



Sickness Absence Management Procedure 2021/2023



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Sickness Absence Management Procedure

I. Introduction

This Procedure sets out the obligations and entitlements of employees who are absent due to ill health and the procedures that will be followed to support and manage sickness absence.

I.1 Policy statement

The Governing Body is committed to promoting good health and wellbeing amongst its entire staff and recognises its statutory responsibilities in relation to health and safety and the Equality Act 2010.

The sickness absence management procedure balances the needs of the establishment with the interests of individual employees. It is based on the following principles:

- To achieve a high level of attendance
- To provide a safe and healthy environment where employees feel that their contribution is valued
- To treat all staff with dignity and sensitivity, fairly and consistently
- To minimise disruption to the operation of the school and reduce additional staffing costs
- To maintain adequate sickness absence monitoring procedures and records
- To distinguish between genuine sickness absence issues and issues of competence and conduct and address these in a fair manner
- To ensure all staff are aware of the procedure for managing sickness absence

I.2 Communication

Two-way communication is expected and is key to effective absence management. Employees will be expected to keep in regular contact with their manager to provide information about their absence. The employer, for its part, will maintain contact with the employee to inform them of key work issues (where appropriate) to support the employee during the absence, and to facilitate an early return where possible.

Contact will be supportive and constructive and the degree and nature of the contact will depend upon the nature of the ill health and will be agreed between the parties. Particular consideration will be given to the nature and content of any contact with the employee in cases where the absence is due to stress. In exceptional circumstances, where appropriate and agreed between the parties, contact may be through a third party.

2. Scope

This procedure is applicable to all staff employed at the school except those who are undergoing a probationary period. While the principles will apply to this category of staff, it may be necessary to foreshorten the procedure in keeping with the particular circumstances of employment.

3. Roles and responsibilities

3.1 It is the responsibility of the Governing Body to:

- Monitor and review policies and procedures which safeguard the health, safety and welfare of staff and ensure they are implemented in a fair and reasonable manner
- Depute a governor to implement the absence management procedures in the case of the absence of the head teacher
- Establish an appeals committee as required

- Ensure managers have sufficient interpersonal skills and procedural knowledge to deal with absence issues
- Monitor and regularly review levels of absence

3.2 It is the responsibility of the CEO/Headteacher/Principal and other line managers to:

- Ensure that full attention is given to staff health, safety and welfare and to develop systems of work to minimise ill health and consequent absence
- Ensure pre-employment health checks are carried out
- Monitor and regularly review levels of absence and take action as appropriate
- Ensure employees are aware of absence management procedures, including reporting requirements
- Implement the absence management procedures fairly, sensitively and confidentially
- Make initial decisions related to warnings and dismissals
- Keep in regular contact with the employee to provide support, obtain information about their health and keep them up-to-date on key work issues as appropriate

3.3 It is the responsibility of all staff to:

- Safeguard and maintain their own health and attend work for work when fit to do so
- Properly report sickness absence in line with this procedure
- Ensure medical advice and treatment, where appropriate, are received as quickly as possible in order to facilitate a return to work
- Co-operate with referrals to an occupational health adviser as required
- Comply and co-operate with the absence management procedure
- Inform their line manager in general terms of any health issues including the effects, prognosis and developments that impact on their ability to perform their normal duties
- Keep in touch, as appropriate, with their designated contact during periods of absence.

3.4 Other parties may have a role within sickness absence management, for example

- Occupational Health Service, other medical advisers (for example consultants, GPs, specialists)
- HR Consultants
- Trade Unions / Professional Associations
- Specific roles and responsibilities are outlined in this procedure.

4. The procedure

4.1 Reporting sickness absence

4.1.1 When and to whom to report sickness absence

The employee must make contact with the absence line/teacher in charge of cover at their respective school/academy no later than 7.30am on the first day of the absence. Contact should be made by telephone by the person unless this is not possible. Contact should **not** be made exclusively by email, although email must be used to set cover work for students during period of absence and should include your Department Leader or in the case of the Department Leader being absent another member of your department or line manager. In case of support staff, directions must be given about continuity of service.

Further contact must be made on subsequent days by phone **and** by email to provide cover work and to exchange information and medical certificates. Regular contact must be maintained to inform about progress and likely duration of absence.

4.1.2 What to report

When contacting the school, the employee is responsible for reporting the following information:

- Their first name and surname
- The nature of the illness and its likely duration
- Any work matter that needs attention during the absence
- When the illness commenced
- If the absence results from an accident at work, details of the person to whom the accident was initially reported.

4.1.3 Sickness and annual leave / closure periods

Where an employee falls sick during a period of planned annual leave, on a bank holiday or during a period of annual leave or closure period, they must report the sickness immediately or as soon as contact can be made with the school. Normal certification requirements apply during these periods. Statutory annual leave entitlements continue to accrue during periods of sickness and appropriate arrangements will be made on the employee's return to work to accommodate such accrued untaken leave. If an employee does not return to work they will be reimbursed for any accrued untaken statutory leave.

Where an employee who works 52.14 weeks is on a period of certified long term sick leave and they wish to take a period of annual leave they must follow normal notice requirements for requesting the period of leave. If the period of annual leave is approved, the employee's period of sickness will be interrupted by the period of annual leave and will resume once the period of annual leave has concluded. Employee's will receive their normal pay for periods of annual leave and will revert to the appropriate level of sick pay thereafter.

4.2 Sickness certification

Self-certification and Doctors' Fit Notes must be provided in accordance with statutory and contractual requirements below. These timescales do not remove the requirement on all employees to continue to notify/report absence in line with agreed arrangements as set out in section 4.1 above.

4.2.1 Local Government Services and other support staff

A self-certification form (Appendix A) must be provided from day one of the absence and thereafter to cover up to and including the seventh calendar day of absence. A Fit Note will be required from the eighth calendar day onwards.

4.2.2 Teaching Staff

A self-certification form (Appendix A) must be provided from the first calendar day and thereafter to cover up to and including the seventh calendar day of absence. A Fit Note will be required from the eighth calendar day onwards.

4.3 Returning to work

Where practicable, one day's notice should be given of fitness to return to work.

An employee will be expected to return to work immediately following the expiry of a Fit Note, unless a new note is obtained.

It is open to an employee to return to work before the expiry of a Fit Note if they, and the school, consider this appropriate. An appropriate risk assessment may be completed in these circumstances. A sample risk assessment form can be found at appendix E.

4.3.1 Fitness to return to work during a closure period or planned annual leave Where an employee is unwell prior to a school closure or during a period of planned annual leave becomes fit to return to work they must inform the school/ as soon as practicable.

4.3.2 Return to work meeting

A return to work meeting will normally be conducted by the designated Absence Manager at the respective school/academy as soon as possible following an employee's return to work following any period of absence. The purpose of this meeting is to discuss the period of absence, update the employee on work related matters and to identify any additional support that may be required. See Appendix A

4.4 Sick Pay allowances

Details of any entitlement to contractual sick pay are set out in employees' contract of employment. Subject to service and earnings qualifications, staff may also have an entitlement to Statutory Sick Pay, which will be included in their contractual sick pay where appropriate. The scale of contractual allowances for full-time staff (pro-rata for part-time staff) is set out below:

4.4.1 Teaching staff

During the first year of service:	Full pay for 25 working days and (after completing four calendar months' service) half pay for 50 working days.
During the second year of service:	Full pay for 50 working days and half pay for 50 working days.
During the third year of service:	Full pay for 75 working days and half pay for 75 working days.
During the fourth and successive years' service:	Full pay for 100 working days and half pay for 100 working days.

For the purpose of the contractual sick pay scheme, "service" includes all aggregated teaching service.

4.4.2 Support staff

During the first year of service:	Full pay for 1 month and (after completing four months' service) half pay for 2 months.
During the second year of service:	Full pay for 2 months and half pay for 2 months.
During the third year of service:	Full pay for 4 months and half pay for 4 months.
During the fourth year of service:	Full pay for 5 months and half pay for 5 months.
After 5 years' service:	Full pay for 6 months and half pay for 6 months.

For the purpose of the contractual sick pay scheme, "service" refers to continuous service with any public authority to which the Redundancy Payments Modification Order (local Government) 1983 (as amended) applies.

The sick pay entitlement is calculated based on the length of service the employee has accrued when the sickness absence commenced.

4.4.3 Staff on other conditions of service

Staff on local conditions of service may have an entitlement to contractual sick pay and should refer to their contract of employment.

4.4.4 Extensions to sick pay

The CEO/Headteacher/Principal will consider any requests for an extension to sick pay on a case by case basis.

4.4.5 Accidents at work

Support staff - where an employee suffers an accident, injury or assault arising out of, or in the course of employment, they will be paid a sum equivalent to their sick pay entitlement and this period shall not count against their sick pay entitlement.

Where the employee exhausts their injury at work entitlement and are still absent from work due to the injury, then they will receive no further pay. They would however be entitled to sick pay under the sickness scheme if they are absent due to illness at a later date, as long as it does not relate to the same injury at work.

Teaching staff - where a teacher suffers an accident, injury or assault arising out of, or in the course of employment, they will be entitled to full pay for a period not exceeding 6 calendar months. This period shall not count against their sick pay entitlement. Where the teacher remains absent beyond 6 months, they will then be entitled to their normal sick pay entitlement as determined by their length of service and any previous sickness absence.

All accidents or injuries at work must be reported and recorded through the accident reporting procedure.

4.4.6 Third party accident compensation claims

Where employees are absent as the result of an accident for which damages may be recoverable from a third party, they must inform their designated Absence Manager at their respective school/academy as soon as possible. The employer may recover all or a proportion of the costs of sick pay/accident pay from the damages received by the employee.

4.5 Medical referral

The school may, as appropriate, require a referral to an Occupational Health Advisor where an employee's absence or other issues indicate a potential health concern. In these circumstances, the employee will be advised of the process and the reasons for the referral. Details of the referral process are available at Appendix B.

4.5.1 Co-operating with a referral to an Occupational Health Adviser

Employees are obliged to attend appropriate appointments with an Occupational Health Adviser. Where an employee refuses to consent to the Occupational Health Adviser contacting their GP, decisions, which may have implications for their future employment, will be taken on the basis of the information available at the time.

4.6 Medical suspension

In certain circumstances, where it is felt that an employee is not fit to attend work, the head teacher may suspend an employee on medical grounds. Any such suspension will be on full normal pay –

normal pay may be sick pay where the period is covered by a Doctor's Fit Note. Suspension will be lifted, where appropriate, by the CEO/Headteacher/Principal only after advice has been sought from an Occupational Health Adviser.

4.7 Reasonable adjustments

An important element of managing health and disability issues is the need to explore reasonable adjustments/alternative employment, and these options will be discussed with employees as necessary with a view to facilitating continued employment and/or an early return to work. These issues may be addressed as part of the general management of ill health matters and/or in the light of recommendations made by a GP on a Fit Note or by an Occupational Health Advisor.

Reasonable adjustments may include:

- Phased return to work
- A gradual increase over a defined period of time, in the intensity of work duties or working hour.
- Altered hours
- A change to the hours worked e.g. a later start time. This does not necessarily mean working fewer hours.
- Amended Duties
- An amendment to duties to take account of a medical issue.
- Workplace Adaptions
- A workplace is adapted to take account of a medical issue for example, adapted specialised equipment, changed location of work.

Adjustments to facilitate an early return to work will be for a limited period which will be specified and which will usually not exceed 4 weeks.

The advice on Fit Notes or from Occupational Health Advisors is not legally binding and it will be for the employer and employee to discuss how to act on this advice.

Where reasonable adjustments cannot be accommodated the employee will be deemed to be off sick for the duration of the Fit Note. It is not necessary for an employee to obtain a new Fit Note until the expiry of the original.

4.7.1 Pay during reasonable adjustments

Where an employee returns on reduced working hours for a limited phased return, they will receive normal pay for the time worked. For any normal hours not worked, SSP and contractual sick pay will be paid in accordance with the individual's outstanding sick pay entitlements. If an employee returns to work on their normal hours but carry out partial duties, they will receive full normal pay for the agreed period. Any period of phased return that is connected to the previous period of sickness is considered part of that sickness absence.

4.7.2 Longer term adjustments

If the employee cannot return to their full normal duties within a reasonable period, there will need to be a discussion about the long term effects of their health condition on their job, taking into account responsibilities under the Equality Act 2010. Temporary or permanent changes to the contract may be made in consultation with the employee, with advice where appropriate from Occupational Health and Human Resources. Salary will be adjusted in line with any change of contract.

4.8 Time off for other reasons

Employees must not take sick leave for reasons other than their own ill health. If an employee takes sick leave which does not relate to their own ill health this may constitute a disciplinary issue and will be handled in accordance with the Disciplinary and Dismissal Procedure.

As part of its commitment to supporting the health and wellbeing of employees, the school has a Leave of Absence Procedure setting out the approach to leave of absence for reasons other than sickness.

Employees should normally arrange non-urgent personal medical appointments for the doctor, dentist, hospital, clinic (for example ante-natal) and elective procedures, outside of their normal working time wherever possible. However, where this is not possible and in urgent cases, requests for leave of absence will be considered sympathetically on a case by case basis and in line with the school's Leave of Absence Procedure.

4.9 Misconduct

Incidents of failure to comply with the requirements of the sickness absence management procedure and/or the submission of false sick claims may be investigated under the disciplinary and dismissal procedure.

4.10 Drug and alcohol misuse

Employees are encouraged to disclose drug/alcohol problems so that the school can support them. Where drug or alcohol misuse is suspected or admitted, a meeting will be sought with the employee to decide upon an appropriate course of action. Where possible and appropriate, drug and alcohol misuse will be treated as an ill-health issue and as such will be dealt with under the sickness absence management procedure. Employees will be expected, and supported, to follow an appropriate programme of support/rehabilitation.

Employees should not arrive at work under the influence of drugs and/or alcohol or any other substance that may impair their ability to carry out their duties. If, in the reasonable opinion of the employer, an employee presents him/herself for work and the employer considers they are not able to carry out their duties (as they are under the influence of alcohol/drugs or for any other reason) the employer may take appropriate action (including suspension where relevant).

Such cases will be investigated and dealt with as appropriate in line with the Disciplinary and Dismissal Procedure. Some examples of behaviour which may need to be dealt with under the disciplinary procedure include:

- Being drunk at work
- Drinking alcohol at work
- Drinking in between work periods which may have an adverse effect on performance (for example operating machinery, supervising others, driving, impacting detrimentally on the school/academy's reputation etc.)
- Stealing and other acts of dishonesty connected with drug misuse
- Serious drugs offences committed in or out of the workplace
- Drug trafficking / pushing
- Failure or refusal to seek, accept or complete treatment.

4.11 Sickness absence recording

In accordance with the Data Protection Act 1998, employees' contracts of employment enable the school to record absence details for management purposes.

In certain circumstances, such records may be kept, without express permission, to enable the Governing Body to fulfil its statutory health, safety and welfare responsibilities. Impersonal aggregated data may also be collected and processed for certain internal and statutory monitoring purposes.

Fit notes provided by employees will be copied for school records and the original will be returned to the employee. Copies of self-certificates, Fit Notes and return to work forms will be held on employees' personal files. These records will be held in accordance with Data Protection Act principles.

5. Procedure for managing frequent short term sickness absence

A flowchart summarising the procedure is available at Appendix D.

The following procedure will apply where an employee's level of absence causes concern. Normally, this will be when the following triggers have been reached, although individual employee's absence records will be considered on a case by case basis:

- 3 or more sickness days/days/instances in a term/two consecutive half terms, or
- 10 or more calendar days within a 6 month period
- Unacceptable regular patterns of absence, for example regular Monday or Friday absence, (two instances of).

5.1 Informal procedure

5.1.1 Informal stage Stage 1

The designated Line Manager/HR Representative will address each individual period of absence at a relevant return to work meeting (see 4.3.2 above). Once the employee's absence level reaches the trigger point (see 5 above) the employee will be invited to attend an informal absence review meeting. At this meeting:

An action plan will be agreed (including setting an appropriate target for attendance and referral to Occupational Health where appropriate). The school/academy target is 96% minimum.

A monitoring period will be set e.g. one term/two consecutive half terms

The employee will be alerted that they may enter formal process if no/ insufficient improvement

As soon as possible, following the informal absence review meeting, the employee will be given a written record of the key points and any action agreed. If the employee's attendance does not improve or deteriorates during the monitoring period, at the end of the monitoring period (or earlier if deemed appropriate) the Line Manager/HR Representative will consider whether to enter the formal procedure (see 5.2 below).

5.1.2 Referral to an Occupational Health Adviser

It may be appropriate to make a referral to an Occupational Health Adviser in order to obtain a professional view about the employee's health. This process and the reasons for it will be explained to the employee prior to the referral being made. An outline of the referral process is at Appendix C. Subsequent referrals will be made as and when required.

The employee and line manager will be informed of the outcome of the referral. If the employee is found to have a medical condition which is/appears to be the underlying cause of the

persistent/patterns of short term absence, appropriate support and/or reasonable adjustments will be arranged. In cases where an employee has a Disability, attendance target may be adjusted as appropriate.

5.2 Formal procedure

5.2.1 Formal absence review meeting Stage 2

If an employee's attendance record does not improve, is not sustained or deteriorates at the end of the monitoring period (or earlier if deemed appropriate), they will be required to attend a formal absence review meeting with the designated Line Manager/HR Representative (or governors in the case of CEO/Headteacher/Principal absence). This marks the date of entry into the formal procedure. The employee will be given at least 5 working days written notice of the meeting and this will include the right to be accompanied by a trade union representative or work colleague. The employee should make every effort to attend this meeting and may make written and verbal representations.

The purpose of the formal absence review meeting is to:

- Review and discuss key issues relating to the employee's persistent/patterns of short term absence and their failure to meet the targets set for attendance within the required timescales
- Identify appropriate support, guidance and monitoring systems
- Issue a first warning (where appropriate) and set the length of the warning (e.g. 12 months) and to notify the employee of when interim review meetings will take place

Where a warning has been issued, the employee will be notified of their right to appeal.

Within 5 working days of the formal absence review meeting, the employee will be notified in writing of the outcome of the meeting.

Following the first formal absence review meeting, where a first warning has been issued, the employee will be required to attend interim review meetings as agreed with their manager. If, during the period of the warning, the employee's attendance improves to the required levels the formal process will conclude on the expiry of the warning.

If any subsequent periods of absence (which reach the trigger point) occur within 12 months of the expiry of the warning (the procedure will normally be resumed at the formal stage).

5.2.2 Further formal action

Where an employee's absence does not improve/deteriorates during the life of a warning, the employee will be invited to attend a further formal meeting with the employee's Line Manager/HR Representative (or governors in the case of CEO/Headteacher/Principal absence).

The employee will be given at least 5 working days written notice of the meeting. An employee should make every effort to attend this meeting; they may make representations and may be accompanied by a trade union representative or work colleague. The outcome of the meeting could be a final warning about the level of absence (or an extension to the warning period where this is deemed appropriate). Within 5 working days of the further formal absence review meeting, the employee will be notified in writing of the outcome of the meeting.

Where a final warning has been issued, the employee will be required to attend interim review meetings to monitor the employee's attendance, as agreed with their manager. If, during the period of the final warning, the employee's attendance improves to the required levels the formal process will conclude on the expiry of the final warning.

Where absence levels do not improve or deteriorate during the life of a final warning, a further meeting (s) may be held, the outcome of which will normally be dismissal.

Where dismissal is a possible outcome, the meeting will be conducted by the CEO/Headteacher/Principal (or governors in the case of CEO/Headteacher/Principal absence).

In exceptional circumstances, dismissal may occur without prior formal warnings.

Warnings/dismissal under this procedure will normally be on the grounds of lack of capability due to ill-health.

If any subsequent periods of absence (which reach the trigger point) occur within 12 months of the expiry of the final warning the procedure will be resumed at the formal stage.

5.3 Appeals

The employee will have the right of appeal to the governing body against any formal sanctions/dismissal. Such an appeal must be made in writing, clearly setting out the grounds, to the CEO/Headteacher/Principal, within 7 working days of receipt of the written notification of the outcome of the hearing,

Employees may be asked for clarification of the grounds for their appeal where this is not clear.

All appeals will be heard by the Governing Body Appeal Committee. The decision of this Committee is final, subject to the employee's rights at law.

The employee will be given at least five working days' notice of the appeal hearing in writing and may be accompanied by a trade union representative or work colleague.

Wherever possible the decision of the hearing will be notified verbally to the employee at the end of the hearing. In any case the employee will be issued with a written notification of the outcome within five working days of the hearing.

6. Long term sickness absence

Where an employee is on long-term sickness absence (usually defined as absence for 4 weeks or more), the following procedure will apply, as judged appropriate by the CEO/Headteacher/Principal (or Line Manager/HR Representative).

6.1 Referral to an Occupational Health Advisor

It will normally be appropriate to make a referral to an Occupational Health Adviser after 4-6 weeks of the absence depending on the nature of the illness, to provide information about the employee's long-term prognosis. This process and the reasons for it will be explained to the employee prior to the referral being made. An outline of the referral process is at Appendix C. In certain circumstances, particularly those involving stress or depression, a referral may be made sooner, usually after 2 weeks absence, as evidence suggests that early intervention increases the chance of a successful return to work.

Subsequent referrals will be made as and when required, including prior to any formal hearing (see Section 6.4).

The employee and line manager/Headteacher/Principal/CEO will be informed of the outcome of the referral.

6.2 Review meetings

Following a referral to an Occupational Health Adviser, the Line Manager/HR Representative will arrange to meet with the employee to discuss the on-going absence. The purpose of the meeting will be to discuss the long-term prognosis and any strategies which may support the employee's return to work.

Depending on the nature of the ill health, and the prognosis, further such meetings may take place,

A written record will be made of the key points of any meetings and any action agreed and this will be shared with the employee.

6.3 Returning to work

Where an employee becomes fit to return to work, the designated Absence manager of the respective school/academy will normally arrange a re-integration meeting with them before their return to work. This meeting will normally be informal and its purpose will be to support the employee's return to work.

It will sometimes be necessary to make alternative working arrangements and/or consider redeployment, on a permanent or temporary basis, to facilitate an employee's return to work (see section 4.8).

Such issues will be discussed between the line manager and the employee (and trade union representative and HR Consultant as appropriate). Agreed arrangements will be confirmed in writing.

6.4 Formal action

At an appropriate stage (usually, but not exclusively before 12 months absence), the employer may consider that the absence is no longer sustainable. This may also be the case where there has been repeated long term absences.

In this case, suitable alternative employment options and ill health retirement (where the employee is in the Pension Scheme) will be explored where appropriate,

Where these options are not available, the matter may be considered at a formal hearing with the CEO/Headteacher/Principal (Governors in the case of CEO/Headteacher/Principal absence) the outcome of which could be the termination of employment on the grounds of lack of capability due to ill-health. The employee will be given at least 5 working days written notice of the meeting and this will include the right to be accompanied by a trade union representative or work colleague. The employee should make every effort to attend this meeting and may make written and verbal representations. Where an employee's health prevents their attendance, the hearing may proceed in their absence and full account will be made of any written representations and/or presentations made on their behalf by their chosen representative,

The employee will be notified in writing of the outcome of the hearing within 5 working days. The notification will include notice where a decision is made to dismiss (employees are entitled to full normal pay for the period of notice) and details of the right of appeal.

6.5 Appeals

The employee will have the right of appeal to the governing body against dismissal. Such an appeal must be made in writing, clearly setting out the grounds, to the CEO/Headteacher/Principal, within 7 working days of receipt of the written notification of the outcome of the hearing. Employees may be asked for clarification of the grounds for their appeal where this is not clear.

All appeals will be heard by the Governing Body Appeal Committee. The decision of this Committee is final, subject to the employee's rights at law.

The employee will be given at least five working days' notice of the appeal hearing in writing and may be accompanied by a trade union representative or work colleague.

Wherever possible the decision of the hearing will be notified verbally to the employee at the end of the hearing. In any case the employee will be issued with a written notification of the outcome within five working days of the hearing.

7. Ill health retirement

An employee who is in the Local Government or Teachers' Pension Scheme may apply for Ill Health Retirement.

7.1 Teaching staff

A teacher may make an application for ill health retirement at any time. The application must be supported by medical evidence. This will ideally be provided by the employer's Occupational Health Service where they have been seen recently, but may be provided by an employee's GP/specialist. The decision to grant ill health retirement rests with Teachers' Pensions.

7.1.1 There are two levels of benefit:

- Partial Incapacity Benefits (PIB) – where an employee is deemed to be unfit to continue teaching, but fit to undertake other employment
- Total Incapacity Benefit (TIB) – where the employee is considered unfit for any employment. Different benefits apply to each type of retirement.

7.1.2 Date of retirement

If an employee is deemed unfit by Teachers' Pensions, the last day of service must be agreed as soon as possible under the Regulations and normal contractual notice periods cease to apply.

7.2 Support Staff

In order to qualify for ill health retirement benefits, an Occupational Health Adviser is required to sign a Certificate of Permanent Incapacity indicating that the employee is permanently incapable of continuing in their role. The employer must then dismiss the employee on the grounds of ill health incapacity.

7.2.1 There are three levels of benefit:

Tier I: The Certificate indicates that there is no reasonable prospect of the employee obtaining other gainful employment before their normal retirement age.

Tier 2: The Certificate indicates that although the employee is unlikely to be fit to obtain gainful employment within 3 years, it is likely that they will be fit to do so prior to the normal retirement age.

Tier 3: The Certificate indicates that it is likely that the employee will be fit to obtain other gainful employment within a period of 3 years. The pension benefit is payable for a maximum of 3 years. If the employee obtains gainful employment before the expiry of 3 years, their pension benefits will cease. A review will be conducted after 18 months and if the employee is deemed capable of obtaining gainful employment at that point, pension benefits will cease. Different benefits apply to each Tier.

7.2.2 Retirement dismissal procedure

Where a Certificate of Permanent Incapacity is signed, the employee will be invited to a formal meeting with the CEO/Headteacher/Principal. An employee should make every effort to attend this meeting, may make representations and may be accompanied by a representative or other appropriate person. Any dismissal will be with contractual notice.

7.2.3 Appeals

An employee has the right of appeal against:

The decision to dismiss on the grounds of permanent incapacity, in which case they should notify their line manager / Headteacher/Principal/CEO in writing, stating the grounds for the appeal within 5 days of the dismissal meeting. Any appeal will be heard by the Governing body Staff Discipline / Dismissal Committee.

The medical opinion stated on the Certificate of Permanent Incapacity in which case they should notify their line manager / Headteacher/Principal/CEO in writing, stating the grounds for the appeal as soon as possible after receiving the Certificate. This appeal will be dealt with by the Occupational Health Service and is separate from any appeal against a dismissal on the grounds of permanent incapacity. The outcome of any such medical appeal may affect any pension benefits they may have been entitled to, if any, but may not affect the decision to terminate their employment.

An employee may also contest a decision made in relation to the Local Government Pension Scheme under the internal disputes resolution procedure (IDRP). Details of this procedure will be notified to employees.

Ortu Federation Ltd

Appendix A – Sickness Self Certification & Return to Work form

Ortu Federation Ltd – Sickness Self Certificate & Return to Work

This form should be completed by all staff returning to work after sickness or injury absence. It should account for:

- a) Up to and including the first seven days of absence
- b) Absences longer than seven days require a Doctor's FIT note

Sickness Management procedures may be implemented following the following levels of concern:-

- 3 or more sickness days/days/instances in a term or
- 10 or more calendar days within a 6 month period
- Unacceptable regular patterns of absence, for example regular Monday or Friday absence, (two instances of).

Please note that making a false statement may result in disciplinary action being taken, including the possibility of dismissal.

SECTION 1 PERSONAL DETAILS

Name: [Click here](#)

Position: [Click here](#)

Department: [Click here](#)

I certify that I was incapable of work due to sickness/injury during the period stated below:-

First working day unfit for work: [Click or tap to enter a date.](#)

Last calendar* day you were unfit for work: [Click or tap to enter a date.](#)

Date returned to work following period of absence: [Click or tap to enter a date.](#)

Number of days absent from work:

Calendar days* [Select](#)

Working Days [Select](#)

**The requirement for a medical certificate is based on calendar days (not working days). For the purpose of completing this form therefore, Saturdays and Sundays are to be included if either or both of these days fell within, or were the first or last days of the period of sickness.*

DETAILS OF SICKNESS / INJURY

Please say briefly why you were unfit for work (give details of your sickness or injury – words like 'illness' or 'unwell' are not sufficient).

[Click or tap here to enter text.](#)

Do you consider this sickness a result of a work related accident or assault? [Choose YES/NO.](#)

(If so please contact HR directly)

Do you consider this sickness to be related to an impairment/disability under the Disability Discrimination Act? [Choose YES/NO.](#)

Any issues you may have arising from your sickness absence should be discussed with your Line Manager at your return to work meeting.

Please email a copy of this completed form to your Line Manager on your first day back to work following your sickness.

I declare that the information I have given is correct.

Signed: [Type name here.](#)

Date: [Select date.](#)

Failure to complete this form and attending a Return to Work meeting could result in sick pay implications.

SECTION 2 – RETURN TO WORK MEETING – *to be completed by Line Manager*

Date of return to work meeting: enter date.

Were notification requirements complied with as appropriate? (*i.e. notification on each day of sickness or as required, medical certificate from the 8th calendar day*) Select YES/NO

Self-certificate completed? Select YES/NO

Medical certificate required? Select YES/NO

Medical Certificate received & attached? Select YES/NO

Unauthorised absence (no notification/certification) Select YES/NO

Reason(s) given by employee for absence:-

Please enter details.

Record of issues discusses:

Where action is require, include any relevant review dates/timescales/support arrangements agreed.
Please enter details.

Name of person conducting meeting/discussion:

Enter name here

Date: Click or tap to enter a date.

Employees Signature: Type name here.

Date: Click or tap to enter a date.

Employee to complete **SECTION 1** prior to return to work meeting and emailed direct to Line Manager along with any supporting evidence to be attached.



Return to work meeting to be arranged on first day back to school



Line Manager to complete **SECTION 2** during return to work meeting and email to hr@ortu.org.uk.
Return to work meetings must be held within 3 days of employees return to work.

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Appendix B

Informal Stage Documentation (Stage I)

This form should be completed by the Line Manager and member of staff returning to work after sickness or injury absence. This will be meeting will take place after:

- c) 3 or more days/2 consecutive half term;
- d) 10 or more calendar days within a 6 month period
- e) Absence appears to have a recurring recognisable pattern i.e. Monday or Friday

PERSONAL DETAILS

LAST NAME: _____ FIRST NAME: _____			
I certify that I was incapable of work due to sickness/injury during the period stated below:			
First working day unfit for work:			
Last calendar* day you were unfit for work:			
Date returned to work following period of absence:			
Total number of days absent from work in the last 6 months:	Calendar days*		Working days
Total number of instances of absence from work in the last 6 months:			

DETAILS OF SICKNESS/INJURY

Reasons given by employee for pattern of absence
Issues Discussed:
Agreed Action Plan:

Alert of future implications poor attendance:

Is a referral to Occupational Health being made:

Action Points:

Measures to support/manage attendance:

Who	Action	Date

Any other comments:

Duration of Monitoring Period:

I declare that the information I have given is correct.

Signature of employee: _____

Date: _____

Signature of Manager _____

Date: _____

Please note that making a false statement may result in disciplinary action can be taken, including the possibility of dismissal.

All personal data entered on this form will be dealt with in a confidential manner in accordance with the requirements of the Data Protection Act.
When completed this form should be passed to the designated Absence Manager

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Appendix C

FORMAL ATTENDANCE ACTION PLAN MEETING

(Stage 2)

This form should be completed by the designated Absence manager and member of staff returning to work after sickness or injury absence. This meeting will take place after any of these thresholds:

- f) After two Stage 1 meetings
- g) After the 15th calendar day of absence within a 6 month period
- h) Following receipt of an OH report.

PERSONAL DETAILS

LAST NAME: _____		FIRST NAME: _____	
First working day unfit for work:			
Last calendar* day you were unfit for work:			
Date returned to work following period of absence:			
Total number of days absent from work in the last 6 months:	Calendar days*		Working days
Total number of instances of absence from work in the last 6 months:			

DETAILS OF SICKNESS/INJURY

<u>Reasons given by employee for pattern of absence:</u>
<u>Issues Discussed:</u>
<u>Target attendance:</u> <i>(Policy expectation is 96% attendance a year minimum)</i>

Review Date _____

Detriment to the school:

Are there any adjustments needed – Support:

Is a referral to Occupational Health being made/advice given:

Targets to support/manage attendance: (NB Policy expectation is 96% minimum in one year)

Who	Action	Date

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Warning issue details where appropriate:

1st Attendance Review meeting date (in 4 weeks) _____

Target set:

Support required:

Action:

2nd Review meeting date _____

Action on target set

a. Action by School

b. Action by staff

Formal outcome:

I declare that the information I have given is correct.

Signature of employee: _____

Date: _____

Signature of Manager _____

Date: _____

Please note that making a false statement may result in disciplinary action can be taken, including the possibility of dismissal.
All personal data entered on this form will be dealt with in a confidential manner in accordance with the requirements of the Data Protection Act.

When completed this form should be passed to the designated Absence Manager

Appendix D: Employee's fact sheet on referrals to Occupational Health

This information sheet seeks to provide answers to the most commonly asked questions about referrals to Occupational Health for an assessment

1. What is Occupational Health (OH)?

Occupational Health is an advisory service run by experienced, qualified medical and nursing advisers who are specialist in this field.

The role of Occupational Health is to support managers in ensuring your health is not harmed by your job and to make sure you are fit to carry out your role.

Occupational Health provides advice on reasonable adjustments and adaptations in the workplace that may enable you to work effectively without it impacting on your health. It is then up to your manager to consider this advice and decide whether it is practical or feasible to put these adjustments and adaptations in place.

Occupational Health is not able to give you treatment or diagnose your health problems; or have any influence over waiting lists. You still need to see your own Doctor for this.

Occupational Health is an impartial service and we cannot get directly involved in disagreements or other "management" issues.

This is a telephone service.

2. Why have I been referred?

You should be notified by your line manager/senior manager as to why you have been referred. There is a common misconception that employees are only referred when there is doubt about the legitimacy of their absences or when there are going to be disciplined or dismissed. This is not the case; OH is there for your benefit as well as for your manager.

3. Do I have to participate / engage?

The purpose of the referral is to see how the referring manager can support you at work. You do not have to participate / engage the telephone appointment at Occupational Health. However, in those circumstances, your employer would have no choice but to take decisions based on the incomplete information that was made available to them. It is in your interest to attend so that Occupational Health can provide advice to your manager based on all the facts.

4. What will Occupational Health do?

During the telephone conversation, the Occupational Health clinician will discuss the reasons for the referral and gather information from you, such as confidential health information, details about on-going treatment and investigations and identifying any possible barriers that may affect your ability to return to work. You may also be provided with advice about the management of your health condition(s).

5. What information do I need to provide?

It may be helpful if you could provide: details of any medications you are on and the names and addresses of your GP and hospital specialists you are under the care of.

6. Will OH be contacting my GP or other medical practitioners who are treating me?

Occupational Health may wish to get further clinical information. In accordance with the Access to Medical Reports Act 1988 your consent will need to be obtained by the Occupational Health team before they request a report from your GP, hospital doctor / consultant (PTO) or any other medical specialist who is treating you. You do not have to give this consent. In those circumstances Occupational Health will base their report on the information they have, although this may be incomplete. It is advised that it would be in your best interests to ensure Occupational Health have a full picture of your state of health position so that they are able to provide clear advice to your manager about any support you require.

You have the right to see a copy of the report from your doctor before it is sent to Occupational Health and you will be asked to formally notify this on the consent form that you will be asked to complete.

7. What is likely to be written in the manager's advice letter?

First and foremost, the advice letter will **not** normally include any specific medical details, unless you are happy for us to divulge such information. It is likely to contain an outline of the current situation such as the functional difficulties which may impact on attendance and/or performance, but the main contents will be answers to the questions in the referral and any OH recommendations that may assist your return to work or recovery. Your manager is not bound by this advice and needs to consider it in balance with other business needs.

It is not considered to be a verbatim report of the conversation between yourself and the clinician but a letter of advice and recommendations to your manager taking on board what was discussed between yourself and the OH clinician and discussions that the clinician may have had with their OH colleagues, your manager and if necessary the named HR consultant.

All management advice letters will be sent by e-mail as a password-protected attachment unless requested. The password will be sent in a separate e mail on confirmation of receipt if it was not given to you during your consultation. Where e mail addresses are not available hard copies will be sent by post.

8. Do I have the right to see the report before it is sent to my manager?

Occupational Health will discuss the contents of the advice letter with you and you will be asked to sign a consent form. If you indicate the wish to see the report before it is sent to the referring manager, you will have up to 3 working days to respond with your feedback. If we do not get any feedback by 12.00 noon on the third day, the letter will automatically be released.

Our role is purely to report back on health issues and how it impacts on work along with any advice on adjustments or means of support. If there are any work related issues we will only be briefly summarising this, in very general terms clearly collating what you reported with the information in the original referral.

9. Do I have the right to stop OH sending the advice letter?

By attending the appointment you have accepted the process and that a report will be made.

10. What can I do if I don't agree with what Occupational Health has said?

You can submit your own written comments to Occupational Health which will then be sent with the advice letter or alternatively you can send it directly to the referring manager.

11. What about confidentiality?

Medical information or sensitive personal issues will **not** be divulged without your consent. Otherwise everything else is potentially open to being released eg reasons given for cancellations, work related issues, recommendations on reasonable adjustments and advice in relation to Equality Act 2010.

12. If I want to make a complaint what should I do?

If you wish to make a complaint, you will need to put this in writing. Contact relevant HR at your respective school / academy

Appendix E – Overview of the procedure for managing frequent short term sickness absence

All absences require a self-certification form/statement of sickness and a return to work meeting. Employee's absence reaches trigger point. The trigger is 3 absence periods in 2 consecutive ½ terms.

INFORMAL STAGE (Line Manager/HR Representative)

Invite employee to attend an **informal absence review** meeting. At meeting:

1. Agree action plan (incl. set appropriate target for attendance e.g. 96% attendance to be achieved for set period)
2. Alert employee may enter formal process if no/ insufficient improvement
3. Set monitoring period e.g. one term/two consecutive terms
4. Confirm all action points in writing as soon as possible.

NB: Consider Occupational Health referral in appropriate circumstances. Response may differ if recognised medical issue is found to be the underlying cause of the persistent short term absence.

If attendance does not improve/deteriorates during monitoring period – at the end of the monitoring period (or earlier if deemed appropriate) consider whether to enter the **formal process. (Refer to CEO/Headteacher/Principal)**

If attendance improves, informal process concludes

FORMAL STAGE (Line manager/appropriate manager)

First formal absence review meeting (ensure employee has notice of meeting and notified of right to be accompanied) to review and discuss:

1. Key issues relating to persistent/patterns of short term absence and failure to meet set targets for attendance within required timescales
2. Appropriate support, guidance and monitoring systems
3. Issue **first warning** (where appropriate) (set length of warning e.g. 12 months) and notify when **interim review meetings** will take place
4. Where warning issued, notify of **right to appeal**.

If attendance improves to required levels by the end of the warning, the formal process concludes.

(NB if any subsequent periods of absence occur within 12 months of the expiry of the warning (which reach the trigger point) the CEO/Headteacher/Principal will resume the process at the formal stage).

If attendance does not improve/deteriorates during the life of the warning this will normally lead to a further formal meeting(s) (as appropriate). The outcome of the further formal meeting(s) may be:

1. Final warning/extension to warning period
2. Dismissal (where no improvement and warning still current)

All such formal meetings must be convened with proper notice to the employee and the right to be accompanied. (NB. If dismissal is a possible outcome the CEP/Principal must conduct the meeting).

If employee has received a final warning or been dismissed, they should be offered the right of appeal.

Appendix F – Sample risk assessment for employee returning from sick leave before expiry of fit note

CONFIDENTIAL: RISK ASSESSMENT relating to request to return to work on [date]
 _____ by employee [name] _____

An individual may return to work prior to the expiry of their fit note without going back to see their doctor (even if the doctor had indicated that they need to assess them again). This will not breach Employers Liability Compulsory Insurance, provided a suitable risk assessment has taken place.

1) When is the fit note due to expire?	
2) Did the fit note contain any recommendations relating to the employee and their return to work? If so give details including discussions with the employee	
3) When does the employee wish to return to work?	
4) Are they seeking any adjustments to their role to return early? Can these be accommodated?	
5) Have you considered/identified any possible risks associated with an early return to work? Give details.	
6) What measures will be undertaken to manage any such risks?	
7) What support and supervision will be available to the employee on their return?	

8) Has early return to work been agreed? Give details.	
--	--

SIGNED
CEO/HEADTEACHER/PRINCIPAL/MANAGER _____ DATE: _____

To be kept on the personal file.