

<b>Name of Policy:</b> Staff Sickness / Absence	<b>Version/Last Review Date:</b> September 2020(V5)
<b>Statutory documents linked to policy:</b> The Link with the Disability Discrimination Act 1995	<b>Previous review date:</b> April 2013 (V1) February 2018 (V2) September 2018 (V3) September 19 (V4) September 2023(V5)
<b>Other Policies linked to this policy:</b> Equal opportunities Safer recruitment	<b>Next Review Date:</b> September 2026 V6)
<b>Governor Committee Responsible</b>	FPP

WNA Vision: All children will achieve their full potential, with holistic support, whilst enjoying and driving their own learning, gaining self-respect, self-esteem and self- belief. Our classroom extends to rich, exciting environments within the forest, the beach, the city and the community as a whole.

## Sickness Absence Policy for All Staff

### Aim of This Policy

- To provide information to headteachers, governors and employees about the provisions for sick pay and leave
- To provide a clear and concise framework for all parties for the management of all types of sickness absence.

### Scope of the Policy

- This policy applies to all school employees
- This policy applies to employees on permanent, temporary and fixed term contracts

## Application of the Policy

In some circumstances, two or more procedural policies could operate - for example sickness management and capability. The aim should be to incorporate the essential elements from each procedure but minimize the number of meetings and correspondence.

## Managing Absence Sensitively

At various stages in the sickness procedure the headteacher will need to ask an employee about the nature of their illness or condition. When this arises, the headteacher needs to bear in mind that the employee may feel uncomfortable talking about a health matter, which is of a private nature. The Headteacher needs to deal sensitively with the employee's feelings, assuring him/her that his/her illness, and any written records relating to his/her illness, will be treated with the strictest level of confidentiality.

Furthermore, employees should always understand why their headteacher, is asking questions about their illness. Enquiries about an employee's health should always be linked to the effect of the illness on the employee's ability to do their job and to assess any likely impacts on service delivery due to absence.

In certain circumstances, an employee may feel unwilling to tell their headteacher or anyone in the school of the nature of their illness. In these cases, it may limit the level of support that the school can offer, if they have no information upon which to act.

## **Rights and Responsibilities**

### **Employees have the right to:**

- Be treated fairly, consistently and sympathetically
- Be informed of the opinion of the Occupational Health Report, and to be offered the right to respond or raise a question via their headteacher
- Be given the opportunity to improve attendance
- Be accompanied at appropriate meetings.

### **Employees have a responsibility to:**

- Be absent on sick leave only when actually unwell
- Comply with the requirements of the policy in a timely and co-operative manner
- Attend meetings and appointments, arranged at reasonable and agreed times, as requested.

### **Headteachers have the right to:**

- Require an employee to attend meetings to discuss their level of absence (provided the employee is well enough to attend)
- Determine when absence levels are becoming problematic, and to initiate action to improve absence levels.

### **Headteachers have a responsibility to:**

- Monitor levels of sickness absence on a frequent basis
- Take action to manage cases of persistent or long term sickness absence
- Keep accurate records and notify Governors accordingly.

## Sick Pay Entitlements

A member of staff absent from duty on account of illness or injury may receive in any academic year (beginning at the start of the autumn term) the sick pay benefits set out below. If the employee's employment commenced on a date other than at the start of the autumn term benefits will be calculated as if the employee had started work at the start of the autumn term except that the employee must have completed four months actual service before becoming entitled to the benefit of any sick pay (other than statutory sick pay)

1. The first four months of service: statutory sick pay (**SSP**).
2. Following the first four months of service: full pay for 20 working days per academic year and thereafter SSP.
3. Sick pay shall be computed on the basis of the salary which the employee would have been receiving if fit to work.
4. Any sick pay during a period of absence on account of illness or injury will be inclusive of SSP where applicable.
5. Absence caused by accidental injury shall be treated as absence caused by illness, except that a period of absence due to illness and disablement caused by an accident arising out of, or in the course of the employment which qualifies for a payment of industrial injuries benefit shall be disregarded in the aggregation of the period for sick pay or set against a subsequent period.
6. If an employee is ill at the end of any academic year the member of staff shall not be entitled to any new sickness benefit in respect of the next academic year until he/she has returned to duty for a period of four consecutive weeks after the start of the autumn term without further absence during that time through illness or injury.
7. **Absence from work on account of an employee's child being ill will only be authorised for the first day of absence. The employee is required to make appropriate arrangements for childcare after this. Only five absences of this nature will be authorised.**

## Procedures during Periods of Sickness Absence

### Notification

On their first day of absence, employees must notify their headteacher of their absence. This should be done by telephone at 7.30am. If the employee is unable to do so (for example, if they

are receiving treatment in hospital) they should arrange for someone to call in on their behalf. Unless it cannot be avoided messages should not be left on answer phones. Employees should ensure that as far as possible, they speak to an appropriate individual within the school.

The employee should contact the designated person, providing the following information:

- The nature of their illness
- Predicted return date

The employee must then keep their headteacher regularly informed of their progress.

**If this procedure is not followed on the day of absence then the school hold the right to mark such absence as unpaid.**

### Medical Certificates

- If the absence exceeds 7 calendar days, the employee must produce a certificate from their GP or Consultant Physician.
- As the certificate expires, the employee must produce further certificates to cover them for their period of sickness absence.
- Sometimes, if an employee has been absent for a period exceeding 14 days, his/her Headteacher may have particular concerns about an employee's fitness on his/her return. In this case, the Headteacher can ask the employee to obtain a certificate of medical fitness from his/her doctor on his/her return to work.
- Furthermore, an employee can return to work before the end of their medical certificate, provided that the Headteacher is satisfied of an employee's level of fitness for work, and that there are no Health and Safety issues. However, this may entail the employee providing a letter from their GP that they are fit to return sooner than the end of their medical certificate.

### Return to work discussion

Following each period of sickness absence, the headteacher should see the employee on their return to work. The discussion should:

- Confirm the employee's reason for absence and confirm that they are well enough to be back at work
- Offer an update on work issues which have arisen during the employee's absence
- Complete the Return to Work notification form.

This discussion should take place after each period of sickness absence (but may vary in length depending on duration and type of absence).

## The Link with the Disability Discrimination Act 1995 and Subsequent Amendments

Following a medical referral, the Occupational Health Service will write a report, in which they will indicate if an employee's illness or condition is for a reason which is likely to be covered by the Disability Discrimination Act, and its amendments.

The headteacher will make the decision as to whether the absence is for reasons linked to the DDA, and if so, what duties does that place upon the school in terms of making adjustments.

## Application of the Policy

On a regular basis line managers/headteachers need to review attendance within their school. Where either of the following situations arise, the actions outlined in this policy need to be instigated:

- Any employee with frequent or repeated bouts of sickness absence
- Any employee who has been, or is likely to be absent through sickness for 21 continuous calendar days or more.

## Managing Persistent Absences / Irregular Attendance

What constitutes persistent short-term absence?

Repeated or persistent short absence occurs when the employee is frequently away from the school for reported health or medical reasons. Although it is not possible to provide an exhaustive list, any of the following would constitute persistent levels of short-term absence:

- 4 occasions in 4 months
- 8 or more working- days in the last 12 months

- Emergence of a pattern of absences

### **The Absence Monitoring Discussion**

In the event of repeated short-term absences, the headteacher will arrange a meeting with the employee to discuss their absence record. The meeting will focus on the **level, pattern** and **frequency** of sickness absence.

This meeting is not part of a formal procedure, and its tone should be carefully managed as it may still be concerning for the employee. The employee should be offered the opportunity to explain the reason for their absence, and the headteacher should offer any help or support. In some circumstances, the employee may feel unwilling to share the nature of their illness or condition with their Headteacher, and should not be placed under undue pressure to do so.

However, the headteacher should use the meeting to convey to the employee the needs of the school, and to plan for improvement. The meeting is also a forum for the Headteacher to state clearly their expectations in relation to attendance.

### **Outcomes:**

At the end of the Absence Monitoring Discussion, there needs to be:

- An understanding of the impact of the employee's absence upon the work of their school
- A review date.

Additionally, there is likely to be a commitment from the employee to address / reduce their sickness absence, provided that the nature of their ill health is not such that frequent or repeated absences are to be expected. If such absences are likely to occur, the line manager/Headteacher and employee will need to plan how to manage these absences.

In addition, the headteacher may decide to refer the employee to Occupational Health if necessary.

The headteacher should keep a note of the meeting and any actions agreed. Following the meeting, the Headteacher should write to the employee setting out the detail of what was agreed.



### **After the meeting:**

If attendance does improve, this needs to be noted at the review meeting. The headteacher should then continue to review the employee's sickness record in line with regular attendance monitoring. If there is a lapse in the employee's attendance record within a year of the initial Absence Monitoring discussion, the employee will be referred to the Capability Policy.

The options for case management will now be:

- Raise renewed concern with the employee at a review meeting
- Ensure that any reasonable adjustments have been explored
- Seek additional support from Occupational Health
- Consider action under the formal capability or discipline procedures

If the absences are likely to become a period of long-term absence, refer to the part of the sickness procedure dealing with long term periods of absence.

### **Managing Longer Term Absences**

Longer-term absences from work are absences of over 21 calendar days. These absences fall into two categories.

Category one – absences which can be planned for in advance

#### Pre absence

These absences are known about in advance and, as such, the headteacher and employee can meet beforehand to discuss the reason for absence, the likely length of absence, and the level of support, which the employee feels they will need.

Additionally, the headteacher and employee will agree a plan for the period. This will include discussing how the headteacher and employee can keep each other updated on progress.

The planning meeting might also cover areas such as a plan for the return to work and a communication strategy for notifying colleagues in the school. Notes should be taken at this meeting and shared with both parties.

During the absence

During the period of absence, the line manager/Headteacher will:

- Monitor the absence to see that it is in line with expectations
- Provide ongoing support and communication to the employee
- Arrange to meet with the employee at work or at home (if required / desired) to see how they are progressing.

At any stage in the process, the line manager/Headteacher may contact People Management Support for advice. This may include consideration for a *phased return to work*. Information about this is provided further on in this policy.

Category 2 – absences which are not pre-planned

Where an employee's long term absence comes on more suddenly, there will have been no scope for the Headteacher and employee to meet beforehand and agree a plan for this period. As such, there is a greater need for communication between the parties.

The management of long term sickness absences will not necessarily follow a single pattern, as the needs of the individual, and the nature of their illness, will dictate the way in which a period of sickness absence is managed. However, as a framework for case management, the Sickness Absence Policy is positioned in terms of Case Reviews at level I, II and III. The case reviews are conducted by the line manager/Headteacher, but draw heavily on:

- Regular meetings between the employee, their headteacher
- Advice from Occupational Health

### **Case Review level I**

This will include:

Monitoring and Planning

As soon as it becomes apparent that an employee is going to be absent from work through sickness for a period of time exceeding 21 calendar days the headteacher needs to ensure that they begin to monitor the case on a regular basis.

### **Regular meetings**

The next stage will be to arrange a meeting with the employee to understand the nature of their ill health and to plan the next steps. The employee should receive suitable notice of the meeting, and be entitled to be accompanied if they so choose. The meeting may take place in the employee's home, although the employee may prefer the meeting to take place in a work location. In some circumstances, where an employee has a mental health condition, it may not be possible to meet with them personally. It may be necessary to talk to a member of their family, use email or agree a less frequent informal catch up with the employee.

### **Aims of the first meeting:**

- To agree a regular method of communication between the employee and the school
- To find out about the nature of the absence and the likely length of time absent from work
- To identify the level of support needed by the employee
- To ensure that the employee is clear about the sickness policy, including rates of pay, the need for and the process of medical referrals to Occupational Health
- To obtain the employees' agreement to a medical referral (if necessary) including access to any relevant medical records from other sources, if applicable.

During the meeting, the Headteacher must make a summary note of what is said and agreed upon. The contents of the note must be sent to the employee after the meeting, within one week of it taking place, so that there is clarity for both parties.

### **Outcomes from the first meeting:**

The outcomes of the meeting will be some or all of the following:

**An agreed timetable** for Case Review II including a suggested date and time for the next meeting. This timetable should enable the employee's period of absence and return to work to be managed effectively, whilst providing a balance between the needs of the school and the needs of the individual. The timescales agreed should include sufficient time for the employee to recover and explore any options, whilst at the same time, provide a realistic time frame for all parties.

**A referral to Occupational Health** – for an assessment of the employee's medical condition

A clear **understanding** on behalf of the employee of the level of support being offered to them, the workings of the sickness policy in general, and the next stage in the process of managing their period of absence

An **agreement** about the frequency and level of communication between the employee, the Headteacher and other parties

### **Case Review level II**

The purpose of Case Review level II

The Headteacher will take a lead role in this review and will need to:

- Draw together all the current information about the employee's level of health
- Review the report from Occupational Health
- Arrange to meet with the employee
- Begin considering the possible future outcomes for this period of absence (e.g. return to work, redeployment etc.)
- Set a review date for the third level review.

**Full guidance on reviewing the Occupational Health report and the options presented is set out in Appendix 1**

### **Aims of the second meeting:**

- To review the employee's current and recent state of health
- To discuss how the absence is progressing, whether either party wishes to review the communication channels, or has any general questions

- To discuss the findings from the visit to Occupational Health
- To discuss future options
- Ensure that the employee is clear about the policy and about how their absence is being managed

As with the first meeting, the employee should be given notice of the meeting, and offered the opportunity to have a companion present. The headteacher should take notes at the meeting, being sure to record any areas agreed upon. This note needs to be sent to the employee within 5 working days of the meeting, so that there is clarity about the areas agreed upon.

### **Case Review level III**

Purpose of the review

At this stage in the employee's absence, the Headteacher needs to draw all the information together in order to make a decision about the way forward. The Headteacher needs to weigh up the needs of the school and the needs of the employee, and take all of the factors into consideration. This decision will rely heavily on:

- discussions with the employee
- a review of the options from Occupational Health

### **Meeting with the employee**

As with the previous reviews, the Headteacher needs to arrange a meeting with the employee. This will usually be at home, although not necessarily, and will be conducted by the Headteacher, or whoever has been meeting with them at the previous meetings. The employee should be given the right to be accompanied.

Aims of the third meeting are to consider:

- The employee's current and likely future state of health
- The likelihood of a return to work, and the timescales involved
- Anything that the school can reasonably do, which would enable the employee to return
- The findings of the Occupational Health report

- The employee's wishes.

**Full guidance on reviewing the Occupational Health report and the options presented is set out in Appendix 1**

Following this meeting, the line manager/Headteacher needs to make a decision, which will be one of the following:

- The employee will return to work in either the same capacity as prior to their period of absence, or with some adjustment (e.g. changed hours, phased return etc.)
- A final period of review is needed with an agreed timescale
- A consideration of redeployment based on medical advice or personal request
- A recommendation of retirement on the grounds of ill-health
- A consideration of dismissal on the grounds of capability, under the separate Capability Policy.

In all cases, the employee must be notified of the outcome of the third case review, within 5 working days of a decision being reached.

### **3. Postponement of Meetings**

It's recognised that in exceptional circumstance employees may have a need to postpone a review meeting at short notice. The Headteacher should deal with these situations sensitively and arrange a further date for a meeting as close to the original date as possible and usually not more than 5 working days from the date of the original meeting. No more than one request for a postponement will normally be allowed. If the employee is subsequently unable to meet due to a mental health condition then it may be necessary to conduct the dialogue through a member of their family or use another method to communicate such as email.

## Appendix 1

### Sickness Absence Policy

#### The Occupational Health Report

The report from Occupational Health will list one of the following findings:

- The employee is fit to return to work either immediately or following a period of rehabilitation at home. A date for the expected return to work will be given, plus advice to ensure that the return to work is managed successfully for all parties. The employee should be notified that if they become absent, for the same medical reason, for a period exceeding 21 calendar days in the next 12 months, they would be referred back to Case review level II of the sickness procedure.
- The employee is suitable for a phased return to work  
In these cases, the employee will receive their full salary for a period of up to 6 weeks while they build up to normal working hours. During this period of phased return, the Headteacher must work closely with the employee to ensure that their health is continuing to improve.

If, after 6 weeks, the employee is still unable to complete their usual working hours, the case must be reviewed by Occupational Health. In exceptional cases, and if the employee is making good progress, there is discretion for the line manager/Headteacher, in consultation with the Governing Body, to continue with the phased return for a further 6 weeks.

However, if the employee has made little or no progress, then the employee will either go back onto sick leave, or be paid for the hours they are able to work.

#### Further medical assessment/intervention

The Occupational Health report will indicate the likely length of time that the employee will be absent from work, and the likely prognosis.

#### Redeployment for medical reasons:

The report will identify the type of work that the employee is fit to carry out. If redeployment is suggested, the school will need to consider if such work can be made available within the school.

### **The employee is not fit to return to work:**

If the Occupational Health report concludes that the employee is permanently incapable of carrying out the duties in their current role, they will issue a certificate to this effect. Following this the line manager/Headteacher will assess the information received and consider termination of employment on the grounds of the employee's ill-health. It is the Occupational Health Physician's role to make a recommendation to the school based on their medical opinion. A decision on the outcome will be taken by the school.

### **In cases of termination of employment there will be 2 options to consider:**

1. If the employee is a member of the Local Government Pension Scheme (LGPS) and has at least 3 months total membership, they will be eligible for retirement on the grounds of ill-health. The Occupational Health certificate will determine whether the employee fits into tier 1, tier 2 or tier 3 of the LGPS ill health provisions. (for details of tiers 1,2, and 3, please refer to Appendix 1)

If the employee is a member of the Teachers' Pension Scheme, the teacher may apply to the Teachers' Pension Scheme for early retirement on the grounds of ill-health.

- 2 Dismissal on the grounds of capability. The school's capability policy exists for this procedure.

### **Alternative medical opinion:**

If the employee disagrees with the Occupational Health Physician as to the medical opinion and recommendations made, they have a right to seek an alternative medical opinion. If this is the case they must be given 21 calendar days in order to do this. This time limit may be extended if the employee can show that they are unable to gain their alternative medical opinion within this time. Any information that they obtain must be forwarded directly to Occupational Health, and any expenses for this alternative medical opinion must be borne by the employee.

### **Appeals Process in relation to LGPS ill-health retirement benefits:**

If the employee disagrees with the decision made concerning which level of ill health retirement benefits they will receive, they have a right to appeal (within 6 months of the decision being made). The process for an appeal is set out in Appendix 2



## Appendix 2

### Sickness Absence Policy

#### Local Government Ill Health Retirement

If Occupational Health issues a certificate stating that the employee is permanently incapable of carrying out the duties in their role and the employee is a member of the LGPS and has at least 3 months total membership, they will be eligible for retirement on the grounds of ill-health.

The Occupational Health certificate will determine whether the employee fits into tier 1, tier 2 or tier 3 of the LGPS ill health provisions.

**Tier 1** This is where the employee is judged by the Occupational Health Physician to be permanently incapable of carrying out the duties in their or any comparable role and with **no reasonable prospect of obtaining gainful employment before age 65**. These members will receive ill-health retirement benefits at the higher level.

**Tier 2** This is where the employee is judged by the Occupational Health Physician to be permanently incapable of carrying out the duties in their role but **capable of obtaining gainful employment elsewhere at some stage before their normal retirement date**. These cases are assessed on a case by case basis looking at factors such as a) the degree of incapacity b) the extent to which it might affect future earnings potential. These members will then receive ill-health retirement benefits at a lower level.

**Tier 3** This is where the employee is judged by the Occupational Health Physician to be permanently incapable of carrying out the duties in their role but **capable of performing work elsewhere within a reasonable period after leaving their employment**. These cases are assessed on a case by case basis looking at factors such as a) the degree of incapacity b) the extent to which it might affect future earnings potential. These members will then receive their accrued pension benefits only, until such time as they obtain gainful employment or are capable of obtaining gainful employment.