



St. Saviour's Church, Coalpit Heath.

The Manor C of E Primary School

Policy: Managing Sickness Absence

Author: SG Model Policy

Date: January 2011

Approved:

Headteacher

Chair of Governors

There are Guidance Notes which provide further detail on aspects of this policy and should be used in conjunction with it. These can be found at the end of this policy.

	Page
1 POLICY	3
2 AIMS	3
3 SCOPE OF PROCEDURE	3
4 SICKNESS REPORTING PROCEDURES	4
5 GENERAL PRINCIPLES OF MANAGING SICKNESS	4
6 PROCEDURE FOR DEALING WITH LONG-TERM ILL HEALTH CASES	5
6.1 Six week Review Meeting	
6.2 Occupational Health Referral	
6.3 Three Month Review Meeting	
6.4 Meeting to Review Occupational Health Advice	
6.5 Return to Work Plan	
6.6 Final Review Meeting	
6.7 Ill Health Retirement	
6.8 Ill Health Dismissal	
6.9 Long Service Award	
7 PROCEDURE FOR DEALING WITH SHORT TERM/ SPORADIC SICKNESS ABSENCE CASES	8
7.1 Return to Work Interview	
7.2 Informal Review Meeting	
7.3 Investigatory Action	
7.4 Sickness Absence Interview	
7.5 Further Sickness Absence Interview	
7.6 First and Final Sickness Absence Warnings	
7.7 Dismissal Hearing	
8 DISMISSAL ON ILL HEALTH GROUNDS – CAPABILITY	11
8.1 Dismissal Hearing	
8.2 Appeals	
9 ALCOHOL AND SUBSTANCE ABUSE	12

1 POLICY

- 1.1 The intention of the School's Governing Body, in its approach to employee sickness, ill health and disability, is to:-
- monitor sickness absence and seek to ensure high attendance levels;
 - support its concern for the health, safety and welfare of its employees;
 - assist the headteacher/ line managers and employees in dealing with health problems;
 - ensure that employees with health problems, including those absent from work, are treated fairly, sympathetically and consistently;
 - respond to the consequences of absence for service provision, costs and additional workloads falling to other employees.
- 1.2 This policy covers employees who are disabled and has been prepared in accordance with the provisions of the Disability Discrimination Act 1995 and the Code of Practice 2004 by the Disability Rights Commission.

2 AIMS

- 2.1 This document provides guidance on the management of ill health to:-
- assist the headteacher/ line managers and human resources staff in monitoring sickness absence and in dealing with individual cases in a fair and consistent manner;
 - ensure that employees and their trade union representatives are aware of these procedures;
 - clarify the roles involved;
 - prevent discrimination against employees who have a disability.

3 SCOPE OF PROCEDURES

- 3.1 These procedures apply to all the school's employees.
- 3.2 These procedures apply where an employee experiences a period, or periods, of ill health absence.
- 3.3 These procedures also apply where there is an established underlying medical condition or disability that does not necessarily result in long term or continuous absence from work.
- 3.4 Where the headteacher has health problems, then the role of headteacher described in these procedures will be carried out by the Chair of Governors or other appropriate Governor as advised by Schools' Personnel.
- 3.4 The procedures described in this document do not cover situations where an employee either fails to observe the school's sickness reporting procedures (see below) or makes a false claim about sickness absence.

4 SICKNESS REPORTING PROCEDURES

- 4.1 All employees should be told by the headteacher / line manager who their 'relevant manager' is for the purpose of reporting sickness absence. (see Appendix 1).
- 4.2 An employee must contact the 'relevant manager' on the first day of sickness absence, informing him/ her of the first day of illness, giving some indication of the nature of the illness and how long the employee expects to be away. Normally notification should be within 2 hours of the employee's normal start time or sooner if at all possible so that appropriate alternative arrangements can be made to cover the employee's duties.
- 4.3 The employee must contact the 'relevant manager' on the fourth day of sickness absence to provide an update on his/her condition.
- 4.4 The employee must submit a **doctor's certificate** to the school not later than the eighth calendar day of absence and subsequent doctor's certificates as necessary.
- 4.5 Where the doctor's certificate covers a period exceeding fourteen days or where more than one statement is necessary, the employee should, before returning to work, submit a final statement as to fitness to resume duties.
- 4.6 A doctor's certificate for one week includes the day it is dated i.e. if the certificate is for one week dated on a Friday, you should return to work on the following Friday, not the Monday after that.
- 4.7 When an employee returns to work, irrespective of the length of absence or whether covered by doctor's certificates, he/ she must complete a self-certification statement.
- 4.8 Saturday and Sunday count as sickness days if they fall in the middle of sickness absence.
- 4.9 **Please note that teachers and term-time-only support staff should continue to provide doctors' certificates during all periods of school closure unless and until they provide evidence of their fitness to work.**

5 GENERAL PRINCIPLES OF MANAGING SICKNESS

- Review sickness absence regularly (see Guidance Notes, Page 3);
- Keep in contact with sick employees (see Guidance Notes, Page 3);
- Use the professional services of Occupational Health to guide and inform your decision making (see Guidance Notes, Page 6);
- Carry out return-to-work interviews (see Guidance Notes, Page 14);
- Seek advice and support from the Schools' Personnel Officer (see Guidance Notes, Page 9);
- Ensure that employees are aware of their right to be accompanied in all meetings (see Guidance Notes, Page 5).

6 PROCEDURE FOR DEALING WITH LONG-TERM ILL HEALTH CASES

This procedure applies when an employee's continuous sickness absence has lasted six weeks and is expected to continue or there is an underlying medical condition or disability (that does not necessarily result in long term or continuous absence from work).

Where, however, there are a number of long-term absences that appear to be due to unrelated medical conditions and which form an unacceptable pattern this will usually be considered to be sporadic and should be dealt with under the Procedure for Short Term Absence (Section 7).

6.1 Six Week Review Meeting

When an employee's absence reaches six weeks a review meeting should be arranged by the headteacher/ line manager at a mutually convenient time and venue (including the employee's home if this is preferred by the employee). The employee may wish to be accompanied at the meeting. In exceptional cases, where the employee does not want to see the headteacher/ line manager advice should be sought from Schools' Personnel on the appropriate method of contact.

The meeting will enable discussion of the following with the employee:

- Confirmation / clarification of the nature of the sickness absence
- The expected duration of the absence and a likely possible return to work date
- Any concerns or issues that the headteacher/ line manager , or the employee, has regarding the absence
- Any assistance that the school can give to support an early return to work e.g. supported/ accompanied visits to the school, possible reasonable adjustments, rehabilitation, temporary or permanent redeployment
- Whether the employee should be referred to Occupational Health
- Any other support that the school can give to the employee, including details of
 - Interchange, the free, personal and confidential counselling service
 - Teacher Support Line, a telephone service providing support, advice and counselling for teachers
 - His/ her Local Trade Union or Professional Association Representative.

If the employee is hospitalised at this time, the meeting and any associated action should be postponed pending the individual's discharge from hospital.

The headteacher/ line manager may wish to seek advice from a Schools' Personnel officer and/ or request their attendance at the meeting.

Where the illness is as the result of an industrial injury (defined as 'industrial disease, accident or assault arising out of or in the course of employment') then the employee may be eligible for financial assistance in accordance with the Injury Allowance Scheme. (see Guidance Notes, Page 18.)

6.2 Occupational Health Referral

If during, or following, the review meeting the headteacher/ line manager wishes to involve the Occupational Health Service this must be discussed with the employee and his/her consent sought. It should be explained to the employee that the purpose of the referral is to obtain advice that will help the headteacher/ line manager make an informed decision about the most appropriate course of action to take. Normally, the employee would be expected to

sign the referral form and be given a copy together with this procedural document and the guidance notes.

Where a meeting with the employee has not been possible but the Headteacher/ line manager wishes to proceed with an OH referral every effort will be made to obtain the employee's signature; where this is not possible the form should state that the employee is aware of the referral and has been/ will be provided with a copy.

6.3 Three Month Review Meeting

If the absence has continued for three months and no return to work is indicated the employee's situation should be reviewed again, repeating the procedure in 6.1.

If at this stage there is still no return-to-work date and Occupational Health advice has not yet been sought, this should now be done as a matter of course. If a report has been received and discussed following the first review meeting, it may be necessary to request a further report for up-to-date advice and information.

If not provided earlier, the employee should be given a copy of this document and the accompanying guidance notes i.e. School Policy for Managing Sickness Absence.

6.4 Meeting to Review Occupational Health Advice

Once the report has been received from Occupational Health a meeting should be arranged by the headteacher/ line manager with the employee, the employee's representative, if relevant, and a Schools' Personnel Officer, if required. This meeting should discuss the employee's situation in the light of all the information available and consider the options for the employee's return to work which will fall broadly into one of the following three categories:

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

- An agreed structured phased return to work
- Changes to the work situation or work practices
- Changes to an employee's working hours, where practical
- the provision of aids/ adaptations/ reasonable adjustments.

Your Schools' Personnel Officer can assist in planning a phased return to work. In addition he/ she may recommend contacting Access to Work who can offer practical and/or financial help to an employer in order to support an employee with a disability.

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

Where Occupational Health has advised that the employee will not be able to return to their former duties on medical grounds consideration should be given to the following options:

- Possible changes or substantial adjustment to the employee's duties
- Adjustments to the workplace including equipment, access arrangements, aids and adaptations
- Where neither of the above are possible, then the school should consider redeploying the employee to a suitable post within the school (see Guidance Notes).

6.4.3 No foreseeable likelihood of a return to work: if after **6 months** absence, despite all the efforts of the employee, the headteacher/ line manager, and with the specialist advice and support from Occupational Health and Schools' Personnel, there is no prospect of a return to work in the foreseeable future, a further review of the employee's employment situation should be undertaken at a Final Review Meeting. Schools' Personnel should be contacted for advice when this course of action is contemplated.

6.5 Return to Work Plan

When a return date has been agreed, the headteacher/ line manager should develop a 'return to work plan' in conjunction with the employee, their representative and Schools' Personnel as appropriate, as well as any other staff likely to be affected. The plan should be recorded – please see Guidance Notes for further details.

6.6 Final Review Meeting

The headteacher/ line manager must ensure that the employee has a copy of this procedure (unless there are exceptional reasons why this should not be done on health reasons) and must also ensure that up-to-date medical advice has been received from Occupational Health.

The final review meeting should involve the headteacher/ line manager, the employee, their representative or colleague, and a Schools' Personnel Officer.

The purpose of the meeting is to discuss the operation of the procedure and the employee's situation in the light of all the available information. The options for consideration will include:

- 6.6.1 the **likelihood of a return to work** in the foreseeable future, including further consideration of any ways that this could be assisted e.g. through changes to the work situation, the provision of aids/adaptations, changes to working hours, or possible redeployment on health grounds to another post within the school;
- 6.6.2 whether there are grounds for early **retirement** on the basis of permanent ill-health, supported by Occupational Health;
- 6.6.3 whether, if the employee's post cannot be kept open and neither 6.6.1 or 6.6.2 apply, there is a need to consider **dismissal** on the grounds of lack of capability due to ill-health.
- 6.6.4

6.7 Ill-Health Retirement

Schools' Personnel will provide advice regarding the process for ill health retirement.

6.7.1 Teaching Staff: the employee must apply for ill-health retirement benefits to Teachers' Pensions. The Occupational Health Service will be actively involved in assessing the adequacy of the medical evidence supplied to Teachers' Pensions and confirming the steps that have been taken to help the teacher return to work, including consideration of part-time employment, stepping down to a less demanding post or redeployment.

If Teachers' Pensions grant ill-health retirement, termination of employment normally takes place with immediate effect

6.7.2 Support Staff : If there are potential grounds for early retirement on the grounds of ill-health, supported by Occupational Health, the employee will be requested to sign a consent form so that his/ her case can be considered by an independent occupational health practitioner.

Please note: both Teachers' Pensions and the Local Government Pension Scheme have more than one level of benefit for members who retire on ill-health grounds; these relate to the employee's potential to undertake any gainful employment following retirement.

6.8 Ill-health Dismissal

As indicated in 6.6.3, once all other options have been exhausted and there is no foreseeable return to work, the employee may be informed that the School will need to consider dismissal on the grounds of capability, due to ill-health. The possibility of this course of action should have been discussed with the employee, with the involvement of his/ her representative if requested, in earlier discussions and its probability conveyed, sensitively, at the final review meeting and confirmed in writing. Please refer to Section 8 for details of the dismissal and appeal process.

6.9 Long Service Award

Employees who retire early on ill health grounds and employees dismissed on the grounds of lack of capability due to ill health will, where eligible, receive the Council's Long Service Retirement Award.

7 PROCEDURE FOR DEALING WITH SHORT-TERM/ SPORADIC SICKNESS ABSENCE CASES

This procedure applies normally when the termly monitoring process has identified an absence pattern of 5 spells in a rolling 12 months, or where an employee's level and/ or pattern of short-term / sporadic sickness absence has become unacceptable having regard to the impact on service delivery.

7.1 Return-to-Work Interview

A return-to-work interview should be conducted by the headteacher/ line manager with the employee after each instance of absence in order to identify the cause of absence and provide an opportunity to explore any particular problems the employee may have; it is also an opportunity to ensure that the self-certificate is completed (see Guidance Notes, Page 14).

7.2 Informal Review Meeting

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

An informal review meeting should then be arranged with the employee to communicate the concerns. The employee may wish to be accompanied at the meeting.

The meeting will provide the opportunity for:

- the employee to express his/ her views about the absences, including the reasons (noting any GPs or self certificates covering the absence) and any particular medical, personal or work circumstances which may have contributed
- counselling the employee about the difficulties emanating from a high level of absence and encouraging improvement, but in a supportive manner.
- discussing action to achieve that improvement, which may include a referral to Occupational Health.
- considering other forms of support, short term adjustments or referral to the Counselling Service.
- agreeing a timescale for improvement in attendance.

The employee should receive written confirmation of the points discussed and the agreed review period.

Where sufficient improvement is achieved within the agreed timescale this should be acknowledged by the headteacher/ line manager and noted on the employee's personal file.

7.3 Investigatory Action

Where the unacceptable levels/ pattern of absence continues or re-occurs the headteacher/ line manager should ensure that all reasonable steps have been taken to ascertain whether there is any underlying reason for the absences. This should include:

- **referral to Occupational Health**, where this has not already been done. This must be discussed with the employee and his/her consent sought. It should be explained to the employee that the purpose of the referral is to obtain advice that will help the headteacher / line manager make an informed decision about the most appropriate course of action to take. Normally, the employee would be expected to sign the referral form and be given a copy together with this procedural document; Occupational Health will, however, accept an unsigned referral provided that a signed copy follows at a later date.
- **consideration of any personal, domestic or other circumstances** that the employee asks to be considered in mitigation.

The Occupational Health report should be discussed with the employee.

- 7.3.1 Where the report advises that the absences are the result of an underlying medical condition or disability, the employee should be dealt with under the Long Term Ill-Health Procedure (Section6).
- 7.3.2 Where the headteacher/ line manager is satisfied that personal, domestic or other circumstances have caused or contributed to the employees level / pattern of absence then a further review date should be set and appropriate support measures put in place if this has not already been done. The potential consequences of continued unacceptable absences should be explained to the employee. The employee should receive written confirmation of the points discussed and the agreed review period.
- 7.3.3 Where no underlying medical condition or disability has been identified nor any acceptable mitigating circumstances, then the Headteacher / line manager should inform the employee that a formal Sickness Absence Interview will be arranged.

The employee has the right throughout this process and at any future meetings to be represented.

7.4 Sickness Absence Interview

An employee will be given at least 5 working days' notice in writing to attend a Sickness Absence Interview.

The headteacher/ line manager will ensure that the employee has:

- A copy of this procedure and guidance notes
- A copy of their sickness absence record
- Copies of any relevant correspondence

A Schools' Personnel Officer may be requested to attend in an advisory capacity.

The headteacher / line manager will conduct the interview which will include:

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

After consideration of all the relevant information the headteacher/ line manager will reach a decision:

- That no further action is required, or
- That a further review will take place within a specified time, or
- That a First Sickness Absence Warning will be issued, which will remain on file for 12 months.

7.5 Further Sickness Absence Interview

Where the employee's absence continues to be unacceptable after the issue of a First Sickness Absence Warning a further Sickness Absence Interview will take place and a decision reached as in 7.4 above, but a Final Sickness Absence Warning may be issued which will remain on file for 2 years.

7.6 First and Final Sickness Absence Warnings

Sickness absence warnings should normally contain:

- A statement of the level of absence and management's concerns about its effects
- The potential consequences for the employee of a continuing high level of absence, such as a final warning or dismissal on grounds of capability
- Confirmation of any arrangements that are to be implemented in an effort to improve the employee's attendance including a review date
- An explanation of the employee's right of appeal.

The employee may be required, in appropriate circumstances, to provide medical certificates for absences of less than 8 days; the school will reimburse any costs of such certificates on submission of receipts.

7.7 Dismissal Hearing

If within 2 years of receiving a Final Sickness Absence Warning, the employee has further episodes of unacceptable levels / patterns of absence a hearing should be arranged to determine whether the employee should be dismissed on grounds of capability. Please refer to Section 8 for details of the dismissal and appeal process.

8 DISMISSAL ON ILL HEALTH GROUNDS - CAPABILITY

Where:

- an employee has exhausted all other options in the procedure for dealing with long term ill health cases, or
- an employee has had further unacceptable levels of absence following a Final Sickness Absence Warning in accordance with the procedure for dealing with short-term/ sporadic sickness absence cases,

then the headteacher will seek advice from a Schools' Personnel Officer to determine whether a hearing should be arranged to consider dismissal of the employee on grounds of capability.

8.1 Dismissal Hearing

The Governing Body has the statutory right to delegate to the headteacher the authority to take action, including the making of the initial dismissal determination, as appropriate. If the headteacher has chosen not to exercise this right, or, if he/she has been involved in the earlier Sickness Absence Interviews in accordance with the procedure for dealing with short-term/ sporadic sickness absence cases, then a Staffing Panel comprised of Governors must be convened as necessary.

The employee should be referred to Occupational Health to obtain up-to-date information and advice prior to the hearing.

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

The Director for Children and Young People, or her representative, has a right to attend to provide advice.

The outcome of the meeting must be confirmed in writing to the employee together with his/her right of appeal.

In the event of a decision to dismiss, Schools' Personnel must be notified in writing.

The employee will receive notice pay in accordance with the contractual or statutory entitlement (whichever is the greater) and support staff will receive a payment for the balance of any untaken leave due for the current leave year (including up to 5 days carried over from the previous leave year). In exceptional circumstances payment in lieu of notice may be made; this is a tax free payment.

8.2 Appeals

Under this procedure, employees have the following rights of appeal:

- To a Governors' Appeals Panel against a First Sickness Absence or Final Sickness Absence Warning
- To a Governors' Appeals Panel against the decision to dismiss on grounds of capability.

An employee who wishes to exercise his/her right of appeal must notify the Chair of Governors, in writing, normally within 5 working days of receipt of the written confirmation of the outcome of the Sickness Absence Interview or Dismissal Hearing. The grounds on which the Appeal is made, and any supporting information, should be sent at that time, or as soon as possible, and in any case prior to the date of the Appeal Hearing. The Appeal

Hearing will normally be heard within 10 working days of the written notification of the Appeal and the decision of the appeal panel will be final.

9 ALCOHOL, DRUGS AND SUBSTANCE MISUSE POLICY

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

Line managers

In a reasonably small school such as ours, it makes sense for most staff absence to be reported initially to the Headteacher, who can then start to think about arranging class cover, if required. Members of staff have already been issued with a list of their colleagues' home contact numbers and these could be used to give as much notice as possible about sickness absence. It would also make sense for Teaching Assistants to send a message to their class teacher, if possible, as their absence might require teaching plans to be amended.

This table identifies the personnel who need to be informed of sickness absence (refer to confidential list of staff telephone numbers for home contact details). Employees should not assume that a text message has been received by the Headteacher unless a reply is given. The school office number is 01454 866555 but please be aware that messages left are not usually picked up until after 9 a.m.

Post	Inform firstly	If no reply, then inform secondly	Also inform
Teacher	Headteacher	Deputy Headteacher	School Administrator
Teaching Assistant	Headteacher	Deputy Headteacher	School Administrator
Lunch Break Supervisor	School Administrator	Headteacher	Lead LBS
Cleaners	Caretaker	Headteacher	School Administrator
Caretaker	Headteacher	Deputy Headteacher	School Administrator
Traffic Patrol	Road Safety Team		School Administrator
Cook	SG Catering Dept		School Administrator
Administrator	Headteacher	Deputy Headteacher	
Headteacher	Deputy Headteacher	Other members of SLT	School Administrator

GUIDANCE NOTES FOR THE MANAGING SICKNESS ABSENCE POLICY

These notes provide guidance on the operation of the 'Model School Policy for Managing Sickness Absence'. Both documents should be read together. These notes of guidance are advisory only.

	Page
1	15
2	15
3	16
4	17
5	18
6	21
7	22
8	23
9	25
10	25
11	26
12	26
13	28
14	28
15	29
16	30

1. ROLE OF GOVERNORS

The Governing Body is responsible for the establishment of the school's policies and practices relating to sickness absence and ill health and will receive periodic reports from the headteacher on their operation.

In some cases, situations may arise leading to dismissal on ill health grounds. In accordance with the provisions of Sections 35 and 36 of the Education Act 2002, Governing Bodies of Community [C] and Voluntary Controlled (VC) Schools have overall responsibility for all dismissals. The Governing Body has the statutory right to delegate to the headteacher authority to make an initial dismissal determination as appropriate. If the headteacher has chosen not to exercise his/her right of carrying out the delegated functions for staff appointments and dismissals then a Staffing Panel will be convened as necessary.

Where it is the headteacher who is absent due to sickness, the Chair of Governors will normally undertake the role of managing the sickness absence.

2. ROLE OF THE HEADTEACHER (or LINE MANAGER)

Overall responsibility for the day-to-day management of absence and sickness issues rests with the headteacher who plays a key role in the operation of the school's sickness absence policies. Management responsibility may be delegated to a designated line manager, although it is recognised that in the majority of cases the headteacher will also be the line manager.

The role includes:

ensuring that sickness absence procedures are followed, including the countersigning of **self-certification forms**;

conducting, and keeping a record of, **return-to-work** discussions;

ensuring that **reasonable contact** is established early in a period of sickness absence and a mutually acceptable contact plan agreed; first contact may be directly by telephone or letter or through a personal visit or via a colleague or TU representative as appropriate if direct management contact is difficult for the employee;

monitoring employees' sickness absence (at least termly) and responding to situations where an employee's absence, through long term-sickness/disability or because of the pattern or frequency of short-term absence, is causing concern;

monitoring overall absence levels in schools; the data is required on an annual basis by the DCSF for overall monitoring purposes.

considering **reasonable adaptations / adjustments** to the work or working environment and actively supporting employees who are, or become disabled, to enable them to return to, or remain at, work (and bearing in mind duties under the Disability Discrimination Act);

ensuring that returns to work from long term absence are managed within the framework of an agreed **return-to-work plan**;

referring employees to **Occupational Health** as appropriate and ensuring employees receive a copy of their OH reports;

In situations where dismissal is a possibility, the role of the headteacher may vary depending on how the case has been managed:

- For cases where the headteacher has taken the lead in the dismissal decision: the headteacher will be responsible for determining the dismissal and for considering any formal representations. For this reason the headteacher will not have been involved in the detailed consideration of individual staff absence in the earlier stages. This should be undertaken by the most appropriate person e.g. the line manager.

- For cases where the headteacher has not taken the lead in the dismissal decision: the headteacher will be involved in the detailed consideration of the individual staff absence. The Governing Body will be responsible for determining the dismissal and for considering any formal representations or appeals.

Medical suspension

When it is considered that an employee poses a risk to the health, education or welfare of pupils because of their condition, or to their own health and safety, the headteacher has the power to suspend an employee on medical grounds; he/she will normally have sought advice from School's Personnel in the first instance and medical advice from the Occupational Health Service. This suspension would be on full pay and in line with the employee's conditions of service.

3. ROLE OF EMPLOYEES

The School expects its employees to:

observe the School's sickness reporting procedures when absent due to sickness;

maintain reasonable contact with their headteacher/line manager whilst absent, keeping them informed about their sickness and the likely return date;

take reasonable care of their health and seek medical help whenever appropriate;

co-operate in the operation of the school's procedures, including attendance at meetings;

inform their headteacher/line manager of any medical condition which may affect their attendance or performance at work, or which might put at risk their colleagues, pupils or members of the public. (Any such matters will be dealt with confidentially);

inform their headteacher/line manager of any health problem or disability if they consider that this may require adjustments to be made to the work situation. (Any such matters will be dealt with confidentially);

co-operate with reasonable adjustments/phased returns to work, as recommended by Occupational Health or the GP, to facilitate their return to work;

not unreasonably withhold or delay consent for the School to access Occupational Health Service Reports/Advice.

If an employee has a health-related problem which has implications for their work, and for any reason they feel unable to discuss this with their line manager, they should consider approaching, in confidence, one of the following:

- the Chair of the School Governors Staffing Committee;
- a Schools' Personnel Officer;
- their Trade Union Representative;
- the Occupational Health Service;
- the Council's Staff Counselling Service (Interchange).

In situations where an employee fails to attend a meeting with the Occupational Health Service without good reason, this may lead to disciplinary action by the school, and/or a decision being made in the absence of medical advice.

4. EMPLOYEE'S RIGHT TO BE ACCOMPANIED

The Employment Relations Act 1999 introduced the concept of a statutory right to be accompanied in disciplinary and grievance hearings. The School's policy is to extend this right to cover employees under the Policy for Managing Sickness Absence.

The employee has the right to be accompanied at meetings whether at school or at home, throughout the procedures.

The person accompanying the employee (a companion) in the context of these procedures may be a trade union representative or work colleague.

The 'companion' would be able to address the meeting, make opening and closing statements, ask questions and confer with the employee.

Where the 'companion' is a work colleague reasonable paid time off will be granted for them to confer with the employee, prepare for and attend meetings.

If the chosen 'companion' is unavailable, an alternative date will be set which is normally within 5 working days of the original meeting. At this re-arranged meeting, if the original 'companion' is unavailable, the employee will normally be expected to bring another person or be unaccompanied.

Correspondence and reports from Occupational Health will not routinely be shared with an employee's representative. It is therefore the employee's responsibility to either pass copies of relevant documents to their representative or to write to Schools' Personnel, giving authorisation for such documents to be released.

5. ROLE OF THE OCCUPATIONAL HEALTH SERVICE

The role of South Gloucestershire Council's Occupational Health Service is to provide independent specialist medical advice on employee health related matters.

This includes the provision of advice in response to referrals by the School of an employee where there is concern about his/her health, level of sickness absence, longer-term ill health or disability, or any other health-related problem which is affecting his/her performance at work, as well as advice to facilitate the return to work.

When cases are referred to the Occupational Health Service for advice the school will provide information about the employee, including details of job duties and responsibilities, the sickness absence record and any other relevant information.

The headteacher/ line manager prepares the referral document after discussion with Schools' Personnel. Normally, the employee is expected to sign the referral form: a copy is given to the employee and to Schools' Personnel.

Depending on the circumstances of the case, the advice sought from the Occupational Health Service is likely to involve the employee undergoing a telephone interview or attending an appointment (or a series of appointments) with an Occupational Health Physician or Nurse, in which some or all of the following will be addressed:

- the nature and extent of the illness(es)
- whether an employee's level of sickness absence is accounted for by an underlying health problem or disability
- the likelihood of the current level of absence recurring
- the likely duration of sickness absence, when the employee is likely to return to work and what support will be necessary upon return to work, or what may facilitate an earlier return to work if that is possible
- whether the employee is/will be medically fit to undertake the full range of duties of the post
- whether there are any limitations (permanent or temporary) on the employee's ability to undertake certain duties
- whether changes could be made to the work situation to accommodate the employee's health problem or whether redeployment on health grounds should be considered
- whether the ill health is likely to be permanent, and if so, whether independent advice should be sought via a referral to an Independent Doctor within the Occupational Health contract for consideration of early retirement on ill health grounds
- whether the sickness/illness is the result of an industrial injury
- whether, in spite of the employee's GP's having certified them as fit for work, there may be operational reasons for the employee to be placed on Medical Suspension. (This would be on full pay).

The advice provided by the Occupational Health Service to the headteacher/line manager will be fully discussed with the employee. The employee should be given a copy of any relevant correspondence received by the headteacher/line manager from Occupational Health.

The advice provided by the Occupational Health Service may require liaison with the employee's GP and, and where appropriate, their Consultant or other specialist. The nature of the liaison will be explained by OHS who will also arrange for the necessary authorisations from the employee.

The advice provided by the Occupational Health Service to the School will refer to the employee's fitness to undertake their employment, but will not disclose personal details of the employee's health, without the employee's consent. The employee should be given a copy of any relevant correspondence received by the school from the Occupational Health Service.

Where an employee disagrees with the medical opinion provided by the Occupational Health Service, they have the right to seek an alternative medical opinion (at their own expense) for consideration by the Occupational Health Service. This should be within a reasonable time period, as notified to the employee by the School.

Where there is a recommendation by the Occupational Health Service for ill health retirement, this must be confirmed by an independent medical practitioner in the case of support staff.

In the case of teachers, the individual must make an application for ill health retirement direct to the Teachers' Pensions Agency. The medical opinion provided by the OHS and/ or the employee's GP may be used to support the application.

The Schools' Personnel Officer can provide advice with regard to ill health retirement procedures.

It is important to note that the management decision to terminate employment due to capability through ill health is separate to the granting of any ill health benefits by the relevant Pension Scheme.

Employees are able, should they so wish, to refer themselves to the Occupational Health Service, on a confidential basis, for advice on any health matter that is impacting upon their work performance. The Occupational Health Service will only pass information on to the School with the express consent of the employee, unless there is a statutory Health & Safety requirement to notify the Council. However, if any changes to the work or working environment are considered to be necessary, the School must be fully informed of the reasons for this, in order to consider what action may be possible/ necessary. The current Occupational Health provider for South Gloucestershire Council is IMASS Ltd; contact should be made via the Administrator by telephone on 01752 835900 or by writing to:

IMASS Ltd
Buckland House
8 William Prance Road
Plymouth International Medical and Technology Park
Plymouth
PL6 5WR.

The Occupational Health Service cannot provide treatment nor can it refer employees for treatment.

The Occupational Health Service may make recommendations to the School but cannot make employment or operational decisions – this is a matter for the school's Governing Body and headteacher.

6. ROLE OF SCHOOLS' PERSONNEL OFFICERS

The Schools' Personnel Officer's role is to advise and support schools in the management of ill health/ sickness absence cases. This role includes:

- advising on sickness absence/ill health policies and procedures and other employee health issues;
- advising on the monitoring of sickness absence data;
- assisting headteachers/ line managers, where requested, in liaising with employees, including confirmation of sick pay entitlements (via payroll), participation in meetings and home visits and advising on follow up correspondence;
- advising schools on referrals to, and liaising with, the Occupational Health Service;
- advising schools on the operation of the policy for managing sickness absence. This could include advising on what constitutes 'unacceptable' absences, having regard to operational requirements as well as advising on reasonable timescales within the procedures;
- advising schools on the provision of support where an employee's health or disability leads to situations where adjustment to the work situation, or redeployment on ill health grounds, need to be considered. This may include the employee being provided with support from Disability Confident on 01454 864447, or Access to Work (telephone 01454 848 500), or from the Jobcentre Plus Disability Employment Advisors or other similar organisations;
- advising schools on compliance with the requirements of the relevant legislation including the Disability Discrimination Act;
- supporting the timely progress of cases, including potential redeployment in appropriate cases;
- providing advice to ensure that employees who are, or who become, disabled are treated sympathetically and not discriminated against having regard to the school's equalities policies and legal duty under the DDA;
- in the case of Teachers, ensuring that all ill health retirement applications are completed fully and forwarding these to Teachers' Pensions;
- attending (as the Director of Children and Young People's representative) any meetings of the Governing Body at which dismissal of a member of staff is to be considered.

7. EMPLOYEES WITH DISABILITIES

Definition

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities. People who have had disabilities in the past are included.

- Impairment covers physical and mental impairment including learning disabilities and hearing and sight impairments. A mental illness could be included if it has a substantial effect on daily life.
- 'Substantial adverse effect' means something which is more than a minor or a trivial effect and is beyond the normal differences in ability which exist among people
- 'Long term effect' means one which has lasted or is likely to last for at least twelve months or for the rest of the life of the person. Therefore, loss of mobility due to a broken leg which is likely to heal within twelve months or a long-term illness which a person is likely to recover from within 12 months are not included. It could, however, include stress where the effects of the condition are substantial and adverse, and they are more likely than not to recur.
- Substantial effects of a disability which has ceased but is expected to recur at least once a year, for example rheumatoid arthritis or epilepsy, are included in the definition.
- Progressive illnesses such as cancer; multiple sclerosis, HIV infection and muscular dystrophy are covered from the moment of diagnosis.

An employee with a disability is protected by the Disability Discrimination Act (1995) from discrimination in all aspects of employment, including recruitment, promotion, transfer, training and dismissal.

Discrimination is defined as the treatment (by an employer) of a disabled person less favourably than others who are not disabled, without justification. It is also discriminatory for employers to fail to make 'reasonable adjustments' to either their premises or their employment arrangements where a failure to do so would cause a substantial disadvantage to a disabled person, subject to the resources available to the individual employer.

Applying the Policy

It does not necessarily follow that people with disabilities have more sickness absence than other people. Where absence episodes do relate to disability, however, the headteacher/ line manager should be careful not to act in a discriminatory way. This does not alter the need to respond to absences in accordance with the timescales suggested, but it does mean that the manner of the response should be sensitive to the disability issues.

Sometimes an early management response may identify a disability issue that might otherwise be overlooked, or provide an indication that more effective workplace / task adjustments may be needed to support an employee with a disability. If in doubt the headteacher/ line manager should contact a Schools' Personnel Officer.

When considering what reasonable adjustments will support an employee with a disability, it is important that the headteacher/ line manager looks at the options jointly with the affected employee. The following list provides a number of possible adjustments but is not exhaustive:

- Adjustments to the premises;
- Re-allocation of duties between the disabled employee and colleagues;
- Transfer of the employee to fill a more suitable, existing vacancy;
- Changes to the employee's working hours;
- Paid time off for rehabilitation, assessment or training;
- Acquisition or modification of equipment
- Provision of a reader, interpreter or support worker
- Increased supervision

8. NEW AND EXPECTANT MOTHERS

Great care must be taken when dealing with sickness absence during pregnancy as the law says that a pregnant woman may not be subjected to detriment, directly or indirectly, on grounds of pregnancy.

Because the period beginning with the start of a woman's pregnancy and ending with her return to work after maternity leave is deemed to be a 'protected period', it is inadvisable for an employer to subject an employee who is absent from work with a pregnancy-related condition to any warnings for unsatisfactory attendance. Such action could also be viewed as sex discrimination.

The school should, however, continue to monitor a pregnant employee's sickness absence. Self-certificates must still be completed and the headteacher / line-manager should conduct return-to-work interviews in the normal way. Such interviews provide an opportunity for the headteacher/ line manager or employee to raise any concerns about the employee's working situation in relation to the pregnancy (see Risk Assessment below).

If an employee is still working after the beginning of the 4th week before the expected week of confinement and has a period of sickness which is related to her pregnancy, then this will automatically trigger her Maternity Leave and Pay.

Pregnancy Risk Assessment

There are additional legal duties where an employer employs expectant mothers. This means that a separate risk assessment should be carried out, identifying the particular risks or hazards associated with the pregnancy. This will very much depend upon the workplace and the kind of work carried out, but may well include the risks of heavy lifting and carrying, excessive time spent standing up, or for some staff, the risks of having to deal with unruly children or the risk of violence.

A pregnancy risk assessment should be carried out without delay on receiving written notification of pregnancy, as follows:

- Identify the hazards
- Decide who might be harmed and how
- Evaluate the risks and decide on precautions
- Record your findings and implement them
- Review your assessment and update if necessary

Further details can be found on the Schools' Personnel Health and Safety web site at:

<http://intranet/content/CYP/Department/WeeklyMail/280208/BasicRAConsiderations308.doc>

Sickness at the end of or following Maternity Leave

Where an employee fails to return on her expected return to work date and instead reports in sick, then the sickness absence scheme reporting procedure applies to such absence.

If an employee has returned from maternity leave but continues to experience absences related to pregnancy or childbirth, any dismissal related to these absences is likely to be seen as automatically unfair, even if they continue for a period of time after her return.

General guidance on health and safety issues for new and expectant mothers at work can be found on the HSE website at:

<http://www.hse.gov.uk/pubns/indg373hp.pdf>

9. RETURN-TO-WORK INTERVIEW

Return-to-work interviews have been identified as the most effective intervention to manage short-term absence. They should be conducted by the headteacher/ line manager after each instance of absence. Their purpose is:

- To welcome the employee back to work
- To ensure the employee is fully fit to return to work
- To identify the reason for the absence and confirm the length of absence
- To identify and address any problem (work-related or otherwise) that may be causing or contributing to the absence
- To discuss and/or identify any adjustments to the workplace/hours/duties that may reduce/eliminate absences
- To agree the priorities for the post-absence period and to up date the employee.

In many instances a brief, informal chat will suffice to cover all relevant issues. Where a more formal interview needs to take place this must be held in private and should be handled in a sensitive and professional manner.

10. PHASED RETURN TO WORK

This process enables employees who have had a significant absence from work, usually of 3 months or more, or have had a significant illness, to make a gradual return to work.

A phased return can be structured over a maximum period of six weeks starting, generally, at no less than half of the employee's contractual hours and gradually increasing to normal working. The timing of the increase in hours will be discussed with the employee and be based on the recommendation of OH and/or their GP. (Whilst every effort will be made to accommodate a return on this basis it may not always be possible due to operational or health and safety considerations.)

A phased return must be supported by medical advice, either from OH or from the employee's GP and the employee will be required to obtain certification from their GP that they are fit to return to work, albeit on reduced hours and/or duties.

During the phased return period employees will be paid as follows:

- Employees who immediately prior to their return to work were receiving full sick pay will receive full contractual pay, irrespective of the hours actually worked.

- Employees who immediately prior to their return to work were receiving half sick pay will receive half contractual pay plus payment for the hours actually worked, provided that the total payment does not exceed their full contractual rate of pay.
- Employees who have exhausted their sick pay entitlement will receive payment for the hours actually worked.

In exceptional situations, the period of phased return may be extended beyond 6 weeks, where this is recommended by the Occupational Health Service, and agreed by the school, with payment as specified above. In cases where the further period of reduced hours working is at the employee's request, and this is agreed by the School, the payment would be for the actual hours worked.

If there is a need to continue working reduced hours after this further period then the headteacher should discuss with the employee the need to seek alternative solutions, which may include the possibility of a variation to the employee's contract on a temporary or permanent basis.

Other means of assisting a phased return to work may be explored e.g. a temporary change of work location due to travelling difficulties or varied working hours, where this is supported by OH and the Headteacher.

Any supply cover for a classroom based teacher arising out of a phased return to work would need to be met from school resources unless the school's sickness cover arrangements make other provisions.

11. REASONABLE ADJUSTMENTS

Where, in the opinion of the OHS, a return to the employee's work situation is not possible on medical grounds, consideration should first be given to possible changes or adjustments to the job and/or the provision of suitable aids or adaptations (in accordance with the requirements of the Disability Discrimination Act). This consideration should be done in consultation with the employee, their line manager and taking account of relevant specialist advice, including the OHS.

Please refer to the section on employees with disabilities for a non-exhaustive list of adjustments for the headteacher to consider.

When determining reasonable adjustments, consideration should also be given to the financial implications on the department and whether the costs of any adjustments would be reasonable, necessary and proportionate to the adjustments being suggested and the financial impact this would have on the staffing and service provision of the school.

12. REDEPLOYMENT

Where there are no reasonable adjustments that could facilitate the employee's return to their substantive job, or these prove impractical, the school should discuss with the employee the possibility of redeployment to a suitable post within the school, explaining to the employee any implications to the employee's terms and conditions of employment associated with the alternative post(s), any opportunities for retraining and advising him/ her to contact his/her pension provider. The headteacher should advise the employee to contact

his/her pension provider to ensure that he/she is fully aware of the consequences of accepting redeployment including the impact on his/her pension entitlement.

In determining what constitutes a suitable post for redeployment, the school should take into account the job requirements in terms of knowledge, skills and other factors as well as OH and/or medical advice.

So long as the employee meets the person specification for a post, priority should then be given to the employee as follows:

- the employee being interviewed before other applications are considered;
- the employee being appointed to the vacancy, if suitable, even if the post has been advertised.

The employee should be offered advice and assistance with the completion of application forms and interviewing skills plus counselling in preparation for their return to work, or work experience visits or placements.

In considering suitability for a job, the test is whether the employee could do the job to an acceptable standard after an induction period and, if necessary, further reasonable training. It is anticipated that this period of induction will not exceed 12 weeks unless a longer period is agreed jointly for specific training.

Consideration should also be given as to whether the job is capable of modification to make it more suitable, subject to this being considered reasonable by the school having regard to the employee's medical condition and the nature of the post. Advice on this can be obtained from the Employment Service's Disability Service Team at your local Job Centre or other similar organisations. An employee should not be rejected on the grounds that they are not necessarily the best person for the job in a competitive situation.

Where redeployment is to a job which results in lower pay, the Council's Pay Protection Policy will apply for all non-teaching staff. This provides for the employee to receive pay protection based on the hourly rate of the old job, for up to 3 years. The protected element of pay cannot exceed 12.5% of the top of the new grade. The protected pay element will be recalculated when the substantive pay of the new post changes, through pay awards or otherwise e.g. re-grading, promotion, and/or increases in hours.

Please note; pay protection relates only to the number of hours actually worked in the new post.

If a teacher is medically redeployed to a post which results in a reduction in his/her salary, protection of accrued pension rights will apply in accordance with the Teachers' Pension Scheme rules. Options available prior to 1 January 2007 whereby members could protect a previous higher salary for pension purposes by paying contributions on the former higher salary are no longer allowed but existing arrangements are being honoured. Individuals should seek advice from Schools' Personnel.

Local Management of Schools means that the possibility of redeployment of an employee to another school or to a post elsewhere within the authority can be requested by the Headteacher / line manager, but there is no right of 'automatic' redeployment to a suitable vacancy.

Schools' Personnel can provide information on possible suitable vacancies at other schools or in other council locations.

13. RETURN TO WORK PLAN

When a date for return has been agreed a Return to Work Plan should be agreed between the Headteacher/ line manager and the employee, liaising with the employee's 'companion' and with Schools' Personnel as relevant, as well as with any other staff likely to be affected. The plan should normally include:

- the goal of the plan e.g. to get the employee back to full-time activity after a gradual return to work
- the timescale for any agreed structured phased return
- any agreed modifications to hours and/ or role and whether permanent or temporary
- any reasonable adjustments which have been agreed to facilitate the return and whether permanent or temporary
- agreed monitoring arrangements and review dates
- any further referral(s) to Occupational Health with dates
- provision for updating the employee about relevant work issues
- provision for briefing colleagues, as agreed with the employee, to facilitate the return.

A copy should be given to the employee and any modifications of the plan which are agreed at the review meetings should be recorded in writing.

14. INDUSTRIAL INJURIES

Teachers

The 'Burgundy Book' provides that, where a teacher is absent due to accident, injury or assault arising out of, or in the course of, employment, he/she will receive full pay for up to six months. Further absence will usually be treated as normal sick leave and the teacher will receive occupational sick pay in accordance with his/her entitlement, based on length of service.

Similar provisions apply where a teacher has contracted an infectious or contagious illness in the course of employment, or has been in contact with an infectious disease and a medical practitioner has advised that the teacher should not attend school.

Support Staff

Although referred to in National Conditions of Service as 'industrial disease, accident or assault arising out of or in the course of employment' this is commonly known as industrial injury.

Sickness absence resulting from an industrial injury will be managed in the same way as other sickness absence in the operation of this policy and procedure. However, absence in respect of normal sickness is entirely separate from absence through industrial injury. This means that periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements.

In addition there may be special financial arrangements under the Injury Allowance Scheme for support staff who sustain an industrial injury or disease in the course of their employment.

The employee needs to establish a causal link between the injury or disease and anything they were required to do in carrying out their work and this can include travelling on

business, even as a passenger, although normal commuting to and from work would be excluded.

If an employee ceases to be employed as a result of a qualifying industrial injury or disease, he/she will receive an annual allowance, which will be calculated by the Council having regard to length of service and disability suffered. The allowance may not exceed 85% of the employee's previous annual remuneration and must be offset by pension and other benefits received.

If, as a result of the qualifying industrial injury or disease, an employee suffers a reduction in remuneration whilst carrying on working e.g. is redeployed, or is on reduced or no sick pay, his/ her earnings will be maintained for a period of 3 years at the amount before the injury or disease was sustained; the amount may be reviewed and varied if circumstances change.

Full details of the relevant schemes for teachers and support staff are available from Schools' Personnel.

Employees may also qualify for an award under the Council's Personal Accident Insurance cover – (details from the Risk and Insurance Services Manager in Corporate Finance ext. 4730).

15. CARRYING OUT DUTIES WHILST ON SICK LEAVE

Teaching staff are under no obligation to set work for their classes when they are on sick leave. Some schools have contingency plans in place in the event of staff sickness. If a teacher chooses to undertake some work he/she should ensure this does not impact adversely on his/her health.

Similarly, teachers on long term sick leave may wish to complete pupil reports and assessments or support staff may wish to undertake key tasks; no-one should feel under pressure to do so. An employee's priority is to regain full health and return to work.

16. ANNUAL LEAVE ENTITLEMENT

Where a member of the support staff has had a long-term period of absence they will be credited with any untaken annual leave for the current year; if the absence commenced in the previous leave year they will be credited with up to 5 days.