

School Sickness Absence Policy

Version: 1.0
2018

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Model Sickness Absence Policy for Community, Community Special, Voluntary Controlled and Maintained Nursery Schools

Contents

Section Number	Title	Page
1	Introduction	2
2	Scope	2
3	Aims	4
4	Responsibilities	4
5	Principles	8
6	Notification	8
7	Medical Suspension	9
8	Return to Work	10
9	Informal and Formal Meetings	10
10	Sickness Absence Triggers and Procedure	11
11	Disability	11
12	Maternity Related Sickness	11
13	Terminating the Employee Contract of Employment	11
14	Relevant Legislation	12
15	Associated Documents	12

School Sickness Absence Policy

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Appendix 1 Version History

School Sickness Absence Policy

Version: 1.0

Date Issued: 22nd February 2018

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1. Introduction

The Council and the School Governing Body aim to encourage and support all employees to maximise their attendance at work while recognising that employees will sometimes be unable to work due to sickness. This Policy and the Model School Sickness Absence Procedure (hereafter “the Procedure”) provide a fair and consistent framework to minimise the impact of sickness absence on employees’ attendance at work.

The Council and the School Governing Body are committed to maintaining and promoting the health and well-being of all employees, and to reducing the costs and impact of sickness absence. Whilst this is a supportive approach, the aim is to achieve a balance between the needs of the employee and the needs of the school.

Within this document there are references to ‘school’ which is a generic term for a school, academy or free school in which this Policy is adopted.

The Chair of Governors has management responsibility for the Headteacher’s sickness absence. The Headteacher (or nominated senior member(s) of staff) is responsible for the management of sickness absence of other school employees. For ease of reference the term ‘manager’ is used throughout this policy to refer to the person with management responsibility.

Managers’ and employees’ responsibilities are clearly defined in the Procedure.

Failure to comply with this Policy and / or the Procedure may result in loss of pay and / or may result in management action being taken against an employee, in accordance with the Schools Disciplinary Policy.

2. Scope

This Policy and the Procedure cover all absences from work because of sickness or injury which include short term¹ and long term² absences and combinations of both. Absence not due to sickness will be dealt with under alternative, appropriate school policies and procedures.

This Policy and the Procedure apply to all School employees, including the Headteacher, with the exception of those who are specifically covered by separate policies, for example (but not limited to) employees based in a school

¹ Absences for a period between a part working day and up to and including 4 calendar weeks.

² Absences that last for more than 4 calendar weeks in a row.

School Sickness Absence Policy

Version: 1.0

Date Issued: 22nd February 2018

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who are managed centrally from within the Council and are not under the direction of a Governing Body.

3. Aims

The overarching aim of this Policy (and the Procedure) is to describe the approach which will be taken in circumstances where, because of sickness or injury, employees are unable to maintain the level of attendance expected of them. Specifically this Policy and the Procedure aim to:

- provide a structured framework to assist with managing sickness absence in the school to increase employee attendance;
- ensure that all information relating to an employee's absence is treated on a strictly confidential basis and is therefore only made available to the employee's managers, and other parties supporting the application of this Policy and the Procedure, as and when it is appropriate to do so;
- treat all employees fairly, consistently and sensitively during times of sickness and injury and encourage them to make use of the support mechanisms available to them;
- help employees and managers understand their responsibilities and take the necessary actions to maintain attendance levels;
- increase awareness for employees in relation to their health and wellbeing; and
- make managers aware of the requirement to make reasonable adjustments for employees, where appropriate, to enable employee attendance at work.

4. Responsibilities

Managers must:

- ensure all employees have an awareness of this Policy and the Procedure and other supporting policies such as the Worklife Balance Guidance and Schemes;
- ensure that all information relating to an employee's absence is treated on a strictly confidential basis and is therefore only made available to the other parties supporting the application of this Policy and the Procedure, as and when it is appropriate to do so;
- treat all employees fairly, consistently and sensitively taking into account the nature of the sickness absence when information is being sought from employees and appropriate actions are being determined;

School Sickness Absence Policy

Version: 1.0

Date Issued: 22nd February 2018

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- ensure employees follow the notification requirements in the Procedure including any school specific requirements;
- ensure employees understand that they are not expected to undertake any work until they are fit enough to return to work;
- take appropriate action in the first 24 hours of being notified by an employee of an absence relating to mental health (see Managers Guidelines, Mental healthg Sickness Absence – First 24 Hours);
- take appropriate action where an individual is at risk of self harm and/or has self-harmed;
- hold a return to work discussion with the employee after each period of sickness absence;
- maintain sickness absence records;
- implement the Procedure promptly and take appropriate action to deal with each employee on an individual basis;
- as appropriate, maintain regular contact, via telephone and face to face, with an employee throughout any periods of sickness absence;
- maintain health and safety standards and undertake appropriate risk assessments;
- ensure where a sickness absence is due to industrial injury, the incident is reported and investigated in line with health and safety procedures;
- invite the employee to a formal meeting under the Procedure when trigger points are reached;
- where applicable, consider and implement reasonable adjustments for employees;
- where a pregnant employee's sickness absence is related to her pregnancy disregard that sickness absence for the purposes of target setting and/or progression through the sickness absence stages of the Procedure;

School Sickness Absence Policy

Version: 1.0

Date Issued: 22nd February 2018

Effective Date: As adopted

- check the employee's sickness absence period from the eighth calendar day onwards is covered by a doctor's fit note. Guidance for managers on fit notes is available at; <https://www.gov.uk/government/publications/fit-note-guidance-for-employers-and-line-managers>
- take positive steps to re-integrate employees back into work at the earliest opportunity as appropriate to the circumstances of each situation;
- as appropriate, seek advice from Human Resources (HR) or Occupational Health including, where the Council is the employer, consulting with the Council's HR Service;
- in conjunction with advice from HR determine if it is appropriate to withhold pay if the employee has failed to comply with this Policy and the Procedure; and
- be aware that they may initiate action under the School's Disciplinary Policy if an employee fails to comply with this Policy and the Procedure.

Employees must:

- try to maintain an acceptable level of attendance, being aware of the absence levels that trigger the Procedure;
- raise with their manager at an early stage any health issues that may impact on their ability to work effectively and safely;
- immediately contact their manager and/or comply with the specific notification requirements determined within the School if they are unable to attend work due to sickness, even if the employee is intending to work from home;
- not claim to be absent due to sickness if they do not have an injury or an illness;
- maintain contact with their manager, and/or be contactable by their manager, during periods of sickness absence in a manner agreed in accordance with the contact arrangements determined within the School and/or attend sickness absence meetings as requested.

School Sickness Absence Policy

Version: 1.0

Date Issued: 22nd February 2018

Effective Date: As adopted

- seriously consider the implications of undertaking activities that would heighten the risk of sickness absence and/or hinder recovery, and take responsibility for managing their health by taking appropriate action as advised by health professionals to achieve a return to work at the earliest opportunity and/or minimise recurrence of the sickness absence, i.e not undertaking any work³ or any other activity which could hinder recovery;
- notify their manager if their sickness absence is the result of an accident or injury at work in order that the manager can investigate and report the incident and take any necessary action;
- if the absence is due to an injury caused by a third party and a claim for damages is possible, seek to recover from that third party the sick pay paid to them during the absence and, if successful, repay it to the School;
- notify their manager of any requests for annual leave during a period of sickness absence and provide, where appropriate, written support from their doctor regarding this;
- notify their manager of any changes to their contact details during periods of sickness absence;
- attend a return to work discussion with their manager after each period of sickness absence;
- provide their manager with an original doctor's fit note from the eighth calendar day of sickness absence onwards until the end of their absence;
- attend meetings with their manager at all relevant stages of the Procedure, unless there is a good reason for not doing so, in which case they must immediately advise their manager of the reason and then attend any rearranged meeting
- attend appointments at Occupational Health (OH) when invited unless there is good reason for not doing so, in which case they must immediately advise their manager and contact OH in advance of the appointment date to rearrange the appointment; and then attend the rearranged appointment

³ If an employee has a medical condition which they do not believe prevents them from undertaking part or all of their contractual duties but which will require a reasonable adjustment to be agreed (such as working from home), then this should be agreed with their manager. The employee will not be deemed to be absent from work whilst such alternative arrangements are in place.

School Sickness Absence Policy

Version: 1.0

Date Issued: 22nd February 2018

Effective Date: As adopted

5. Principles

The School will seek to support employees to facilitate a return to work following a period of illness, improve their attendance, and retain them in employment through the confidential application of the following principles:

- encouraging early discussion of health issues;
- prompt notification and certification of sickness periods;
- keeping in touch during sickness absence;
- monitoring and recording absence;
- managing absence through the Procedure;
- holding return to work discussions;
- carrying out review meetings;
- seeking Occupational Health advice as appropriate;
- documenting outcomes, targets and actions;
- making reasonable adjustments where appropriate;
- taking positive steps to re-integrate employees back to the workplace after periods of long term sickness; and
- supporting the employee to find suitable alternative employment when appropriate.

6. Notification

Employees must follow the sickness notification requirements as described in the Procedure. Failure to comply with this notification procedure may result in loss of pay for the defined period and/or may result in management action being considered in accordance with the School's Disciplinary Policy.

School Sickness Absence Policy

Version: 1.0

Date Issued: 22nd February 2018

Effective Date: As adopted

Managers will provide employees with one week's written notice in advance of any meetings arranged under the Procedure. This time should be used by the employee to arrange for a Trade Union representative or work colleague to accompany and/or represent them at the meeting (if they so wish) and/or to prepare for the meeting.

7. Medical Suspension

In exceptional circumstances it might be necessary for management to temporarily remove an employee from work or to ask them not to return to work following a sickness absence. The reasons for taking this action could include, but are not limited to, the following:

- the employee might be a risk to themselves and/or colleagues because of their health;
- the safety, development and wellbeing of pupils likely to be in contact with the employee may be put at risk;
- the employee's capability to offer sustained alertness and consistent reliable and sound judgement, such that a secure environment for pupils can be maintained when they are in the employee's care;
- in the opinion of Occupational Health, the employee is unfit for work but they have declared themselves fit or they have been declared fit by their own doctor;
- reasonable adjustments required to be in place for the employee might not yet be in place.

Medical suspension is a management decision. In the case of suspension of a Headteacher the decision will be taken by the Chair of Governors. In the case of suspension of any other school employee the decision will be taken by the Headteacher (or nominated senior member(s) of staff).

Suspension in this context means suspension from duty and not suspension of the contract of employment; the suspension is without detriment to the employee's Conditions of Service. The employee will receive their contractual pay during the period of the medical suspension. If an employee is covered by a fit note during any period of their medical suspension, they will receive sick pay during this period and this period will count towards their sick pay entitlement.

School Sickness Absence Policy

Version: 1.0

Date Issued: 22nd February 2018

Effective Date: As adopted

The period of medical suspension must not be longer than is necessary and must be regularly reviewed (at least every 4 weeks) by the employee's manager with the outcome of such reviews being confirmed to the employee in writing as soon as is reasonably practicable. Once it is considered that medical suspension is no longer necessary, it will end immediately, or at the next available opportunity, and confirmation will be provided in writing to the employee that it has ceased.

8. Return to Work

Return to Work Discussion

The manager must hold a return to work discussion in a confidential setting with the employee on their first day back at work after each period of sickness absence. If this is not possible, the meeting must take place as soon as possible thereafter. In exceptional circumstances it might be appropriate for the manager to conduct the return to work discussion by telephone.

Phased Return to Work

It is important for the manager to consider taking positive steps to re-integrate the employee back into work at the earliest available opportunity, which could include consideration of a phased return to work.

Medical opinion expressed in fit notes or Occupational Health reports may suggest or advise a phased return to work. However, it is the responsibility of the manager to undertake any risk assessment and determine with the employee what arrangements would be appropriate, taking account of the needs of the school. Employees will receive full pay during any agreed phased return to work period.

A phased return arrangement is usually for a period up to a maximum of 4 working weeks during which time the employee will build up their working hours. In exceptional circumstances this period may be extended up to a total maximum of 8 working weeks to allow the employee to be fully rehabilitated into their substantive post or for suitable alternative employment to be identified.

9. Informal and Formal Meetings

This Policy and the Procedure provide for the use of informal and formal meetings.

Informal meetings – are management meetings with the employee and therefore employees do not have the right to be accompanied and/or represented. Such meetings may include one to one's, discussions regarding

School Sickness Absence Policy

Version: 1.0

Date Issued: 22nd February 2018

Effective Date: As adopted

returning to work from a period of absence and keeping in touch meetings during periods of sickness.

Formal meetings – employees can be accompanied at any formal stage of the Procedure by a Trade Union representative or a work colleague.

10. Sickness Absence Triggers / Procedure

Employees will be managed under the Procedure when they meet one of the School's sickness absence triggers. These triggers are detailed in the Procedure.

11. Disability

Managers will consider making reasonable adjustments to support employees who have a condition that may be covered by the Equality Act 2010. See Manager Guidance on Supporting Disabled Employees and Reasonable Adjustments.

12. Maternity Related Sickness

Managers will disregard any pregnancy related absences for the purposes of target setting and/or progression through the sickness absence stages within the Procedure.

13. Terminating the Contract of Employment

If an employee fails to achieve a satisfactory level of attendance at work and/or fails to return to work from a long term sickness absence consideration will take place at a Stage 3 Meeting under the Procedure about whether or not to terminate their contract of employment.

The Stage 3 Meeting will be heard by a manager or panel with the authority to take the decision that the employee is to cease to work at the school, which will depend on the School's terms of reference for their individual committees

In the case of the Headteacher, the Stage 3 Meeting will be chaired by the Chair of Governors or their nominated governor representative. In the case of other school employees, the Stage 3 Meeting will be chaired by the Headteacher. Any subsequent Appeal Hearing will be heard by a panel of Governors

The employee will be given at least one week's written notice of the Stage 3 Meeting and will be informed that termination of their contract of employment is a possible outcome.

The decision to terminate an employee's contract of employment will only be taken after all alternatives short of termination have been considered. Managers

School Sickness Absence Policy

Version: 1.0

Date Issued: 22nd February 2018

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should seek timely and appropriate advice from Occupational Health and Human Resources (HR) before taking such a decision.

Where the Council is the employer the Council's Human Resources Service must be consulted before any decision to terminate an employee's contract of employment is taken. In accordance with the School's Staffing Regulations 2009 as the Council is the employer the Headteacher/Governing Body may only determine that the employee "will cease to work at the school". This decision will then be notified to the Council's HR Service who will provide written confirmation of the termination of the employee's contract of employment, with contractual notice, within 14 days of receiving the notification.

Where the decision is taken to terminate the employee's contract of employment in accordance with this Policy this will be a dismissal for the reason of "incapability arising from ill health".

The written confirmation of the employee's contract termination will set out their right to appeal against the decision and how that right may be pursued.

14. Relevant Legislation

The Equality Act 2010
Working Time Regulations 1998 (amended)
Working Time Directive
School Staffing (England) Regulations 2009

15. Associated Documents

School Sickness Absence Procedure
School Sickness School Absence Overview Flowchart
Wakefield Council Maternity Policy
Wakefield Council Managers Guidance on Supporting Disabled Employees and Reasonable Adjustments
The Burgundy Book
Notice Periods for Teachers
Notification for Mental Health Fitness to Teach – Occupational Health Guidance for the Training and Employment of Teachers (DfE Guidance 2000)
Wakefield Council Managers Guidelines, Mental Health Sickness Absence – First 24 Hours
Wakefield Council Worklife Balance Guidance and Schemes for Schools
School Disciplinary Policy

Sickness Absence Policy

Version: 1.0
2018

Date Issued: 22nd February

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Author: David Wright

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Approved by: Jill Clayton, Service Manager - HR

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Version Control (most recent first):

Version	Date Issued	Reason for Review	Key Amendments	Date Comp. Impact Assessment was Reviewed
1.0	22/02/2018	Update Policy to reflect current legislation and Council Policy	Total review and update	04/01/2018

Details of Most Recent Comprehensive Impact Assessment	Date completed	04/01/2018
	Issues (if any)	No issues. Full consultation with schools' managers and the trade unions representing employees in schools has taken place.