



HEARTS ACADEMY TRUST

# **Sickness Absence Management Procedure**

Adopted by Directors: September 2018

To be reviewed: June 2021

HEARTS Academy Trust is committed to providing a happy, caring and safe learning environment for all within a values led context, where everyone feels valued and grows in confidence and independence.

We promote **HAPPINESS** through a creative, exciting and practical curriculum, which generates a love of, and interest in, learning and a resilience and hope which supports us through challenging times.

Great value is placed on pupils' self **ESTEEM** which is developed through a positive and motivated attitude to learning, a healthy lifestyle, good social skills, self-discipline and a positive self-image.

We promote the highest standards of **ACHIEVEMENT** in all areas of the curriculum and help all pupils to fulfil their potential regardless of gender, race or ability.

We foster **RESPECT and RESPONSIBILITY** for all by establishing good relations between the school, home and community. Pupils are taught respect for themselves, others and the environment. They are also taught to take full responsibility for their own choices and responsibility for themselves and their community.

We encourage **TRUTH** and honesty in all aspects of school life – relationships, work and the curriculum and learn to trust and accept others' individuality and uniqueness.

We develop **SPIRITUALITY and SERVICE** so that calm, quiet, reflective times which support deep thought are part of school life and beauty is appreciated. We promote a service culture that reflects our duty to support and show compassion to all members of the community and not just ourselves.



**Children at the HEART**

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# Sickness Absence Management Procedure

## 1. 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.

### 1.1 Policy statement

The Trustees are 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 schools 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

### 1.2 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 school 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 Board of Trustees 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 Trustee to implement the absence management procedures in the case of the absence of the CEO.

- 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 Head of School 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
- Ensure that all records relating to the management of absence and ill health will be gathered, processed and held and shared in accordance with the requirements of the General Data Protection Regulations and Data Protection Act.

### **3.3 It is the responsibility of all staff to:**

- 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
- Refrain from inappropriate behaviour that may cause excessive stress to themselves and others and take responsibility for their own health and wellbeing, which could include proactively planning workloads or speaking to their line manager to prioritise.
- Safeguard and maintain their own health and attend 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
- 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 Services, 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 their Head of school in line with **Appendix E**. Contact should be made by telephone.

Further contact must be made on subsequent days as agreed with the manager. Regular contact must be maintained to inform about progress and likely duration of absence. Contact must be made by 5pm on every day of absence, to inform the Head of School about the following day.

#### **4.1.2 What to report**

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

- 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 fourth 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

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 D.

#### 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 line manager 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. A return to work form is available at **Appendix B**.

### 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 (in line with the burgundy book)

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 [Evidence of the dates of previous employment will be required]

#### 4.4.2 Local Government Services staff (in line with LG pay and conditions)

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.

For Local Government Staff the period for which sick pay will be paid and the rate of sick pay for any period of sickness absence will be calculated by deducting any periods of paid sickness absence during the twelve months immediately before the first day of the absence from the sick pay entitlement set out.

#### **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 Trustees 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 line manager 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.

Free support is available from the Education Support Service. The school counsellors continue to be available for staff who are absent.

##### **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. Where an employee refuses to attend an OH appointment without good reason, the school reserves the right to withhold contractual sick pay.

#### **4.6 Medical suspension**

In certain circumstances, where it is felt that an employee is not fit to attend work, the head teacher or chair of governors 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 Trustees 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 Adviser.

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 3 weeks, unless this would jeopardise the full recovery and return of the staff member.

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 (ie not working at height or heavy lifting), 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'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 Trustees 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 and the records retention policy.

### **5. Procedure for managing frequent short term sickness absence**

A flowchart summarising the procedure is available at Appendix C.

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:

- Three periods of absence in two consecutive half terms, or
- Unacceptable regular patterns of absence, for example regular Monday or Friday absence.

#### **5.1 Informal procedure**

##### **5.1.1 Informal stage**

The line manager 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 (normally in writing) 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)

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 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. 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 targets may be adjusted as appropriate.

## **5.2 Formal procedure**

### **5.2.1 Formal absence review hearing**

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 hearing with their line manager (or Trustees in the case of Head of School's 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 hearing 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 hearing and may make written and verbal representations.

The purpose of the formal absence review hearing 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 hearing, the employee will be notified in writing of the outcome of the hearing.

Following the first formal absence review hearing, 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 hearing with the employee's line manager (or Trustees in the case of Head of School's absence).

The employee will be given at least 5 working days written notice of the hearing. An employee should make every effort to attend this hearing; they may make representations and may be accompanied by a trade union representative or work colleague. The outcome of the hearing 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 hearing, the employee will be notified in writing of the outcome of the hearing.

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 hearing (s) may be held, the outcome of which will normally be dismissal.

Where dismissal is a possible outcome, the hearing(s) will be conducted by the Head of School (or Trustees in the case of Head of School's 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 Trustees against any formal sanctions/dismissal. Such an appeal must be made in writing, clearly setting out the grounds, to the headteacher, 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 Trustees 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.

### **6.1 Referral to an Occupational Health Advisor**

It may be appropriate to make a referral to an Occupational Health Adviser after 4 weeks of the absence depending on the nature of the illness, to provide information about the employee's long-term prognosis and to explore options to facilitate an early return to work where appropriate. This process will be explained at an informal meeting on week four of the absence and the referral will be discussed in full. It is expected that the informal meeting will take place at the workplace, though it could rarely take place by telephone.

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

The employee and line manager/Head of School will be informed of the outcome of the referral.

### **6.2 Review meetings**

Following a referral to an Occupational Health Adviser, the manager 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 line manager 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 Head of School (Trustees in the case of Head of School's 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 hearing 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 hearing and may make written and verbal representations.

In some instances it may not be possible for the Employee to attend meetings due to the nature of their illness. The School will consider rescheduling meetings where this is reasonable and practicable.

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

Should the Employee not attend and no representations be received the Headteacher / panel will make a decision as to the outcome based on the available information and write to the Employee with the decision.

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.

It will be deemed sufficient for the School to issue written confirmation of the outcome of the hearing / appeal to the Employee's last known address.

#### **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 Head of School, 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 Trustees 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 1: 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 Head of School. 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 / Head of School in writing, stating the grounds for the appeal within 5 days of the dismissal meeting. Any appeal will be heard by the Trustees Staff Discipline / Dismissal Committee.

The medical opinion stated on the Certificate of Permanent Incapacity in which case they should notify their line manager / Head of School 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.

## Appendix A – Self certificate form

### Confidential

This certificate must be completed as follows:

Teachers – to cover the 4<sup>th</sup> to 7<sup>th</sup> day of every absence inclusive if not covered by a fit note.

Other staff – to cover the 1<sup>st</sup> to 7<sup>th</sup> day of every absence inclusive if not covered by a fit note.

Your sickness absence dates
Your name:
The date of your first day of illness:
The date of your last day of illness (this may not always be a working day):
The date you returned to work:
The number of consecutive calendar days you were not at work:

Your sickness absence
Please give a general outline of what caused your sickness / the symptoms you experienced:

The type of sickness absence				
Is your sickness absence related to (please circle one):				
Sickness	An accident or assault at work	Your work or working environment	A disability or impairment	An accident outside of work that you are seeking compensation for from a third party
	An incident form will need completing	An incident form will need completing		

The sickness absence reason			
Sickness absence is reported using these 16 general categories. Please circle the main reason for this sickness absence.			
Back and neck problems	Upper limb problems	Lower limb problems	Cancer*
Chest, respiratory	Eye, ear, nose, mouth/dental, throat	Genito-urinary/ gynaecological	Headache and migraine
Heart, blood pressure, circulation	Neurological (for example, epilepsy)	Operations, post-operative recovery and hospital treatments	Pregnancy related
Skin	Stomach, liver, kidney, digestion	Stress, depression and mental health	Viral infection

\*Note that if the reason is cancer, this should always be recorded as a disability/impairment related sickness absence in the type of absence section above.

Please be aware that if you knowingly supply false information about your sickness absence, it will be dealt with under the Disciplinary and Dismissal Procedure and ultimately your employment could be at risk.

Signature		Date
Employee		

The information on this form will be held in accordance with the Data Protection Act and may be used to provide statistical data.

## Appendix B – Return to Work form

To be completed by the line manager following a return to work interview.

### Confidential

Complete this part of the form before the return to work discussion			
Employee's name:			
Do you feel the local arrangements for reporting sickness absence were followed:	Yes	No	
If 'no', why?			
How long as the employee been absent on this occasion:			
How many calendar days has the employee been absent due to sickness in the last 12 months:			
How many separate periods of absence has the employee had due to sickness in the previous two consecutive half terms:			
Has the employee reached the trigger point for commencing the procedure for short term absence (i.e. three absences in two consecutive half terms or unacceptable regular patterns of absence):			
Was the sickness absence:	Self-certificated	Covered by fit note	Unauthorised

Complete this part of the form during the return to work discussion
The details of sickness / injury were:
The issues discussed were:
Complete this part of the form during the return to work discussion
The support / actions discussed were:

Other details you would like to make a note of:

Does an accident report form need completing?	Yes	No
Are any follow up actions required? (Give details if applicable e.g. arrange date for informal absence review)		

	Signature	Date
Manager		
Employee		

The information on this form will be held in accordance with the Data Protection Act.

## Appendix C – Overview of the procedure for managing frequent short term absence

Employee's absence reaches trigger point (all absences leading to trigger point should be followed by a return to work meeting with line manager)



**INFORMAL STAGE (Line Manager)**

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

1. Agree action plan (incl. set appropriate target for attendance e.g. 95% 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 to required levels/deteriorates during monitoring period – at the end of the monitoring period (or earlier if deemed appropriate) consider whether to enter the **formal process**.

**If attendance improves to required levels, 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 Headteacher 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 Headteacher must conduct the meeting).

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



## Appendix D – 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 HEADTEACHER/MANAGER \_\_\_\_\_ DATE: \_\_\_\_\_

**To be kept on the personal file.**

## Appendix E - HEARTS Academy Trust: School procedures for staff when absent due to illness

	<b>Procedure – Day 1 of absence</b>	<b>Subsequently</b>
Briscoe Primary School	KS2 Staff to telephone either Terri Chudleigh, EYFS, KS1 and support staff to contact Nicola Coggin by 7.30am (preferably by 9pm the night before)	Telephone school office by 3pm to inform whether or not you will be returning to work the following day.
Hilltop Infant School	All staff to telephone Dan Chapman by 7.30am.	Telephone school office by 3pm to inform whether or not you will be returning to work the following day.
Hilltop Junior School	All staff to telephone Alison Waite by 7am.	Telephone school office by 3pm to inform whether or not you will be returning to work the following day.
Stambridge Primary School	All staff to telephone Hannah James/Bradley Saunders by 7.30am.	Telephone school office by 3pm to inform whether or not you will be returning to work the following day.
Waterman Primary School	All staff to telephone Eileen Thorn by 7.30am (preferably by 9pm the night before)	Telephone school office by 3pm to inform whether or not you will be returning to work the following day.
Wickford Church of England School	All staff to telephone Louise Johnson by 7.30am (preferably by 9pm the night before)	Telephone school office by 3pm to inform whether or not you will be returning to work the following day.
HEARTS House	Lead Practitioners to telephone DoL by 7.30am All other staff to telephone Debbie Rogan by 7.30am Additionally, all staff are to email Penny Partridge by 7.30am	Telephone HEARTS House by 3pm to inform whether or not you will be returning to work the following day.
The Atrium	All staff to telephone Abi Cansdale by 7.30am (preferably by 9pm the night before). Additionally, all staff are to email Penny Partridge by 7.30am	Telephone Abi Cansdale by 3pm to inform whether or not you will be returning to work the following day. Follow up with an email to Penny Partridge.

## Pressures and Pressure Points Profile: Self-assessment

<b>Name</b>	
<b>Job Title</b>	
<b>Date of completion</b>	
<b>Manager</b>	

**A**

**What is going well right now?**

**B**

<b>Nature of pressure</b>	<b>Ranking Please rank in order of which has the most impact on you, 1 being the most important.</b>	<b>Pressure point (when it happens e.g. routine, weekly, occasionally)</b>	<b>What can you do about it?</b>	<b>What do you feel your manager/supervisor can do about it?</b>

**C**

Transfer the top 5 pressures in order:	
1	
2	
3	
4	
5	

Use this as a base for discussion with your manager or someone else and see what can be helped or improved

## Appendix G

### Advice note for School Leaders regarding managing staff, the working environment and managing staff sickness levels

#### Core responsibilities

- To provide a working environment conducive to enabling the employee to perform safely
- To keep in regular contact with an absent employee

Fit notes are advisory documents. The Trust may allow an employee to return to work before the expiry of the note or where the GP states they may be fit for work. The Trust has the right to request an employee remains off work if an early return cannot be accommodated. Should the employee feel fit to return to work prior to the expiry date of the note, the Trust will give this due consideration and may undertake a risk assessment to establish whether the employee is fit to return to work early.

If someone is on long term sick, nominate a contact who may not necessarily be the line manager. Occupational Health is available at a cost of £120 per referral which may be a telephone interview.

When an employee returns to work on a phased return, they are paid for the hours they work in addition to any contractual and statutory sick pay (not exceeding their normal salary). After each spell of absence, you should hold a return to work meeting with the employee.

**Short term absences** – when an employee reaches the trigger point (3 absences in 2 consecutive half terms or an unacceptable regular pattern of absence) invite them in writing to an informal meeting. Agree an action plan and monitor for two half terms. Inform employee that a formal process will follow if there is insufficient improvement. Do not wait for the end of the monitoring period of the attendance continues to be a concern. Confirm details of key action points, timelines and potential consequences for failing to improve attendance in writing. Diarise the date you will review attendance and consider whether a move to a formal process is required.

Convene a formal absence review hearing if necessary, provide 5 days notice of the hearing. The purpose of the review hearing is set out in our Sickness Absence Management Procedure. After discussing the key issues relating to the sickness absence levels and reviewing the matter you may decide to issue a first warning, which will be confirmed in writing 5 working days after the hearing. Please review the procedure for requirements and follow up formal action. The employee has a right to appeal against formal warnings.

**Long term absence** – follow the steps below. Before dismissal on the grounds of capability due to ill health the Trust must be able to demonstrate that they have followed a fair procedure, considered all alternative options/reasonable adjustments and acted reasonably in reaching this decision.

#### Short and Long Term Absence monitoring

- Lead admin to provide a weekly report of absences for the Head of school
- Business Manager to collate absence data monthly and report to Trustees
- Back to work meetings to be held after every absence (by SLT)
- Self-certificate to be completed for all support staff absences from day 1 and for Teacher absences from day 4. Teachers do not have to complete a S/C in days 1-3 under the burgundy book, but would still have a back to work meeting.
- Doctor's fit note to be submitted from day 8 of any absence (ie after one full week)
- Fit notes – It is the staff member's responsibility to remember and arrange a renewed fit note when it is due.
- Weekly reports – Lead Admins are to produce a weekly report of staff absences, and who has reached the trigger figure.

## Timeline for absences lasting more than one week

Week 1	Absences can be self-certificated.
Week 2	Telephone employee at home for an informal conversation about how they are. Offer counselling if necessary (Kerry/Sue/Alice) and details of Education Support Service. If they do not answer, try landline/mobile and try from different numbers. It is important that staff do not feel harassed, but lack of engagement would indicate a lengthy absence and absence procedure should be accelerated.
Week 3	Early in the week telephone employee at home giving a date of an informal review meeting (at Hearts House if necessary). Employers can bring a family member or friend, but would need to give their name in advance of the meeting. Confirm this by email along with a <i>pressure and pressure points profile template</i> if the absence is due to stress.
Week 4	Hold an informal review meeting (a family member or friend can accompany but as it's informal the process will not be delayed if no-one is available) to discuss strategies needed for a return to work, offer of support, reasonable adjustments. ie flexible working for a fixed period if it meets the needs of the school, OH referral, practical adjustments. This is not a formal meeting, but supportive. Discuss redirecting email account and how to communicate from then on. Discuss back to work possibilities and dates. If there is no indication of a firm back to work date, then agree to refer to OH and the contents of the form. <b>Refer to OH if appropriate.</b> A written record will be made of the key points of the meeting. If a staff member does not engage or attend the meeting, then hold the meeting in their absence using the evidence produced so far.
Week 6 After OH	Fit to work/return to work/absence review meeting to discuss OH report and recommendations. At Hearts House if necessary. Staff can bring a union representative or advocate. A written record will be made of the key points of the meeting and forwarded to the staff member within 5 working days. Warn employee that the next stage is a formal absence review. If the employee is unable to attend, the meeting will take place in their absence.
Week 7	If no return to work contact Hearts House and HR for further formal action, ie <ul style="list-style-type: none"> <li>• First formal absence review</li> <li>• Second formal absence review</li> <li>• Hearing to consider dismissal on the grounds of capability due to ill health</li> </ul> There will be occasions when a member of staff is absent for long term treatment or rehabilitation when a formal process is not appropriate. On these occasions a series of keeping in touch meetings would be appropriate.

## Phased returns

A phased return is often appropriate and allows a staff member to ease back into the busy school environment after a long period of sickness. The Trust has a duty of care to employees and should not expect an employee to return to work unless they were medically fit enough to do so. Therefore, the expectation is that a phased return to work would be over a period of no longer than three weeks, unless this would jeopardise the full recovery and return of the employee. The employee should be back to full duties (with minor adjustments) by the end of the 3rd week. If this is not possible then the employee and school leaders should consider whether a return to work is appropriate. The phased return should also take into account the workload of other staff and the duty of care to them as well as the impact on pupils and their well-being and academic outcomes.

### What is expected of a staff member prior to and during a period of sickness absence

To attend work when fit to do so.

Employees have a responsibility to be proactive in raising their concerns about work-related causes of absence as part of the normal staff/manager relationship.

Employees should always inform their Head of School in general terms of any health issues including the effects, prognosis and developments that impact on their ability to perform their normal duties

Employees are encouraged to investigate health and wellbeing opportunities which the school offers in order to meet their goals and look after their physical and mental health. Occasionally situations from within or outside the workplace can lead to an imbalance. The school provides a number of supportive interventions which can be accessed independently, eg Counsellors, established line management, buddy systems.

Staff should refrain from inappropriate behaviour that may cause excessive stress to themselves and others and take responsibility for their own health and wellbeing, which could include proactively planning workloads or speaking to their line manager to prioritise.

Employees will report their absence on Day 1 in line with individual school arrangements, this will be no later than 7.30am and contact should be made by telephone by the staff member to the Head of School. Employees should give the following information:

- The nature of the illness and its likely duration
- Any work matter that needs attention during their 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

If you leave a message on the school's answerphone, you will be rung back. Please do not assume that the message has been received. Further contact with the Head of School must be made on every subsequent day, in the first week of absence, by 3pm to notify whether you will be attending the next day.

You are responsible for obtaining fit notes and they must be continuous. If there is a gap between fit notes this time will be unauthorised and will not be paid.

Two-way communication is expected and the school will maintain contact during the absence to inform the employee of key work issues (where appropriate), to support the employee during the absence and to facilitate an early return where possible. The Head of School will liaise with the member of staff. This contact may be by telephone, email or in person by mutual agreement.

FIT notes (Provided by a medical practitioner) must be received by the Head of School as soon as practicably possible after the 8<sup>th</sup> calendar day of absence. The first week will be covered by self certification; from Day 1 for support staff and from Day 4 for Teachers

Subsequent FIT notes must cover absence including closure periods, weekends, Bank Holidays and holiday periods. All must be sent promptly to the Head of School.

Where the school makes a referral to an Occupational Health (OH) service, the employee is obliged to attend appropriate appointments. Where an employee refuses to attend an OH appointment without good reason, the school reserves the right to withhold contractual sick pay. If you do not attend an absence review meeting, the school will continue to hold the meeting in your absence.

One day's notice should be given of fitness to return to work

A return to work meeting will be conducted by the line manager or senior member of staff on the day of an employee's return to work

Employees must use the appropriate procedures to request time off from work for reasons other than sickness, such as dealing with family or home responsibilities; seeking advice from your manager when necessary.

Where it is suspected that an absence is not genuine or that false sickness declarations have been made the school may address the matter through the Disciplinary and Dismissal Procedure.

In line with our code of conduct employees should remember that reports about themselves on social media may impact on their employment relationships for example if an employee is off sick but makes comments on a site to the contrary. Employees must also consider the effect on their colleagues and the wider school community of all social media posts made during a period of absence. Any posting that causes damage to the school, any of its employees or any third party's reputation may amount to misconduct or gross misconduct which could result in disciplinary action, up to and including dismissal.

If an employee does take 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.

#### Medical Appointments (see also the Leave of Absence policy)

The aim of the Trust is to ensure that all pupils are given every available opportunity to achieve. One of the barriers to pupil achievement is the disruption to their learning caused by staff absences. Whilst Directors appreciate that, from time to time, a staff member may be too ill to attend work, they are driven to reduce staff absences wherever possible.

To this end, medical or dental appointments must be made during school closure periods or out of school session times. Such absences will not be approved and staff will not be paid. If taken without approval, the staff disciplinary procedure will be implemented. It is noted that the 176 non-contract days should be more than adequate to arrange such appointments.

If absences are related to a pregnancy or referred cancer screening then please see the Leave of Absence policy for specific information.

Please refer to the Data Protection Policy and Privacy Notice for further details on how your information will be gathered, processed, held and shared.