

Model
Sickness Absence Policy for Schools

This policy sets out the principles that the Governors / Headteacher and employees agree to ensure fairness and transparency when managing sickness absence

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MODEL SICKNESS ABSENCE POLICY FOR SCHOOLS

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1. INTRODUCTION

The prime statutory duty of governing bodies in Wales as set out in paragraph 21(2) of the Education Act 2002 is to '...conduct the school with a view to promoting high standard of educational achievement in the school'. This policy is intended to support the statutory duty.

In order to support all employees in the school the Governing Body will endeavour to support all employees with good health and wellbeing. The Governors aim to support their employees by providing a safe and healthy workplace and promoting a culture where regular attendance can be expected of all employees of the school. Absence from work is unlikely to be a positive experience for the absent employee(s) or his / her colleagues, so all absence due to sickness will be actively managed and support provided to those employees who experience ill health during their employment.

2. SCOPE

This policy and procedure will apply to staff working in the school, except those who are directly employed by the Local Authority, those working in the school via an employment agency or volunteers.

3. GENERAL PRINCIPLES

This policy sets out the principles that the Governors / Headteacher and employees agree to ensure fairness and transparency when managing sickness absence through:

- Proactively working to promote a healthier workforce;
- Ensuring that all employees understand and comply with the appropriate reporting procedures;
- Conducting return to work discussions with employees;
- Monitoring absence levels and undertaking a meeting when employees' absence reaches sickness absence trigger points;
- Consideration of 'reasonable adjustments' for employees with long-term health conditions;
- Using this policy when necessary to end the employment of an employee who is unable to attend work on a regular basis by reason of ill health capability.

The governors recognise that periods of sickness absence short-term or long-term are disruptive to the school. The school will follow the procedure so that employees are able to access support where appropriate. This is for the benefit of the employee, work colleagues and pupils. Unfortunately, there will be occasions when the governors may have no alternative but to dismiss an employee because of ill health capability.

All permanent and temporary, full-time and part-time employees (subject to minimum service requirements and eligibility will receive Occupational Sick Pay (OSP) under their national terms and conditions of employment, subject to the conditions outlined in this policy)

3.1. Supporting Employees with Disabilities

Sickness is defined as 'incapacity to carry out the duties and responsibilities which the employee is contractually obliged to do because of his / her own illness or accident'. The School will endeavour to support all employees during periods of sickness. If the employees' sickness absence falls within the definition of the Equalities Act 2010 in respect of disabilities or other protected characteristics, reasonable adjustments will be considered wherever practical.

3.2. Confidentiality

All data relating to employee health will be treated as highly confidential information and will only be shared with the relevant manager, Headteacher (or nominated person) managing the case, Human Resources and Occupational Health personnel. This information will also need to be shared with the relevant staffing sub-committees when decisions pertaining to health capability have to be decided. Information will not be disclosed to a third party without prior consent.

4. RESPONSIBILITIES

4.1. Governing Body Responsibilities

- Agree and formally adopt a Sickness Absence Policy and Procedure;
- Ensure that the policy and accompanying Guidance is communicated to all staff and they are informed of their responsibility under this policy;
- Establish a sub-committee to take action under this policy including dismissal where appropriate;
- Establish an Appeals sub-committee to hear appeal from employees;
- Establish a safe and healthy workplace;
- Promote a culture of good attendance within the school;
- Ensure all employees sickness absence is managed sensitively and consistently;
- The Chair or another nominated governor will manage sickness absence of the Headteacher and, in exceptional circumstances, other employees of the school;
- Commission additional support for employees as appropriate;
- Ensure that employees and managers have adequate training and supervision to carry out their duties; and
- Scrutinise and monitor sickness absence data and consider any trends in sickness absence which require strategic direction.

4.2. Headteacher (or Nominated Officer)

- To manage sickness absence within the school;
- To ensure that all new employees and newly appointed managers are aware of their responsibilities under this policy;

- Ensure that absence reporting processes are clear and unambiguous;
- Ensure that attendance information is communicated to the Payroll Service accurately and in a timely manner to prevent overpayments and financial difficulties for the employee and school; and
- Manage the sickness absence process sensitively and consistently.

4.3. Employee Responsibility

- To comply with this policy;
- Report absence in person in accordance with the schools reporting system;
- Provide self / medical certification for all medical absences within 7 calendar days of the period of absence;
- To attend medical review appointments with the Authority's Occupational Health Service when requested or give reasonable notice of inability to attend; and
- To attend relevant Absence Management Meetings with the Headteacher (or nominated person) to discuss sickness absence as required.

4.4. Role of Occupational Health Services

- Provide a range of Occupational Health services and other support measures to assist employees and the school as required. (For further information see Section 7)

4.5. Human Resources

- Provide advice to Headteachers and / or nominated person on sickness absence issues;
- Provide advice to Headteacher and or relevant-sub committees of the Governing Body at the final stages of the procedure;
- To provide regular data for Headteachers and governors to support the management of absence within the school;
- Provide training as necessary as requested by Governing Body and school; and
- All of the above points are subject to the appropriate Service Level Agreement.

5. REPORTING PROCEDURES

Schools to add in their own procedure here if different from the example provided below:

- Employees must telephone the Headteacher (or nominated person) as soon as it is apparent they are not fit to work;
- Employees must inform the Headteacher (or nominated person) of the nature of the illness and the likely duration of the absence;
- Employee and the Headteacher (or nominated person) will agree on a method and frequency of communication during the period of absence;
- Employees must telephone the Headteacher (or nominated person) at the earliest opportunity prior to their return to work so that arrangements in place can be reviewed;
- In the event that the Headteacher is unfit for work s/he must notify the Chair of Governors.

All absences must be covered by certification:

- Self-certification can be used for the first 7 calendar days only;
- Medical certification for absences of 8 calendar days or more.

Failure to provide certification in a timely manner may result in disciplinary action. If an employee is absent from work without a valid reason, this constitutes a breach of contract and the governors may act accordingly. If it is found that an employee has deliberately misled the governors in respect of the true nature of their absence this may result in a disciplinary investigation and may also result in the immediate suspension of sick pay.

Return to work interviews should take place at the earliest opportunity following the employee's return to work, should be on a 'face to face' basis and documented appropriately.

6. SICKNESS ABSENCE REVIEW PROCEDURE AND TRIGGER POINTS

6.1. Employee Support Meeting

If an employee has 3 occasions or equivalent of 2 normal working weeks, continuous or otherwise, of absence in a rolling 12-month period the Headteacher or (nominated person) should convene an 'employee support meeting'.

An employee support meeting will also be convened if there are concerns that an employee is moving towards a formal trigger, including those who are on continuous absence. This is to enable additional support to be offered to employees at an early stage to help them back to work and / or achieve more regular attendance.

The meeting is for both parties to explore their concerns, and appropriate support will be offered with the aim of assisting employees to achieve better attendance at work in the future. This meeting can be an extension of the return to work meeting and all employees are required to meet the Headteacher (or nominated person) for an employee support meeting.

6.2. Trigger Point - Formal

If an employee has further periods of absence and a formal trigger point is reached, the Headteacher (or nominated person) will then invoke the formal stage of the sickness absence procedure. The formal triggers are:

- 4 occasions in a 12-month rolling period;
- The equivalent of 3 normal working weeks absence, continuous or otherwise, in a 12-month rolling period;
- Or any other unacceptable pattern of absence e.g. frequent occasions of absence abutting school holidays.

The trigger point will be reached where an individual has either short-term intermittent absence or one continuous period of absence. In all cases, 7 calendar days' notice will be given of a formal meeting under the Sickness Absence Policy.

6.3. 1st Stage Absence Review Meeting

At this meeting the Headteacher (or nominated person) will meet with the employee, who may be accompanied by a recognised trade union representative or an appropriate work colleague. Seven calendar days' notice will be given of a formal meeting under the Sickness Absence Policy.

This meeting may formalise some of the strategies that were discussed in the Employee Support Meeting. In order to facilitate a return to work, or achieve more regular attendance, a number of actions may be considered. The purpose of the meeting will be to emphasise support for the employee and to consider all strategies that would assist the employee in returning to, or remaining in work.

A referral to Occupational Health for further medical advice and support for the employee may be considered at this stage.

Employees should be reminded that if there is little or no significant improvement in attendance then ultimately this may result in the termination of their employment on ill health capability.

If following a review period of up to 3 months, a significant improvement in attendance is noted then the individual will be removed from the Formal Absence Management stage with the provision that if their sickness absence level hits the formal trigger again within the next 6 months that they would re-open the Sickness Absence Procedure at the 1st Stage Absence Management Meeting. This will be confirmed in writing.

6.4. 2nd Stage Absence Review Meeting

If after the 'review period' the employee's sickness absence fails to improve then the Headteacher (or nominated person) will invoke the 2nd Stage Absence Management Meeting. The Headteacher (or nominated person) may be accompanied by an HR Advisor and the employee may be accompanied by a recognised trade union representative or an appropriate work colleague. Seven calendar days' notice will be given of a formal meeting under this policy.

In order to facilitate a return to work, or achieve more regular attendance, a number of supportive actions may be considered.

A referral to Occupational Health for further medical advice and support for the employee may be considered at this stage.

Employees should be reminded that if there is little or no significant improvement in attendance then ultimately this may result in the termination of their employment on ill health capability.

If following a review period of up to 3 months a significant improvement in attendance is noted then the employee will be removed from the Formal Absence Management Review stage with the provision that if his / her sickness absence level hits the formal trigger again in the next 6

months that they would re-open the sickness absence procedure at the 2nd Stage Absence Management meeting. This will be confirmed in writing in the outcome letter.

6.5. 3rd Stage Absence Review Meeting

If following the 'review period' the level of sickness does not improve, a third Stage Absence Management Meeting will take place.

The employee will meet the Headteacher (or nominated person), who may be accompanied by an HR Advisor. The employee may be accompanied by a recognised trade union representative or work colleague. Seven calendar days' notice will be given of a formal meeting under the Sickness Absence Policy.

Following the established format of previous review meetings the matter will be discussed fully with the employee and any further medical information taken into account as appropriate. If the level of sickness has not improved; or there is no foreseeable return to work, it has not been possible to redeploy within the school, and no other satisfactory solution can be found to facilitate the employee's return to work, the employee will be informed that the matter will be referred to the Staff Disciplinary & Dismissal Sub-Committee of the Governing Body. In exceptional circumstances, one of the outcomes of this meeting may be to agree a further review period of up to 3 months.

6.6. Staff Disciplinary & Dismissal Sub-Committee

The employee will be informed in advance that the outcome of this meeting may be dismissal on the grounds of ill health capability. The employee may be accompanied by a recognised trade union representative or an appropriate work colleague.

The sub-committee will consider the facts of the case. In addition, if relevant, the previous three years attendance record will be taken into consideration (if an employee has less than three years' service their overall attendance record would be a consideration).

If the level of sickness has not improved; or is no foreseeable return to work, it has not been possible to redeploy within the school, and no other satisfactory solution can be found to facilitate the employee's return to work, the sub-committee may take the decision to dismiss the employee from their post(s) at the school.

The employee has the right to appeal the decision of the sub-committee. The appeal must be made in writing to the Clerk to the Governing Body within 7 calendar days of the date of the outcome letter, setting out the grounds for the appeal.

7. OCCUPATIONAL HEALTH SERVICES

Occupational Health Services have an important role in rehabilitating employees after sickness or injury in order to facilitate a return to work as soon as possible. The Governing Body will utilise the Local Authority's Occupational Health Services to assist them in ensuring that proactive health strategies are in place in the school.

The Governing Body has the ability to refer any employee to Occupational Health Services at any time, be that prior to a likely absence, or during / following a period(s) of absence. A referral should be made early so that the appropriate medical opinion can be sought, and any reasonable adjustments can be identified at the outset of ill health. Occupational Health may provide advice on reasonable adjustments which may aid a return to work. This could include a 'phased' return to work which, if appropriate, will be granted with normal pay for a maximum of 4 weeks.

In all cases, the Governing Body will refer employees to Occupational Health Services following a work-related injury.

Occupational Health reports will be provided only to the referring manager (the Headteacher or nominated person) with a copy to the appropriate HR Advisor. It should be noted that consent may be sought for relevant information may be shared with the appropriate sub-committee of the Governing Body during a Hearing or Appeal Hearing.

The Governing Body will adhere to Occupational Health Services guidance on confidentiality regarding medical reports.

The Governing Body will consider Occupational Health Services and HR advice regarding Case Conferences which may be convened at any time it is felt that it would be beneficial and appropriate. They will be convened by the Headteacher (or nominated person) who will invite the employee, and relevant professionals from Occupational Health and Human Resources, to discuss future prognosis and to review all available options.

8. IMPORTANT INFORMATION

Failure to follow the Sickness Absence Policy may result in suspension of Occupational and / or Statutory Sick Pay and may also invoke disciplinary action.

- Occupational sick payments may not be made when injuries are caused by paid sporting activities, recklessly participating in dangerous activities or extreme sport, elective cosmetic surgery or for injuries sustained whilst working for another employer.

- The payment of Occupational Sick Pay may be suspended when an employee undertakes activities during a period of sickness which may be detrimental to / or delay their return to work, and / or if they knowingly partake in activities that have previously caused occasions of absence.

- Occupational Sick Pay may be suspended if an employee fails to attend Occupational Health appointments and / or meetings with the Headteacher (or nominated person) without good reason or advanced notification. This could extend to therapy sessions or other initiatives identified to assist the employee's wellbeing.

- Occupational Sick pay may be suspended if appropriate certification (fit notes) are not provided to cover sickness absence at any time.

- Occupational sick pay may not be made if occupational health medical professionals advise a return to work within a specific timeframe and the employee fails to return to work without good reason.

- Occupational and statutory sick pay may not be made where employees fail to follow the appropriate notification procedures and / or there are delays in the employee providing fitness for work certificate by more than 7 calendar days without good reason.

- Employees may not be paid Occupational Sick Pay if they work for another employer or carry out any other work (paid or unpaid), during a period of sickness absence, without seeking prior permission.

- Occupational Sick Pay will be paid in the event of sickness absence which results in a claim against a third party for loss of earnings. However, Occupational Sick Pay may be re-claimed once the claim is settled against the third party.

The employee has the right to request that the decision to suspend Occupational / Statutory Sick Pay be reviewed by the Appeals Panel of the Governing Body.

The request to review a decision must be made by writing to the Clerk to the Governing Body within 7 calendar days of the date of the receipt of the decision in respect of the suspension of Occupational / Statutory Sick Pay, and must set out the reasons for the request for a review.

8.1. Absence of ½ day or less

For recording purposes, sickness absence can only be recorded for half or full day periods. However, if an employee is incapacitated for less than half a day they should ensure that their manager is notified and they self-certify for the period of sickness. It should be noted that the period of absence will count towards the employee's sickness absence trigger.

9. ENSURING EQUALITY OF TREATMENT

This policy must be applied consistently to all employees irrespective of race, colour, ethnic or national origins (including citizenship), language, disability, religion, belief or non-belief, age, sex, gender reassignment, sexual orientation, parental or marital status/civil partnership, pregnancy or maternity.

If you require this publication in an alternative format please contact People Management on 01267 246100 or e-mail: PMPBusinessSupportUnit@carmarthenshire.gov.uk

This Policy is also available in Welsh