The Boleyn Trust

Sickness Absence Policy

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1. POLICY STATUS AND REVIEW

Policy Owner:	Chief Finance and Operating Officer
Policy Author:	Chief Finance and Operating Officer
Approver:	Board of Trustees
Last Review:	October 2022
New Review:	September 2023
Ratified:	26 September 2022

The Board of Trustees has agreed to this Policy and, as such, it applies to all Boleyn Trust entities. Please note that should any further national guidance be issued by external agencies that are relevant to this policy, it will be updated accordingly prior to the review date shown below and re-circulated.

Please Note:

Boleyn Trust CEO and Accounting Officer: **Tom Canning CBE**
Boleyn Trust Chief Finance and Operating Officer: **Steven Lock**

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Chair of the Board of Trustees

Introduction

Boleyn Trust recognises that its employees are its most important asset. The purpose of this Policy is therefore to ensure that sickness absence is managed fairly and consistently and to promote good health and well-being.

Management of Sickness Absence Policy and Procedures

Policy Statement

The purpose of this policy and procedure is to manage attendance levels within the context of a concern for genuinely ill staff, balanced by a concern for those staff who are still at work and for pupils and parents who may suffer from reductions in either the level or quality of service through staff absence.

1. Applicability

1.1 This document applies to all staff employed by the Boleyn Trust (the "Trust").

1.2 This document covers sickness absence, dealing with cases of long term ill health and responding to cases of persistent short term sickness absence. The procedure sets guidelines for managers, identifies the sorts of issues with which they should concern themselves and sets out a clear procedure for dealing with cases.

Consistency

1.3 The implementation and use of a sickness management policy and procedure is essential. It helps to ensure that staffs are not treated differently depending on where they work and are dealt with in a sensitive and fair way.

Involvement

1.4 The recognised trade unions have been consulted about this policy, procedure and its implementation, including all updates.

Confidentiality

1.5 Medical information about employees must be treated with confidentiality. This does not necessarily mean employees have the right to withhold information about their medical condition but it does mean that the relevant body recognises that some employees may be reluctant to divulge sensitive or embarrassing information and, therefore, this policy allows employees some discretion over who, within their management structure, they may speak to about ill health problems. Whoever receives such information must respect confidentiality and any breach of confidentiality will be regarded seriously and may lead to disciplinary action. If other staff need to know, they must be kept to a minimum and the employee's consent obtained beforehand and informed why it is necessary for another person(s) to have this information.

1.6 Managers have a responsibility to treat all sickness absence in a sensitive manner. In cases of doubt about how to handle particularly sensitive issues, advice should be sought from the Trust HR Manager.

1.7 Absences arising from accidents, injury or assault at work

Teaching Staff

In the case of absence 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, including attendance for instruction at physical training or other classes organised or approved by the employer or participation in any extra-curricular or voluntary activity connected with the school, full pay of up to 6 months shall be allowed and this does not count towards their sick pay entitlement, which commences at the end of this period

Support Staff

In the case of absence due to accident, injury or assault attested by an approved medical practitioner to have arisen out of and in the course of support staff's employment, including attendance for instruction at physical training or other tasks organised or approved by the employer or participation in any extra curricula or voluntary activity connected with the school, full pay of up to 12 months, shall be allowed, but no subsequent sick pay.

Absences due to accidents, injury or assault that occur in the course of all members of staff's employment must be recorded and the appropriate accident report documentation completed then sent within two weeks to the Chief Operating Officer and a copy to the employee.

Cases of staff absent due to accident, injury or assault at work should be handled particularly sensitively. It may be appropriate to encourage the employee to involve their union representative or if already known to yourself, for you to approach them directly.

During the period that an employee is absence due to an accident, injury or assault that occurred at work, it is important for Managers to remain in contact with the employee and follows much of the good practice in the Sickness Absence Policy. This could include, calling a duty of care or exploratory meeting to ascertain more information regarding the exact cause of the absence, referral to Occupational Health, discussing and implementing appropriate support strategies. However, the Trust recommends that it is not appropriate to start the formal Stage 1 of this procedure until the employee has been absent for at least 6 months.

2. Introduction to Procedure

2.1 This document sets out the actual procedure to be followed in dealing with sickness absence.

There are three stages to this procedure, as follows:

Stage One	-	Trigger Level Interview.
Stage Two	-	Formal Improvement Action Plan.
Stage Three	-	Formal Governors Hearing Considering Dismissal.

2.2 This procedure does not rule out any stage being used more than once.

2.3 This procedure refers to the Headteacher. It is for the Headteacher to determine if they, or any designated member of staff, actually carry out the steps in these procedures.

2.4 In the absence of evidence to the contrary, sickness absence must be accepted as genuine. The key issue is not whether the employee is genuinely sick but whether the level of non-attendance is acceptable.

2.5 It is important that employees with unacceptable sickness absence records are made aware of the consequences if the position does not improve.

2.6 The purpose of all meetings within this procedure is to look at ways in which attendance can be improved to an acceptable level given the individual circumstances of the case.

2.7 Refusal to attend such a meeting without an acceptable reason may be dealt with as a misconduct issue as for example, refusal to comply with a reasonable instruction, which falls under the Disciplinary Procedure. When an employee's non-attendance is wholly due to the medical condition causing the sickness absence, the Headteacher should continue with the sickness absence procedure.

2.8 If the employee's union representative is unable to attend the proposed date of any meeting at any stage of the sickness procedure or the employee can provide evidence that they have a medical appointment on the proposed date. A postponement may be requested and would be agreed and the meeting re-scheduled within 5 working days. No further postponement will be agreed.

2.9 A copy of all documents written when using the procedure must be given to the employee and placed in a confidential school based file.

2.10 Managing the sickness absence of staff with a disability requires reasonable adjustments to be made. This may be for example to the working environment or to the trigger levels. The individual must not receive less favourable treatment because of the disability. This does not preclude the dismissal of an employee with a disability; it requires that reasonable steps are taken which will vary depending on individual circumstances. See appendix 1 for further guidance.

2.11 The Trust will abide by sick pay regulations and entitlements (details of which can be

found in appendix 6).

2.12 In the case of concerns about a Headteacher's sickness, the Hearing/Presenting Officer will be the Chief Executive Officer or appropriate delegated officer at the request of the chair of governors.

3. Stage One – The Trigger Level Interview

3.1 The first stage will normally be triggered by six working days sickness absence and/or three spells of sickness absence in any six month period. Part time employees are eligible for a proportion of trigger levels of a full time employee.

3.2 When an employee reaches a trigger level as detailed above, the Headteacher can arrange a stage 1 meeting with the employee concerned. The employee has a right to be accompanied at this meeting, by a trade union representative or workplace colleague.

3.3 The purpose of the meeting is to have an open discussion during which the employee's views about the state of their health are sought in the light of their absence record. The discussion may include considering whether there is an underlying cause for the sickness. Management should explain the difficulties for the school and its pupils arising from this level of absence.

3.4 Details of this meeting should be recorded; a form is attached at Appendix 3, and a copy of the completed form should be given to the employee either at the end of the meeting or sent to them within 5 working days of the date of the meeting, a covering letter re the outcome may also be sent. Copies of all documentation should be filed in the employee's school file and any subsequent correspondence from the employee.

If an employee disagrees with the content of the form or covering letter, they should within 5 working days of receipt, submit in writing their concerns. Employees who are members of a trade union and/or were accompanied at the meeting, should be advised to discuss with their union, before making any submission of concern

3.5 At the discretion of the Headteacher, this part of the procedure can be implemented on more than one occasion depending upon the reason of the absences and their pattern.

3.6 In long term ill health cases, employees should be invited to attend a trigger level interview at the school. A Statement of Fitness to Work that states you are not fit to attend work does not automatically preclude attendance at a meeting. In cases where the employee cannot make it to the school, a home visit may be necessary to carry out the trigger level interview meeting. In the case of a home visit only, a representative or work place colleague may be present. If the employee does not wish to be visited and visiting the school also presents problems, consideration should be given to the meeting taking place at a neutral venue. In cases where the

individual may be too ill or unwilling to attend, a representative can attend the meeting in the employee's place. Where both these options fail, the meeting may go ahead in the employee's absence; in this case the employee will receive written details of any decision, action plan and review date.

3.7 In some cases it may be appropriate to refer the employee to the occupational health service. See section 4 of the guidance for further details of how to refer an employee.

4. Stage Two – Formal Improvement Action Plan

4.1 Where continued concern exists about the level of absence since the trigger level interview, further actions should be explored to improve attendance. A meeting will be arranged and the employee has the right to be accompanied by a trade union representative or work place colleague at the meeting. It is the Headteacher's responsibility to ensure that she/he acts reasonably and fairly in all such cases. See Appendix 4 for discussion points at the meeting.

4.2 One or more of the following decisions may be taken, if considered appropriate having listened carefully to the employee's views based on each individual case:

a) Refer the employee to the Occupational Health Service for medical assessment (if not already done). If this course of action is decided, then the School should complete the online OH referral and submit directly to OH. For further information see section 4 of management guidance.
b) In cases of short term absences set a target for improvement over a set period with a review date and in the case of long term absence set a required date of return to work.
c) Adjust working conditions, i.e. a new chair for someone with a back problem. See appendix 5 for further details.
d) Consider and discuss if a change in duties/redeployment is an option. This may be a temporary arrangement within or outside the school depending on individual circumstances/availability of alternative roles.
e) Ask for a doctor's Statement of Fitness to Work for all absences including one day absences. The relevant body will pay for these. There is limited scope to do this as there can be problems with staff obtaining an appointment with their GP at a timely point to obtain a Statement of Fitness to Work. Bear this in mind when considering making this a requirement.
f) Issue a formal improvement action plan and caution the employee that if attendance does not improve, a formal hearing will be called to consider the employee's future employment at which dismissal will be an option. This would be with the Headteacher or governors committee.

4.3 A record of this meeting should be made detailing the decisions taken, any requirements or targets set for the individual and action to be taken by the Headteacher or employee and the review date set. A form is attached at Appendix 3. It is important that either the completed form and covering letter or an outcome letter alone is sent to the employee. .

4.4 The employee must be advised of the consequences of their failure to achieve an

acceptable level of improved attendance or a return to work i.e. the employee will render themselves liable for dismissal.

4.5 If at any time up to the review date the employee fails to show an acceptable level of improvement, the Headteacher may write to the employee to notify them that they wish to meet with them and that they may be accompanied by their trade union representative or workplace colleague. At this meeting, reasons for the lack of improvement should be explored. It is important to take into account issues and problems raised by the employee; this should form part of the discussion. If the Headteacher considers that the level of absence is still not acceptable, they can decide to refer the case for consideration under Stage 3 of this procedure. Alternatively a revised improvement action plan with a new review date may be issued.

4.6 In long term ill heath cases, employees should be invited to attend a stage two meeting at the school. A Statement of Fitness to Work that states you are not fit attend work does not automatically preclude attendance at a meeting. In cases where the employee cannot make it to the school, a home visit may be necessary to carry out the stage two meeting. If the employee does not wish to be visited and visiting the school presents problems, consideration should be given to the meeting taking place at a neutral venue. In cases where the individual may be too ill or unwilling to attend a representative can attend the meeting in their place. Where both these options fail, the meeting will go ahead in the employee's absence; in this case the employee will be written to with details as set out in 4.3 above.

5. Stage Three – Hearing to Consider Dismissal

5.1 Stage 3 of the procedure is used when dismissal is to be considered.

5.2 If, after a stage 2 review meeting has taken place, the absence level of an employee does not improve to an acceptable level, or there is no acceptable indication of a return to work as a consequence of a long term absence, the case may be referred for a hearing at which dismissal will be considered.

5.3 The decision about whether the dismissal hearing will be conducted by the Headteacher or a governors committee will be based on the Staffing Regulations and associated guidance. This states as follows:

The Staffing Regulations and Guidance under the Education Act 2002 states that the initial dismissal decision should be delegated to the Headteacher with the exception of where the existing Headteacher is unwilling to perform this, or where there are proven concerns about the Headteacher's performance, or "where he/she has been directly involved in disciplinary procedures leading to dismissal, has instigated a proposal to dismiss, or is a witness of particular conduct giving grounds for the dismissal in question". In these cases, the dismissal case will be considered by a panel of governors sitting as the Staffing Committee of the governing board.

The Chief Executive Officer (or representative) will be notified of all hearings at which

dismissal is to be considered and is entitled to be present and give advice.

The rest of this document refers to the hearing officer; this is either the Headteacher or the governors committee as determined in accordance with the above guidance. The Headteacher cannot delegate this responsibility to any other member of staff.

5.4 The employee must be given 10 working days' notice of the hearing in writing, including copies of all paperwork to be presented at the hearing. Where possible the date of the hearing should be agreed with the union representative in advance, however, there are constraints and limitations on how this may be achieved, especially if a governors committee must be convened. The employee must provide all copies of responding documents by no later than 5 working days before the hearing.

5.5 The purpose of the hearing is to arrive at a decision based on the facts presented. The presenting officer should present a report pulling together all the information that has been relied upon at previous stages, for example copies of letters and action plans, for consideration by the hearing officer. An up to date Occupational Health report should be available and included in the paperwork presented.

5.6 The procedure to be followed at the Stage 3 hearing should be consistent with that set out in the Disciplinary Policy (paragraphs 4.8 to 4.15).

5.7 The hearing officer should take into consideration all the information presented to them, including the whole history of attendance of the employee.

5.8 The hearing officer can make one of the following decisions:

a) To issue a further improvement action plan and caution the employee that if attendance does not improve, a further hearing will be called to consider the employee's future employment at which dismissal will be an option. The caution that dismissal could be an option would remain on file for any period up to 24 months.
b) To determine that the employee should be dismissed from the Trusts service, with appropriate notice.
c) To take no action, in which case no papers will be placed on file.

5.9 In cases where a caution or a further hearing to consider dismissal has been issued (as in case 5.8, (a)) above, and the employee has subsequently failed to achieve the required improvement at any time during the caution period, a further hearing will be convened at the request of the Headteacher.

5.10 A letter and a written record of the hearing will be sent to the employee detailing the decision. This will include details of the right of appeal against any dismissal decision.

6. Appeal Against Dismissal

6.1 The employee can only appeal against dismissal. Other forms of action are based on a formal improvement action plan, which is a positive approach to seeking the employee's return to work.

6.2 To register an appeal against dismissal, the employee or their representative must, within 5 working days of receiving written confirmation of the decision, write to the Trust Governor Services, who will inform the Headteacher. Within 5 working days of registering the appeal, the employee must submit the details of the grounds on which they are appealing.

6.3 The appeal should be based on one or more of the following grounds:

a) The employee considers that the committee conducting the hearing unjustly found against them.
b) The employee contends that the matter of fact referred to at the hearing has not properly been taken into account by the committee conducting the hearing.
c) The employee contests the appropriateness of the type of action decided upon.
d) New information has come to light since the date of the hearing.
e) The employee contends there were significant breaches in the sickness absence procedure.

6.4 For staff for whom personnel powers rest with the governing body, the appeal will be to a Committee of the governing body.

6.5 When considering an appeal against dismissal by a governors committee, the quorum of the appeal committee will be equal to the number of governors who attended the dismissal committee and will not include any governors who originally heard the case.

6.6 The procedure to be followed at the Appeal Against Dismissal hearing should be consistent with that set out in the Disciplinary Policy (Part 6).

Notification and Certification of Sickness Absence

1. Notification of Absence by Employee

1.1 The relevant body has a right to know as soon as possible if you are not able to come to work because you are sick. You must comply with the reporting in requirements laid out by the Trust.

It is important that you comply with the Trusts reporting in procedures and keep the school updated regarding your likely return/length of absence, in order that the school can plan ahead, which may involve obtaining external cover staff . In all cases it is expected that you will give some indication of when you expect to return to work.

1.2 It is the school's responsibility to ensure there are adequate ways for staff to notify when they are absent and to ensure staff are aware of them. It is your responsibility to comply with these procedures.

1.3 Remember you could lose pay and/or be disciplined if you do not properly notify your

Headteacher or designated officer that you are absent from work because of sickness.

1.4 The above sickness absence procedures applies to all part time staff, except that if an employee's fourth working day of sickness falls on or after the eighth calendar day, the employee must provide a doctor's Statement of Fitness to Work from that day onwards.

2. Certification of Sickness by the Employee

2.1 For both teaching and support staff sickness absence including the first day, you will be required to complete a self-certification form which will be given to you on your return to work.

2.2 For both teaching and support staff sickness absences of eight calendar days or more must be covered by statement of fitness for work from a doctor or a hospital.

You must arrange for the statement of fitness for work to be sent/hand delivered to your school as soon as you receive it.

2.3 In some cases, the Headteacher may have concerns regarding the employees' fitness for work. If this is the case, the employee will be referred to Occupational Health. . The aim of this is to ensure that the Headteacher has appropriate information to support the employee in their sustained return to work. Trust HR Manager should be contacted for further advice, if necessary.

2.4 Certification of sickness is important. Failure to comply with these rules on certification could result in you losing your entitlement to sick pay and/or disciplinary action being taken against you.

2.5 THE STATEMENT OF FITNESS FOR WORK (FIT NOTE)

The fit note was introduced in April 2010 to replace the doctor's sick certificate. The aim of the fit note is to help employees to either remain at work or return to work sooner, by providing more information about the effects of their illness/condition. The main change is that a GP can give advice to the employer to help employees return to work. The GP can choose one of two options to advise that an employee is:

Not fit for work

OR

May be fit for work

2.6 A GP will chose the "may be fit for work" option if they think that returning to work, with support will help the employee. The GP may also give general advice on the fit note about the illness and tick boxes as appropriate, in relation to general ways in

which an employee could be supported to return to work.

2.7 As long as the employer agrees, an employee can return to work before the end date stated on the fit note, this could be because they have recovered from their illness or injury more quickly than expected or the employer can offer support to facilitate a return. The Headteacher should carefully consider any recommendations made by the GP on the fit note to support the employee back to work. This could include a time limited phased return or time limited amended duties.

2.8 RETURN TO WORK INTERVIEW

A return to work interview should take place as soon as possible after the employee returns to work. It is to welcome them back, to enquire about their health and to discuss any implications following their return. It will also inform the employee of any changes that might have taken place in the organisation whilst they were away.

For example, if they have suffered an injury the employer should take this opportunity to look into any changes they may need to make to ensure their work environment is safe.

Any confidentiality regarding their ill health should be respected. The meeting should be informal and will generally be with the appropriate designated line manager.

3. Recording Sickness Absence by the School

The Equality Act 2010 requires that disability related sickness absence are recorded as such with the distinction clearly marked that the absence is related to a disability

3.1 Section 1.0 to 1.5 above sets out the detailed requirements for staff to notify sickness to their school/service and section 2 above gives details on how to submit Statements of Fitness to Work. A copy of the Self Certification/Return to Work Interview Form is also attached (Appendix 9).

3.2 Appendix 7 is the form to be used for notifying on a weekly basis sickness absence or unpaid leave to the Schools HR for payroll adjustment purposes. Schools should fill out the blank form with all the names and payroll numbers of their school staff in alphabetical order. A separate form should be used for teaching and support staff. Make sure that the teaching form includes head, deputy and unqualified teachers. Schools should include on their returns staff who works solely at the school; this could include ELS staff, Learning Support staff and special needs enhanced provision staff. Absences of peripatetic Learning Support Services staff should be notified individually to the relevant service and they will include these staff on their returns.

3.3 For each week in which an employee is sick, complete the notification form as follows:

- Against the employee's name and payroll number, enter S in the appropriate column(s) to indicate the day(s) on which the sickness absence occurred.
- Nature of sickness: enter any information supplied by employee.
- Code for Sickness: enter 2 digit code from reverse of form that best summarises the sickness absence reason.
- Statement of Fitness to Work Date: enter date of any Statement of Fitness to Work submitted.
- Did employee who was sick on Friday return to work on Monday? The form should not be finally completed until the Monday after the week to which it refers so that this column can be completed.
- If you have granted an employee any unpaid leave, indicate this as a U in the appropriate column and pay will be stopped accordingly.

3.4 You should also use this form for recording other kinds of paid leave, e.g. funeral leave (F), paternity leave (P), etc. (unless you have another adequate system for monitoring this information). However it is not necessary to submit such information to HR unless the leave is unpaid; in this case 'U' should be entered against the relevant day(s).

3.5 When completing each week's notification sheet, a check should be made over previous sheets to see if any employee has reached the trigger level, set out in the policy.

3.6 The notification form should be copied and the original sent to HR on the Monday following the week to which it refers together with all original Statements of Fitness to Work and self-certificates.

4. Sick Pay

4.1 Sick pay is made up of Statutory Sick Pay and Occupational Sick Pay. Occupational Sick Pay may be at full pay, from which Statutory Sick Pay is deducted, or half pay, which is paid in addition to Statutory Sick Pay, provided this does not exceed your normal full pay.

4.2 The full and half pay detailed in the sick pay scheme are maximum entitlements which do not prevent action being taken under the sickness absence procedure before the expiry of these entitlements.

4.3 An employee's entitlement to sick pay depends on their length of service. Details are given in Appendix 6.

5. Accident, Injury or Assult

5.1 If your absence from work is caused by an accident, injury, assault or disease sustained or contracted in the course of your duties, you must have it recorded on an Accident Report Form which is available from your school. .Once completed, this form is to be sent to the Trusts Chief Operating Officer.

5.2 If your absence is caused by an accident, injury or assault and you may be able to claim damages from a third party, you must complete a Third Party Accident Form; further advice is available from HR. In such cases, sick pay is paid as a loan, which must be repaid if you receive any payment for damages.

6. Elective Surgery

6.1 Time off for any elective surgery, including recovery time, will not be authorised as sickness absence except where the surgery is medically necessary and there is evidence to support this. In cases where this is not medically necessary the employee will be required to request special leave (paid or unpaid will be at the discretion of the school). The leave will be granted or refused in line with the contingencies of the service.

6.2 After any surgery there is a period of recovery, or even complications arising from the surgical procedure that may mean the individual is not fit for work under such circumstances may present a fit note from their GP that declares them unfit to work. Where this is the case the School will need to accept this fit note and the period it covers as sickness absence.

6.3 Furthermore, there are some examples of where the Headteacher may view time off for elective treatment or surgery, as sickness absence where not doing so may be in breach of the Equality Act, for example undergoing IVF treatment or gender reassignment surgery. Further advice can be sought from Trust HR.

7. Medical Appointments

7.1 Employees are expected to schedule routine medical appointments such as opticians, GP, Dentist, Physiotherapy, Blood test etc. outside of normal working hours

7.2 If however this is not possible then the employee should speak to their Headteacher or manager to discuss this further and aim to arrange the appointment at either the start or end of the working day to minimise the impact on their attendance and disruption (if any) to the school. If the Headteacher or Manager is satisfied that the employee genuinely is not able to arrange an appointment outside of normal working hours then they will be granted time off to attend the appointment.

7.3 Employees will be granted time off to attend hospital appointments and this may also include cases where there is an on-going course of treatment. Employees should notify their line manager as soon as appointments are arranged. In addition, they should be asked to provide evidence of the appointment (i.e. a letter from the hospital, appointment card, confirmation of dates for treatment etc.).

7.4 Hospital or routine medical appointments will not be recorded as sickness absence, however as absences they need to be kept under review, and where the level of absence through appointments causes concern, the Headteacher or manager should

meet the employee to discuss the issue, and a file note should be taken, so that the discussion may be referred to in subsequent proceedings under the Sickness Absence Procedure if necessary. However it is recognised that attendance at medical appointments is necessary to recover and in some circumstances positively supports attendance at work over the longer term. Any assessment of absence due to medical appointments needs to be undertaken giving this context.

7.5 Payment of an employee's salary to attend medical appointments will be at the discretion of the Headteacher.

MANAGEMENT GUIDANCE

1. Introduction

1.1 The Trust acknowledges that the great majority of its employees meet the high standards expected from them in attending work. Nevertheless, there are inevitably some employees whose sickness and absence record will give rise for concern. It is important for all employees to recognise the effect that absenteeism/sickness has on the relevant body's ability to deliver services and that this, in turn, has a significant impact on everybody's future employment. The purpose of this document is to set out how Headteachers and managers will deal with sickness absence and to:

- Ensure that all sickness absence is accurately recorded; HR (Payroll notified) and responded to appropriately and consistently.
- Prevent sickness absence by addressing wider issues associated with sickness absence. This is done by identifying and resolving organisational and work related problems before they can escalate. This can be achieved through appropriate supervision, appraisal and staff meetings.
- Ensure that all absence is monitored and managed.
- Enable management to deal appropriately with concerns about an employee's level and pattern of sickness and absence.
- Increase awareness of the measures that may be taken to resolve problems caused by a high level of sickness absence.

1.2 Managing sickness absence is a day to day part of management responsibility. If employees are to feel that they make an important contribution to the work of the relevant body, they need to be treated as an important member of the team whose presence is valued, whose absence is noticed and matters, and whose health is of interest and concern to their colleagues. The foundation of effective sickness absence management is to show that managers are concerned.

1.3 It is essential that contact is maintained throughout an employee's sickness absence, advising them of what action is being taken and the stage they are at in the Sickness Absence Procedure.

1.4 Delaying capability procedures because of sickness is to be avoided if possible. However, absences need to be assessed on an individual basis with advice from Occupational Health Service. Continuing with the capability issue would only be possible if the assessment had reached a stage where the absence of an individual will not significantly affect the outcome.

1.5 Dismissal of a disabled employee for a reason related to their disability can only be for a reason that is incapable of being removed by any reasonable adjustments.

2. Monitoring Overall Sickness Absence Levels

2.1 Managing absence must primarily be the responsibility of the Headteacher or designated officer and it is, therefore, essential that as managers you have the

confidence, information and support to take action where it is necessary.

2.2 Headteachers or designated officers should hold and retain accurate attendance data within their school (SIMS Personnel allows for absences against an employee to be recorded and management reports produced per employee or whole school.) and monitor the sickness absence level for each employee against prescribed trigger levels.

2.3 Two key figures are being used across the Trust to monitor sickness. These are:

I. percentage sickness level for the period, i.e.

- total number of days sickness
- total number of working days

II. average number of days sickness per employee per period, i.e.

- total number of days sickness
- number of employees (full time equivalent)

2.4 The monitoring information should be reviewed on a monthly or half termly basis to consider any trends or general concerns. Discussions about the information may be appropriate at school management meetings.

3. Type of Absence

3.1 Most absence falls into four main categories:

a) Long term ill-health where an underlying cause for the ill-health can be clearly identified. This may result in either long term sickness absence or periods of short term sickness absence
b) Frequent short term absence where no underlying cause for the ill-health is identifiable, for example an employee who is regularly off sick with various ailments such as headaches, flu; stomach pains, etc. This can be certificated or uncertified sick leave.
c) Abuse of the Sick Pay Scheme; falsely claiming to be sick as a reason for not attending work.
d) Absence without permission, for example an employee who does not turn up for work and fails to report this according to sickness reporting procedures to their Headteacher or designated officer.

3.2 With categories (c) and (d) these are to be dealt with under the Disciplinary Procedure. This Management of Sickness Absence Procedure deals with the two categories (a) and (b) of long term ill-health and frequent short term absence. In all cases the needs of the relevant body should be balanced with the needs of the employee.

3.3 Ill-health issues will be dealt with in a sympathetic manner and all information will be treated in the strictest confidence. Headteachers and managers should aim to

create conditions, which will support the employee to return to work. However, Headteachers and managers need to be aware that eventually there may come a time when employment can no longer be left open.

3.4 There can be no clear hard and fast rules for dealing with both long and short term cases. All cases are different and the Headteacher or manager must use his/her judgement when deciding what action to take. However, it is essential that Headteachers and managers are able to justify whatever decision they make.

4. Occupational Health

4.1 The Occupational Health Physician (OHP) can provide support and advice, however their role is only advisory it is up to the Headteacher or manager to decide whether to follow the advice offered, but you must be able to justify the basis for making your decision if challenged later.

4.2 When referring a member of staff to occupational health the more information that can be provided the better. This will give the OHP a background to the case and the views of Headteachers and managers and what they want will help facilitate the meeting and subsequently improve the advice received. The following list details a number of main points that would benefit this process. The Headteacher or manager would need to ensure this information is included with the referral documentation.

a) An indication of any change in the individual's performance and their duties prior to the commencement of sickness absence.
b) Any outstanding grievance, disciplinary or management action.
c) Any reason you may have to believe that the absence may be work related.
d) Details of the nature of the specific duties of the post and any associated duties.
e) Any other relevant information you are aware of that would be helpful in the referral.

4.3 Do not become dependent on medical advice anticipating a resolution to the problem. Medical advice does not often recommend a specific source of action. It is only one part of the process and there to aid you.

4.4 In all situations a report would be obtained from the Occupational Health Physician, which may recommend a course of action to be followed. In long term cases for example, the advice may be regarding reasonable adjustments or redeployment and in short term cases health awareness advice and guidance for the individual.

4.5 However, there may be occasions when an employee referred to Occupational Health either is unable to attend the Health Physician or fails to attend for some other reason. In such cases a decision may have to be made based on the information available at the time.

4.6 Should a referral be made to the Occupational Health Physician and the employee fails to attend an appointment, without justifiable reason, this may result in disciplinary action being taken, and a decision taken on sickness absence on the basis

of the information available.

4.7 Copies of all Schools HR correspondence to the employee about sick pay and to the OHP will be copied to the Headteacher. Information supplied by the OHP is confidential to management.

4.8 The Burgundy Book gives advice in relation to the suspension of teachers who become medically unfit. Schools HR will advise in relation to the suspension of support staff whom become medically unfit. No medical suspensions should be actioned prior to seeking advice from Trust HR.

4.9 If you wish to refer a member of staff to the OHP:

- you should email your Payroll Officer or an HR Employee relations Officer that is supporting you with the case, the completed OH referral form. See Appendix 11, OH referral form
- Alternatively schools are able to complete OH referrals online directly to the OH provider. To access online referrals you will need the login and password issued to your school or contact NPW, Schools HR
- you should have informed the employee that you are going to refer them.

4.10 The OHP does not 'treat' employees who are referred, although they may offer advice to them. The OHP usually discusses with the employee their medical condition, any treatment they are receiving and a likely prognosis. They may also physically examine them.

4.11 In some instances the OHP may contact the employee's GP and their hospital consultant (if appropriate) before sending a report back to Trust HR directly. In this case the employee must give their consent for their GP / consultant to release medical information. If the OHP considers the employee permanently unfit for work they will discuss this with the employee if they have attended an appointment.

4.12 Employees are not obliged to give such consent but, if consent is withheld, any decision the OHP or Headteacher might have to take will be made only on the facts available to them.

4.13 Under the Access to Medical Reports Act 1988 any one has the right:

- to withhold their consent to any application for a report to be made to their doctor;
- to see any medical report before it is given to the OHP as stated previously;
- to ask their doctor to amend any part of the report that they feel is inaccurate or misleading;
- if the doctor refuses such a request to attach a statement giving their views on its content;
- to refuse consent to the report being supplied to the OHP.

4.14 Any doctor has the right, however, to withhold any part of their report from a patient if they believe it would cause serious harm for the patient to see it. The doctor must

inform the patient that parts of the report are 'hidden'. A full explanation of an employee's rights is attached to the actual consent form.

4.15 When the report from the OHP is returned to Schools HR it is forwarded to the Headteacher.

The report may state that:

- unfit for a return to duties.

4.16 On receipt of the OHP report, the Headteacher may wish to contact Trust HR to discuss the report.

4.17 FIT FOR WORK SCHEME

Fit for Work provides a referral to an occupational health assessment for employees who have been absent from work for over four weeks. Fit for Work is free and helps employee stay in or return to work. It provides an occupational health assessment and general health and work advice to employees, employers and GPs.

Please note that Fit for Work will complement, and not replace, existing occupational health services currently provided. Should you require further details about the scheme, please contact Trust HR.

5. Return to Work Interviews

5.1 Whilst the employee has a responsibility to attend work as per their employment contract, sometimes it will become difficult for the employee to uphold this arrangement, for various reasons. Discussing the reasons for absence with the employee and supporting them to find ways to improve their attendance can be beneficial for the employee as well as the school.

5.2 It can be difficult talking to employees about why they have been absent from work and some employees, naturally, find it difficult to discuss personal medical problems. Although it is usual practise for the Headteacher / line manager to do this there are occasions where another person may be considered more appropriate e.g. someone of the same gender.

5.3 Return to work interviews should be held following every sickness absence and will facilitate an environment in which such conversations may typically take place.

5.4 Following any period of absence, whether short-term or long-term, a meeting should be arranged with their Head Teacher/Line Manager on their return to work, ideally on the day that they return to work or within five working days of the employee returning.

5.5 As a guide, the meeting should be used as an opportunity to recognise the absence and where appropriate discuss the reason(s), to highlight where absence is becoming

a concern, particularly in line with the triggers for starting the formal procedures, and to identify if there are any reasonable measures that you or the employee can take in improve attendance at work going forward.

5.6 Absence maybe not always be linked to sickness, and by holding return to work interviews other issues may arise such as personal issues may be related to a caring responsibility, or even workplace pressures, etc. Discussing these early may be a good tool to resolving issues before they escalate and possibly preventing future sickness absence linked to these.

5.7 If the absence is caused by a gender specific sickness or issue the employee should be made aware that the interview can be conducted sensitively by a senior employee of the same sex, agreed between the parties who would then report back to the Head Teacher/Line Manager.

5.8 Any concerns arising from this interview should be raised immediately by the Head Teacher/Line Manager with Trust HR.

5.9 The only exception might be in the case of long-term absence, where a formal review meeting is held prior to the employee's return, where it is likely that a number of the discussion points will already have been sufficiently covered; however it is still be appropriate to meet with the employee even if it is just to welcome them back.

RETURNING TO WORK AFTER LONG TERM ABSENCE

5.10 Following a period of long sickness absence in excess of 4 weeks, but depending on the circumstances of the particular case or if any employee has had a serious or contagious illness, a Statement of Fitness to Work may be required and, if appropriate, confirmation of fitness from the school's Occupational Health Physician/Adviser may be sought.

5.11 If arrangements for returning from long-term absence have not already been discussed at either a trigger 1, stage 2 Formal Improvement Action Plan or Stage 2 review meeting, this should be discussed during the return to work meeting, on the first day back at work.

5.12 Depending on the illness and the specific circumstances of the case, it may be appropriate for a phased return programme, as a reasonable adjustment, to be recommended by Occupational Health.

AGENDA FOR THE RETURN TO WORK MEETING / INTERVIEW

5.13 The following agenda may be used as a guide for the return to work interview:

a) welcome the employee back.
b) confirm the reason for the absence.
c) ask how the employee is feeling following the period of absence

d) ensure that the employee is fit to return to normal work or whether some support is needed for a period of time.
e) make sure that the correct certification has been provided, or that a self-certificate is completed where appropriate.
f) address any issues in respect of reporting absence, non-provision of Statement of Fitness to Work. Identify the reasons why protocol wasn't followed and remind the employee of future protocol. If necessary consider whether it is a disciplinary matter.
g) bring the employee up to date on the work and any changes which may have occurred.
h) identify if there are any other issues, underlying causes, which are affecting attendance at work.
i) to offer support/assistance on any issues raised which may affect their sickness absence.
j) the employee should be made aware, for information purposes, what the trigger levels are under the procedures and advised that a referral to Occupational Health Unit might be made if appropriate.
k) also inform the employee that should they have concerns about their own health, a management referral to Occupational Health can be arranged.
l) the employee should be made aware, for information purposes, that all sickness will be monitored in line with the Trusts Management of Sickness Absence procedure and if they have triggered, advise them of this and whether a formal review meeting will be arranged.
m) Take notes and complete a return to work interview record, (see appendix 9) ensure it is signed by both parties and ensure a copy is given to the employee. The original record should be maintained in the employee's personal records.
n) the employee should complete and sign a consent form if an Occupational Health referral is to be made.

5.14 The meetings should be conducted with sensitivity, and there may be circumstances when it would not be appropriate to cover all of the issues listed.

6 Guidelines for dealing with Long Term Sickness

6.1 Long term ill-health encompasses employees who are on long term absence because of sickness and employees who are unable to attend work regularly because of chronic ill-health. In both cases an underlying medical cause is identifiable as the reason for absence.

6.2 In the ACAS booklet dealing with absence, it is suggested that the following points be considered when deciding upon what action to take. The following points are advice and not procedural requirements:

- How much damage is being caused by the absence? Is there an immediate crisis, or could the school continue for some time without a replacement?
- Is it the view of the employee's General Practitioner or Occupational Health Physician that a return to work would be possible? Would there be a full recovery or would a return to the same work be undesirable?
- Could the employee return to work if some assistance were provided, for example reduced hours or amended duties for a temporary period?

- Is less stressful or physically less demanding work available with re-training if necessary?
- What costs (financial and other) are being incurred by the relevant body as a result of the absence?
- Is early retirement a feasible consideration; and have all the possibilities been discussed with the employee and his/her representative?
- Has the possibility of ill health retirement been explored?

6.3 Other considerations you are advised to look at are the general context of the relevant body's position in terms of its:

- Financial situation;
- The need to provide a service to pupils ensuring your obligation of running an Educational establishment is maintained to an acceptable level.
- The availability of alternative work.

6.4 This consideration will go to justifying the reasoning for taking the action decided upon.

6.5 It is essential to keep in regular contact with the employee and to keep them advised of all action the school intends to take. Such action does not have to wait for the employee to return to work.

6.6 It is recommended that an initial telephone call be made by the Headteacher or designated officer within the first 2 weeks of any long term absence.

6.7 Should the employee continue to be absent, the date and time for a trigger level meeting (Stage 1) should be arranged. This may take place at school, home or an alternative venue.

6.8 The purpose of this meeting is to explore if any action can be taken to enable the employee to return to work through either part time working for a temporary period or a variation of duties and to explain any action you were taking, to show an interest in individual welfare and to advise them of any information that may be of interest to them. (See appendix 5 for phased return to work issues). This meeting should be conducted in accordance with appendix 4 guide to discussion points, and a written record made.

6.9 In cases where the individual may be too ill or unwilling to attend a representative can attend the meeting in their place. Where this option fails the meeting will go ahead in the employee's absence.

6.10 If absence continues a further meeting can be held according to Stage 2.

6.11 If following referral to the Occupational Health Physician, a medical report is received that suggests that an employee is permanently unfit to continue their present duties, but may be able to cope with a different type of work. Attempts should be made, with the employee's agreement, to find alternative work either within their current

school (or elsewhere in the relevant body and through the corporate redeployment scheme if appropriate). If no alternative work is available or acquired , then the relevant body will be left with no choice but to initiate dismissal or ill-health retirement. Ill Health Retirement has to be recommended by OHP. However, if an offer of redeployment is refused by an employee, this could result in the employee being dismissed from the relevant body's service but not through ill-health retirement.

6.12 On return to work following a period of long term sickness absence, an employee should be seen either in accordance with stage one or stage two of this procedure.

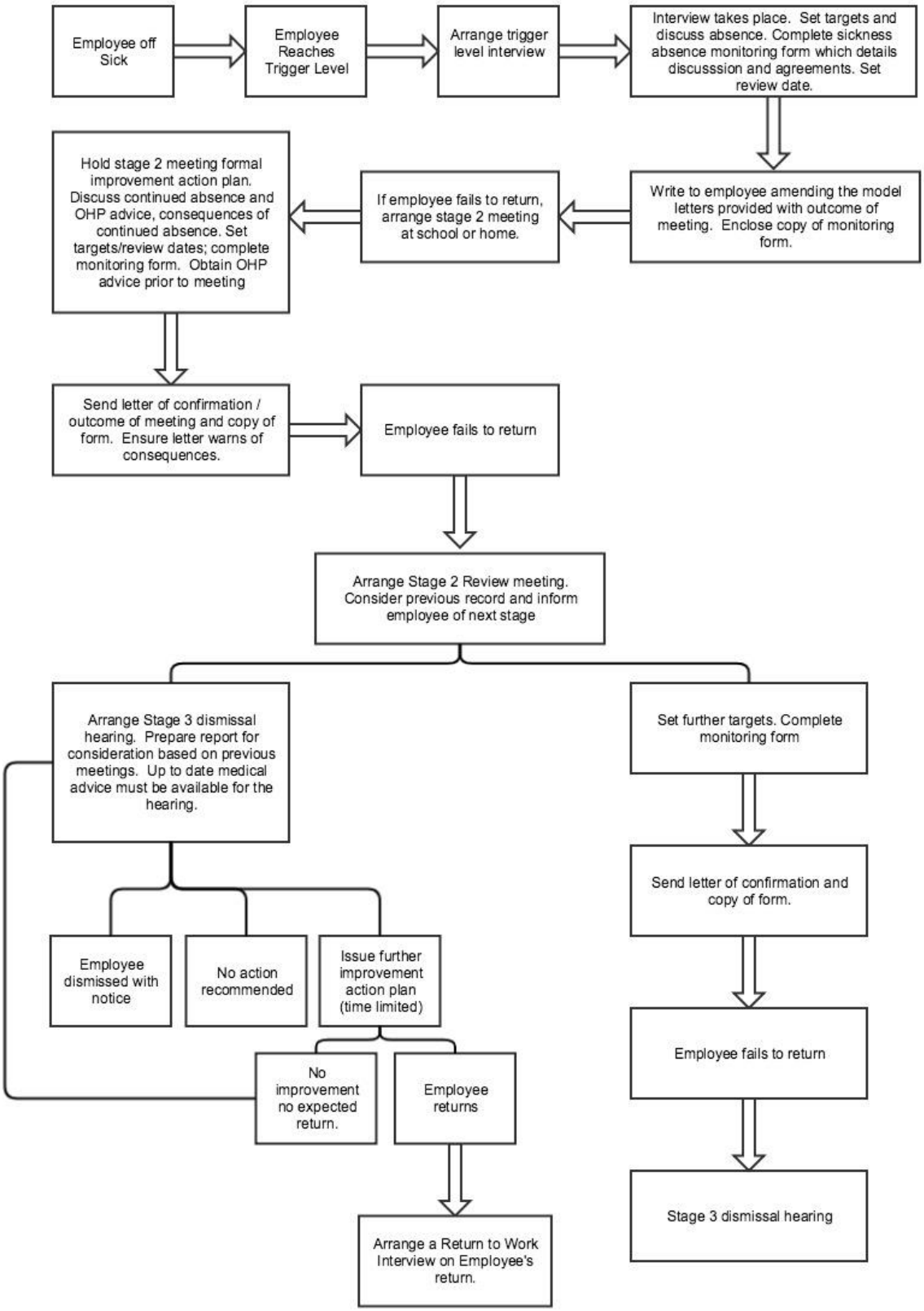
6.13 An employee should be able to discuss sensitive medical details with an alternative male or female senior colleague; however, this will not be allowed to enable the employee to play one member of staff off against another. The employee must discuss the impact of their sickness absence with their Headteacher or manager.

6.14 Defining when absence is causing concern is difficult because individual situations differ. Obviously 10 days certificated absence with a broken arm is likely to cause less concern than 10 single days of absence. Similarly, long periods of certificated absence where the cause of the sickness is known may be less of a problem compared to, 5 certificated periods of absence with a variety of ailments.

6.15 The point at which it is appropriate to move to stage 3 depends on the issues outlined in 5.2 and 5.3 above.

Long Term Sickness Absence Flowchart

Use chart in conjunction with the procedure and guidance as this gives more details on how to deal with each stage.


Employee off Sick
Employee Reaches Trigger Level
Arrange trigger level interview
Interview takes place. Set targets and discuss absence. Complete sickness absence monitoring form which details discusssion and agreements. Set review date.
Write to employee amending the model letters provided with outcome of meeting. Enclose copy of monitoring form.
If employee fails to return, arrange stage 2 meeting at school or home.
Hold stage 2 meeting formal improvement action plan. Discuss continued absence and OHP advice, consequences of continued absence. Set targets/review dates; complete monitoring form. Obtain OHP advice prior to meeting
Send letter of confirmation / outcome of meeting and copy of form. Ensure letter warns of consequences.
Employee fails to return
Arrange Stage 2 Review meeting. Consider previous record and inform employee of next stage
Arrange Stage 3 dismissal hearing. Prepare report for consideration based on previous meetings. Up to date medical advice must be available for the hearing.
Set further targets. Complete monitoring form
Send letter of confirmation and copy of form.
Employee dismissed with notice
No action recommended
Issue further improvement action plan (time limited)
No improvement no expected return.
Employee returns
Employee fails to return
Stage 3 dismissal hearing
Arrange a Return to Work Interview on Employee's return.

7. Guidelines for dealing with frequent absence

7.1 The stages which Headteachers or nominated officers must follow are detailed in stage one, two and three of this document. However, it is left to the Headteacher or managers discretion to decide when the relevant part of the procedure is applied. Headteachers and managers should ensure that they exercise their judgement in a fair manner and it is essential that they are able to justify whatever decision they make. All discussions should be conducted with the employee in a discreet and sensitive manner. (Please see Appendix 2 guidance notes on the treatment of sensitive conditions).

7.2 RETURN TO WORK INTERVIEW

When an employee has been off for any period, even for one day, the Headteacher should ask them how they are and what was wrong with them on their return to work, and get the member of staff to complete a self-certification form appendix 3 to this document. The purpose of this is to show that the Headteacher is interested in the employee's well-being and that they have been missed and the absence noted. It may be appropriate to hold a trigger level interview depending on the previous absence record.

7.3 Intermittent frequent absence will have a damaging effect on the standards and consistency of service provided by the school. The need to provide Education to pupils is a statutory requirement.

7.4 In the ACAS booklet dealing with absence, it is suggested that the following points be considered when deciding upon what action to take. The following points are advice and not procedural requirements:

- How much damage is being caused by the intermittent absences? Is there an immediate crisis, or could the school continue on these days without a replacement?
- Is it the view of the employee's General Practitioner or Occupational Health Physician that regular attendance work would be possible? Would there be a full recovery or would a return to the same work be undesirable?
- Could the employee give regular attendance at work if some assistance were provided, for example reduced hours for a temporary period or amended duties?
- Is less stressful or physically less demanding work available with re-training if necessary?
- What costs financial and other are being incurred by the relevant body as a result of the absence?
- Is voluntary early retirement a feasible consideration; and have all the possibilities been discussed with the employee and his/her representative?

7.5 Other considerations you are advised to look at are the general context of the relevant body's position in terms of its:

- Financial situation;
- The need to provide a service to pupils ensuring our obligation of running an

Educational establishment is maintained to an acceptable level.

- The availability of alternative work.

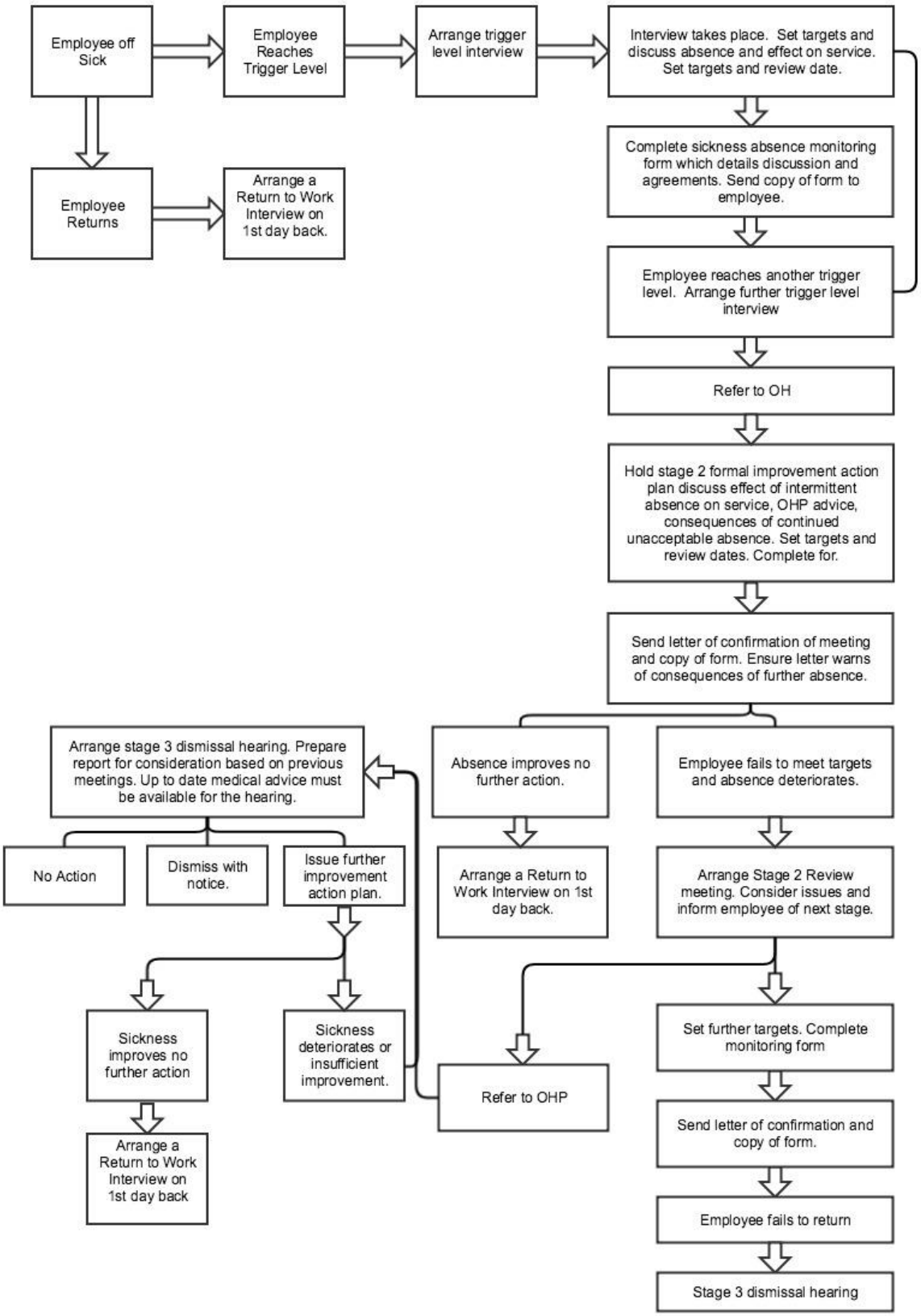
This will go to justifying the reasoning for taking the action decided upon.

7.6 An employee should be able to discuss sensitive medical details with an alternative male or female senior colleague; however, this will not be allowed to enable the employee to play one member of staff off against another. The employee must discuss the impact of their sickness absence with their Headteacher or manager.

7.7 Defining when absence is causing concern is difficult because individual situations differ. Obviously 10 days certificated absence with a broken arm is likely to cause less concern those 10 single days of absence. Similarly, long periods of certificated absence where the cause of the sickness is known may be less of a problem compared to, for example, 5 certificated periods of absence with a variety of ailments. In conjunction with the trigger levels outlined above, Headteachers should also look to the patterns in the absence, is the employee going sick when on early rota. Does the sickness regularly occur on Mondays or Fridays? Such patterns often reveal a work-related or domestic problem which should be investigated. In all cases the Headteacher should use his/her judgement and be able to justify what action they have taken and note should be taken of the guidance in dealing with sensitive conditions as attached at Appendix 2.

Frequent Sickness Absence Flowchart

Use chart in conjunction with the procedure and guidance as this gives more details on how to deal with each stage.



8 Ill-health Retirement

TEACHING STAFF ARRANGEMENTS (OR STAFF CONTRIBUTING TO TEACHERS' PENSION SCHEME

8.1 The following arrangements should be followed when staff contributing to the Teachers' Pension Scheme wish to apply for premature retirement on the grounds of ill health:

Staff should download an application for ill health retirement from the Teachers' Pension website www.Teacherspension.co.uk.

Staff should complete Part A of the application form, and then send it to Schools HR to complete the rest of the form. Staff should also complete Part A of the medical form and then Part B and C is to be completed by a medical practitioner or Occupational Health.

Schools HR will forward all completed forms to Teachers Pension to consider the application. The employer and employee will be advised in due course whether the application is successful or not.
Successful applicants should agree a leaving date with the Headteacher/line manager.

When a leaving date has been agreed the employee should submit their resignation to Schools HR.

Retirement benefits are normally paid after the employee's last day of paid reckonable service.

8.2 In the event that the premature retirement on the grounds of ill health is not granted and all steps have been taken to enable the employee to return to work have failed, the only option available to Headteachers or managers is a hearing under stage three of the procedure where the relevant body determines whether the employee should be dismissed.

SUPPORT STAFF ARRANGEMENTS (OR STAFF CONTRIBUTING TO THE LOCAL GOVERNMENT SCHEME)

8.3 For support staff the Occupational Health Physician (OHP) would decide if ill health retirement is appropriate and if so under what tier of ill health retirement should be granted. Support staff cannot be medically retired without the decision of the OHP.

8.4 Once the decision has been taken to IHR an employee, the employee does not have a choice to refuse the recommendation. However, the OHP will discuss the issue of IHR with the employee before making a decision. If ill health retirement is recommended, the OHP will send a certificate of incapacity to Trust HR at which point Schools HR after communication with the Headteacher, will write to the employee with a last day of service, generally the end of the month following the decision. Superannuation will release benefits if appropriate after the last day of service.

In the event that the OHP does not recommend medical retirement and all steps have

been taken to enable the employee to return to work have failed, the only option available to Headteachers or managers is a hearing under stage three of the procedure where the relevant body determines whether the employee should be dismissed.

8.5 For staff who do not contribute to the pension scheme, you are not eligible for benefits under the Local Government Pension Scheme and therefore cannot be considered for ill health retirement. The recommendation to the school will be to move to a stage three hearing where dismissal will be considered.

Appendices

Appendix 1 Equality Act 2010 – Basic Considerations

Please ask the CFOO for the latest version

Appendix 2 Guidance Note – Pregnancy related Sickness

Please ask the CFOO for the latest version

Appendix 3 Sickness Absence Monitoring Form

Please ask the CFOO for the latest version

Appendix 4 Discussion points for sickness absence stages – Managers quick guide

Please ask the CFOO for the latest version

Appendix 5 Guidance for facilitating following long term sickness

Please ask the CFOO for the latest version

Appendix 6 Teachers' Sick Pay Regulations

Please ask the CFOO for the latest version

Appendix 7 Notification of Sickness Absences

Please ask the CFOO for the latest version

Appendix 7/8 Notification of Sickness Absences

Please ask the CFOO for the latest version

Appendix 9 Self-Certification Form – For all staff

Please ask the CFOO for the latest version

Appendix 10 Framework Letters for Management Sickness Absence

Please ask the CFOO for the latest version

1. Letter calling employee to stage one trigger level meeting

   SMIA when the employee is off sick
   SMIB when the employee is at work

2. Letter recording the outcome of stage one trigger level interview

   SM2 when the employee is off sick

3. Letter calling employee to stage two meeting

   SM3A when the employee is off sick
   SM3B when the employee is at work

4. Letter recording the outcome of stage two formal improvement action plans

   SM4A when the employee is off sick
   SM4B when the employee is at work

5. Letter inviting employee to Stage two Review meeting

   SM5A when the employee is off sick
   SM5B when the employee is at work

6. Letter recording outcome of stage two meeting and advising employee they will be called to stage three governors hearing

   SM6A when the employee is off sick
   SM6B when the employee is at work

7. Letter calling employee to stage three governors hearing - improvement action plan or dismissal.

   SM7A when the employee is off sick
   SM7B when the employee is at work

8. Letter Recording the outcome of stage three governors/Headteacher hearing - action plan or dismissal.

   SM8A when the employee is off sick
   SM8B when the employee is at work