a substantial and long-term negative effect on his or her ability to carry out normal daily activities”. Long-term in this definition is taken to mean more than 12 months (i.e. where from the diagnosis, the illness is likely to last more than 12 months). This definition also includes long-term illness such as cancer; HIV; and mental health problems such as clinical depression.

5. Pregnancy-related absence

It is recognised that a pregnancy may result in various medical absences at different stages and the school will treat these supportively. No action under the provisions of this procedure will be taken against a female employee who is absent from work due to a pregnancy related illness. However, absence levels will continue to be monitored and where the school has concern about the reasons or lengths of absence, it reserves the right to formally investigate the nature and cause of the absences. Absences in the four weeks leading up to the expected week of childbirth may result in maternity leave starting early at the request of the employer. For further information, see separate Maternity guidance.

6. Absence due to alcohol or substance misuse

Where poor attendance is related to alcohol or drug use, the headteacher/line manager should refer to the alcohol and substance misuse policy and seek advice from their HR Caseworker.

7. Referral to occupational health

Early occupational health advice can be a significant part of supporting an employee to improve their attendance; recover their health; or achieve a successful and sustained return to work. The school will consider accessing appropriate professional occupational health advice and support as necessary.

The headteacher will normally make any referral, although this responsibility can be delegated to another senior member of staff.

The employee will be advised that a referral is going to be made and, be encouraged to seek the support of the school’s wellbeing programme and the support of their professional association if they have not already done so. In some circumstances, it may be necessary to inform the employee in writing.

An employee will not be compelled to attend a meeting with occupational health, but will need to be made aware that the school may have to make a decision about his/her continued employment without the help of a medical opinion, which may be to the employee’s disadvantage, if they choose not to participate in any review offered. Failure to engage with occupational health support may also affect the entitlement to occupational sick pay.

The support of occupational health can be sought at any stage and need not wait until the employee is absent due to ill health. Normally, however, the headteacher (or other nominated senior manager) will refer an employee when a return to work interview or a ‘trigger point’ (see section 13) suggests it may be appropriate, or where the employee continues to be absent after twenty working days. However, this does not prevent an earlier referral taking place if required. In some circumstances, referral may not be necessary, for example, where the nature of the medical condition is clear, the prospect of return to work is well-defined (e.g. a broken limb or

routine surgery) and advice regarding appropriate support and/or adjustments in the workplace is readily available, for example, from the employee's GP or a consultant.

Where it is known at the outset of the absence that an employee will be absent for an extended period, particularly in the case of stress-related absence, an earlier referral will be actively considered.

There is no self-referral process for employees, although an employee may request to be referred by the school.

Factors to be considered by occupational health

Depending on the questions asked by the school as part of the referral, the occupational health provider is likely to consider the following:

- Whether or not the employee is likely to attend work regularly and resume the full duties of the post in the foreseeable future
- Whether there is a disability; how any disability affects the employee; and whether any adjustments are required
- Any recommendations on convenient and effective ways in which duties or circumstances could be re-arranged, on either a temporary or permanent basis, considering the fitness and ability of the employee and recognising the individual circumstances of the school and its over-riding need to provide a high-quality education for its students
- Whether there are other kinds of work which would suit his/her abilities, or which, with further training, could be considered
- Whether ill-health retirement is an option
- Whether there is any other support the school, or other agencies, could reasonably consider offering.

Following an employee being assessed by Occupational Health, a report will be sent to the Headteacher, or to the senior manager who has made the referral. In the case of a headteacher, this will be sent to HR who will liaise with the Chair of Governors.

Where Occupational Health advice is that the employee is fit for normal duties, they should return to work upon expiry of the current medical certificate. The report may recommend a phased return to work and/or light or limited duties for a limited period.

In situations where Occupational Health recommends a therapeutic or a phased return to work, every reasonable assistance will be provided to the employee to facilitate this. All returns to work should be agreed within a specific timescale and the employee's progress reviewed by the line manager at regular intervals throughout the period.

Possible Outcomes of Occupational Health Assessment

Fit for work with no adjustments: the employee is fit to return to work with no adjustments to his/her working pattern. It is vital that the Headteacher or nominated person arranges a Return to Work Meeting to discuss the employee's return to work.

Continue to Monitor: it may be that no immediate action is necessary other than to continue to monitor the situation and to organise temporary cover. This approach will be appropriate where a full recovery is likely within a timescale that will not cause unacceptable operational difficulties.

Reasonable Adjustments: Occupational Health may suggest reasonable adjustments to the employee's working environment or role to facilitate his/her return to work. It is for the school to decide what adjustments are reasonable having considered the suggestions made in the report.

Therapeutic visits or Phased Return to Work: there may be certain cases where following a long term illness, Occupational Health recommends that it would be beneficial for an employee to return to work on a reduced hours basis, until his/her health has fully recovered. It is expected that a phased return to work should last no more than 4 to 6 weeks. The school will be required to pay the employee his or her normal full salary during the duration of the phased return but for no longer than 4 to 6 weeks. Where a therapeutic return is recommended, it will usually consist of a series of short visits to the school without the expectation that the employee will perform their normal contractual duties and will normally precede a phased return. During such therapeutic visits, the employee is still absent due to ill health and in receipt of appropriate sick pay benefits.

Change of Role: Occupational Health may suggest that the employee would benefit from a change in role or change of duties sufficient for it to be considered a new role. In some cases, it may not be possible to accommodate this suggestion in the same school. In these circumstances, the school will seek advice on any options for supporting the employee to find suitable alternative employment.

8. Sickness absence reporting procedure

On the **first day of absence** the employee must personally notify the school of his/her absence due to ill health as early as possible in the circumstances, and no later than his/her normal start time. The reason for the absence and an indication of its likely duration should also be given. Unless otherwise agreed, the employee should contact the school on each subsequent day of absence.

Unless the employee is seriously ill or incapacitated, the employee should contact the school, rather than asking a friend or relative to call on their behalf. Only in the most serious of cases, will it be acceptable for a text message or e-mail to be sent instead of making personal contact.

If the employee has been unable to speak to the line manager / another member of staff, at the time of reporting the absence, they may expect further contact from the school to clarify the nature of the absence, its likely duration, any immediate work commitments that will need to be covered or re-arranged, and to discuss any support the school may offer, as necessary.

(Each school will have its own local sickness absence reporting arrangements, which should be well known to its employees. Failure to follow the local reporting arrangements could result in the absence being recorded as unauthorised. Failure to comply with the reporting and certification procedures may result in loss of sick pay; persistent failure to comply may result in disciplinary action.)

If the absence is due to an accident or injury sustained during the course of work duties, this information and the name of the person to whom the incident was reported must be made known. This is to ensure that the school's management has properly recorded the incident and, where necessary, taken appropriate remedial action.

9. Certification

All employees must complete a self-certification form on their return to work for all absences up to and including seven consecutive calendar days. For all absences of eight consecutive calendar days or longer, the employee must provide a doctor's certificate ("Fit Note"). The requirement for sickness absence to be certificated includes school closure periods.

The employee must keep the school informed of progress. For longer term absence, the school will seek to agree a regular pattern of contact, usually weekly, with the absent employee. Headteachers/line managers should keep a record of their contact with the employee. Other than in the most exceptional circumstances, it is not acceptable for there to be no contact between the school and its employee.

If an employee receives a Fit Note from the GP, marked as 'May be fit for work' with suggestions for any of the following:

- A phased or therapeutic return to work
- Amended duties
- Altered hours
- Workplace adaptations,

a meeting with the employee should be arranged to discuss appropriate ways to manage the return to work process and support the employee in making adjustments. The school may need to seek further advice from Occupational Health. It is for the school to decide what adjustments are reasonable having considered suggestions made by the GP or Occupational Health.

If an employee informs the school that they feel well enough to return despite still being covered by a fit note certifying that the individual is 'not fit for work', the school should conduct a risk assessment and only agree to the individual returning if any risks can be satisfactorily managed.

10. Sick Pay

Employees have an entitlement to receive sickness pay during any period of sickness. This consists of Statutory Sick Pay and an Occupational Sick Pay entitlement.

For support staff, full details of sick pay entitlement is given in the Green Book. A summary of the allowances is shown below:

Length of Continuous Service	Full Pay	Half Pay
Up to 4 months	1 month	None
4 – 12 months	1 month	2 months
1 – 2 years	2 months	2 months

2 – 3 years	4 months	4 months
3 – 5 years	5 months	5 months
Over 5 years	6 months	6 months

For teachers, full details of entitlements to sickness payments are set out in the Burgundy Book. A brief summary of those entitlements is set out below.

<u>Length of Service</u>	<u>Full Pay</u>	<u>Half Pay</u>
Up to 4 months	25 working days	Nil
4 to 12 months	25 working days	50 working days
1 to 2 years	50 working days	50 working days
2 to 3 years	75 working days	75 working days
More than 3 years	100 working days	100 working days

The amounts of full and half pay will be reduced by the number of days of paid sick leave taken during the preceding twelve-month period.

In this school, in exceptional circumstances, the governing body may consider using its discretion to extend an employee's entitlement to occupational sick pay, in the knowledge that any costs of doing so will fall to the school's budget. In the case of teachers absent due to accident, injury or assault attested by an approved medical practitioner to have arisen out of and in the course of the teacher's employment, the period of full sickness pay is automatically extended up to the date of recovery, but not exceeding six calendar months.

11. Monitoring absence

To ensure that any action taken against an employee for unacceptable levels and/or pattern of absence is appropriate, it is important that an accurate and consistent method of monitoring has taken place.

Effective monitoring of absence is dependent on effective recording of absence. As part of induction, new employees will be made aware of the school's absence reporting arrangements and the expectations that the school has of good attendance. All employees will be made aware that the school will address concerns about absence levels.

It is the responsibility of the headteacher to determine whether formal action is taken. The decision will be based on the cause, amount and frequency of the absence.

It should be noted that none of the definitions set out as part of this procedure prevents earlier intervention if appropriate, nor is it necessary to wait until sick pay has expired before further action is taken.

12. Unauthorised absence

It is the employee's responsibility to adhere to the absence reporting procedures as set out above. However, if an employee fails to report to work, without informing their line manager, it is important that the situation is investigated with the employee and they are given the opportunity

to explain. If, after all reasonable efforts have been made to contact the employee, they remain absent without leave, it may be treated as an unauthorised absence without pay and may warrant an investigation under the School's Disciplinary procedures.

13. Trigger points

To enable managers to monitor absence levels trigger points have been agreed. The School's senior leadership team will continuously monitor these levels, and will investigate with the employee any levels or patterns of absence which cause concern, and having considered the reasons behind them will decide whether any action (informal or otherwise) is required.

In any event, absence that reaches any of the following trigger points will be investigated in every instance:

- **Three occasions, or twenty working days or more, absence in a rolling three months' period;**
- **All absences of 20 or more working days**
- **Unacceptable patterns of absence (e.g. regular Friday and/or Monday absences or school closure periods)**

Due regard must be taken of the Equality Act in relation to disability and pregnancy so as to ensure employees are not placed at a disadvantage as a result of these protected characteristics. Therefore, absence relating to rehabilitation, assessment and treatment of a disability and pregnancy related absence should be excluded from the triggers (see the sections 4 and 5 above). Due support and regard should also be given to employees who may be experiencing the effects of, for example, drug or alcohol misuse or domestic abuse. In all cases the context of the individual's situation should be considered and further guidance sought from your HR Advisor if required.

It should be noted that the above trigger points do not prevent earlier intervention if appropriate. Any employee, who the school finds to be abusing the school's sickness absence management arrangements, will be subject to disciplinary procedures, which may lead to dismissal.

14. Short-term and long-term absence definitions

For the purpose of this procedure, short-term absence has been defined as including any of the following scenarios:

- Occasional short-term absence, or
- Recurrent short-term absence where the causes differ and appear to be unrelated, or
- Recurrent short-term absence with an underlying medical condition, or
- Unacceptable patterns of absence (e.g. regular absences either side of weekends or school closure periods)

For the purposes of this procedure, long-term absence is defined as follows:

- Continuous absence for a period exceeding 20 or more working days, or
- Where the actual and anticipated future health of the employee makes a return to their current role very unlikely, at least in the immediate future, or
- Recurrent long-term absence with an underlying medical cause.

The school recognises that an employee facing a substantial period of absence from work due to ill health may feel anxious and vulnerable. School managers will be sensitive to these feelings and provide support and reassurance wherever possible. It is important to maintain contact during the absence; the nature and frequency of which is best defined as early as possible between the manager and the employee. On occasion it may be appropriate to meet at a neutral venue, or to make a home visit (although this should only occur with the express permission of the employee and in accordance with the Health and Safety Lone Working Policy). Employees should also be asked if they would like to receive news, information or briefings available to other colleagues. If an employee requests that there should be no contact at all during sickness, the reason for this should be explored with him/her (or a nominated representative) – the assistance of the HR Caseworker should be sought if necessary.

As with short-term absence, there is a need to follow a consistent procedure. At all stages, the headteacher / manager should advise the employee of their rights.

15. Informal stages: Return-to-work meeting / informal meeting

Wherever possible, the employee should inform the school no later than the day before the anticipated date of return.

The school will conduct return-to-work meetings for all absences, irrespective of length. The meeting should take place on the first day of the employee's return to work wherever possible. The aim of the meeting is to:

- Ensure the employee is fit to return to work
- Ensure, as appropriate, the employee has taken / is taking all reasonable steps to manage their health and attendance, including accessing medical support as necessary
- Help to identify the cause(s) of the absence and any underlying problems that the employee may be experiencing
- Offer any appropriate support available, including a referral to OH if appropriate and sign-posting any employee well-being services
- Ensure the employee feels valued and knows that their absence was noticed and that they were missed
- Update the employee on anything that they need to know and, as necessary, assist with re-prioritising their workload following their absence
- Signal to the employee that attendance (and therefore absence) is a high priority for the school

- Ensure that the absence is recorded and the relevant documentation completed
- Make the employee aware if s/he is approaching a trigger point (see section 13), discuss what other support / action might be needed to reduce the employee's level of absence and advise the employee that unless attendance improves, the school will be left with little choice but to adopt a formal approach (see section 16).

A record of the return-to-work meeting will be made, a copy given to the employee and kept on the employee's personal file.

Informal Meeting

Where absence is causing a concern (i.e. the employee has met a trigger point), the employee should be informed in writing and invited to a meeting to discuss the evidence in more detail before action is taken under the formal stages of this procedure. At the meeting: discuss attendance, review support and advice given to date as necessary, set expectations for improvement and, if appropriate, confirm in writing that the employee's attendance will be reviewed at a first health review meeting.

There is no right to be accompanied during informal stages as they are part of normal management, but it may be helpful for the employee's Trades Union representative to be involved at an early stage.

In many circumstances, significant evidence will have already been gathered as part of the return-to-work process, which the school will simply collate and summarise as evidence.

16. Formal stages: Ill health capability review procedure

Once the level of absence has been identified as a concern, and having taken into consideration the points in earlier sections of this procedure, the Headteacher should consider taking action as outlined in this ill health capability review procedure.

The Headteacher should decide whether they or another senior colleague should conduct the meetings at each stage. If the Headteacher is the subject of concern it is normally the Chair of Governors who would be responsible for such a case.

The First and Final Health Review Meetings of this procedure are designed to deal with persistent short-term ill-health cases.

When long-term ill-health, in the opinion of the Occupational Health Physician, makes it impossible for the individual employee to discharge efficiently the duties of the post then consideration of early retirement on grounds of ill-health may be considered, where the employee is a member of the pension scheme. If retirement is not considered an option but there is little likelihood of the person returning to work within a reasonable period, it is quite possible to start the procedure at the Ill-Health Capability Hearing stage.

Return to work meetings will continue to be conducted for absences that arise between any formal meetings.

a. First Health Review Meeting

If an employee's sickness absence levels have not improved despite being addressed in their Return to Work Meetings, and the employee has reached any of the trigger points (see section 13), the Headteacher ** will invite the employee to a First Health Review Meeting.

The invitation will be in writing, giving the employee at least 5 working days' notice and setting out the date and place of the meeting, the reason for the meeting, and stating that they may be accompanied by a trades union/professional association representative or work colleague. As necessary, the school's HR Caseworker and a note-taker may also be present at the request of the school.

The Headteacher ** will prepare for the meeting by ensuring that they have clearly identified the employee's sickness absence levels and the support that has been provided.

At the First Health Review Meeting the Headteacher ** will:

- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused
- Listen to reasons and respond appropriately
- Consider whether to refer the employee to Occupational Health, if not already done
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement, and the next meeting date
- Identify any support required
- If appropriate, give the employee a first written warning and explain that continued failure to improve attendance to the specified level may lead to further action under the school's sickness absence management procedure, which could lead to his/her employment being put at risk

Following the meeting, the Headteacher ** will write to the employee confirming all the details of this meeting, including a response to any specific points raised by the employee / the representative, any conclusions reached / attendance targets for the monitoring period / points of disagreement and the date of the next (final) review (see 16.2).

If there is a further, significant deterioration in attendance, the Headteacher may bring forward the date of the next meeting, provided that 5 days' written notice is given.

** or the senior manager leading the case, where it is not being led by the Headteacher.

b. Final Health Review Meeting

At the end of the agreed monitoring period, the employee's attendance will be reviewed at a final health review meeting, at which the employee will have the right to be accompanied by a trades union/professional association representative or work colleague.

At the Final Health Review Meeting the Headteacher ** will advise the employee of one of the following outcomes:

1) The required standard of attendance has been met and sustained

The employee's attendance will be managed under normal absence management arrangements and the written warning will remain active for six months from the date of the Final Health Review Meeting;

2) The required standard of attendance has not been met or significant progress has not been made towards meeting the required attendance level, in which case the Headteacher ** will:

- Explain the concern about the continued absence level and reasons for that concern, such as operational difficulties caused
- Listen to reasons and respond appropriately
- Consider whether any (further) occupational health advice should be sought
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement, and the next meeting date
- Identify any support required
- If appropriate, give the employee a final written warning and explain that continued failure to improve attendance to the specified level will lead to an Ill-Health Capability Hearing (see section 16.3) which could result in dismissal

Following the meeting, the Headteacher ** will write to the employee confirming all the details of this meeting, including a response to any specific points raised by the employee / the union representative, any conclusions reached / targets set for the final monitoring period / points of disagreement and the date of review.

** or the senior manager leading the case, where it is not being led by the Headteacher

a. Ill health capability review hearing

Where the long-term absence of an employee continues due to the nature of the illness, or, for short-term absence cases, where there has been no, or insufficient, improvement in attendance, or where any improvement has not been sustained, the case will be presented for full review. This may be to the Headteacher, if he/she has not been the decision-maker at earlier stages of the procedure and has the delegated authority to consider dismissal, or to a panel of governors on the school's Hearings' Committee.

The meeting will be set at the earliest possible date, but normally by no later than fifteen working days following the decision to move to an ill health capability review hearing. For cases relating to long-term absence, it is anticipated that the school will have maintained appropriate, regular contact with the employee.

The employee will be advised in writing that a possible outcome of the meeting could be that the Headteacher / panel of governors determines that they should be dismissed.

Details of the case and notification of any witnesses to be called will be circulated to all parties at least ten days before the hearing. The employee will be invited to submit documentation and details of all witnesses, as appropriate. This must be provided at least five days before the hearing.

At the hearing, the manager presenting the case will detail the level of absence, and its impact, that has given cause for concern and refer to any documentation that has been circulated prior to the meeting, including any medical reports.

The employee (or representative) will have the opportunity to present evidence explaining why their level of absence is at its current level (a level of formal concern) and what action they have taken / will take to reduce it to an acceptable level.

In deciding what type of action to take, the Headteacher / panel of governors will review:

- The record and pattern of absence
- The support provided to the employee to date
- Whether there is an underlying illness or any other issues raised by the Occupational Health Service
- The likelihood of an improvement in attendance
- The attitude and response of the employee in recognising and addressing the impact of their absence
- The problems caused by the employee's absence
- Whether all appropriate options, for example, Ill Health Retirement procedures, have been properly explored
- The needs of the school and the best interests of the employee concerned

Possible Outcomes of the Ill Health Capability Review Hearing

The Headteacher / panel of governors, as appropriate, will confirm one of the following outcomes:

1) The required standard of attendance has been met and sustained

The employee's attendance will be managed under normal absence management arrangements and the final written warning will remain active for twelve months from the date of the Ill Health Capability Review Meeting;

2) The required standard of attendance has not been met and / or has not been sustained

The employee will be dismissed with appropriate notice. If the decision is dismissal, wherever practicable, the employee will be informed immediately and advised of the right of appeal. The

decision of the Headteacher/ panel of governors, the reasons for it and the appeal arrangements will be confirmed in writing to the employee normally within five working days.

Where appropriate, for a community or voluntary controlled school (whose staff are employed by the County Council), a copy of the letter will be sent to the Director for Children and Young People within fourteen calendar days. The Director for Children and Young People will then formally confirm dismissal by letter to the employee.

b. Appeals

All employees have the right to appeal against any formal actions, i.e. warnings or dismissal, taken against them under the school's Sickness Absence Management Policy.

Warnings: any appeal arising as result of a warning, must be made in writing within fourteen calendar days of the receipt of the decision and include full details of the grounds for appeal and any relevant supporting information. If the warning is given by a line manager, the appeal will be to the Headteacher. If the warning was given by the Headteacher, the appeal is to the Chair of Governors. If the Headteacher is the subject of the formal action, the appeal will be to an appropriated constituted panel of governors.

Dismissal: Any appeal arising as a result of a dismissal must be made in writing within fourteen calendar days of the receipt of the decision. The appeal will be to a panel of the Governing Body's Appeals Committee and must not include any governors who have been previously involved in the case.

At any appeal any sanction or penalty imposed will be reviewed, but cannot be increased.

The employee has the right to be accompanied by a trades union /professional association representative or work colleague. The Headteacher is likely to present the school's case at the appeal hearing. If the Headteacher is the subject of formal action, the Chair of Governors will assume this role.

All parties will withdraw. The Headteacher or the committee will deliberate. The Director of Children and Young People's Services may be present at these deliberations to advise on legal and procedural matters. In any case where dismissal is proposed, the representative of the Director of Children and Young People's Services will advise the committee as to whether they concur with the committee's decision.

If the recommendation for dismissal is not upheld, the Appeals Panel may decide to issue a further warning or, in appropriate cases, to demote the employee rather than dismiss. Demotion involves a change in the employee's contract that requires his/her consent to the new arrangement.

Wherever possible, the employee will be informed immediately at the conclusion of the appeal hearing and in any case, in writing normally within five working days, giving the reason for the decision.

There will be no further right of appeal for the employee following the decision of the Appeals' Panel of the Governing Body. The employee will not be able to re-open matter that have been considered by looking to invoke a different procedure, such as the Grievance Procedure.

c. Medical Redeployment or Retirement

Any employee who is deemed to be permanently unfit for work, will leave the school's service in a managed and supported way, with any pension benefits to which they are entitled.

In managing medical redeployment or retirement, all staff will be treated equally and consistently. Medical redeployment and retirement will not be applied as a punitive or disciplinary measure.

The school will always endeavour to:

- Monitor and support staff on long-term sickness absence.
- Promote and liaise with the Occupational Health Service, keeping staff advised of the process.
- Make reasonable adjustments to existing jobs and workplaces to achieve a return to work wherever possible.

Procedure for a Hearing

Hearings will be held in as informal a manner as possible and the employee will be afforded every reasonable assistance to put his/her case. The conduct of the hearing is at the discretion of the Headteacher, Chair of the committee or manager hearing the case, but s/he will allow the parties every reasonable opportunity to present their case.

In the case of an appeal the order of presentation set out below would normally be reversed, with the employee as appellant presenting his/her case first. However, by prior agreement or where the appeal constitutes a re-hearing of the full case, the case against the employee may be presented first as at the initial hearing. Chairs of appeal committees or managers hearing appeals should ensure that all parties have a common understanding and agreement on the order of presentation.

1. Introduction

The Headteacher, Chair of the appropriate committee, or manager hearing the case will ensure that those present are introduced to each other and that they are aware of the procedure to be followed.

2. Presentation of the Case

The person presenting the case against the employee may make an opening statement outlining the case. The person or committee hearing the case, and the employee responding to it, may ask questions.

S/he will then call any witnesses and ask them to give their evidence. The employee or his/her representative may then ask questions of each witness. The person or committee hearing the case may also ask questions of any witness. The person presenting the case may then re-examine the witness.

Where evidence is presented in the form of documents, the person presenting the case or an appropriate witness will explain the nature and significance of the documents.

3. The Employee's Case

The employee or his/her representative may make an opening statement. The person or committee hearing the case and the person presenting the case against the employee may ask questions.

S/he may call any further witnesses and invite them to give their evidence. The person presenting the case against the employee may ask questions of each witness after s/he has given his/her evidence. The person or committee hearing the case may then ask questions. The employee or his/her representative may re-examine the witness.

Where there is any documentary evidence, the employee or any witness on his/her behalf will explain its significance.

4. Re-examination

Both parties will be asked if they wish to re-examine any evidence. The person or committee hearing the case may also do so at its discretion.

5. Final Statements

The person presenting the case against the employee may make a final statement. The employee or his/her representative may then also make a final statement.

6. Adjournment

Either party may ask for an adjournment at any stage. The decision to adjourn is at the discretion of the Chair, who will consider a request in the light of the reason given for it.

7. Consideration of the Case

All parties will withdraw. The Headteacher or the committee will deliberate. Where relevant, the Director of Children and Young People's Services, or their representative, may be present at these deliberations to advise on legal and procedural matters.

If it is necessary to recall either party or any witnesses, to resolve a point of uncertainty, both parties will be invited to be present, whether the point of doubt concerns one party or both.

8. Decision

If possible, the decision will be communicated orally to the employee after the hearing. The decision will be confirmed in writing to the parties involved usually within five working days or as soon as possible after the hearing.

Summary of changes to the policy

Document control		
Date	Section(s)	Update(s)
September 2019	7 Referral to Occupational Health	Insertion of missing word in fifth paragraph, final sentence to read, “....the prospect of return to work is well-defined...”
September 2019	7.1 Factors to be considered by OH	Change ‘service’ to ‘provider’ in first sentence. Change ‘taking in account’ to ‘considering’ in third bullet point Remove ‘If not..’ from start of fourth bulletin point
September 2019	Possible outcomes of OH assessment	Remove ‘in order to’ from section headed Reasonable Adjustments
September 2019	8 Sickness absence reporting procedures	Insertion of missing word in second paragraph to read, “..a friend or relative <u>to</u> call...”
September 2019	10 Sick Pay	Change to Statutory Sick Pay and Occupational Sick Pay from Statutory Sickness Pay and Occupational Sickness Pay
September 2019	13 Trigger points	Change ‘employee’ to ‘employees’ in last sentence of the penultimate paragraph
September 2019	15 Informal stages	New paragraph about the scope of the informal meeting
September 2019	16.2 Final Health Review Meeting	Insertion of ‘union’ before ‘representative’ in final paragraph
May 2021	2 Scope, Aims & Principles	Inserted paragraph to define usage of the terms ‘Governing Body’, ‘Director for Children and Young People’ and ‘Head of Legal Services’.
May 2021	7 & 14	Definition of long-term absence changed from 10 to 20 days, and therefore the timescale for making an OH referral extended accordingly.

May 2021	9 Certification	Expanded to include guidance on actions to take if a Fit Note states 'May be Fit for Work' and when an employee wishes to return before a fit note has expired.
May 2021	10 Sick Pay	Summary details of Green & Burgundy Book entitlements to sick pay added.
May 2021	13 Triggers	Added advice to consider reasons behind the absences before deciding what, if any, action is appropriate.
May 2021	14 Home visits	Home visits to be made in accordance with the Health & Safety Lone Working policy.
May 2021	15 Return to work meetings	Added: "Offer any appropriate support available, including a referral to OH if appropriate and sign-posting any employee well-being services"
July 2021	13 Trigger Points	Trigger amended to from 10 days to 20 days to coincide with the sections 7 & 14

Document Reference	SCC 007
Document Title	Model Sickness and Absence Policy - LA
Description	Policy
Version Number	V4.0
Version Date	September 2021
Last Review Date	September 2021
Next Review	September 2025
Reviewed By	Christine Challenger
Document History	V1-Oct-14, V2-Sept-19, V3 – Jun-21, V4-Sept-21