

GILLINGSTOOL PRIMARY SCHOOL

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MANAGING SICKNESS ABSENCE POLICY AND PROCEDURE

Signed ... 

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Date: June 2021

Signed 

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Date: June 2021

1. Policy

This policy is based upon the model school policy for Managing Sickness Absence for South Gloucestershire schools.

This policy of the Governing Body provides a framework and sets standards to ensure that employees are treated fairly and consistently, whilst enabling organisational improvement, by:

- Supporting and encouraging the health, safety and welfare of its employees;
- Ensuring that employees with health issues, including those absent from work are treated fairly, sympathetically and consistently;
- Responding to the consequences of absence for service provision, associated costs and any additional workloads falling to other employees;
- Monitoring all instances of absence short or long term, to ensure they are addressed appropriately with the focus being to ensure high levels of attendance;
- Following reporting procedures and sick pay schemes consistently;
- Dealing with abuse of the sick pay scheme robustly and promptly;
- Ensuring there is no discrimination in accordance with the Equality Act 2010;
- Ensuring confidentiality is maintained and respected in accordance with the Data Protection and Access to Medical Reports Acts;
- Ensuring that all employees are aware of the Policy and the underlying principles.

There is supporting guidance which provides further details on aspects of this policy, and therefore should be used in conjunction with it. Both documents should be issued to employees.

2. Scope of procedures

These procedures apply where an employee experiences any ill health absence; or where there is an established underlying medical condition or disability (this may not necessarily result in long term or continuous absence from work).

Where ill health issues occur in relation to the Headteacher, then the role of the Headteacher as described in these procedures will normally be carried out by the Chair of Governors or other appropriate Governor (as advised by the school's HR Officer).

The procedures described in this document do not cover situations where an employee either fails to observe the school's sickness reporting procedures or makes a false claim about sickness absence. In such circumstances, Headteachers are advised to speak to their HR Officer for advice.

3. General principles of managing sickness absence

- Sickness absence should be reviewed regularly.
- Regular contact should be made with employees who are absent due to sickness;
- The professional services of Occupational Health should be used to guide and inform decision making, where appropriate;
- Return to work interviews should be carried out when an employee is able to return to work;
- Advice and support should be sought from your HR Officer throughout the process.

4. Procedure for dealing with long term sickness absence cases

This procedure applies when an employee's continuous sickness absence has lasted for four weeks and is expected to continue.

Where there are a number of long-term absences that appear to be due to unrelated medical conditions then these will usually be considered to be sporadic and should be dealt with under paragraph 5; the procedure for dealing with short term/sporadic sickness absence cases.

The Headteacher, or Line Manager, should continue to maintain regular contact with the employee. On receipt of a 'fit note' from the employee's GP there should be consideration of any support or reasonable adjustments suggested by the GP that could be made to enable the employee to return to work. Further advice should be obtained from Occupational Health if appropriate. In any event, if the employee has not already been referred to Occupational Health after four weeks of sickness absence then it is recommended that a referral is made after this period of time.

4.1 Initial review after four weeks of sickness absence

When an employee's absence reaches four weeks, the Headteacher/Line Manager should arrange to review the situation with the employee. Where there has been regular contact, the employee's ill health situation is known, and he/she is likely to be able to return to work imminently, then an appropriate form of contact should take place, and in many situations a telephone conversation should suffice.

If a meeting takes place, the employee may wish to be accompanied by his/her 'Companion' (a trades' union/professional association representative or work colleague). The Headteacher /Line Manager may be accompanied by an HR Officer if required.

If the employee is hospitalised at this time, the review and any associated action should be postponed, pending the individual's discharge from hospital. The Headteacher should seek advice from their HR Officer.

The review will enable the following areas to be discussed with the employee where appropriate:

- Confirmation/clarification of the nature of the sickness absence;
- The expected duration of the absence and a likely possible return to work date;
- Any concerns or issues that the Headteacher/Line Manager, or the employee, has regarding the absence;
- Any assistance that the school can give to support an early return to work e.g. supported/accompanied visits to the school, possible reasonable adjustments, rehabilitation, temporary or permanent redeployment;
- Confirmation of a referral to Occupational Health;
- A discussion in relation to any other support that can be given to the employee, e.g. access to Interchange (a confidential counselling service), the Teacher Support Line (a telephone service providing support, advice and counselling for teachers – telephone number: 0333 2590588); his/her local trades' union or professional association representative, etc.

Possible outcomes may therefore be:

- No further action at this stage, keeping absence levels under review;
- A referral to Occupational Health for advice and assistance where appropriate;
- Other alternatives that the school can accommodate (e.g. a temporary change in hours).

4.1.1 Occupational Health Referral

During the 'initial review stage' (as outlined in section 4.1) and where the employee's return to work is not imminent and a referral to Occupational Health is required, then the reason for the referral should be discussed with the employee. Normally the Headteacher/Line Manager will send a copy of the referral form to the employee to sign and return to the Headteacher/Line Manager.

It should be explained to the employee that the purpose of the referral is to obtain advice that will help the Headteacher/Line Manager make an informed decision about the most appropriate course of action to take, and any appropriate support which could be offered to the employee and generally to gain an understanding of the employee's ill health situation.

4.2 Meeting to Review Occupational Health Advice

Once the report has been received from Occupational Health after the initial review stage then a meeting should be arranged by the Headteacher/Line Manager with the employee. The employee may wish to be accompanied by his/her 'Companion' (a trades' union/professional association representative or work colleague) and an HR Officer if required.

The purpose of a meeting to review occupational health advice should be:

- to discuss the employee's general ill health situation;
- to discuss potential options with the employee.

A meeting may not be required in such circumstances where:

- an imminent return to work is agreed between the employee and the Headteacher/Line Manager which does not require further discussion.

It may be necessary to hold a series of meetings with the employee depending on the additional advice from Occupational Health that is sought by the school.

This meeting (or meetings as appropriate) should include a discussion about the employee's situation in the light of all the information available and consider the options for the employee's return to work, which will fall broadly into one of the following categories:

Likely to return to work:

where there is a likelihood of a return to normal or near normal work within the foreseeable future, consideration should be given as to how the employee might be best assisted, by permanent or temporary arrangements. These could include:

- an agreed, structured phased return to work including a return to work plan;
- a reasonable adjustment in terms of the employee's duties, hours of work, or work practices;
- reasonable adjustments e.g. the provision of aids or adaptations.

There may be circumstances where advice from Access to Work may be appropriate as they may be able to offer practical and/or financial help to an employer in order to support an employee with a disability.

Likely to return to work, but not yet:

where the advice from Occupational Health is that there is a likely return to work, but due to the employee's medical condition it is unclear when that return will be. It is likely that the situation will require a further period of monitoring and possibly a subsequent Occupational Health report.

Likely to return to work but not to the employee's former duties:

where Occupational Health has advised that the employee will not be able to return to their former duties on medical grounds, but may be able to undertake other duties, then consideration may be given to the following options:

- Are there substantial adjustments or changes that could be made to the employee's duties or hours of work to enable him/her to return to work; or,
- could the school consider redeploying the employee to a post within the school, when there is a suitable vacancy in line with the employee's skills and experience?

No foreseeable likelihood of a return to work:

if despite all the efforts of the employee and the Headteacher/Line Manager, and with the specialist advice and support from Occupational Health and HR, there is no prospect of a return to work in the foreseeable future, then the options for consideration should include:

- a discussion of all previous actions and their effectiveness;
- whether there are grounds for **early retirement** on the basis of permanent ill-health, supported by Occupational Health
- whether to consider dismissal on the grounds of lack of capability due to ill-health (**the implications of this option must be fully discussed with the employee and conveyed**)

sensitively). This should be confirmed in writing with the employee following the review meeting and he/she should be informed that a hearing will be arranged to consider dismissing him/her on the grounds of a lack of capability due to ill health.

4.3 Ill Health Dismissal

Where there is no foreseeable return to work the employee may be informed that the school will need to consider dismissal on the grounds of lack of capability due to ill-health. Please refer to Section 6.

5 Procedure for dealing with short term/sporadic sickness absence cases

Sporadic absences may include situations where there are a number of short, or long term absences that appear to be due to unrelated medical conditions and which form an unacceptable pattern.

5.1 Intervention points for management action

Intervention points for sporadic/short term absence help to provide a consistent and measured approach to managing sickness absence but each case should be considered on its own merits. If an intervention point is met or exceeded a formal process will not automatically be commenced.

The Headteacher/Line Manager should review the employee's attendance when the following points are reached within the last six months:

- 3 periods of absence (irrespective of length of absence), or
- 10 days' total absence

5.2 Return to work interview

A return-to-work interview should be conducted by the Headteacher/Line Manager with the employee **after each instance of absence** in order to identify the cause of absence and to provide an opportunity to explore any particular problems the employee may have. The self-certification form may be used for this purpose.

5.3 Informal review meeting

Where concern about an employee's level and/or pattern of absence has been triggered the Headteacher/Line Manager should consider the information available, noting any patterns to the absences, what proportion is certificated/uncertificated and what reasons have been given for the absences.

A review meeting should then be arranged between the Headteacher/Line Manager and the employee to discuss the situation and to communicate any concerns. An employee's request to be accompanied at the meeting by their 'companion' (a trades' union/professional association representative, or work colleague), should not be unreasonably refused. The Headteacher/line manager may seek advice from the Schools' HR Officer.

The meeting will provide the opportunity for:

- the employee to express his/her views about the absences, including the reasons (noting any GP certificates ('fit notes') or 'self certificates' covering the absence), such as any particular medical, personal or work circumstances which may have contributed to his/her absence;
- advising the employee about the difficulties emanating from a high level of absence and encouraging improvement, but in a supportive manner;
- discussing actions on how to achieve that improvement, which may include a referral to Occupational Health (and the employee's consent sought);
- considering other forms of support or short term adjustments which may assist the employee;
- agreeing a timescale for improvement in attendance;
- it should be explained to the employee that all reasonable support will be provided, but also the employee should be made aware of the potential consequences of continued unacceptable absences, i.e. that a formal meeting may be held under Section 5.5 of this procedure.
- The employee should receive written confirmation of the points discussed and the agreed review period.

5.4. Consideration of the employee's attendance levels following the review period

The Headteacher/line manager should review attendance at the end of the agreed review period:

Where sufficient improvement is achieved within the agreed timescale

this should be acknowledged by the Headteacher/Line Manager and noted on the employee's personal file.

Where insufficient improvement is achieved within the agreed timescale

then the Headteacher/Line Manager should ensure that all reasonable steps have been taken to ascertain whether there is any underlying reason for the absences, as per paragraph 5.3.

Where the Headteacher/Line Manager is satisfied that personal, domestic or other circumstances have caused or contributed to the employees level/pattern of sickness absence, then normally a further review date should be set and reasonable support measures put in place.

Where ultimately, despite all reasonable support measures, the employee's level of attendance continues to be unacceptable then the employee will be required to attend a 'Sickness Absence Review Meeting' under Section 5.5. of this procedure.

5.5 Formal Sickness Absence Review Meeting

An employee will be given at least 5 working days' notice in writing to attend a Sickness Absence Review Meeting. He/she may be accompanied by his/her 'Companion' (a trades' union/professional association representative or a work colleague).

The Headteacher will ensure that the employee has:

- a copy of this procedure and guidance notes;
- a copy of his/her sickness absence record;
- copies of any relevant correspondence.

An HR Officer may be requested to attend the meeting in an advisory capacity.

The Headteacher will conduct the meeting which will include:

- an explanation of the concern about the impact of the absences on the employee's performance, on service delivery and on other employees;
- discussion about the advice received from Occupational Health, where sought;
- an opportunity for the employee and/or representative to respond and raise any circumstances for consideration;
- an exploration of possible ways of assisting the employee to improve attendance.

After consideration of all the relevant information during an adjournment, the Headteacher will reach a decision:

- That no further action is required, *or*
- That a further review will take place within a specified time, *or*
- That a **first sickness absence warning** will be issued, which will remain on file for 12 months, and that a further Sickness Absence Review Meeting will take place if his/her absence continues to be unacceptable, which may result in him/her being issued with a final sickness absence warning.

5.6 Final Sickness Absence Review Meeting

Where the employee's absence continues to be unacceptable after the issue of a first sickness absence warning, a final sickness absence review meeting will take place and a decision reached as in 5.5 above, however a **final sickness absence warning** may be issued, which will remain on file for 2 years. The employee should be informed that in this instance, if his/her absence remains unacceptable then the employee will be required to attend a hearing to determine whether or not he/she should be dismissed on the grounds of a lack of capability due to ill health.

5.7 First and final sickness absence warnings

Sickness absence warnings should normally contain:

- A statement of the level of absence and management's concerns about its effects.

- The potential consequences for the employee of a continuing high level of absence, such as a final sickness absence warning, or dismissal on grounds of a lack of capability due to ill health.
- Confirmation of any arrangements that are to be implemented in an effort to improve the employee's attendance, including a review date.
- An explanation of the employee's right of appeal.

6. Dismissal for lack of capability due to ill health

Where:

- The school has exhausted all other options in the procedure for dealing with long term ill health cases, *or*
- Within 2 years of receiving a final sickness absence warning an employee has had further unacceptable levels of absence in accordance with the procedure for dealing with short-term/sporadic sickness absence cases,

then the Headteacher will seek advice from his/her HR Officer, to determine whether a hearing should be arranged, to consider dismissal of the employee on grounds of a lack of capability due to ill health.

If an employee does not attend either an agreed date for a dismissal hearing, or re-convened hearing date, and gives no reasonable explanation for failing to attend, the hearing may continue in the employee's absence. Employees should be given an opportunity to submit written information so that it can be considered at the meeting if they are unable to attend.

If the employee's chosen 'companion' is unavailable, the hearing will be postponed to the time that the employee proposes, provided that the alternative time is reasonable and not more than 5 working days after the original date of the proposed hearing.

6.1 Dismissal hearing

A 'Panel' will be convened for the hearing. The 'headteacher' may act in a 'Panel' capacity where he/she has not been managing the case or alternatively the Panel may be comprised of normally three governors.

The employee should be given at least 5 working days' notice in writing of the hearing and of the right to be represented, and should be provided with copies of all relevant documentation. Support will be provided at the hearing by HR for Schools.

The outcome of the meeting must be confirmed in writing to the employee within 5 working days of the hearing, together with his/her right of appeal.

The employee will be given notice in accordance with statutory legislation/conditions of service.

6.2 Appeals

The employee has the right to appeal against any sanction given under the formal stages of the Procedure: either a first or final sickness absence warning, or dismissal.

An employee who wishes to exercise his/her right of appeal must notify the Chair of Governors, in writing, normally within 5 working days of receipt of the written confirmation of the outcome of the sickness absence meeting, or dismissal hearing. The Appeal Panel will be comprised normally of three governors who have not had a previous involvement in the case.

For the purposes of clarity, appeals in relation to warnings should be based on either the employee's view that:

- the decision to move to the formal process was unfair because the process had not been properly followed; *or*,
- the decision to issue a final sickness absence review warning was unfair due to the employee's progress during the first formal action plan period; *or*,
- that the content of either action plan was unreasonable given the employee's circumstances.

The grounds on which the Appeal is made, and any supporting information, should be sent at that time, or as soon as possible, but at least two working days before the date of the date of the Appeal Hearing. The Appeal Hearing will normally be heard within 10 working days of the written notification of the Appeal and the decision of the Appeal Panel will be final.

7 Alcohol, Drugs and Substance Misuse Policy

Where an employee has an alcohol or drug related problem the school should, in applying this procedure, give consideration to the school's Alcohol, Drugs and Substance Misuse Policy.

