

**Twiss Green**

**Community Primary School**

**Schools Managing Attendance Policy**

**September 2021**

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| Date of Approval: | 12th September 2021 |
| Signed: Chair of Governing Body |  |
| Signed: Acting Head Teacher | **Katy Fuller** |
| To be reviewed by: | September 2022 |

DOCUMENT STATUS

|  |  |  |
| --- | --- | --- |
| **Version** | **Date** | **Action** |
| Revision 5 | May 2012 | Revisions agreed at PCG on 25/042012 |
| Revision 5 | October 2012 | Agreed at JCC |
| Revision 6 | Dec 2013 | Agreed at JCC |
| Revision 7 | Jan 2015 | Agreed at JCC April 2015 |
| Revision 8 | Feb 2018 |  |

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MANAGING ATTENDANCE POLICY

1.0 Introduction

1.1 This policy is intended to outline the School’s approach to the management of attendance. It aims to assist school based staff including Head Teachers, Governors, Deputy Head Teachers, Assistant Head Teachers or other staff nominated by the Head Teacher with a framework in which to apply a fair and consistent approach to monitoring, managing and reducing sickness absence levels. This policy should be used proactively as a supportive measure so that schools can foster a culture of attendance and wellbeing, with an emphasis upon both the needs of the school and the welfare of employees. This policy applies to all employees within schools and should be adopted by Governors accordingly.

1.2 As a supplement to this policy, there are also procedures for schools to deal with short and long term sickness absences at Appendix 2 (short term sickness absence) and at Appendix 3 (long term sickness absence). In addition, this policy may occasionally need to be cross-referenced with other school policies and procedures, such as those relating to health and safety, school’s stress at work policy, flexible working and guidance on disability and maternity legislation. Non-compliance with the policy or procedure or absence/performance difficulties for reasons other than genuine sickness, may need to be dealt with in accordance with the school’s disciplinary and/or capability procedures.

**2.0 Managerial Responsibilities**

It is important when allocating responsibility for managing attendance in schools that this is in line with the School Teachers’ Pay and Conditions Document (STP&CD) and therefore schools should not ask teaching staff to undertake return to work interviews.

2.1 An essential feature of improving attendance in school staff is to proactively promote and nurture a culture of attendance, and to exercise a duty of care towards employees in providing a healthy and safe environment within schools. In practical terms, this also includes the responsibility for monitoring employee attendance and dealing appropriately with situations whereby attendance fails to reach required standards.

2.2 It is essential that Head Teachers, Governors, Deputy and Assistant Head Teachers, or other staff nominated by the Head Teacher, understand the rules and procedures for reporting and recording sickness absence and are clear about their responsibilities for ensuring that employees comply with them. Successful implementation of this procedure will require up to date knowledge and management information which will periodically be forwarded to Head Teachers, and key to this will be timely, accurate recording of sickness absence by schools. This will ensure that schools and the Council can produce reliable evidence of its performance against targets for reducing sickness absence, and more effectively monitor patterns of attendance and the effectiveness of measures applied.

* 1. All employees within Twiss Green should be informed about the rules and procedures that need to be observed if they are unable to attend work because of sickness. Employees should be given this information on appointment, during their induction training and also reminded of the procedures periodically in either school bulletins, circulars, staff notice boards and at team meetings.
	2. Head Teachers, Governors, Deputy and Assistant Head Teachers, and other staff nominated by the Head Teacher, will be required to deal appropriately with all absence, including engaging in dialogue with the employee to establish the cause of sickness absence and any preventative measures that could be explored. It should be recognised that the majority of sickness absence is for genuine reasons and should therefore be approached with empathy and understanding. Apparent health-related absence can, at times, mask another issue that the manager may be able to provide support with, such as balancing responsibilities outside of the workplace.
	3. When deciding what action is appropriate according to this Policy, Head Teachers, Governors, Deputy and Assistant Head Teachers, or other staff nominated by the Head Teacher are required to take all sickness absences into account, notwithstanding whether they have been short term or long term. In circumstances where absence causes concern, or where recurring conditions or patterns of absence are evidenced, managers are advised to contact HR to discuss the situation and determine an appropriate way forward. Dependent upon the circumstances, it could be appropriate to use other policies and procedures.

2.5 In order to improve attendance levels, Head Teachers, Governors, Deputy and Assistant Head Teachers, or other senior support staff within schools, may on occasions need to seek advice and work closely with Human Resources and/or Occupational Health, and consult with employee representatives and/or Trade Unions to reach a successful outcome for the school and the employee.

**3.0 Employees’ Responsibilities**

3.1 Twiss Green and Warrington Borough Council are committed to improving the attendance of employees, and expects them to make every effort to attend work. When this is not possible due to sickness, it is important that all employees comply with this policy, keep the school informed of their situation and participate in any support offered to help them return to work. In the case of a Head Teacher’s absence this should be the Chair of Governors, who is expected to provide appropriate support and assistance to the Head Teacher in consultation with HR.

3.2 Employees are required to provide their line manager with any relevant contact details in order that contact can be maintained whilst the employee is off work. The employee and the manager should agree the frequency and type of contact that take place during the absence period,

**4.0 Human Resources’ Responsibilities**

4.1 The Human Resource Service will be responsible for:

* Reviewing attendance within Twiss Green and to provide regular reports on levels and patterns of sickness absence, including providing meaningful statistical information to Head Teachers
* Providing support and professional advice in respect of individual cases, and assist in identifying options and solutions for ensuring the maximum attendance of employees.
* Identifying and arranging appropriate interventions to help prevent sickness absence and/or enable employees to return to work as soon as possible.

Supporting dialogue between line managers/headteachers, members of staff, Occupational Health, and trade union representatives to discuss areas of concern, and ensure that Twiss Green takes a proactive approach to dealing with absence due to illness and develops initiatives to support the health and wellbeing of the staff and improve attendance.

* Working in partnership with Trade Unions to identify positive approaches for individual employees’ return to work.
* Monitor and review the compliance with, and effectiveness of, this Managing Attendance Policy.

* Provide assistance in drawing up action plans to help facilitate a return to work and advise on phased returns to work and implementation of Occupational Health advice.
* Ensure compliance with the Equality Act 2010.
* Attendance at Governor’s /Head Teacher’s dismissal and/or appeal committees and provide professional advice regarding legal and other implications of terminating employment.

**5.0 Support to Employees, Head Teachers, Deputy and Assistant Head Teachers, and other nominated staff within school**

5.1 This Policy aims to ensure that employees and senior staff within school, are aware of, and know how to access, help and support to improve attendance. This support will come from a variety of sources, with key elements including:

* Regular contact from the Head Teacher, Chair of Governors (in the case of the absence of the Head Teacher) or by the Deputy or Assistant Head Teacher, or by other nominated person in school, with the employee to ensure that the employee does not become or feel isolated and is kept fully informed of school developments. This could include welfare review meetings, weekly contact, issuing of team meeting minutes, school newsletters, being made aware of staff vacancies, new appointments or kept informed about staffing reviews or restructures.
* Return to work interviews to discuss any support needed for a full return to work and help sustain regular attendance including.
* Consideration of rehabilitation options where operationally feasible, such as phased returns to work, a period of amended duties, reduced hours, flexible working, reasonable adjustments, and redeployment considerations.
* Where appropriate, referral to Occupational Health for a view on how an individual’s health may impact on their ability to undertake their role, and what steps can be taken to assist them, and over what timescales. This may also identify any additional help/therapies/treatments.
* Consideration towards payment for private referral for tests, investigations and consultations, where Occupational Health recommends that this is likely to reduce the waiting period for diagnosis and/or treatment, and where this is likely to have a positive impact on attendance and service provision.
* Training and/or briefings for employees, key staff in school and trade union representatives where appropriate, on relevant subjects such as stress awareness, lifting and handling, etc.

* Reasonable adjustments such as consideration given to a contractual reduction in hours and relinquishing specific responsibilities, following agreement by the Head Teacher/Governors/employee.

**6.0 Dealing with Short Term Sickness Absence**

6.1 All absences due to sickness will require the following approach to be taken by either the Head Teacher, Chair of Governors (in the case of the Head Teacher’s absence), Deputy or Assistant Head Teacher, or other nominated person in school, and employees:

* Wherever possible notification of sickness absence to be reported in person to the Head Teacher or other nominated person in school at least one hour prior to usual start time.
* Employee to complete the return to work form. This should be accompanied by a discussion with the absent member of staff, conducted by either the Head Teacher, Deputy or Assistant Head Teacher, or other nominated senior support staff. Pro-formas and return to work discussions for all periods of absence due to illness should be completed within 2 days of the employee’s return. Appropriate supportive measures should be actioned.
* Employees are obliged to keep managers regularly informed throughout their period of illness and comply with notification requirements.
* Head Teachers, Deputy or Assistant Head Teachers, or other nominated senior support staff (or in the case of a Head Teacher’s absence, the Chair of Governors), to have made contact with, and to have met where appropriate, employees who have been absent for more than two weeks. If appropriate, a trade union representative may also be present.
* Consideration to be given to welfare meetings, and the possible benefits of referring employees to Occupational Health.
* School employees with a total of 10 days or 4 occasions of absence in a rolling 12 month period will be referred for a formal Attendance Review meeting either with the Head Teacher, Deputy or Assistant Head Teacher, or other nominated senior member of support staff within school. In the case of a Head Teacher’s absence this should be the Chair of Governors, in consultation with Human Resources. Further absences may result in employees being issued with formal warnings. However, individual circumstances and overall attendance record should be taken into consideration before issuing a warning.
* A warning system, consisting of two formal warnings and a final warning, may result in dismissal.

Further detailed guidance is outlined in Appendix 2 & 3 - Short and Long Term Sickness Absence Procedures.

**7.0 Dealing with Long Term Sickness Absence**

7.1 Long term sickness is defined as continuous or linked periods of absence through ill-health, which raises the question of whether or not the employee concerned is capable of undertaking the full duties and responsibilities of his or her post. As a general guide, “long-term” absence will often be indicated by a duration of four weeks or more.

7.2 A referral to Occupational Health should normally be made in instances if an employee is likely to be absent for more than four weeks. In some cases referral further down the line may be appropriate, e.g. in cases of cancer. Advice should be sought from HR in such circumstances. Indications show that early referral to, and intervention by, Occupational Health is more effective in reducing the duration of sickness absence due to long term illness. Head Teachers, Deputy and Assistant Head Teachers, and other senior support staff within school, should not therefore wait until a period of four weeks has elapsed before referring, if it is known that the illness is likely to be long term.

7.3 Twiss Green and all staff with responsibility for staff attendance should be committed to supporting employees throughout periods of illness. Head Teachers, Deputy and Assistant Head Teachers, and other senior support staff within school, and HR Business Partner should make every effort to deal with employees sensitively and address both the need to support the employee, whilst ensuring that services are provided and appropriate cover arrangements put in place. Staff who are absent from work should not be asked to carry out workplace duties.

7.4 The measures contained within the Short-Term and/or Persistent Absence Procedure will apply equally to long-term absences, however, it is also recognised that additional interventions, specific to the often complex nature of long-term health conditions, will be necessary. Key elements of dealing with Long Term Sickness Absence are:

* Long-term sickness absences can be distressing for the employee concerned and the school needs to handle contact between the workplace and the employee sensitively. Balance needs to be struck between the “moral support” type of contact and that needed to establish the level and duration of cover required. A contact programme should be initiated and maintained to prevent employees from feeling isolated and, if appropriate, keep employees informed of developments in the school. In deciding what is appropriate, sensitivity should be given to the individual’s wishes/circumstances, whilst remaining mindful of statutory responsibilities. Employees should not be asked to undertake work duties during sickness absence.
* Early and appropriate referral by Head Teachers, Deputy and Assistant Head Teachers, and other senior school support staff, to Occupational Health.
* Consideration of the individual’s circumstances and whether reasonable adjustments can be made to facilitate a return to work as soon as possible.
* Addressing any factors within the workplace which may be affecting health and/or contributing to a person’s long term absence.
* Formal Long Term Sickness Absence Reviews taking place with employees to consider medical advice and options regarding returning to work, including exploration of alternative employment options within the school. The timing of such reviews to be dependent upon the individual circumstances of each case, but as a guide, milestones of 3 months’ duration may be appropriate.
* If, following formal reviews, there is no likelihood of a sustained return to work and alternative employment options within the school have been explored, and when ill health retirement is not an option or has not been granted, consideration will be given to dismissal by the Head Teacher or Governors.
* Where ill health retirement is granted, it will not be necessary to go through each stage of the long term procedure. Once ill health retirement has been confirmed the dismissal hearing should take place immediately (for NJC staff). For teachers, there is no requirement to hold a capability hearing if the ill health retirement is granted. A letter should be sent confirming ill health retirement has been granted and the end date of the contract provided.
* If the employee has a disability as defined by the Equality Act 2010, before considering dismissal the manager must be able to demonstrate that all reasonable options have been explored (see Appendix 5). This must be done in consultation with Human Resources and relevant employee representatives, in terms of seeking advice from OHU, offering and/or making reasonable adjustments to enable the employee to undertake their job, or any other suitable alternative employment.
* Any decision to dismiss must be taken by the Head Teacher/Governors, having fully considered all the information available, including the advice of the Occupational Health Unit, Human Resources and any medical specialist involved. In the case of a Head Teacher’s dismissal, this decision will be taken by the Governors.
* After investigation, consultation and consideration of other alternative posts, and where there is no reasonable prospect of the employee returning to work, employers will have the option to terminate employment before the employee has reached the end of the contractual paid sick absence period. This will only be considered as a last resort where all other options have been considered.
* Where an employee returns to work following a long term absence, and subsequently has a further period of long term absence within the next 12 months, the management of the absence may revert to the stage reached during the previous absence process.

7.5 Where the sickness absence is stress related, reference should be made to the School’s Stress at Work Policy for guidance.

7.6 Whilst there are separate procedures to deal with long term and short term absence, all absences should be dealt with and considered as a whole. Where there is a re-occurrence of absence (either long, or repeated short term or combination of both) within 12 months of either the expiration of a final warning or within 12 months of Stage 2 of the long term procedure being triggered then consideration will be given to previous interventions.

Further detailed guidance is outlined in Appendix 3 - Long Term Sickness Absence Procedure.

**8.0 Rehabilitation Period**

8.1 Where an employee has had a particularly long absence and/or are still recovering, a rehabilitation period may be appropriate. A phased return to work will not be suitable in every situation. The premise of a phased return is that the employee is well enough to carry out some work, and is likely, given time, to recover sufficiently to return to his or her normal duties. A phased return to work should be based on medical advice, either in a fit note from the employee's GP, or in an occupational health report.

8.2 This could take the form of an action plan, drawn up between the employee’s line manager and the employee and with reference to Occupational Health/GP advice. It would determine the days to be worked each week and the duties to be undertaken. A period of up to 4 weeks, dependant on medical advice, allowing some time to concentrate on getting the employee 'back up to speed' with the developments which have occurred during his/her sickness absence. Returning on a part-time basis which is gradually increased over the rehabilitation period to full time can also help. Where employees have manual duties (e.g. Caretaker) the programme could also incorporate 'light duties' as part of the action plan.

8.3 A limited special budget is available to assist with rehabilitation costs (e.g. supply teaching) where appropriate and necessary. The maximum cover given under this scheme is 20 days full or 40 days half (at supply rates, in accordance with the sickness insurance cover scheme).

**9.0 Requirements To Submit To Medical Examination**

9.1 Any employee shall, if required by the school, undergo a medical examination with an appropriately qualified occupational health or medical practitioner. This may be in any reasonable circumstances where there is the need for advice on fitness for work, regardless of whether or not the employee is currently absent.

9.2 In the event of a difference of opinion between an employee’s GP and the School’s occupational health unit regarding an employee’s fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent sickness absences, the OH unit’s advice will normally take precedence. However, the matter will, at the request of the school or the employee, be referred to an independent medical referee (“independent” referring to either a specialist or an alternative OH physician not previously involved in the case).

9.3 If an independent doctor determines that an absent employee is fit to resume work, then the school would expect an immediate return to work.

**10.0 Elective Surgery**

10.1 Elective surgery for cosmetic reasons should not be covered by sickness absence unless supported by an underlying medical reason and supported by a medical practitioner or where the procedure results in unanticipated complications (see Authorised Leave Policy).

**11.0 Medical Suspension**

11.1 An employee may be suspended from duty where the headteacher, through the process of risk assessment, has a genuine concern about the health, safety or wellbeing at work, as follows:

* An employee attends for work (or returns to work after a sickness absence) and the headteacher doubts their ability to perform the full range of their duties in a safe way; and/or
* An employee is unwell or has a condition which causes the headteacher concern and might present a risk to the employee or to others.

11.2 The decision to suspend should only be taken in exceptional circumstances and after the headteacher has advised the employee of their concerns and asked the employee to seek medical advice and obtain sickness certification. The headteacher may take the decision to suspend on medical grounds, following discussion with Human Resources and, if necessary, Occupational Health. Medical suspension should last no longer than a maximum of 26 weeks. Absence management will still take place during medical suspension. This will not count towards triggers.

11.3 The circumstances outlined above may also be applied to an employee during his/her statutory period of notice and in particular where the employee is to be retired on ill health grounds.

11.4 The employee may alternatively be required to seek an appointment with their GP to obtain a fit note (which will confirm their fitness to work, or not).

11.5 Providing the employee has complied with any request to provide a fit note or attend OH, the employee will be paid full pay if suspended. If an employee does not seek advice from their GP or the GP provide a fit note confirming unfitness for work occupational or statutory sick pay will be paid in accordance with the employee’s sick pay entitlement.

**12.0    Annual Leave and Sickness**

12.1 The following rules apply with regard to the accrual of annual leave during an employee’s sickness absence (for NJC staff only):

* Contractual annual leave will continue to accrue whilst the employee is absent (i.e. the annual leave entitlement under the contract of employment);
* Employees are entitled to take their annual leave whilst they are on sick leave (annual leave will always be paid on full pay and sick pay will be suspended for that period). Doctors notes should still be provided for this period.
* Where an employee has not been able to take their annual leave in the leave year due to sickness, they can carry over their statutory leave entitlement. TTO staff would not be entitled to take additional leave during term time, however their pay will reflect the carryover of additional leave.
* Bank Holiday entitlement does not accrue whilst on sick leave.

12.2 In circumstances where an employee becomes sick whilst on annual leave, they shall be regarded as being on sick leave from the date of a doctor’s note.

**13.0 Third Party Claims**

13.1 An employee who is absent as a result of an accident, where damages may be receivable from a third party, must notify their line manager of the circumstances of their absence. The line manager or the employee should then pass on the information to the relevant payroll provider who will liaise directly with the employee. Where loss of earnings may form part of the damages received, the School will undertake to reclaim a refund of the sick pay allowance paid to them during their absence.

13.2 Where a refund of any payments under the sick scheme is made in full, the period of absence will not be counted against the employee’s entitlement to sick pay allowance, however absence will still be considered for the purposes of any absence triggers or attendance targets under this Policy.

**14.0 Failure to comply with the Managing Attendance Procedure**

14.1 Where an employee does not submit medical certification, occupational and statutory sick pay will be withheld.

14.2 Unreasonable failure to comply with the Managing Attendance Procedure may result in disciplinary action being taken.

14.3 This includes, but is not limited to:

* Unreasonable failure to attend Occupational Health appointments
* Failure to submit medical certification where this is required under the School procedure
* Failure to make and remain in contact with line manager during absence
* Unreasonable failure to attend any meetings organised in connection with the Managing Attendance Procedure

**15.0 Further Points**

15.1 The successful management of sickness absence will depend on the following:

* Improving policy awareness across schools and Warrington Borough Council;
* Accurate data and monitoring of sickness absence levels and their causes;
* Consultation and discussion with employees;
* Proper investigation of all the circumstances taking place;
* The school and Warrington Borough Council acting reasonably and taking account of the circumstances of each case;
* Effective appropriate support for employees and managers.

15.2 In the application of this policy and associated procedures, special considerations have been given to instances of sickness absences arising from pregnancy, disabilities and reported industrial injuries. Further detail is provided within the short and long term absence procedures, together with guidance during managers’ training sessions and the availability of HR advice for any individual instances arising.

**16. Right of Appeal**

16.1 An employee may exercise a right of appeal against any form of formal action, within 10 working days of receipt of the written warning or notice of dismissal. This must be made in writing, addressed to the headteacher or governing body (i.e. for warnings this will be the next level of management to the manager who made the decision, and for dismissals the Governing body, in each case stipulating the grounds of appeal.

16.2 When lodging an appeal, the employee should clearly state:

* the grounds on which the appeal is made; including detailed reasons and evidence (where relevant);
* whether he/she is appealing against the findings that resulted in the sanction; or against the level of sanction imposed;

**17. Review**

This policy will be reviewed periodically in line with good practice and experience gained through implementation. Any amendment to it (other than factual amendment following changes in statute will be subject to consultation with the recognised Trade Unions through the appropriate Joint Consultative Panels.

**APPENDIX 1**

RETURN TO WORK PRO FORMA

When an employee has been absent through sickness, a return to work discussion should be conducted using this form. For guidance on return to work discussions, and other useful information please consult the School’s Managing Attendance Policy and associated procedures.

|  |  |  |  |
| --- | --- | --- | --- |
| **NAME** |  | SCHOOL |  |

|  |  |
| --- | --- |
| **DATE OF INTERVIEW** |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **PERIOD OF ABSENCE** | FROM: |  | TO: |  |
| **NO. OF DAYS SICKNESS ABSENCE IN PREVIOUS 12 MONTHS** |  |

**REASON FOR SICKNESS ABSENCE:**

Please tick one category below that you feel best describes the reason for your sickness absence. For further guidance please see the attached list of classifications per category.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| A. RESPIRATORY |  | E. KIDNEY/GALL BLADDER |  | I. BACK/NECK |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| B. HEADACHES |  | F. STRESS/DEPRESSION |  | J. LIMBS/JOINTS |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| C. HEART/CIRCULATION |  | G. SKIN |  | K. MALIGNANCIES |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| D. DIGESTIVE/STOMACH |  | H. REPRODUCTIVE SYSTEM |  | L. OTHER |  |

1. Is the absence due to a work related injury or disease? **YES/NO**

 If **YES,** has it been reported?

2. Did you see your GP/hospital doctor? **YES/NO** (please delete as appropriate)

If **YES**, what have they advised?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. Are you fit to carry out all your normal duties? **YES/NO**

If **NO**, please specify

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. Are you receiving any ongoing treatment or support?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5. What support might we be able to provide to help you?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6. What can we do to avoid further sickness absences?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

7. Would a referral to Occupational Health be appropriate? **YES/NO\***

If **YES** has it been actioned? **YES/NO**\*

8. Has participation in the rehabilitation programme been agreed? **YES/NO\***

If **YES**, please specify agreed hours of work, duties and associated support in the programme.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | Mon | Tues | Weds | Thurs | Fri | Sat | Sun |
| Week 1 |  |  |  |  |  |  |  |
| Week 2 |  |  |  |  |  |  |  |
| Week 3 |  |  |  |  |  |  |  |
| Week 4 |  |  |  |  |  |  |  |
| Week 5 |  |  |  |  |  |  |  |
| Week 6 |  |  |  |  |  |  |  |

Duties: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Additional Support:

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**Please continue on a separate sheet if necessary.**

I confirm this is a factual account of my illness

Signed Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Head Teacher or nominated officer)

Signed Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Employee)

**APPENDIX 2**

SHORT TERM SICKNESS ABSENCE PROCEDURE

**(INCLUDING PROCEDURE FOR RETURN TO WORK FOLLOWING LONG\_TERM ABSENCE)**

**1.0 Notification of sickness absence due to illness**

1.1 Employees should inform their Head Teacher (or nominated alternative person in school) of their inability to attend for work, at least one hour prior to their normal start time on the first day of sickness absence. In some areas of work requiring essential cover, this may be longer and as soon as the person is aware that they will not be attending work. Employees should be asked to specify the reason for sickness absence and where possible give an indication of when they expect to return to work.

1.2 The employee should make this call personally wherever possible. Only under exceptional circumstances should someone else telephone on their behalf. If the employee has been unable to personally speak to the Head Teacher or the appropriate contact person in school, an interim message should be left regarding their non-attendance to enable immediate cover arrangements if necessary. At that stage, agreement should be made for one of the parties to call back at the earliest opportunity for further discussion to take place.

The contact person in school should record the following information:

* The employee’s name;
* How long they are likely to be away from work;
* The reason they are away from work (i.e. what illness the employee believes they have) and a brief summary of any relevant background to the health condition;
* If the sickness absence is perceived to be due to the direct result of an accident or injury sustained at work this should be reported, and an indication given as to when and whom the incident was reported at the time it occurred;
* When the employee will call again (for example when they have been to see a doctor or in 48 hours if they are not fit enough to return to work).
	1. If appropriate there should be a discussion regarding any immediate implications for work of the employee’s absence (e.g. meetings that may have to be rearranged).

1.4 Where the sickness absence is for a reason relating to stress/anxiety/depression, or a musculo-skeletal condition contact should be made with HR to consider an immediate referral to occupational health. Referrals should only be made after informing the employee.

1.5 Where the employee is unable to return to work on the date indicated, they should contact their Head Teacher or other nominated person in school, as near to the normal starting time as possible but within 1 hour. The employee should indicate the revised expected date of return, or agree a date and time to arrange contact and inform the school of their progress.

1.6 Twiss Green should record the employee’s sickness absence, using the appropriate absence notification documentation, on the first day of absence. If an employee goes off sick during the working day and has worked at least half of their normal shift/day, the absence will not be recorded as an occasion of sickness absence. Managers are still advised to monitor this, look for patterns, and to undertake an informal return to work interview if the employee reports for their next shift/day. If the absence continues beyond that day, their first day of absence will be recorded as the first full day of absence. If the employee has reported to work, but then worked less than half their shift/day, this will be treated as an occasion of absence. This absence will contribute towards the trigger points referred to in the policy.

1.7 A self-certification form needs to be completed by the employee to cover them for the first week (5 working days) of sickness absence. This should be sent to the employee's home address if the sickness absence is expected to continue, or ensure that it is completed when the employee returns to work.

###### 2.0 Maintaining Contact

2.1 Contact should be maintained between employee and Head Teacher or nominated officer at appropriate, regular intervals. The main reasons for this are as follows:

* To show support and prevent the employee from feeling isolated;
* To find out if the employee needs particular arrangements made to facilitate their smooth return to work;
* To ensure the school is fully briefed on the employee’s circumstances, should a referral be needed to Occupational Health.
	1. Employees must contact their manager at least 2 days before their medical certificate is due to expire to update the manager on progress. N.B Failure to supply medical certificates may result in the absence being considered as unauthorised which may lead to the withholding of sick pay and disciplinary action.
	2. Whilst appropriate contact can occur at any time, as a minimum the Head Teacher, Deputy or Assistant Head Teacher, or other person nominated by the Head Teacher should ensure that they have made appropriate contact with the employee by the time their sickness absence has reached two weeks’ duration. Where appropriate, arrangements to see the employee in person should be made. This may be through a home visit or agreement to meet at a mutually convenient location. This will normally be an informal meeting to check on the employee’s welfare and progress. As this is an informal welfare meeting there is no requirement for an employee to be accompanied. However if an employee would like a Trade Union representative or colleague with them then this should be accommodated where possible.
	3. For sickness absences lasting, or expected to last, for four weeks or more, the long-term sickness absence procedure should be adopted.

**3.0 Return to work discussion**

* 1. A return to work discussion will be carried out in private by the Head Teacher, Deputy or Assistant Head Teacher, or other person nominated by the Head Teacher, following any instance of sickness absence, for whatever reason. Details of absence within the previous 12 months, dating back from the first day of absence, should be available

3.2 The discussion will take place, in most circumstances, upon the immediate return to work of the employee. It is accepted that this may be difficult in certain schools. However, unless there are exceptional circumstances, the discussion will take place no later than two days following the return to work. If the employee has only been absent for a few days, this can often be a quick discussion, enabling an update and an opportunity to complete the return to work form.

3.3 The discussion will be recorded on a standard form (see Appendix 1) and held on an employee’s personal file within the school.

3.4 At the conclusion of the return to work discussion the employee will be informed that either:-

1. Where circumstances reveal a need for advice and/or support then this will be offered and progress monitored, e.g. referred to Occupational Health or signposting to the Employee Support information on the intranet.
2. Where, if this sickness absence brings the total to less than 10 days or less than 4 occasions within the previous 12 months reference will be made to the need to achieve good attendance. If the employee has not had a period of sickness absence during the previous year/s it is important to make reference to this in recognition of their previous good attendance.
3. At any time, but particularly where the attendance record is approaching trigger levels, a welfare meeting would be beneficial. This can build upon discussions at the return to work discussion and provides a further opportunity to explore any issues of concern, consider patterns in sickness absence and explore any underlying causes. This should be a constructive discussion of an informal nature.
4. Where in the previous 12 months, the total sickness absence has reached 10 or more days, or this is the fourth occasion of absence during the same period, the employee will be notified that their sickness absence level is reaching the stage for concern, and that they will be required to attend a formal Attendance Review Meeting (see 4.5 below).

1. Failure to follow sickness notification procedures or unauthorised absence should be handled under the disciplinary procedure. It may be necessary to remind employees at the return to work interview of the requirements for notifying sickness, timescales, when self certification and doctors certificates are required. This should be noted on the proforma if necessary.

**4.0** **Attendance Review Meetings**

4.1 This will normally be convened where a trigger has been reached through either short term absence or as a result of an extended period of long term absence and within 10 working days of returning to work, giving the employee adequate notice.

4.2 The employee can be accompanied by a trade union or work colleague if they wish. In some situations it may be appropriate for an HR Business Partner to also be present, but this may only be in certain circumstances where specialist support is required. The convened meeting should follow the format of, and be formally recorded in accordance with the proforma (see Appendix 4).

4.3 At the meeting, the Head Teacher, Deputy or Assistant Head Teacher, or other nominated person in school should explore with the employee whether there is an underlying cause to the absence, and consider if anything can be offered to assist in improved attendance levels. Consideration should be given as to whether there is a pattern to the sickness absence, whether the condition is a recurring one, and whether or not the employee perceives there to be any work-related cause/contributor. Where there is evidence of this, managers are advised to contact HR to discuss the situation and determine an appropriate way forward. Dependent upon the circumstances, it could be appropriate to refer to other policies or procedures.

4.4 An employee may have persistent health problems, linked or unlinked, which provoke frequent periods of absence. Where they are linked, the employee should be encouraged at an early stage to seek medical advice. In any event, consideration may be given to a formal referral to the Council’s Occupational Health Unit.

4.5 Dependent upon the employee’s level of sickness absence and circumstances surrounding the reasons for the sickness absence, the following steps may be taken:

1. No formal action, however it will be stressed that sickness absences still have reached levels of concern and will continue to be monitored.
2. A review period needs to be established or extended, and employee advised of potential future action, including issuing of formal warnings if attendance fails to improve.
3. Issuing formal warnings, if (b) already reasonably exhausted.

4.6 Where during a review period, there is a small amount of further sickness absence and escalation to a formal warning is not deemed appropriate, consideration may be given to extend the review period for a further 6 month period. At the end of this extension, the Head Teacher, Deputy or Assistant Head Teacher, or other nominated person in school must decide whether to issue a warning or not.

**5. 0 Issuing a Formal Warning**

5.1 Sickness absences may be quite genuine, but ultimately at an unacceptable level that may lead to dismissal. The purpose of formal warnings is not for a Head Teacher, Deputy or Assistant Head Teacher, or other nominated person in school, to indicate that genuine sickness absence is in doubt, but to advise the employee that attendance levels are below expectation and that unless attendance improves, dismissal may eventually result.

5.2 If it is appropriate to issue formal warnings, following reasonable opportunities for attendance to improve, they will be on an incremental basis consisting of two formal warnings, and a final warning prior to the matter being considered at a capability hearing. These will be confirmed in writing. When issued with a formal warning, an employee should be told that further sickness absences may result in dismissal. Prior to taking formal action, Human Resources should be consulted. For any warnings beyond a second formal warning, an opinion on the overall medical position must be obtained from the School’s Occupational Health Unit.

5.3 Formal warnings issued within this procedure will remain live for a period of 12 months from the date of issue. Issue of further formal warnings at each occurrence need not be the automatic approach and should be determined taking account of all circumstances, in particular where there has been a clear period of improvement in attendance, and when the last warning was issued.

5.4 In appropriate circumstances, for example, where there has been no improvement in attendance or a small amount of further absence, where escalation to a second formal warning is not appropriate, it may be possible to extend a current warning for a further 6 month period. An employee will be given the right to appeal against the extension of an existing warning, the same as they would if they were given a further warning.

5.5 Following every issue of a formal warning (or extension of a warning) there will be a right of appeal to a more senior level of management (e.g. a Governors appeals panel). An appeal must be made within 10 working days of receipt of written confirmation of the warning. The employee may be accompanied by a Trade Union Representative or work colleague at the appeal.

5.6 Where during the lifetime of a current warning an employee has a period of long term absence, the remaining lifetime of the warning is suspended during the sickness absence and where considered appropriate, re-activated, on the employees return to work. Alternatively, it may be deemed necessary, to escalate to the next stage of the procedure. However, it is important that each case is considered on its own merits.

5.7 In determining what action to take, and before a decision is taken at a capability hearing to dismiss an employee for unsatisfactory attendance through either ongoing sickness absence and/or failure to give regular and efficient service, the Head Teacher, Governors, Deputy or Assistant Head Teacher, or other nominated person in school, must be satisfied that every avenue to continue employment has been explored. This may include consideration of adjustments, particularly in relation to employees with disabilities. Prior to taking formal action, Human Resources should be consulted. Where Occupational Health is not already involved, and where a final warning is being considered, the overall medical position must be obtained from the School’s Occupational Health Physician.

5.8 Where a capability hearing is being considered Occupational Health must be consulted with a view to the possibility of ill health retirement.

**6.0 Dismissal**

6.1 Decisions to dismiss will be taken by the Head Teacher or by a committee of Governors within the school. A formal hearing will be convened and conducted providing adequate notice and the right to representation/be accompanied. Appeals against dismissals must be made within 10 working days of receipt of confirmation of dismissal, and will be heard by an Appeals Committee.

6.2 The employee should be notified in writing the purpose of the capability hearing is to enable the Head Teacher or Committee of Governors to review all aspects of the case and determine the way forward. The review will include consideration as to whether the employee should be dismissed because of a continuing sickness absence and/or unsatisfactory attendance record resulting in a failure to provide regular and efficient service.

6.3 The reason for dismissal, under this procedure, may be related to capability, where the employee’s health is preventing them from undertaking their duties. It is also possible to dismiss for failure to provide regular and efficient service, in instances where there is a significant and ongoing record of absence that is adversely affecting service delivery. Advice from Human Resources should be sought.

**7.0 Adjustments to Triggers**

7.1 In certain circumstances, periods of sickness absence will be considered separately when applying triggers or contemplating formal warnings. This does not mean, however, that the sickness absence should be ignored, and Headteachers can continue to follow the policy and procedures with regard to employee communication and seeking any advice necessary concerning the employee’s health and fitness for work.

7.2 Warnings under this procedure should not be given to females who are absent for a reason attributable to their pregnancy. If there is concern regarding health and regular sickness absence arising from pregnancy, advice should be sought from Human Resources and the Occupational Health Unit. Risk assessments for pregnant workers should be undertaken in accordance with the WBC maternity leave policy.

7.3 Sickness absences related to disability should also be given separate consideration. Whilst there is not a requirement to exclude disability-related absence from the consideration of formal action, there may be the requirement to reasonably adjust triggers and policy-application in certain circumstances. Consideration to the Equality Act 2010 must be made as soon as possible, when it is established that the employee may meet the definition of disability. This must be done in consultation with Human Resources and relevant employee representatives, in terms of offering and/or making reasonable adjustments to enable the employee to undertake their job, or any other suitable alternative employment.

7.4

 Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme. For absence management purposes, it will be managed in line with this policy.

7.5 Trigger points should not be applied on a pro-rata basis for part-time employees. However, if a working pattern is such that absence levels, or the welfare of an employee, are causing a concern prior to triggers being reached, Head Teachers, Deputy or Assistant Head Teachers, or nominated senior school support staff, may choose to invite the employee to an Attendance Review meeting at any time, in consultation with Human Resources.

**8.0 Conflicting Medical Opinions**

8.1 In the event of a difference of opinion between an employee’s GP and the School’s occupational health unit, regarding an employee’s fitness for work, functional capacity or the existence of an underlying medical condition contributing towards persistent absences, the OH unit’s advice will normally take precedence. However, the matter will, at the request of the school or the employee, be referred to an independent medical referee (“independent” referring to either a specialist or an alternative OH physician not previously involved in the case).

APPENDIX 3

LONG-TERM SICKNESS ABSENCE PROCEDURE

This procedure should be read and followed in conjunction with the School’s policy on Managing Attendance and the procedure for short-term and/or persistent absence.

**1.0 Definition of Long Term Sickness Absence**

1.1 Long term sickness is defined as continuous or linked periods of sickness absence through ill-health, which raise the question of whether or not the employee concerned is capable of undertaking the full duties and responsibilities of his or her post. A “long-term” sickness absence will often be indicated by a duration of four weeks or more, however, the adoption of this procedure should not be dependent upon this period elapsing.

* 1. Once it is apparent that an employee’s sickness absence will be for this duration or more, consideration needs to be given to whether an employee should be referred to the Occupational Health Unit. This consideration should happen immediately for employees whose sickness absence is related to stress/anxiety/depression, or a musculo-skeletal condition. Contact should be made with Human Resources to discuss the referral. A referral should only be made following notification to the employee.
	2. In some instances, it may be apparent at the outset that the sickness absence is going to be long-term and that this procedure should be adopted. This should, however, also be read in conjunction with the short-term absence procedure, which provides direction and advice regarding absence notification and return to work interviews.

**2. Role of the Occupational Health Unit**

2.1 The Occupational Health Unit (OHU) consists of appropriately qualified physicians and nurse advisors, in addition to counselling and physiotherapy services. A key role of OHU is to advise managers on the impact of an employee’s health condition/s on their ability to undertake their role and to suggest reasonable supportive measure in this regard. The Unit assists the school to discharge their statutory duties, assesses the effects of work on the health of employees and informs decision making in respect of ill health retirements. In order to take the most appropriate actions for employees and the School, an employee’s consent may, on occasion be sought to consult their GP or other healthcare specialist.

**3.0 Contact and Support**

3.1 Long-term sickness absences can be distressing for the employee concerned and contact between the workplace and the employee needs to be handled sensitively. Balance needs to be struck between the “moral support” type of contact and that needed to establish the level and duration of cover required. Regular contact arrangements are important to prevent employees from feeling isolated and, if appropriate, keep employees informed of developments in the workplace. In deciding what is appropriate it is important that the school is sensitive to the individual’s wishes/circumstances, whilst remaining mindful of statutory responsibilities.

3.2 Other employees’ workloads may have to be reorganised and there may be a need to provide temporary cover. Schools need to be aware of managing workloads and be mindful of their responsibilities in relation to the health and safety of their employees and adhere to the statutory cover arrangements for teaching staff. Whilst this will be necessary while the employee is recovering, these arrangements can only be managed properly if all concerned have some indication of the length of time involved.

3.3 The nature of the illness, combined with discussion with the employee and advice from their GP and the OHU if necessary, should give some indication of the likely duration of sickness absence.

3.4 A meeting between employee and the Head Teacher, Deputy or Assistant Head Teacher, or other person nominated by the Head Teacher should be organised after the first two weeks of sickness absence. In some situations it may be appropriate for an HR Business Partner and/or trade union representative to also be present, but this may only be in certain circumstances where additional support may be required

3.5 In the initial stages, and dependant upon the circumstances of the case, it is possible that the Head Teacher, Deputy or Assistant Head Teacher, or other person nominated by the Head Teacher may want to meet with the employee on an informal “welfare” basis, to enable schools to determine the way forward. Issues for discussion should include:

* The reason for the sickness absence, and whether it is potentially work-related or caused by other reasons
* Any other background to the health condition
* The current state of the employee’s health, including symptoms
* The support that the employee is currently receiving for example from work, from healthcare providers, other organisation, family and/or friends
* Whether input from Occupational Health may be helpful
* A view on the prognosis for the condition and if/when a return to work might be envisaged
* An update on the workplace if appropriate

**4.0 Referral to Occupational Health**

4.1 If a sickness absence extends beyond its reasonable expected duration, with no date set for a return to work, or if no prognosis has yet been estimated, the school will take steps to establish the likelihood of the employee returning to work within a reasonable timescale.

4.2 Whenever a referral to OHU is to be initiated the employee must be advised of this prior to the notification of the appointment. Referrals to the OHU will be administered by the Headteacher (or their representative) who should forward the information to OHU who will in turn provide advice on the likely date of return of the employee. Employees should be seen by the OHU within 2 weeks of the referral. Following receipt of the initial report from the OHU, the following procedure can then be adopted.

**5.0 Procedural Stages**

5.1 Dependent upon the nature and duration of a health condition, there may be various meetings undertaken between the Head Teacher, Deputy or Assistant Head Teacher, or other person nominated by the Head Teacher, and the employee to discuss progress and next steps. The number and frequency of such meetings cannot be pre-prescribed, however, there are certain recognised stages within this process, where a formal structure is more appropriate. For the purposes of this procedure they are referred to as stages 1, 2 and 3, however, in practice there may be occasion where more or less stages are appropriate, and this would need to be justified. Similarly, the timings of meetings and formal reviews to be dependent upon the individual circumstances of each case, but as a guide, milestones of 3 months’ duration may be appropriate. Unreasonable failure to attend the required absence review meetings or occupational health appointments may result in disciplinary action.

5.2 In some cases, it may be clear at an early stage that the employee is unlikely to be fit to resume work and may meet the criteria for retirement on the grounds of permanent ill health. If the employee requests retirement on grounds of permanent ill health and the OHU can support this, then mutually acceptable arrangements can be made. For example there will be no need to go through each stage of the formal process. Once the ill health retirement has been agreed you can go straight to Stage 3.

# Formal Stage 1 – Absence Review Meeting

5.3 If, the prognosis for a return to work is unknown or unreasonably long, or there are factors relating to an employee’s substantive duties requiring consideration, a meeting should be arranged with the employee. The employee should be informed that he/she is entitled to be accompanied by a Trade Union representative or workplace colleague.

5.4 At this Stage 1 interview, the following specific points should be addressed :-

* Review the current state of health, potential length of sickness absence and likelihood of a return to work, taking account of any medical advice available;
* Determine if a referral to OHU is required;
* Explore with the employee whether they consider reasonable practical adjustments could be made to the job to enable them to return to work. This may then need further discussion through others, such as HR, Health and Safety or external specialist advisors. Special considerations may be necessary for employees with disabilities;
* If a rehabilitation plan has been recommended by OHU, and is compatible with school needs, this will normally be at no detriment to the individual’s normal pay for a period of up to four weeks. If the phasing exceeds four weeks, the plan should be reviewed. After such time, any continuation of reduced hours should normally be accommodated by adjusting employees’ pay to reflect actual hours worked. Any extension to this four-week period of accommodation will only be under exceptional circumstances.
* It will be necessary to explain that consideration may need to be given to the termination of his/her employment in the future, if the situation does not sufficiently improve;
* Set a review period when a future meeting will take place, which may take into account a review date set by OHU;
* The Headteacher, Deputy or Assistant Headteacher, or other nominated person in the school, should normally conduct the interview, with the support of an HR Business Partner if appropriate. The outcome of the meeting should be confirmed in writing, making explicit any reference to expectations and potential consequences of a failure to return to work, and sustain attendance, that were discussed at the meeting.

## **Formal Stage 2 – Absence Review - Further Meeting**

5.5 After the agreed review period, a further interview (Stage 2) should be arranged to review the position and explore further issues relating to redeployment and reasonable adjustments to the job (review stage 1 checklist), taking into account available medical information. The employee should be informed that this is a formal Stage 2 review and that he/she is entitled to be accompanied by a Trade Union representative or workplace colleague If the sickness absence continues with no reasonable prospect of a return to work, consideration should be given to either a further review or whether it is appropriate to move to Stage 3. The outcome of the meeting should be confirmed in writing, making explicit any reference to expectations and potential consequences of a failure to return to work, and sustain attendance, that were discussed at the meeting. This may include confirmation that the matter will progress to a Stage 3 Capability Hearing.

5.6 Where a Stage 3 Capability Hearing is being considered, Occupational Health must be consulted with a view to the possibility of ill health retirement.

5.7Whereby an employee returns to work following a period of sickness absence and subsequently reports absent again, for the same or a linked reason within a reasonable time period, it may be appropriate to return to the same stage of the procedure as under the previous absence.This decision would be dependent on the circumstances and head teachers and governors should seek advice from Human Resources before taking any formal action.

# Formal Stage 3 – Capability Hearing

5.8 If, after having had meetings at Stages 1 and 2 (if applicable) there is still no prospect of a sustained return to work, then the individual’s continuing employment has to be considered. The employee should be informed in writing that he/she is required to attend a meeting with the Head Teacher or a panel of Governors. The letter should explain that the purpose of the meeting is to enable the Head Teacher, Deputy or Assistant Head Teacher, or other person nominated by the Head Teacher to review all aspects of the case and determine the way forward. The review will include consideration as to whether the employee should be dismissed because of a continuing sickness absence and/or unsatisfactory attendance record resulting in a failure to provide regular and efficient service

5.9 The employee should be informed that he/she is entitled to be accompanied by a Trade Union or workplace colleague. A representative of Human Resources, who has not previously been involved, should also be present at the meeting. If the employee is unable to attend a meeting on school premises, then they may arrange to have their case submitted in writing. In certain exceptional circumstances a meeting may be arranged in the employee’s home or an alternative venue agreed to by both parties.

5.10 Following full consideration of the case, including available occupational health advice, the representations of the employee and any managerial or organisational issues in the workplace, the Chair of the Panel hearing the case must make a decision about an appropriate way forward. This may entail, but not be limited to:

* A further review of matters – with advice that specific information is to be reported back, and the Hearing reconvened within a specific period of time; or,

* Dismissal on the grounds of lack of capability through ill health, and / or failure to give regular and efficient service

This decision should be confirmed in writing. Where appropriate and where a decision to dismiss from employment is taken, it will be necessary for the Chair of the Capability Hearing to take account of appropriate notice provisions and confirm the employee’s right of appeal.

5.11 Under circumstances whereby employees fail to attend either stage of the Absence Review Meetings or the Capability Hearing, given due notification these meetings can be held and decisions made in their absence, based on the information available at the time of the meeting.

5.12 The reason for dismissal, under this procedure, will normally be related to either capability due to ill health and/or failure to give regular and efficient service.

5.13 The sickness allowances quoted within the national and local conditions of service, and individuals’ contracts of employment, are available to assist recovery during a period of sickness absence of appropriate duration. Every effort should be made to assist employees to return to work as soon as is reasonably possible.

**6.0 Return to Work**

6.1 If the outcome of a long-term sickness absence is a return to work, then the Head Teacher, Deputy or Assistant Head Teacher, or other person nominated by the Head Teacher should conduct a Return to Work Interview. This is irrespective of any formal reviews that have already taken place to discuss the sickness absence and rehabilitation requirements. It may also be necessary to hold an attendance review meeting (please refer to the procedure for short term absence). Any return to work following long-term sickness absence should be sustained and subject to regular review.

6.2 There may be occasions where an employee wants to return to work before the end date on their fit note. An employee will not need to see a doctor to be signed back to work, but must agree with their manager whether this is appropriate or not. If the manager is in any doubt they should refer the individual to occupational health prior to return.

6.3 Following a return to work from long term absence, a view may be taken concerning the length of the absence and likelihood of recurrence. It may be appropriate to convene a hearing to consider all the facts and consider issuing a Formal Final Warning using the principles/procedure of the short term/persistent absence procedure.

6.4 It can be particularly difficult to return to the workplace following a long sickness absence. Regular contact throughout the employee's sickness absence will help to minimise any difficulties. If a rehabilitation plan has been recommended by OHU, and is compatible with service needs, this will normally be at no detriment to the individual’s normal pay for a period of up to four weeks. If the phasing exceeds four weeks, the plan should be reviewed. After such time, any continuation of reduced hours should normally be accommodated using annual leave, or by adjusting employees’ pay to reflect actual hours worked. Any extension to this four-week period of accommodation will only be under exceptional circumstances and advice should be sought from Human Resources.

6.5 Where as part of a rehabilitation plan restructured or light duties are agreed, following recommendation from OHU, for a temporary period to facilitate a return to work, the position will be kept under review and such arrangements would only exceed a period of 8 weeks in exceptional circumstances. If the Head Teacher, Deputy or Assistant Head Teacher, or other person nominated by the Head Teacher is considering an extension beyond 8 weeks, advice should be sought from Human Resources.

**7.0 Special considerations**

7.1 Special consideration should be given to females who are absent for a reason attributable to their pregnancy. If there is concern regarding health and regular/long-term absence arising from pregnancy, advice should be sought from the Human Resources Division and the OHU. Risk assessments for pregnant workers should always be undertaken in accordance with the guide on Maternity Leave under “Parental Matters”.

7.2 Sickness absences related to disability should also be given special consideration, which has been referred to throughout this procedure. Whilst there is not a requirement to exclude disability-related absence from the consideration of formal action, there is an obligation to give greater consideration to reasonable adjustments and to justify actions taken in the application of this procedure. It is again advisable for managers to seek advice from Human Resources.

7.3 Where a period of sickness absence relates to undisputed reported accident/injury at work, arising through no fault of the employee, this may also be given special consideration. The advice of HR and Occupational Health is strongly recommended in any consideration of potential work-related conditions.

**8.0 Conflicting Medical Opinions**

8.1 In the event of a difference of opinion between an employee’s GP and the School’s occupational health physician, regarding an employee’s fitness for work and functional capacity, the OH physician’s advice will normally take precedence. However, the matter may, at the request of the School or the employee, be referred to an independent medical practitioner (“independent” referring to either a specialist or an alternative OH physician not previously involved in the case).

8.2 If the independent medical practitioner determines that an absent employee is fit to resume work, then the Authority would expect an immediate return to work.

# APPENDIX 4

# Attendance Review Meeting

(To be undertaken in conjunction with Managing Attendance Policy and associated procedures)

Employee Name: Employee Number:

School: Section:

Name of Person conducting the interview:

Also Present:

Has employee been offered opportunity to be accompanied? Yes/No

1. Date(s) of Most Recent Sickness Absence: From: To:

Reason(s) for Sickness Absence:

Actual Date of Return:

Medication Attention Sought: Yes/No If Yes - Outcome/Treatment

2. Previous Sickness Absence (normally over the past 12 months) and Action taken

(please see point 7 for Action Codes).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | No. of Days | Dates of Sickness Absence | Reason | Action |
| 1 |  |  |  |  |
| 2 |  |  |  |  |
| 3 |  |  |  |  |
| 4 |  |  |  |  |
| 5 |  |  |  |  |
| 6 |  |  |  |  |

3. Summary of Points Discussed at this Interview (refer to short-term sickness absence procedure for guidance)

4. Welfare Issues Arising for Future Action/Monitoring by Manager/Employee

 Referral to occupational health required? Yes/No

 Note: If no formal action to be taken, go to point 7.

1. Interview adjourned for further advice from HR and/or OHU

Employee informed that consideration is to be given to possible further formal action in accordance with short term sickness procedure. Also that she/he will be informed in writing of date, time and venue of when interview will be reconvened.

 signature: \_\_\_\_ Date:

6. Interview re-convened Date:

 Name of person

 Conducting the reconvened Interview: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Also Present:

 Has employee been offered opportunity to be accompanied? Yes/No

7. Outcome of Interview (Action Taken)

|  |  |  |
| --- | --- | --- |
|  |  | Please Indicate (more than one may apply) |
| A | No action |  |
| B | Review period agreed |  |
| C | Support, guidance, adjustments |  |
| D | Informally alerted |  |
| E | First Formal Warning |  |
| F | Second Formal Warning |  |
| G | Final Formal Warning |  |
| H | Referral to: Occupational Health |  |
| I | Other |  |
|  | (Please Specify) |  |

Additional detail:

1. Reasons for Action

1. Employee Comments

Nominated’s persons Signature:

Employees Signature: Date:

**DISABILITY RELATED ABSENCE**

**Reasonable Adjustments**

Reasonable adjustments are required to accommodate disabled people by helping them overcome the practical effects of their disability. If an employer does not make adjustments, where an employee is at a substantial disadvantage compared with those who are not disabled, the employer has to show that the adjustments proposed would be unreasonable in all the circumstances of the case.

In determining whether an adjustment is reasonable, the following should be considered (this list is not exhaustive):

* The extent to which making the adjustment would remove the substantial disadvantage;
* Is it reasonable to make the adjustment;
* The financial and other costs that would be incurred in making the adjustment;
* The extent to which making the adjustment would disrupt the work of the School or other employees;
* The extent of the School’s financial and other resources;
* The availability of financial or other assistance with respect to making the adjustment (Access to Work can help with costs and in some cases will meet 100% of costs).

Most adjustments cost little or nothing and it is often a matter of flexibility and developing a creative approach to working practices.

Timely action is crucial and a delay in making a reasonable adjustment may amount to unlawful disability discrimination. Once it has been identified that a reasonable adjustment is to be made, this should be progressed without undue delay. It is useful to record the decision in writing being specific about the adjustment that has been agreed and setting out a timetable for implementation if necessary with review periods where appropriate to check that the agreed adjustment is having the intended effect.

It is important to regularly review that the adjustments put in place continue to work as part of your regular line management process.

Written records of reasonable adjustments considered and implemented should be kept. Where it has not been possible or practicable to make a particular adjustment the reasons should be documented and retained on the employee’s personnel file.

Occupational Health and disabled people themselves may have detailed knowledge on the effects of their impairment and how these can be overcome. Managers should discuss possible adjustments and engage in joint problem solving remaining open to suggestions about how jobs or working arrangements might be done differently to support a disabled person to remain in employment.

**Trigger points**

The Managing Attendance Policy is designed to improve employee attendance by ensuring that issues to do with employee health and wellbeing are addressed in an appropriate and timely manner. The policy outlines the ‘trigger points’ for formal action and the attendance management processes the School will follow in cases where an employee’s attendance is a cause for concern. Where an employee reaches a trigger point under the Policy they will be required to attend an Attendance Review Meeting and, unless there are good reasons why it would be inappropriate to do so, they may be issued with a formal warning alongside any other appropriate action to help the employee improve their attendance.

If the employee’s absence is because of a disability (or some of their absence is because of a disability), the manager must discuss the circumstances with HR before any decision on whether to issue a warning is taken. This guidance is intended to help managers consider the relevant issues when deciding whether or not to issue a formal warning to a disabled employee.

Where an employee has triggered the Managing Attendance Policy and they have

been invited to an Attendance Review Meeting, the meeting should explore:

* The level of absence and reasons for absence
* Whether some or all of the absences are because of a disability
* The specific impact (if any) of the employee’s absence i.e. impact on the team / service / other colleagues, etc. This should not be theoretical statements about the impact of employee absence generally but specific examples of how the individual employee’s particular absences have impacted on the relevant work area.
* If the absence is because of the employee’s disability, whether any reasonable adjustments can be considered to help the employee attend work

The manager may consider whether it would be reasonable in all the circumstances to adjust the application of the Policy for the disabled employee to avoid the employee being placed at a disadvantage when compared with non-disabled employees. For example, the manager might agree to discount some of the absences taking into account the nature of the employee’s disability. Consideration of any reasonable adjustments already in place or that could be put in place to support the employee at work should be given.

In all cases where an adjustment is being considered, managers should seek advice from HR.

Issuing a warning to an employee for disability-related absence is likely to constitute unfavourable treatment unless this can be justified as a proportionate means of achieving a legitimate aim. Normally this will only be justified where the employee’s level of absence after considering reasonable adjustments cannot be sustained. The manager must seek advice from HR and/or occupational health before making a decision on whether or not to issue a warning to an employee for disability-related absence in each instance.

Dismissal, including compulsory early retirement, of a disabled person for a reason relating to their disability would need to be justified by good reason and the reason(s) for it would have to be one(s) which could not be removed by any reasonable adjustment(s). In summary, it would be justifiable to terminate the employment of a member of staff whose disability makes it impossible for him/her to any longer perform the main functions of their job if an adjustment, (such as a move to a vacant post), is not practicable or otherwise not reasonable to have to make.