

RON DEARING UTC



Sickness Absence Procedure

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MANAGING SICKNESS ABSENCE PROCEDURE

TEACHING AND SUPPORT STAFF

INTRODUCTION

1. This document sets out the procedure to be followed by the Principal when dealing with sickness absence. It should be read in conjunction with the Policy on Sickness Absence and the Procedure for Reporting Sickness.
2. Sickness absence needs to be managed effectively and consistently and falls into two main types:
 - Frequent and non frequent intermittent short/medium term absence, which may or may not follow a pattern
 - Long term absence, which is absence longer than 15 working days (please refer to paragraph 50 for further guidance)

The management of each type of absence requires a different approach.

ROLES

3. To ensure sickness absence is properly managed it is important that all parties are aware of their responsibilities. With this in mind, the following roles are clearly identified:

Occupational Health

4. The Governing Board is committed to the principle of Occupational Health and recognises the role to be played by the school's Occupational Health Service Provider (OHSP). The OHSP has a wide role to play in improving the health of the work force. It also fulfils an important advisory role within this policy.
5. The OHSP provides advice and guidance to the Principal on the employee's state of health, giving specific help on such matters as duration of absence and, where appropriate, limitations on working activities on the return to work. In some cases, where the employee is waiting to be referred to a specialist, a private appointment, paid for by the school, may be considered. If appropriate, the OHSP will, with the employee's consent, advise the employee's General Practitioner (GP) on the nature of the employee's work and receive from the GP any relevant information on the employee's medical condition.
6. In the case of an employee referring themselves to the OHSP, detailed medical information on the employee's condition will not be released by the OHSP without the employee's permission. However, where the Principal refers the employee to the OHSP, information on the employee's condition, expected duration of absence and the relation

to/effect on work activity will be given to the Principal in order that they can manage the sickness absence. It should be noted that specific medical release of information is covered by the Access to Medical Reports Act 1988 and should not be released to a third party (e.g. insurance companies etc) without the written consent of the employee concerned.

7. In order for the OHSP to make a proper medical assessment the Principal provides as much information as possible, including background information on the employee's duties, working practices, sickness record and the nature of the absence(s). In cases of long term absence, referral to the OHSP may be after approximately 3/4 weeks of absence. Each case, however, will be different and any referral will be dependent on the circumstances of the case and not necessarily the length of absence. It is the responsibility of the Principal to explain to the employee that it is normal practice to refer an employee to the OHSP and to explain the role of the provider.

RESPONSIBILITIES

Principal

8. To monitor and manage staff absence on a day to day basis
9. To monitor and manage the day to day welfare of staff
10. To make referrals to the OHSP when necessary, providing as much background information as possible on an employee's duties, sickness record and the nature of the absence(s) when referring cases.

OHSP

11. To provide advice on sickness absence to Principal
12. To provide advice and information to employees on welfare provision, including the availability of counselling
13. To provide figures and advice on retirement of employees on the grounds of ill-health and, where practical to do, to involve the appropriate Trade Un

OTHER RELEVANT POLICIES/PROCEDURES/STRATEGIES

14. Other Policies or Procedures which the Governing Board should have regard to include:
 - a. Equal Opportunities in Employment Policy
 - b. The possibility of redeployment within the school and returning to work on a part-time basis after sickness, depending on the suitability of each case
 - c. Retirement on the grounds of permanent ill health
 - d. Equalities Act 2010 - whereby the school will have to make reasonable adjustments to employees who become disabled or whose disability worsens.

METHODS OF MONITORING AND CONTROLLING SICKNESS ABSENCE

Reporting Sickness and Producing Certificates

15. The rules for reporting sickness absence and submitting evidence of sickness are contained in a separate document (Appendix 1) which is available to all employees on the school website.
16. A medical certificate is not normally required until the 8th day of absence. However, in appropriate cases, as part of this procedure, the Principal may require a certificate prior to this, if the level of sickness absence is raising concern. This will normally apply to cases of short-term absences. In such cases the cost of obtaining the certificate will be reimbursed by the school.

Records

17. The Governing Board recognises that accurate, accessible and well-presented information is essential for effective absence management and will ensure that such records are kept, regularly monitored and that action is taken on a consistent basis.
18. Information on levels of sickness absence is presented to employees and jointly discussed at the Governing Board Meetings. The method of presenting the information ensures individual confidentiality and provides reasons for absence, number of days absent and, where appropriate an estimate of costs incurred by the school due to sickness absence. Where the level of absence or patterns of absence in a school raises concern, then the HR Provider works with the school to identify any reasons for such absences and, where practicable, work towards a solution.
19. When considering an employee's attendance record, all absences from work because of illness and injury will be considered.
20. If an absence is related to an industrial injury, it is important that any need for improvement in methods of work, working conditions and

training etc are identified. In the case of an accident which has arisen out of, or in the course of, a teacher's employment, then the provisions under Section 4: Sick Pay Scheme - Paragraphs 9.1 – 9.4 of the Burgundy Book will apply for sick pay entitlements.

21. For support staff, the provisions in the NJC National conditions of service referred to as the 'Green Book' will apply.

MAINTAINING CONTACT WITH EMPLOYEES ON SICKNESS ABSENCE

Contact during Absence

22. The Principal or employee's Line Manager, will maintain regular contact with an employee who is absent from work due to sickness. This might involve telephoning the employee at home or, when appropriate, visiting the employee at some other neutral and acceptable venue which may include the home. Care should be taken if this contact could be perceived as threatening by the employee.
23. At this visit it may be appropriate to refer an employee to the OHSP. After visiting an employee, an appropriate record is kept of the discussion. When a home visit is being arranged, the Guidance Notes at Appendix 3 are followed. The decision to conduct any home visit rests with the Principal and must only be arranged when it is appropriate to do so.

Return to Work Discussions

24. It is widely recognised that the return to work discussion can have many positive effects. Such discussions are carried out sympathetically and in private by the Principal. Return to work discussions should only take place after either:
 - a) one continuous period of absence of five days or more
 - b) where a habitual pattern of absence has been identified. At RDUTC 'habitual pattern' is defined as 5 days or more absent in one term
25. A record of the discussion and the nature of the sickness must be made on the Return to Work Form (Appendix 2). A copy of this form will be given to the employee. It should be noted that 'sick' is not sufficient as a reason for absence.
26. If there is no improvement in an employee's sickness record and every effort has been made by the Principal to help an employee regarding their unsatisfactory sickness absence record, the Principal informs the employee of his/her intention to proceed to an Informal Interview.

SICKNESS CONTROL PROCEDURE

27. The aim of this part of the policy is to explain to employees what may happen if their attendance record is unsatisfactory and to ensure that, where formal action is necessary, that this is done in a fair, consistent and proper manner.

INFORMATION FOR STAFF

FORMAL ACTION TO ADDRESS FREQUENT, SHORT AND MEDIUM TERM ABSENCES

First Stage - Informal Interview – Absence Raising Concern

28. If your attendance record is falling below an acceptable standard and return to work discussions have taken place, you will be interviewed by the Principal and asked for an explanation. This will be an informal interview and you may bring a work colleague or trade union representative if you wish. You will be informed in writing of this informal interview with 10 working days notice. It will be your responsibility to arrange for a work colleague or trade union representative to be present. The meeting will be arranged at a time convenient to all parties, on the basis that you have contacted a work colleague or trade union at the start of the 10 working day period.
29. If it seems that your attendance record may be affected owing to health reasons, or if you feel this is the case, you will be referred to the OHSP. You will also be advised to consult your GP.
30. At this stage you will normally be advised that your attendance record is causing concern and that every effort must be made to improve it. A letter confirming this advice will be sent to you by the Principal which will include: details of the above; the fact that your attendance record will be monitored and reviewed; the date to be agreed for the next the meeting (which should be no longer than 3 months).

Second Stage - Formal Action – Formal Warning

31. If your attendance doesn't improve to an acceptable level, you will be invited to a formal interview to discuss your absence/s. You will be informed of the interview in writing, with 10 working days' notice, and will be given the right to be accompanied by a work colleague or trade union representative. The interview will be conducted by the Principal.
32. The purpose of the formal interview will be to:
- establish the reasons for your level of absence
 - record what action could be taken by you and by the Principal to improve your level of attendance.
 - express concern over your level of sickness absence and its effect on others

- set a review period during which your sickness absence level will be monitored
 - consider all the circumstances of the case
 - if appropriate, you will be given a formal warning, which will remain on your file for one year
33. Where a formal warning is given, this will be confirmed to you in a letter which will explain that, if your absence record does not improve to the required standard and if the improvement is not sustained, at the next review meeting a final written warning could be issued to you. At this meeting a review date will be arranged to review the absence. Subject to your agreement, a copy of this letter will be given to your recognised trade union representative.
34. In deciding appropriate action, the Principal will consider all circumstances including medical information from the OHSP, possible modification to your job and the availability of suitable alternative work. The Principal will be required to consider reasonable adjustments for employees who become disabled or whose disability worsens under the Equalities Act 2010.
35. Where a formal warning is given, your attendance record will be monitored and a review of your attendance record will take place at intervals of not more than 3 months. One of the aims of the procedure is to achieve and maintain a satisfactory attendance level and, therefore, a satisfactory attendance level must be achieved during the review period. This must then be maintained over a longer period. In the case of a formal warning, the improvement must be maintained over a twelve month period from the date of the letter confirming the warning. If an improvement is maintained over a twelve month period, the warning will be removed from your file. However, your attendance will still be monitored. If it deteriorates again you will revert back to the first stage of the procedure.
36. If, during the review period, there is not satisfactory improvement, you will be advised of this in person and writing and a further formal interview will be held.
37. Where a warning has been issued, you will have the right of an appeal to the Appeals Committee of the Governing Board, however this will not stop the procedure from continuing.

Third Stage - Final Written Warning

38. You will be informed of the interview in writing, giving you 10 working days' notice. You will be given the right to be accompanied by a work colleague or trade union representative. The interview will be conducted by the Principal. If appropriate a final written warning will be given which states that your sickness absence record must improve or the case could be referred to the Governing Board Staff Dismissal Committee for its consideration of a dismissal on the grounds of

capability. A further 3 month review period will be set. The final warning will be confirmed in writing by letter and, subject to your agreement, a copy of this letter will be sent to your recognised trade union representative. At this meeting the final formal interview date will be arranged.

39. Where a final written warning has been issued, you will have the right of an appeal to the Appeals Committee of the Governing Board, however, this will not stop the procedure from continuing.

Fourth Stage - Referral to the Staff Dismissal Committee

40. If, during the 3 month review, there is insufficient improvement, a final formal interview will be held with the Principal. This review date will have been arranged at the meeting where you were issued with a final written warning, or, in the case of long term absence, where you had been informed that your employment was at risk. If there is insufficient improvement, you will be informed that the case will be referred to the Governing Board Staff Dismissal Committee for its consideration of a dismissal under the Sickness Absence Policy. You will be given 10 working days notice to prepare for the hearing, at which stage you will be given copies of all relevant documentation which will be presented by the Principal. You will also be required to submit any paperwork which you wish the governors to consider as part of your presentation, no less than 2 working days from receipt of the paperwork submitted by the Principal. This information will also be shared with the Principal. You will also be given the right to be accompanied by a work colleague or trade union representative. At the hearing the Principal will present her case and you will be given the opportunity to state your case either in person or through your work colleague or trade union representative.
41. At the hearing the Staff Dismissal Committee will decide what action is appropriate. It could decide to terminate your contract on the grounds of capability. It could decide to reinforce your final written warning and set a further review period.
42. If dismissal is recommended to be the appropriate course of action, a letter confirming this decision will be sent to you. Your dismissal will be actioned with immediate effect and appropriate notice will be served, in accordance with your contract of employment, regardless of whether or not you are off sick at the time or whether or not your sick pay has been exhausted.
43. You will have a right of appeal against your dismissal to the Appeals Committee of the Governing Board. Any appeal must be given in writing to the clerk of the Governors Team, with a copy to the Principal, within 10 working days of the date of the dismissal letter. The appeal will be arranged during your notice period. In the event of you deciding not to appeal, consideration can be given of making a full payment in lieu of notice by the governors.

44. If the Appeals Committee upholds your dismissal, consideration of making you a payment in lieu of any remaining notice will be given to you, in accordance with your contract of employment. A letter confirming this decision will be sent to you. If the Appeals Committee overturns the decision to dismiss you, you will be reinstated.

IMPROVEMENT

45. If during any of the 3 month review periods, your sickness absence record improves to a satisfactory level, you will be advised of this by letter. One of the aims of this procedure is to achieve and maintain a satisfactory attendance level however. As a result, although a satisfactory attendance level may be achieved during the review period, this must then be maintained and sustained over a longer period.
46. Where a formal warning has been issued, the improvement must be maintained over a twelve month period from the date of the letter confirming the warning, after which time the warning will be removed from your file. However, your attendance will still be monitored. If it deteriorates again, you will revert back to the first stage of the procedure.

LONG TERM SICKNESS ABSENCES

47. If you are absent for a prolonged period and/or have a long term illness, the following action will be taken, having full regard to the policies on Equal Opportunities in Employment, Ill Health Retirement and the Equalities Act 2010, especially that relating to the need to make reasonable adjustments for employees who become disabled or whose disability worsens.
48. With your permission, your Trade Union will be kept fully involved and informed of the situation.
49. You may be visited at home, or some other neutral and acceptable venue, normally after 3 to 4 weeks absence, and will be interviewed periodically, with the involvement of your trade union if you so wish. In turn you should maintain contact with the school. The Principal will write to you informing you of his/her wish to visit which will be followed up by a telephone call to you in order to arrange a suitable time, date and venue.
50. You will be referred to the OHSP after approximately 3 to 4 weeks absence, who will undertake reviews as necessary. It is in your own interest to attend these reviews as the OHSP may be able to offer you further advice, help or support. It is essential that you take the opportunity to make sure that the OHSP has all the available information about your absence/illness. This will ensure that the OHSP gives the Principal the full facts to enable a fair decision to be made.

51. The OHSP, in consultation with your GP will, where possible, advise the Principal on the likelihood of you recovering and being able to return to work in your own job. The OHSP will also advise all parties when your return to work is expected. This may be on a phased basis. However, this is only guidance to the Principal as part of managing your long term absence.
52. If you cannot return to your own job, wherever possible, retirement on the grounds of permanent ill-health will be considered in cases of a long term absence/illness. This will be dependent upon the OHSP's Doctor being able to make the necessary recommendation in line with the requirements of the Superannuation Scheme for non teaching staff and in the cases of teachers, the Teachers' Pensions scheme.
53. Where retirement on the grounds of ill health cannot be offered to you, or in the case of teaching staff, the decision from the Teachers' Pension scheme is not known and the employee has been absent for a considerable amount of time, the following action will normally be taken:-
 - You will be kept fully informed if your employment is at risk and this will be confirmed in writing.
 - Where your job can no longer be kept open and no suitable alternative work is available or acceptable to you, you will be interviewed and informed of the likelihood of dismissal.
 - Where dismissal action is taken, this will be heard by the governors of the Staff Dismissal Committee and will be on the grounds of capability. The same process will be applied as paragraphs 40 to 44.
 - The exhaustion of sick leave entitlement does not in itself make it fair to dismiss and no dismissal will be considered just because sick pay has been exhausted. Conversely, it is not necessary to wait until sick pay has been exhausted before dismissing you.
 - Where there is a disagreement between the Authority's Doctor and your medical adviser about your medical condition, the matter will be referred, at your request, to an Independent Medical Referee. The cost of an Independent Medical Referee will be borne by the school.
54. If you are employed as a teacher and have been absent from duty for more than 3 months (ignoring short breaks) on account of mental or nervous illness, you may be suspended from duty on normal sick pay and will not be permitted to return to work until the Authority's Occupational Health Doctor is satisfied that you are fit to return to work. Where ever possible, your trade union representative will be informed of your suspension prior to you receiving the letter from the school.

MONITORING PRINCIPAL'S ABSENCE

55. The policy on Sickness Absence will apply to the Principal with the one difference that the Chair of the Governing Board or his/her representative will have overall responsibility of monitoring the attendance record of a Principal. Where formal action has to be introduced, the Chair of the Governing Board will seek advice and assistance from the HR Provider.

APPEALS PROCESS

56. At each stage of the Formal Procedure an employee will have the right of appeal to the Appeals Committee. Such an appeal must be made in writing within 10 working days of the date of the warning or the letter confirming a dismissal. In the event of an appeal being lodged against a warning, the procedure will still continue.

THE EQUALITIES ACT 2010

57. The school has a Policy on the Employment of Disabled People which contains the full definition of "disability" and guidance on "reasonable adjustment".
58. Reasonable adjustment, either the provision of aids or equipment, adjustment to duties or even redeployment, may allow an employee on long term sickness to return sooner rather than later.
59. An employee's sickness records should differentiate between disability related and non-disability related absences. The Principal will look at disability related absences separately when making decisions on what action is or isn't appropriate.

NOTES:

60. Although the Principal has been referred to in the Policy, it may be appropriate for the Principal to delegate any part of the procedure to an appropriate 'line manager'. The delegation of any interviews etc will be at the discretion of the Principal.

PROCEDURE FOR REPORTING SICKNESS FOR TEACHING AND SUPPORT STAFF IN ACADEMYS

REPORTING YOUR ABSENCE

1. When you cannot come to work because you are ill or injured, you are required to follow the reporting procedure set out in this document. Failure to do so may result in a loss of pay.
2. You are reminded that, should you require medical treatment at any time, you must consult your GP as quickly as possible.

FIRST DAY OF ABSENCE

3. If you are unable to attend work due to you being ill or injured, you must notify the school via the Cover Line on the first day of absence. You must briefly state what the symptoms are and how long you expect to be away from work. You must contact the Cover Line on each subsequent day of absence, unless you have a medical certificate from your GP which stipulates the length of time you will be absent (see paragraph 6).

FOURTH DAY OF ABSENCE

4. If you are unable to return to work after a further two days you must notify the Principal on the fourth day of your continuing absence. You should again state what the symptoms are and how long you expect to be away from work.

SEVEN DAYS ABSENCE (OR LESS)

5. When you return to work from sickness which has lasted up to seven calendar days (you must count all days including Saturdays, Sundays, rest days and public holidays) you will be required to complete a self certification form on your return. You will be asked to confirm the duration and reason for your absence. This form must be completed for all absences of 7 days or less. Failure to do so may result in a loss of pay.

MORE THAN SEVEN DAYS ABSENCE

6. If you are absent for more than seven calendar days (you must count all days including Saturdays, Sundays, rest days and public holidays) you must consult your GP about your illness. You must obtain a medical certificate signed by your GP and submit this to the Principal on your eighth day of absence. If a GP's certificate is not received by the end of the eighth day this may result in a loss of pay for these or any subsequent days of sickness absence.

CONTINUING SICKNESS ABSENCE

7. You must continue to submit medical certificates to the Principal for any further days' absence.

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RETURNING TO WORK

8. If you wish to return to work before your sickness certificate has expired you must obtain a final certificate from your doctor that you are now fit. You must submit any final certificates to the Principal immediately prior to your return to work.

ON YOUR RETURN TO WORK

9. When you return to work your line manager will discuss your absence with you informally. S/he will try to assist you if you have any particular difficulties arising from your absence.
10. If you have had several recent absences (and especially if they were uncertificated/self-certificated) your line manager will want to know more about the circumstances and you should be prepared to discuss the situation openly.

SICKNESS AND ANNUAL LEAVE – Full-time Non-Teaching Staff

11. In cases of sickness during periods of annual leave, you must notify the principal immediately, whatever the period of absence anticipated. You must complete a self certification form or obtain a medical certificate signed by your doctor as outlined above and submit this.
12. You will be regarded as being on sick leave from the date of self certification or the medical certificate. This means that your absence will not then be deducted from your annual leave entitlement.
13. Regular periods of sickness absence before, during and following annual leave will be monitored by your manager in accordance with the Policy on Sickness Absen

