

HASSENBROOK SCHOOL Specialist Technology College



SICKNESS ABSENCE POLICY

INCLUDING GUIDANCE

CONTENTS

1.	INTRODUCTION	1
1.1	POLICY STATEMENT	1
1.1.1	Communication.....	1
1.2	DEFINITION.....	2
2.	SCOPE OF THE PROCEDURE	2
3.	ROLES & RESPONSIBILITIES.....	2
3.1	IT IS THE RESPONSIBILITY OF THE GOVERNING BODY TO:.....	2
3.2	IT IS THE RESPONSIBILITY OF THE HEADTEACHER AND OTHER LINE MANAGERS TO:.....	2
3.3	IT IS THE RESPONSIBILITY OF ALL STAFF TO:.....	3
3.4	OTHER PARTIES MAY HAVE A ROLE WITHIN SICKNESS ABSENCE MANAGEMENT, E.G.....	3
4.	THE PROCEDURE	3
4.1	REPORTING SICKNESS ABSENCE.....	3
4.1.1	When to report sickness absence	3
4.1.2	To whom sickness should be reported.....	4
4.1.3	What to report.....	4
4.1.4	Employees who fall sick during annual leave.....	4
4.2	SICKNESS CERTIFICATION	4
4.2.1	Local Government Services and other support staff	4
4.2.2	Teaching staff	4
4.2.3	Return to work certificate	4
4.3	RETURNING TO WORK.....	4
4.3.1	Fitness to return to work on a bank holiday or during a closure period	5
4.3.2	Return to work meeting	5
4.4	SICK PAY ALLOWANCES.....	5
4.4.1	Teaching staff..5	
4.4.2	Local Government Services staff	5
4.4.3	Staff on other Conditions of Service.....	6
4.4.4	Sick pay and holiday entitlement.....	6
4.4.5	Extensions to sick pay	6
4.4.6	Accidents at work	6
4.4.7	Third Party Accident Compensation Claims.....	6
4.5	MEDICAL SCREENING.....	7
4.6	MEDICAL REFERRAL.....	7
4.6.1	Co-operating with a referral to an occupational health adviser	7
4.7	MEDICAL SUSPENSION	7
4.8	REASONABLE ADJUSTMENTS.....	7

4.9	TIME OFF FOR OTHER REASONS	7
4.10	CONDUCT AND CAPABILITY	8
4.11	DRUG AND ALCOHOL MISUSE	8
4.12	SICKNESS ABSENCE RECORDING	8
5.	FREQUENT SHORT-TERM SICKNESS ABSENCE	9
5.1	INFORMAL PROCEDURE	9
5.1.1	Informal Absence Review Meeting.....	9
5.1.2	Referral to an occupational health adviser	9
5.2	FORMAL PROCEDURE	9
5.2.1	Formal Absence Review Meeting.....	9
5.2.2	Formal Action	10
6.	LONG-TERM SICKNESS ABSENCE	10
6.1	COMMUNICATION	10
6.2	MEETINGS	10
6.3	REFERRAL TO AN OCCUPATIONAL HEALTH ADVISER	11
6.4	REVIEW MEETINGS	11
6.5	RETURNING TO WORK	11
6.6	FORMAL ACTION	12
7.	ILL-HEALTH RETIREMENT	12
7.1	TEACHING STAFF	12
7.1.1	There are two levels of benefit:	12
7.1.2	Retirement	12
7.2	SUPPORT STAFF	12

APPENDIX A(I) SICKNESS ABSENCE / SELF CERTIFICATION FORM – TEACHING STAFF

APPENDIX A(II) SICKNESS ABSENCE/SELF CERTIFICATION FORM–SUPPORT STAFF

APPENDIX B: REFERRAL TO OCCUPATIONAL HEALTH-EMPLOYEE INFORMATION SHEET

APPENDIX C SICKNESS ABSENCE MANAGEMENT POLICY - A BRIEF GUIDE FOR STAFF

The Sickness Absence Management Procedure

1. INTRODUCTION

This Policy sets out the obligations and entitlements of employees who are sick and the procedures that will be followed to manage sickness absence.

1.1 Policy Statement

The Governing Body is committed to providing a healthy working and learning environment and to promote good health amongst all its staff and pupils. The Governing Body recognises its statutory responsibilities in relation to health and safety and the Disability Discrimination Act, but also its duty to ensure that staff are fit to fulfil their roles. The Governing Body believes that serious problems can be averted if appropriate advice is sought at an early stage and it wishes to support staff to avoid the risk of stress related illness and to minimise the loss of good quality staff to ill health retirement.

The sickness absence management procedure balances the needs of the school with the interests of individual employees. It is based on the following principles.

- To achieve high levels of attendance through the reduction of sickness absence from work.
- To reduce levels of sickness absence by providing a safe and healthy environment where employees feel that their contribution to the work of the school is valued.
- To support employees who are sick through the effective operation of sick pay schemes and management systems and to fulfil their duties under the Disability Discrimination Act.
- To treat all staff with dignity and sensitivity, fairly and consistently and in confidence, whilst recognising each as an individual and striving to ensure the health and welfare of all.
- To minimise disruption to the effective provision of education to pupils.
- To minimise disruption to the operation of the school and reduce additional staffing costs resulting from sickness absence.
- To maintain adequate sickness absence monitoring procedures and records, using the information collected to improve attendance levels.
- To distinguish between genuine sickness absence issues and issues of competence and conduct and address these in a fair and firm manner.
- To value mutual trust and confidence in the operation of the sickness pay scheme.
- To ensure all staff are aware of the school procedure for managing sickness absence.

1.1.1 Communication

Communication is key to effective absence management. Employees will be expected to keep in regular contact with the school, through third parties if necessary, to provide information about the absence, key work issues and any support/assistance required. For its part, the school will maintain contact with employees to support and inform them during the absence, to keep them in touch with school issues where appropriate and facilitate an early return, as well as for

operational management reasons. The degree and nature of the contact will of course depend upon the nature of the ill health and other relevant factors and should be supportive and constructive. Particular consideration will be given to the nature and content of any contact in cases where absence is due to stress.

1.2 DEFINITION

- Frequent short-term absence will normally be defined as
 - Three periods of absence in one term, or
 - Unacceptable patterns of absence, for example, regular Monday or Friday absence.
- Long term absence will normally be defined as an absence which has or may last for 8 weeks or more.

2. SCOPE OF THE PROCEDURE

This procedure is applicable to all staff employed at the school except those who have not completed a probationary period. While the principles will apply to this category of staff, it may be necessary to foreshorten the procedure in keeping with the particular circumstances of employment.

3. ROLES & RESPONSIBILITIES

3.1 IT IS THE RESPONSIBILITY OF THE GOVERNING BODY TO:

- have in place, monitor and review policies and procedures which safeguard the health, safety and welfare of staff;
- ensure that appropriate sickness management policies and procedures are in place, are monitored and reviewed regularly and are implemented in a fair and reasonable manner;
- depute a governor to implement sickness management policies and procedures in the case of the sickness absence of the headteacher;
- take emergency action (e.g. suspend from duty) when they consider a headteacher may have become medically incapable to perform his/her duties;
- ensure managers have sufficient interpersonal skills and procedural knowledge to deal with such issues.

3.2 IT IS THE RESPONSIBILITY OF THE HEADTEACHER AND OTHER LINE MANAGERS TO:

- ensure that full attention is given to staff health, safety and welfare and to develop systems of work to minimise ill health and consequent sickness absence;
- ensure pre-employment health checks are carried out;
- monitor and regularly review levels of sickness absence throughout the school, take action as appropriate and record any action taken in individual cases and report to the governing body;
- provide statistics on sickness levels to the LA/DCFS as required;
- ensure that individuals are aware of sickness absence management procedures, including reporting processes;

- implement the sickness absence management procedures fairly, sensitively and confidentially;

3.3 IT IS THE RESPONSIBILITY OF ALL STAFF TO:

- safeguard and maintain their own health and attend for work when fit to do so;
- ensure that medical advice and treatment, where appropriate, are received as quickly as possible in order to facilitate a return to work;
- co-operate with referrals to an occupational health adviser as required;
- comply with the sickness absence management procedure and co-operate with the processes contained therein;
- inform their manager in general terms of any health issues including the effects, prognosis and developments;
- keep in touch, as appropriate, with their designated contact during periods of long term absence.

3.4 OTHER PARTIES MAY HAVE A ROLE WITHIN SICKNESS ABSENCE MANAGEMENT, E.G.

- Occupational Health Service and/or other medical advisers (e.g. consultants, specialists).
- HR advisers.
- Trade Unions / Professional Associations.

Specific roles and responsibilities are outlined in the body of the procedure.

4. THE PROCEDURE

A leaflet summarising the procedures is at Appendix C.

Further information can also be found in:

- Conditions of Service for School Teachers (the 'Burgundy Book');
- Conditions of Service for Local Government Services Staff (the 'Green Book');
- DCFS Publication "Fitness to Teach" – December 2000;
- The Education (health Standards) (England) Regulations 2003 (ref: DCFS Guidance 2007 – Physical and Mental Fitness to Teach of Teachers and Entrants to Initial Teacher Training).
- These regulations require employers to determine the medical fitness of all education workers prior to employment, to monitor and manage ill health during employment and to report cases of ill-health dismissal to the Secretary of State.

4.1 REPORTING SICKNESS ABSENCE

4.1.1 When to report sickness absence

Contact must be made with the school as soon as possible on the first day of absence. Wherever possible contact should be made by telephone and in person.

"As soon as possible" means no later than 8 am.

Further contact must be made, where appropriate, on the fourth day and seventh day of absence and further regular contact must be maintained with the school, to inform about progress and likely duration of absence.

Where the fourth/seventh day falls on a bank holiday, weekend or during a closure period, contact must be made with the school on the first working day thereafter, unless a doctor's certificate has been provided in advance to cover those days.

4.1.2 To whom sickness should be reported

To Personnel Department and Line Manager

4.1.3 What to report

When contacting the school, the following information should be reported:

- an indication of the nature of the illness and its likely duration;
- any work matter that may need to be attended to during the absence;
- the first day of illness;
- if sickness absence results from an accident at work this should be reported immediately, together with details of to whom the accident was initially reported.

These first three points will be relevant for every contact.

4.1.4 Employees who fall sick during annual leave

Where sickness begins during a period of annual leave, or during a closure period the employee must report the sickness immediately or as soon as possible thereafter in the case of the sickness occurring whilst away from home. For Local Government Service staff a doctor's certificate may be required to cover each day of sickness during annual leave periods/closure periods in order to reimburse leave where appropriate.

4.2 SICKNESS CERTIFICATION

(Ref. Appendix A)

Medical certificates must be provided in accordance with statutory and contractual requirements as follows:

4.2.1 Local Government Services and other support staff

A self-certification form must be provided from day one and thereafter to cover up to and including the seventh calendar day of sickness absence.

A doctor's certificate will be required from the eighth calendar day onwards.

4.2.2 Teaching staff

A self-certification form must be provided from day four, and thereafter to cover up to and including the seventh calendar day of sickness absence.

A doctor's certificate will be required from the eighth calendar day onwards.

4.2.3 Return to work certificate

Where a doctor's certificate covers a period exceeding 14 days, or where more than one certificate is necessary for the same period, the employee must, before returning to work, submit a doctor's statement/certificate of fitness to resume duties.

4.3 RETURNING TO WORK

Where practicable, one clear day's notice should be given of fitness to return to work.

4.3.1 Fitness to return to work on a bank holiday or during a closure period

Where an employee becomes fit to return to work during a closure period, contact must be made with the school by; e.g. leaving a message on the school answer phone, contacting the headteacher/nominated person on the day of fitness to return, or by providing a doctor's certificate of fitness on the first day back.

4.3.2 Return to work meeting

A return to work meeting will normally be conducted by the Line Manager or other manager on an employee's return to work following any period of sickness absence. The purpose of this meeting is to update the employee on work related matters and to identify any additional support that may be required.

4.4 SICK PAY ALLOWANCES

The majority of staff as part of their conditions of service, have entitlement to receive an allowance where they have been absent from duty owing to illness.

Subject to service and earnings qualifications, staff may also have an entitlement to Statutory Sick Pay, which will be included in contractual sick pay where appropriate.

The scale of contractual allowances is as follows for full-time staff (pro-rata for part-time staff).

4.4.1 Teaching staff

During the first year of service:	full pay for 25 working days and (after completing four calendar months' service) half pay for 50 working days.
During the second year of service:	full pay for 50 working days and half pay for 50 working days.
During the third year of service:	full pay for 75 working days and half pay for 75 working days.
During the fourth and successive years service:	full pay for 100 working days and half pay for 100 working days.

For the purpose of the sick pay scheme, "service" includes all aggregated teaching service with one or more local education authorities.

4.4.2 Local Government Services staff

During the first year of service:	full pay for 1 month and (after completing four months' service) half pay for 2 months.
During the second year of service:	full pay for 2 months and half pay for 2 months.
During the third year of service:	full pay for 4 months and half pay for 4 months.
During the fourth year of service:	full pay for 5 months and half pay for 5 months.
After 5 years' service:	Full pay for 6 months and half pay for 6 months.

For the purpose of the sick pay scheme, “service” refers to Local Government continuous service.

4.4.3 Staff on other Conditions of Service

Staff on local conditions of service may have an entitlement to contractual sick pay and should refer to their contract of employment.

All staff may also have an entitlement to Statutory Sick Pay, which will be included in contractual sick pay where appropriate.

4.4.4 Sick pay and holiday entitlement

Employees are not entitled to take annual leave during periods of long term sick leave. Annual leave will continue to accrue during periods of sickness absence but an employee will not be able to take their entitlement until they return to work.

Where a member of staff does not return to work before the end of the leave year, their entitlement to statutory annual leave is lost. Annual leave cannot be carried over to the subsequent leave year.

In cases where an employee’s contract is terminated immediately following a period of long-term sickness, there is no entitlement to money in lieu of untaken leave.

Where an employee falls sick during a period of annual leave, the leave days may be refunded. There shall be no such compensation for sickness on public/bank holidays.

LGS term-time only employees, who have their holiday paid as part of their salary, will be entitled to pay in lieu of holiday accrued during sickness absence if they return to work, on the same basis as full-time employees.

4.4.5 Extensions to sick pay

The Governing Body will consider any requests for an extension to sick pay on a case by case basis.

4.4.6 Accidents at work

Support staff - where an employee suffers an accident, injury or assault arising out of, or in the course of employment, s/he will be paid a sum equivalent to their sick pay entitlement and this period shall not count against their sick pay entitlement.

Teaching staff - where a teacher suffers an accident, injury or assault arising out of, or in the course of employment s/he will be entitled to full pay for a period not exceeding 6 months. Where the teacher remains absent beyond 6 months they will then be entitled to their normal sick pay entitlement as determined by their length of service and any previous sickness absence.

4.4.7 Third Party Accident Compensation Claims

Where employees are absent as the result of an accident for which damages may be recoverable from a third party, s/he must inform the school. The employer may

recover all/a proportion of the costs of sick pay/accident pay from the damages received by the employee.

4.5 MEDICAL SCREENING

All new employees will be required to complete a pre-employment medical screening questionnaire.

4.6 MEDICAL REFERRAL

The school may, as appropriate, require a referral to an occupational health advisor where an employee's absence or other issues indicate a potential health concern. In these circumstances the employee will be advised of the process and the reasons for the referral.

4.6.1 Co-operating with a referral to an occupational health adviser

Employees are obliged to attend appropriate appointments with an occupational health adviser. Where an employee refuses to consent to the occupational health adviser contacting his/her GP/consultant, decisions, which may have implications for his/her future employment, will be taken on the basis of the more limited information available.

4.7 MEDICAL SUSPENSION

In certain circumstances, where they feel an employee is not fit to attend work, the headteacher or Chair of Governors may suspend an employee on medical grounds. Any suspension will be on full pay or sick pay where the employee is on, or enters, a period of certificated sick leave. Suspension will be lifted, where appropriate, by the governing body only after advice has been sought from an occupational health adviser.

4.8 REASONABLE ADJUSTMENTS

An important element of managing ill-health is the need, as appropriate to explore reasonable adjustments/alternative employment, particularly but not exclusively for disabled employees, and these options will be discussed with staff as necessary with a view to facilitating continued employment.

4.9 TIME OFF FOR OTHER REASONS

As part of its commitment to supporting the health and wellbeing of employee, the Governing Body has a Leave of Absence Policy which sets out the schools approach to leave of absence for reasons other than personal sickness.

Employees should normally arrange non-urgent personal medical appointments for the doctor, dentist, hospital, clinic (e.g. ante-natal) and elective procedures, outside of their working time wherever possible. However, where this is not possible and in urgent cases, requests for leave will be considered sympathetically.

Employees must not claim sick leave for reasons other than their own ill health. Such claims may constitute a disciplinary offence.

4.10 CONDUCT AND CAPABILITY

Incidents of failure to comply with the requirements of the school's sickness absence management procedure and/or the submission of false sick claims may be investigated under the school's Disciplinary (Misconduct) Procedure.

4.11 DRUG AND ALCOHOL MISUSE

Employees are encouraged to disclose drug/alcohol problems so that the school can support them. Where drug or alcohol misuse is suspected or admitted, a meeting will be sought with the employee to decide upon an appropriate course of action. Where possible and appropriate, drug and alcohol misuse will be treated as an ill-health issue and as such will be dealt with under the Sickness Absence Management Procedures described above. Employees will be expected and supported to, follow an appropriate programme of support/rehabilitation.

There are, however, occasions when cases of alcohol/drug misuse may need to be dealt with as a matter of conduct. These may include:

- being drunk at work;
- drinking at work;
- drinking in between work periods which may have an adverse effect on later work periods (e.g. operating machinery, supervising others, driving, impacting detrimentally on the school's reputation etc.);
- stealing and other acts of dishonesty connected with drug misuse;
- serious drugs offences committed in or out of the workplace;
- drug trafficking/pushing;
- failure or refusal to seek, accept, or complete treatment.

In such cases, action may be taken under the school's Disciplinary (Misconduct) Procedure.

4.12 SICKNESS ABSENCE RECORDING

In accordance with the requirements of the Data Protection Act 1998, the governing body will seek, and actively encourage the provision of, individual members of staffs' express permission, where this has not previously been given by acceptance of a relevant contract, to record sickness details for management purposes.

In certain circumstances, such records may be kept without express permission to enable the governing body to fulfil its statutory health, safety and welfare responsibilities. Impersonal aggregated data may also be collected and processed for certain internal and statutory monitoring purposes.

Copies of medical certificates and return to work meeting record forms will be held on employees' personal files. These records will normally be destroyed after three years, in accordance with the Data Protection Act Code of Practice.

5. FREQUENT SHORT-TERM SICKNESS ABSENCE

The following procedure will apply where an employee's level of sickness absence causes concern.

Normally, although not exclusively, this will be when the following triggers have been reached, although individual employee's sickness records will be considered on a case by case basis.

- Three periods of absence in one term, or
- Unacceptable patterns of absence, for example, regular Monday or Friday absence.

5.1 INFORMAL PROCEDURE

5.1.1 Informal Absence Review Meeting

The manager will normally arrange an Informal Absence Review Meeting to discuss the employee's sickness record. The employee will be given reasonable notice of the meeting (usually 5 working days). Although this will generally be a one to one meeting, requests to be accompanied by a friend, trade union representative or other appropriate person will be considered sympathetically.

As soon as possible following the meeting, the employee will be given a written record of the key points and any action agreed.

Subsequent informal meetings may be arranged by the manager as appropriate.

5.1.2 Referral to an occupational health adviser

It may be appropriate to make a referral to an occupational health adviser following an Informal Absence Review Meeting in order to obtain a professional view about the employee's health. This process and the reasons for it will be explained to the employee prior to the referral being made. An outline of the referral process is at Appendix B.

Subsequent referrals will be made as and when required.

The employee will be informed of the outcome of the occupational health referral.

5.2 FORMAL PROCEDURE

5.2.1 Formal Absence Review Meeting

An employee will normally be given a minimum of one term from the first Informal Absence Review Meeting to improve his/her absence record. If an employee's absence record does not improve or deteriorates, he/she will be required to attend a Formal Absence Review Meeting.

This marks the date of entry into the formal procedure.

The employee will be given at least 5 working days written notice of the meeting and this will include the right to be accompanied.

Within 10 working days of the Formal Absence Review Meeting, the manager will notify the employee in writing of:

- the key issues discussed;
- the timescale for expected improvement;
- the support, guidance and monitoring systems;
- the outcome of the medical referral where appropriate;
- notice that if attendance does not improve sufficiently within the given timescale, referral may be made to the governing body and the possible outcomes of such a referral.

Up to two further Formal Absence Review Meetings may be arranged by the headteacher as appropriate.

5.2.2 Formal Action

Where an employee's sickness absence continues to be unacceptable in all the circumstances, the matter may be considered at a formal hearing. An employee should make every effort to attend this hearing, may make representations and may be accompanied by a representative or other appropriate person. The outcome of the hearing could be a warning about the level of absence. In exceptional circumstances, dismissal may occur without prior formal capability (ill-health) warnings. Any warnings will be on the grounds of lack of capability due to ill-health.

Where sickness absence levels continue to be unacceptable or deteriorate following a warning, a further hearing(s) may be held, the outcome of which may be additional warnings or dismissal as appropriate.

The possibility of formal action will be discussed with the employee at an appropriate Formal Absence Review Meeting and the employee will be consulted about the process prior to any formal action being taken.

The employee will have the right of appeal against any formal sanctions/dismissal.

6. LONG-TERM SICKNESS ABSENCE

Where an employee is on long-term sickness absence (usually defined as absence for 8 weeks or more), the following procedure will apply.

6.1 COMMUNICATION

Employees are expected to maintain regular contact with the school throughout the period of illness for the purpose of updating on likely length of absence, clarification of procedures and sick pay entitlement and where appropriate, work related issues. Contact may, where appropriate, be in writing or via third parties e.g. trade unions, HR advisers.

6.2 MEETINGS

A meeting will normally be arranged with the employee to discuss his/her absence. This may include discussion about likely prognosis, support for the individual,

clarification of procedures, medical referral and, where appropriate, any work related issues. Where a meeting is not appropriate, e.g. due to the nature or severity of the ill health, contact will be maintained through third parties and/or correspondence. Where appropriate and with mutual agreement, a meeting may take place at the employee's home. Such visits will not be used as a mechanism for 'checking up' on employees. The meeting will usually take place around the 8th week of the absence. The meeting will normally be conducted by the manager or a HR adviser. A written record/note of issues discussed will be made and copied to the employee.

6.3 REFERRAL TO AN OCCUPATIONAL HEALTH ADVISER

It will normally be appropriate to make a referral to an occupational health adviser after 8 weeks of absence to provide information about the employee's long-term prognosis. This process and the reasons for it will be explained to the employee prior to the referral being made. An outline of the referral process is at Appendix B.

In certain circumstances, particularly those involving stress or depression, a referral may be made sooner, as evidence suggests that early intervention increases the chance of a successful return to work.

Subsequent referrals will be made as and when required.

The employee will normally be informed of the outcome of the occupational health referral.

6.4 REVIEW MEETINGS

Following a referral to an occupational health adviser, and at any other appropriate stage, the manager or HR adviser will arrange to meet with the employee to discuss the ongoing absence. The employee will have the right of representation at any such meeting.

The purpose of the meeting will be to discuss the long-term prognosis and any strategies which may support the employee's return to work.

However, at an appropriate stage it will be necessary to advise the employee that the school is finding it difficult to sustain the continued long-term sickness absence and that ultimately this might necessitate the matter being considered at a formal hearing, the outcome of which could be the termination of the contract of employment.

A written record will be made of the key points of the meeting and any action agreed.

6.5 RETURNING TO WORK

Where an employee becomes fit to return to work, the manager will normally arrange a re-integration meeting before his/her return. This meeting will normally be informal and its purpose will be to support the employee's return to work.

It will sometimes be necessary to make alternative working arrangements, on a permanent or temporary basis, to facilitate an employee's return to work.

Such issues will be discussed with the employee (and the trade union representative and HR adviser as appropriate) and agreed arrangements will be confirmed in writing.

6.6 FORMAL ACTION

Having explored all other options, the manager may, at an appropriate stage (usually, but not exclusively after 12 months absence), consider that the absence is no longer sustainable in all the circumstances. In this case, the matter may be considered at a formal meeting, the outcome of which could be the termination of employment on the grounds of lack of capability due to ill-health. The meeting will normally be conducted by the headteacher who is empowered to make initial dismissal decisions. An employee should make every effort to attend this meeting, may make representations and may be accompanied by a representative or other appropriate person.

The possibility of ill-health dismissal will be discussed with the employee at an appropriate review meeting and the employee will be consulted about the process prior to any formal action being taken.

The employee will have the right of appeal against any formal sanctions/dismissal.

7. ILL-HEALTH RETIREMENT

7.1 TEACHING STAFF

A teacher may make an application for ill health retirement at any time. The application should be supported by an employee's GP/Specialist and must be reviewed and considered by the employer's Occupational Health Adviser. The decision to grant Ill health retirement rests with Teachers' Pensions.

7.1.1 There are two levels of benefit:

- Partial Incapacity Benefits (PIB) – where an employee is deemed to be unfit to continue teaching, but fit to undertake other employment.
- Total Incapacity Benefit (TIB) – where the employee is considered unfit for any employment.

Different benefits apply to each type of retirement.

7.1.2 Retirement

If an employee is deemed unfit by Teachers Pensions, a last day of service must be agreed as soon as possible under Regulations and normal contractual notice periods cease to apply.

7.2 SUPPORT STAFF

A member of support staff may be considered to be unfit to continue in employment or may apply to be so considered. The employers' occupational health adviser will recommend that an employee should be retired on the grounds of ill-health and a decision will need to be made by the school about whether to dismiss the employee on the grounds of lack of capability due to ill health. In this case, the matter will be considered at a formal meeting. An employee should make every effort to attend

this hearing, may make representations and may be accompanied by a representative or other appropriate person. An employee will have the right of appeal against any decision made at the formal meeting.

With effect from April 2008, the Local Government Pension Regulations was amended to introduce a three-tiered ill-health retirement system with differential benefits. In all cases an employee must be deemed to be permanently incapable of continuing in their current employment and the tiers are based on their prospect of being fit to obtain other employment in the future.

Appendix A(i) Sickness Absence / Self Certification Form – Teaching staff

.....school

CONFIDENTIAL

This form should be completed by all teaching staff returning to work after sickness or injury absence where such absence extends beyond three days. It should account for:
 (a) absence of between one and seven days where the teacher’s absence has continued beyond three days;
 (b) the first seven calendar days of any longer absence, excluding any part covered by a doctor’s statement.

When completed, the form should be passed to the employee’s line manager.

Making a false statement may result in disciplinary action, including the possibility of dismissal

Last Name:		(Mr/Mrs/Miss/Ms)
First Name(s):		
School:		
Job Title:		

I certify that I was incapable to work due to sickness/injury during the period stated below:

First working day unfit for work:			
Last calendar* day you were unfit for work:			
Date returned to work following period of absence:			
No. of days absence from work:	calendar days*		working days

* The requirement for a medical certificate is based on calendar days (not working days)

Details of Sickness/Injury Please say briefly why you were unfit for work. (Give details of your sickness or injury. Words like ‘illness’ or ‘unwell’ are not sufficient)	
Do you consider this sickness a result of a work related accident, assault or ill health? (If so an Incident Report Form must also be completed)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you consider this sickness related to an impairment/disability under the Disability Discrimination Act?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Any issues you may have arising from your sickness absence should be discussed with your line manager at your return to work meeting/discussion.

I declare that the information I have given is correct.

Signature of employee.....Date.....

The personal information provided will be dealt with in a confidential manner in accordance with the requirements of the Data Protection Act.

Appendix A(ii) Sickness Absence/Self Certification Form–Support staff

.....school

CONFIDENTIAL

This form is to be completed by the employee as soon as possible on return to work after sickness or injury absence. The information should account for:

- (a) absence of between 1 and 7 calendar days
- (b) the first 7 calendar days of any longer absence, excluding any part covered by a doctor's certificate.

When completed the form should be passed to your line manager.

Making a false statement may result in disciplinary action, including the possibility of dismissal

Last Name:		(Mr/Mrs/Miss/Ms)
First Name(s):		
School:		
Job Title:		

I certify that I was incapable to work due to sickness/injury during the period stated below:

First working day unfit for work:			
Last calendar* day you were unfit for work:			
Date returned to work following period of absence:			
No. of days absence from work:	calendar days*		working days

* The requirement for a medical certificate is based on calendar days (not working days)

Details of Sickness/Injury Please say briefly why you were unfit for work. (Give details of your sickness or injury. Words like 'illness' or 'unwell' are not sufficient)	
Do you consider this sickness a result of a work related accident, assault or ill health? (If so an Incident Report Form must also be completed)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you consider this sickness related to an impairment/disability under the Disability Discrimination Act?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Any issues you may have arising from your sickness absence should be discussed with your line manager at your return to work meeting/discussion.

I declare that the information I have given is correct.

Signature of employee..... Date.....

The personal information provided will be dealt with in a confidential manner in accordance with the requirements of the Data Protection Act.

Appendix B: Referral to Occupational Health-Employee Information Sheet

What is Occupational Health?

Occupational Health is an independent, confidential health advisory service.

Our role is to advise management and staff on all matters relating to the effect of health on work and of work on health.

All Occupational Health medical records are maintained separately from any other records kept within Essex County Council and are only seen by Occupational Health staff. Information can only be released from Occupational Health with your written consent.

Request for Occupational Health Assessment

You have been referred to the Occupational Health Centre by your manager or by human resources. The reason for the referral will have been discussed and agreed with you.

Your manager will ask you to sign the bottom of the referral form before it is sent to the Occupational Health Centre so you are aware of and understand the reasons for the referral.

Where is the Occupational Health Centre?

The Occupational Health Centre is situated on the second floor of B Block in County Hall in Chelmsford. Simply report to the main reception desk in the atrium, who will be able to direct you. There is wheelchair access to County Hall and a lift to the second floor of B Block.

What will happen at my appointment?

When you arrive in the Occupational Health Centre, you will be greeted by a receptionist. You will be asked to read and sign a form about the Data Protection Act. This form asks for your consent to release an opinion about your health to your manager or human resources officer and gives you details about how your notes are dealt with within the Occupational Health Centre.

From the waiting room, you will be shown into a consulting room to see an Occupational Health Physician or Occupational Health Nurse Adviser.

The appointment will take approximately half an hour.

A discussion will take place covering:

- The reasons for your referral.
- Any effect on work or home life.
- Occupational Health requirements that would benefit you or your condition.

You may be examined by the doctor or the nurse, but this will only be done if relevant to your assessment.

Occasionally we may require further information about your health from your own doctor/specialist/physiotherapist. If this is needed you will be asked to sign a consent form allowing your doctor to provide a report to us.

What happens after the appointment?

Following your appointment a letter detailing the advice from Occupational Health will be sent to your manager/human resources officer, and a copy will be sent to your home address.

No medical details will be included in the letter unless you have given your consent for these to be divulged.

You may be asked to return for a review appointment by the Occupational Physician or Nurse Adviser. This appointment date will be sent to your home address.

If you have any queries concerning your appointment with us please contact the Occupational Health Centre on 01245 430222. Please let us know if you have any specific access requirements for both information and your appointment at the Occupational Health Centre.

Please bring with you to the consultation:

- Details of all your recent/current medication.
- Details of your GP and any consultant/specialist. (Contact name and address).
- Details of any other clinic or hospital appointments.

Please Note:

The service operates an appointment system.

If you are delayed please try to telephone us. If you are more than fifteen minutes late it is likely that your appointment will have to be rearranged.

If you require detailed directions to the Occupational Health Centre at County Hall, please contact the Centre on 01245 430222.

This information is available (on request) in large print, Braille, on audio tape and computer disk. For further information contact the Occupational Health Centre on 01245 430696 (Ednet 20696).

Appendix C SICKNESS ABSENCE MANAGEMENT POLICY - A BRIEF GUIDE FOR STAFF

The school is committed to providing a healthy working and learning environment and to promote good health amongst all its staff. The school recognises not only its statutory responsibilities in relation to health and safety, but also its duty to ensure that staff are fit to fulfil their roles.

The aim of this leaflet is to summarise the school's sickness absence management policy and to inform staff about the processes involved in managing sickness absence issues. Any questions arising in relation to the application of the policy should be referred to your line manager in the first instance. The following details set out your responsibilities and those of the school:-

First day

If you are unable to attend work please inform the school at the earliest opportunity. You should try to do this yourself; if you are unable to, please ensure that someone does it for you. You will need to state:-

- the reason why you are unable to attend work & how long you think you might be away
- any urgent work that needs attending to



Keeping in Touch

If you are away for more than one day you will need to keep the school informed so that cover arrangements can be made. You must contact the school again on the fourth and the seventh day if your absence is to continue and let us know of your progress and when you expect to return. If the fourth or seventh day falls on a weekend or a bank holiday you must contact the school again on the next possible working day.

Sick Certificates

When you are sick you will need to complete a self-certification form from the first or fourth day of absence (in accordance with your conditions of service). All staff must then provide a medical certificate to cover for the period from the eighth day of absence onward.

Sick Pay

Most staff are entitled to receive payments during their sickness absence. Details can be found in your contractual documents or can be clarified by the school.

Continuing Absence

If you are going to be away for some time you will need to send medical certificates at regular intervals in accordance with the school's policy. You should also keep in touch with your line manager about your progress and the school might contact you while you are away to find out what support or help you may require. Some absences may require a referral to an Occupational Physician.

Returning to work

Where possible you should give at least one day's notice of your fitness to return to work. If this falls within the school closure period, bank holiday or weekend, you should follow the procedure outlined in the school's sickness absence policy. On return to work you will be updated on relevant work issues and events that have occurred while you were away. More detailed discussions may follow a lengthy absence including any more focussed support that may be required. You should also use this opportunity to discuss issues that may be affecting your health and wellbeing at work.



Other Issues

If you have an accident at work you should fill out an accident form. Any absence as a result of an accident at work should be reported to the school.

If you need time off to attend any non-urgent medical appointments, absences for this reason are not treated as sick leave but are covered under the school's separate leave of absence policy.

If your absence is for reasons other than your own sickness, these should be discussed with the school and will be managed under separate arrangements which may allow you to take appropriate time off from work.

If at any time you are concerned about your health and wellbeing or that of your colleagues while at work please raise the issue with your manager or the relevant colleague so that the issue can be addressed. The school's sickness absence management procedure attempts to balance the needs of the school with the interests of individual employees. Its principles aim to achieve high level of attendance through the reduction of sickness absence from work by providing a safe and healthy environment.

Employees who are off sick are supported through the effective operation of the policy and the school's aim is to treat staff with dignity and sensitivity. The overall objective is to minimise disruption to the effective provision of education to pupils or to the overall operation of the school, including staffing. Monitoring sickness absence will help to address any concerns and a culture of mutual trust and confidence should exist between employees and the school.

Sickness Absence Managers' Notes of Guidance

1.	INTRODUCTION.....	5
1.1	LEGISLATIVE FRAMEWORK.....	5
1.1.1	Health & Safety at Work.....	5
1.1.2	Disability Discrimination Act 1995.....	5
1.1.3	The Education (Teachers Qualifications and Health Standards) Regulations (as amended) ..	5
1.1.4	Employment Rights Act 1996 (ERA) (and subsequent amendments).....	6
1.1.5	Medical Reports Act 1988.....	6
1.1.6	Data Protection Act 1998.....	6
2.	CONFIDENTIALITY.....	6
3.	CONSIDERATIONS IN MANAGING SICKNESS ABSENCE	7
3.1	THE SCHOOL'S REQUIREMENTS.....	7
3.2	PERSONAL CONSIDERATIONS.....	7
4.	THE PROCEDURE.....	7
4.1	REPORTING SICKNESS ABSENCE	7
4.2	SICKNESS CERTIFICATION.....	7
4.3	RETURN TO WORK MEETINGS.....	8
4.3.1	Part-time Return	8
4.4	SICK PAY ALLOWANCES	9
4.4.1	Teaching staff.....	9
4.4.2	Local Government Services staff	9
4.4.3	Staff on Unique contracts.....	9
4.4.4	Sick Pay and holiday entitlement	9
4.4.5	Extension of sick pay.....	9
4.4.6	Accidents at Work	10
4.4.7	Third Party Accident Compensation Claims	10
4.4.8	Infectious diseases	10
4.5	PRE-EMPLOYMENT CHECKS.....	11
4.6	REFERRAL TO AN OCCUPATIONAL HEALTH ADVISER.....	11
4.6.1	Other Referrals	12
4.6.2	General Practitioners (GPs).....	12
4.6.3	Consultants and other medical practitioners.....	12
4.6.4	Refusal to co-operate with the referral process.....	12
4.7	MEDICAL SUSPENSION.....	12
4.8	REASONABLE ADJUSTMENTS.....	13
4.9	TIME OFF FOR OTHER REASONS.....	13

4.10	CAPABILITY V CONDUCT.....	14
4.11	ALCOHOL AND DRUG MISUSE.....	14
	4.11.1 Introduction	14
	4.11.2 Identification of alcohol/drug problems	14
	4.11.3 Dealing with alcohol/drug problems	14
4.12	MENTAL HEALTH ISSUES	15
4.13	MONITORING & RECORDING.....	16
5.	FREQUENT SHORT-TERM SICKNESS ABSENCE.....	16
5.1	DEFINITION.....	16
5.2	PRINCIPLES.....	17
5.3	TRIGGERS.....	17
	ABSENCE REVIEW MEETINGS.....	17
	5.4.1 Format of Absence Review Meetings	18
5.5	REFERRAL TO AN OCCUPATIONAL HEALTH ADVISER	19
6.	LONG-TERM SICKNESS ABSENCE	19
6.1	DEFINITION.....	19
6.2	PRINCIPLES.....	19
6.3	INITIAL STEPS.....	20
	6.3.1 Meetings	20
	6.3.2 Referral to an occupational health adviser	20
6.4	REVIEW MEETINGS.....	20
6.5	RETURNING TO WORK.....	21
	6.5.1 Re-integration meeting	21
	6.5.2 Phased Return	21
6.5.3	Facilitating an early return to work.....	22
6.6	FORMAL ACTION.....	22
7.	ILL-HEALTH RETIREMENT.....	23
7.1	TEACHING STAFF	23
7.2	SUPPORT STAFF.....	24
	ANNEX I RETURN TO WORK MEETING.....	25
	ANNEX II FORMAL CAPABILITY (ILL-HEALTH) HEARINGS	26
	ANNEX III FORM 7030A.....	28

ANNEX IV NEW GUIDANCE ON DISABILITY DISCRIMINATION ACT 1995 (DDA)	32
Annex v – MODEL INVITE TO Absence review HEARING LETTER	34
annex vi – PREPARING FOR An absence HEARING	35
Annex vii – MODEL OUTCOME OF ABsence Review HEARING LETTER	36
ANNEX VIII - Decision-Maker’s Checklist & Record (Capability Cases)	37

1. INTRODUCTION

This section provides additional guidance for managers in managing ill health. It does not constitute part of the Sickness Absence Management Procedure.

1.1 LEGISLATIVE FRAMEWORK

1.1.1 Health & Safety at Work

The Health & Safety at Work Act 1974 imposes a general obligation that "it shall be the duty of every employer to ensure, as far as is reasonably practicable, the health, safety and welfare of all his employees".

The Management of Health and Safety at Work Regulations 1999, require effective systems and action to be taken to identify, prevent and reduce risks to the health and safety of employees.

This means providing a safe working environment, taking into account the physical and mental well-being of staff. Work-related stress is becoming more evident in the education environment and should be given the same attention as may be given to assessing such risks as lifting heavy objects or ensuring safe atmospheric conditions.

Under the Management of Health and Safety Work Regulations 1999, the employer must assess the risks to employees who are of child-bearing age and who may be pregnant, have given birth within the last six months or are breastfeeding.

The employer liability depends on the knowledge of the risk and keeping this knowledge up-to-date, identifying where an employee is known to be particularly at risk or acting upon an employee identifying ill-health problems due to a work situation.

1.1.2 Disability Discrimination Act 1995

The Disability Discrimination Act came into force in December 1996 and renders it potentially unfair to discriminate against an employee on the grounds of disability.

In terms of the law "a person has a disability if [s]he has a physical or mental impairment which has substantial and long-term (lasting, or likely to last, for 12 months or more) adverse effects on his/her ability to carry out day-to-day activities".

It is a requirement, by law, that where possible reasonable adjustments be made to enable a person who has a disability to work.

1.1.3 The Education (Teachers Qualifications and Health Standards) Regulations (as amended)

Under the Teachers' Regulations 8 & 9 no teacher can be appointed to, or continue in, 'relevant employment' if his/her employer is not satisfied that he/she has the necessary health, physical or mental capacity to do so. These Regulations also apply to other school staff in 'relevant employment' i.e. staff who have regular contact with children and young people e.g. Learning Support Assistants.

Medical checks should be carried out on all teachers and other staff as above prior to appointment.

Teachers may not be appointed after 31 March 1997 if they are in receipt of any ill-health benefits award.

Headteachers / governing bodies must take emergency action when they consider a teacher may have become medically incapable to perform teaching duties if this may put at risk the health, education, safety or welfare of pupils.

1.1.4 Employment Rights Act 1996 (ERA) (and subsequent amendments)

In accordance with the ERA, ill-health is one of the five potentially fair reasons for dismissal if it relates to the capability due to ill-health of the employee to do the work he/she was employed to do.

This may be in cases of prolonged absence because of an acute or chronic medical condition or in cases of persistently frequent absence. The employee must be consulted and medical evidence sought.

1.1.5 Medical Reports Act 1988

The 1988 Act gives individuals the right to withhold their consent for their GP to provide a medical report to an occupational health adviser; to see any medical report provided and to request amendments to it.

1.1.6 Data Protection Act 1998

The Data Protection Act refers to the need for stored material about individuals to be accurate, relevant and up to date and in addition, to the requirement that such data is collected and used only for the specific purposes stated to the employee. Physical and mental health information is classed as sensitive data under the Act which means that the specific consent of the employee is needed to gather and store such data. The occupational health adviser will obtain such consent as appropriate.

2. CONFIDENTIALITY

Occupational Health staff are bound by professional requirements to maintain confidentiality in relation to medical information. This does not, however, impact upon the quality of advice that can be offered, since it is the implications of any diagnosis in relation to fitness, not the diagnosis itself, which the manager needs to know.

Where an individual 'discloses' personal details to their manager, this information should remain confidential, save where it is necessary to discuss details of the ill-health with the occupational health adviser, personnel adviser, governing body or other relevant parties within the sickness absence management procedure.

For monitoring purposes, individual names should not be disclosed to the governing body or other parties.

3. CONSIDERATIONS IN MANAGING SICKNESS ABSENCE

Throughout all the stages of the sickness absence management procedure, it is necessary to take account of, and balance, the needs of the school and the needs and wishes of employees. Listed below are the key considerations in relation to both parties.

3.1 THE SCHOOL'S REQUIREMENTS

- Pupils' need for stability and continuity.
- Levels of staffing stability and continuity prevailing in the school as a whole and within the relevant department.
- The impact of the absence on the school as a whole, bearing in mind the position held by the employee and general school situation.
- The degree of support and welfare offered to the employee generally and specifically during the absence.
- The extent to which the duties and responsibilities of the employee who is ill can be effectively reallocated, in the long or short term as appropriate, without undue detriment to the school.
- The pressures the absence is putting on other staff.
- The availability of suitable alternative employment.
- The financial impact on the school of the absence.
- The length of absence that can reasonably be tolerated given all the circumstances.
- The prospects of an employee's performance improving (where sickness is related to a competency issue).

3.2 PERSONAL CONSIDERATIONS

- The particular experience and expertise which the employee is able to offer.
- Length of service and past attendance record.
- The demands of the post and the importance of its position in the school.
- Personal/domestic circumstances.
- Any other special circumstances, for example employees with disabilities.
- The employee's willingness to be flexible in the short and long-term.
- Whether the employee wishes to return to work and/or return to the same position/hours etc.
- The nature of the illness and the long-term prognosis.

4. THE PROCEDURE

4.1 REPORTING SICKNESS ABSENCE

Schools should make it clear in the Policy to whom sickness should be reported and the timescales in which it should be reported. These will largely be dictated by systems in place to arrange cover. Arrangements will need to be in place for closure periods. Managers should have early discussions with any staff not complying with reporting procedures which is a disciplinary offence.

4.2 SICKNESS CERTIFICATION

Conditions of service for support staff and teachers are different in respect to the requirement to produce medical certificates – with self-certification being required from

day 1 for support staff and from day 4 for teachers. Schools cannot require teachers to produce self-certification forms prior to the fourth day.

4.3 RETURN TO WORK MEETINGS

It is only courteous to enquire after an employee's health when someone is returning to work after a period of sickness absence, even if the period of absence has only been for one day.

Return to work meetings are a useful tool in managing absence and help headteachers and managers to fulfil their responsibility to communicate with employees and to maintain an awareness of their general health and welfare. The headteacher, or other appropriate manager may conduct a return to work meeting with an employee after a return from sickness absence, and the employee should be notified of the meeting in advance. The meeting may be a quick informal discussion or a more in depth discussion in private depending on individual circumstances.

It may not be appropriate, or indeed practical, to conduct a return to work meeting after every short absence, or when the absence is for a known condition. Schools may wish to determine their own normal practice.

Clearly, return to work meetings need to be dealt with sensitively, and this may, for example, include arranging for a same sex manager to conduct the meeting where appropriate.

The purpose of carrying out a return to work meeting is to recognise that an employee has been off work and to offer him/her support and encouragement in his/her return. It is also an opportunity to:

- update the employee about events in school during his/her absence;
- establish the nature or cause of the absence (if not already known);
- demonstrate that the employee is valued and that there is concern for the employee's welfare;
- check that appropriate action has been taken to prevent a recurrence where the employee is returning to work after a work-related accident or ill-health;
- discuss the employee's general sickness absence record where appropriate;
- discuss any temporary constraints on the employee's ability to perform their job (e.g. side effects of medication) and any support the school can offer;
- show the school's determination to address each instance of sickness absence as a management issue;
- brief the employee on work issues missed and identify any related problems;
- encourage full attendance where possible.

A form for recording return to work meetings is attached at Annex I.

4.3.1 Part-time Return

Where an employee returns to work part-time (and remains on certificated sick leave part-time) following a period of sick leave, this will be counted as a continuous period of sick leave for contractual sick pay purposes, but as a new leave period for calculating entitlement to SSP.

4.4 Sick Pay Allowances

The majority of staff, as part of their Conditions of Service, have an entitlement to receive a contractual sickness allowance when they are absent from duty owing to illness.

4.4.1 Teaching staff

Teachers' contractual sick pay allowances are for the period 1 April to 31 March. Where a teacher is absent on 31 March, their sick pay allowance for the following year will not start until they return to duty.

Any individual member of staff may also be entitled to Statutory Sick Pay (SSP), details of which may be provided by the payroll service. Contractual sick pay will be offset against any SSP entitlement.

4.4.2 Local Government Services staff

Local Government Service contractual sick pay allowances are for any twelve month period. The twelve month period will be calculated back from the commencement of each period of absence and any previous absence in that period will be deducted from the current allowance.

Contractual Pay for sick pay purposes excludes flat rate and protection allowances during half pay and all other premia payment for full and half pay.

4.4.3 Staff on Unique contracts

Contractual Sick pay entitlements for staff on unique contracts are determined by the school. Entitlements will be set out in individuals' contracts of employment and some staff may have no entitlement. All staff however will be entitled, where eligible, to Statutory Sick Pay.

4.4.4 Sick Pay and holiday entitlement

If an employee falls sick whilst on annual leave or during a closure period, they should be regarded as being on sick leave from the date of an appropriate certificate.

If an employee is receiving sick pay under the scheme, sick pay should continue if a public or extra statutory holiday falls during sickness absence. No substitute public or extra statutory holiday should be given.

4.4.5 Extension of sick pay

The Conditions of Service for all staff specify that the sick pay allowances detailed are a minimum. Governors have discretion to extend an employee's sick pay.

Any extension to sick pay will have an effect on the school's budget. Therefore a careful assessment needs to be made and in these circumstances it may be necessary to ask employees for some detailed information about income and expenditure within the household.

In deciding whether an extension to sick pay is warranted, a judgement may need to be made between cases where an individual is prone to minor ailments which recur fairly frequently and where an employee has a demonstrable medical problem which is subject

to specific treatment and where a reasonable prediction can be made as to the likely date of return.

In situations where there is no reasonable prediction as to the likely date of return, or where an individual is seeking to retire on ill-health grounds, sick pay extensions are rarely warranted.

The personal circumstances of an individual should be taken into account e.g. hardship.

The school is not obliged to extend sick pay just because an employee is disabled. The schools sickness procedure should be applied consistently to all employees equally. It is important to follow the recommendations of the Disability Discrimination Act, whose purpose is to assist disabled employees by providing access and integration into the workplace. In making reasonable adjustments to the employees work or work place the school should be able to help facilitate the employee to return to/remain in work.

All requests for an extension to sick pay entitlement should be dealt with fairly and confidentially by the governing body.

4.4.6 Accidents at Work

The Conditions of Service for Local Government Service Employees states that where an employee suffers an accident, injury or assault arising out of, or in the course of employment, s/he should be paid a sum equivalent to their sick pay entitlement and this period shall not count against their sick pay entitlement.

The Conditions of Service for Teachers state that a teacher who is absent due to accident, injury or assault at work will be entitled to full pay for a period not exceeding 6 months. Where the teacher remains absent beyond 6 months they will then be entitled to their normal sick pay entitlement as determined by their length of service and any previous sickness absence.

4.4.7 Third Party Accident Compensation Claims

Where an employee has an accident (not connected with work) for which loss of earnings is claimable as part of a damages claim, they should be paid a sum equivalent to their sick pay (including statutory sick pay) entitlement. They should however inform the employer and will be required to repay any pay recovered in a damages claim.

Any period for which damages are recovered and paid back to the employer will not count against an employee's sick pay entitlement. In some cases only a proportion of the payment will be recoverable. For any periods or proportion of a period where damages are not recovered, the payment made to the employee will be classified as sick pay counting against their entitlement.

4.4.8 Infectious diseases

Infectious diseases in this context are very rare - they are normally diseases which are notifiable under RIDDOR (Reporting of Injury, Disease and Dangerous Occurrences Regulations) e.g. tuberculosis, SARS etc.

Where an employee is prevented from attending work (and there is medical evidence to support this) for precautionary reasons due to an infectious disease in the workplace or

because the employee resides with someone who has an infectious disease and appropriate precautionary measures cannot be put in place, they will be entitled to full normal pay for the duration of the enforced absence. This will not count against their contractual sick pay entitlement but will count against Statutory Sick Pay (SSP) entitlements. Such absence should be recorded as Medical Suspension.

Where a teacher contracts an infectious disease in the course of employment they shall be entitled to full pay for as long as authorised by a doctor. This absence will not count against contractual sick pay but will count again SSP entitlements. Such absence should be recorded as Accident at Work – infection).

Where a LGS employee contracts an infectious disease and where a teacher contracts such a disease outside of work, their absence will be treated as normal sickness absence.

NB The terms i.e. requirement to provide certificates etc., for payments of sums in respect of accidents on and off duty, infectious diseases etc., are the same as those for other sickness absence. Similarly, it is expected that such cases would be managed in accordance with the school's Sickness Absence Management Procedure.

4.5 PRE-EMPLOYMENT CHECKS

There is a requirement under the Teachers' Regulations that teachers and other relevant staff (those with regular contact with children) are not employed without first determining their physical and mental fitness. It is recommended that the practice of obtaining pre-employment medical clearance is extended to all staff.

4.6 REFERRAL TO AN OCCUPATIONAL HEALTH ADVISER

As outlined in the procedures, it will be appropriate in many ill-health cases to make a referral to an occupational health adviser to obtain a professional opinion about an individual's health. Such advisers should meet specific minimum criteria in relation to their qualifications, knowledge and experience as defined by the DfES in its document "Fitness to Teach" (December 2000).

The role of the occupational health professional is advisory only. It is for the manager to determine whether or not to accept the advice given, although there is a clear expectation that reasonable regard will be given to the adviser's opinion and managers should be able to justify the basis for any decisions.

A number of referrals may take place over a period of time, particularly in cases of long term ill-health absence, as it is necessary at each stage of the procedure to gather up to date, objective information about the individual's health. Referrals may also be made at an early stage where an apparent health issue is impacting on performance at work with a view to preventing sickness absence through early intervention.

It is essential to explain the process to employees and to be open and honest about the reasons for the referral before contacting the occupational health service. A summary of what employees may expect if referred to the Essex Occupational Health Service is at Appendix B of the Procedure. Any information about the employee passed to the occupational health adviser will be shared by him/her, with the employee. There should

therefore be nothing in the referral which the manager has not already discussed with the member of staff.

Annex III is the form to be used for Occupational Health referrals and Guidance Notes for managers on this process.

4.6.1 Other Referrals

There may be occasions when an employee's health causes concern but where his/her absences from work have not been significant. Ill-health can for example be a manifestation, or a cause of, capability issues. A referral may be made to an occupational health adviser in any circumstances where an employee's health causes concern.

4.6.2 General Practitioners (GPs)

In many cases it may be appropriate for an occupational health adviser to obtain a medical report from the employee's GP. In these circumstances, the employee will be asked by the occupational health adviser to sign a consent form which includes details of the legislation relating to access to medical records. Where a charge is made, this should be borne by the employer.

4.6.3 Consultants and other medical practitioners

It may be necessary, on occasion, for the occupational health adviser to obtain a report from a specialist, consultant or other medical practitioner. This may be appropriate where the employee has been under specialist care or where a third opinion is required. Where charges are incurred for the production of such reports these should be borne by the employer.

4.6.4 Refusal to co-operate with the referral process

There is a contractual obligation on employees to attend a medical examination with the employer's occupational health adviser. However, they do have the right to refuse to co-operate in the employers attempt to obtain information from their GP/consultant. In these circumstances, it may be necessary for the employer to proceed in making a judgement on the basis of limited information.

4.7 MEDICAL SUSPENSION

The Teachers' Regulations identify certain illnesses as medical conditions which may lead to suspension: pulmonary tuberculosis or other infectious diseases. This aspect of the Regulations applies to all staff working with children. (see 4.4.8)

A full medical report should be obtained if an employee is absent or suspended as a consequence of suffering one of the above.

In addition to the specific cases outlined above, where there are serious concerns about an employee's fitness to attend for work and they do not voluntarily absent themselves to visit their doctor when asked to do so, the headteacher may suspend the member of staff. Medical suspension should normally only take place following advice from an occupational health adviser although there will be occasions where the employer will need to take emergency action if the employee, pupils or other staff are considered to be at risk. In these circumstances advice from an occupational health adviser should be

sought as soon as practicable after the suspension. Any suspension should be on full pay (sick pay if the employee has/secures a medical certificate). Suspension should be lifted by the governing body and then only after advice has been received from an occupational health adviser.

In certain other circumstances e.g. where an employee attends for work under the influences of drugs or alcohol, the employee may be sent home and may be formally suspended.

4.8 REASONABLE ADJUSTMENTS

In certain circumstances, it may be necessary to make reasonable adjustments for someone in work who is suffering poor health or for someone looking to return from a period of long term ill health absence. This is a requirement of the Disability Discrimination Act (1995), but should be considered in all cases, not just those covered by the Act.

Reasonable adjustments might include:

- Phased return
- Adjusting working patterns
- Additional classroom support
- Providing a mentor
- Reassigning additional duties/activities

In some circumstances it may be appropriate for any adjustments to be made on a temporary basis, in which case clear parameters should be agreed between the employer and the employee.

In more extreme cases, an individual who has been on long-term ill-health absence, or who has an ongoing health problem, may not be able to continue in his/her original post, even with adjustment and in these circumstances, consideration should be given to offers of alternative employment within the establishment. Such offers should be subject to:

- the needs of the school;
- the needs of the individual;
- advice from an occupational health adviser.

Assistance should also be given to support staff in seeking alternative employment in other establishments where appropriate, although scope for this may be limited.

4.9 TIME OFF FOR OTHER REASONS

A Leave of Absence policy detailing employee's statutory and contractual rights and any school policy decisions on time off for reasons other than sickness should be in place and all staff need to be fully aware of its provisions. Staff may well take sick leave, for example when their own children are sick, when they may be entitled to take leave of absence. This can give a distorted picture of both the health of the school population and issues relating to individuals. Staff should be afforded reasonable flexibility to manage their personal commitments, within the school's and the statutory framework. By openly addressing and encouraging discussion about work-life balance issues, it is possible to reduce stress related absence and to increase commitment to the school.

4.10 CAPABILITY V CONDUCT

Issues concerned with sickness absence should only be dealt with under disciplinary (misconduct) procedures if at any stage during the sickness absence procedure it is evident that the facts concern a conduct issue such as the employee falsely claiming to have been absent on the grounds of ill health. Under these circumstances the matter should be referred for investigation under the school's disciplinary procedure.

Sick pay may be withheld, suspended or recovered where an employee fails to comply with the schools and/or statutory sickness reporting requirements as provided for by the appropriate conditions of service.

4.11 ALCOHOL AND DRUG MISUSE

4.11.1 Introduction

Managers should have an understanding attitude towards employees who become dependent on alcohol/drugs and should normally approach such cases as ones of ill-health rather than misconduct.

4.11.2 Identification of alcohol/drug problems

Alcohol and drug problems may be caused by, be symptoms of, or arise from, a variety of issues in a person's social, domestic or professional life. Moreover, the symptoms and effects on each individual can vary considerably in manifestation and over time. Whilst alcohol/drug dependency may be a long-term ongoing problem this is not classed as a disability and therefore does not fall within the scope of the Disability Discrimination Act 1995.

Some work-related symptoms may be:

- absenteeism (e.g. leaving early, frequent and/or patterns of absence, long coffee breaks, frequent visits to the toilet);
- changes in behaviour (e.g. unpredictability; depression; borrowing money);
- health problems (e.g. memory blackouts; poor personal hygiene; tremors; frequent ill-health);
- low performance at work (e.g. missed deadlines; poor judgement; lack of attention; poor relationships);
- accidents (e.g. increased accidents in and/or out of work).

Clearly these are not symptoms only evident in alcohol/drug misuse and need to be monitored, investigated and discussed to ensure the employee is having his/her difficulties appropriately addressed.

4.11.3 Dealing with alcohol/drug problems

It is important that the misuse of drugs and/or alcohol by any employee does not adversely affect their health and personal life, nor have consequential effects on their work attendance and performance.

Moderate drinking of alcohol is socially acceptable, however, the taking of illegal drugs (as opposed to prescribed drugs) is a criminal offence. Employees who feel they have a

problem with drugs or drink should seek professional help and advice and should feel free to discuss the matter with their manager. Absences for treatment of alcoholism and drug addiction will be viewed sympathetically, where genuine attempts are being made to overcome the problem and every encouragement and support will be given to employees to seek appropriate help.

Alcohol and drug misuse should, where practicable, be treated as an ill-health issue and as such will be dealt with under the sickness absence management procedures.

Staff should be familiar with the school's Sickness Absence Management and Disciplinary Procedures.

Managers should be aware that people who misuse alcohol or drugs often hide the evidence and refuse to admit to themselves or others what is happening.

Where alcohol/drug misuse has been admitted and/or is suspected, managers should adopt a non-judgemental and sensitive approach.

Under Health & Safety Legislation, employers have a duty for the health, safety and welfare of employees. If an employer knowingly allows a member of staff to work under the influence of alcohol; or drugs, and their behaviour places other employees or other parties (e.g. pupils) at risk, the employer will be failing in that duty. With this in mind, managers must carefully consider whether it is appropriate to allow the employee to remain in the workplace and/or to carry out their normal duties during any treatment/recovery periods.

Managers should seek advice about appropriate support services e.g. drug/alcohol advisory services.

4.12 MENTAL HEALTH ISSUES

Stress and depression are the most common cause of sickness absence in schools. Not all such illnesses are work related, but all are likely to affect a person's ability to work effectively.

Many people can take a while to recognise that they are not coping well, by which time the stress or depression can be more serious. Increased absence, reduction in quality of work, attendance issues may all be indicators. However, the most effective, and early, identification will be achieved through regular monitoring of individual and collective workforce wellbeing. This is achieved through effective:

- day to day management/communication
- organisational operation,
- absence management / early identification / early intervention
- training and support
- performance management
- undertaking of stress risk assessments (contact Health & Safety)
- participation in wellbeing programmes (www.worklifesupport.co)
- addressing of work-life balance issues

There is strong evidence that early recognition and intervention is critical in resolving problem and enabling staff to remain in/return to work successfully.

4.13 MONITORING & RECORDING

Accurate, accessible and well-presented information is a pre-requisite of effective absence control. Accurate records will:

- help to develop a fair and consistent managerial approach;
- enable early detection and resolution of problems;
- allow speedy management, individual and medical responses;
- form part of evidence during the sickness absence management procedure;
- provide figures for absence statistics;
- detect patterns if they exist;
- help ensure appropriate sick pay allowances are paid.

However, employees' sickness absence records are defined as "sensitive data" under the Data Protection Act 1998.

Such details may be routinely kept for certain statutory purposes, for example statutory sick pay, and possibly in certain circumstances where an employer has a specific statutory duty in respect of an employee who is disabled (as defined by the Disability Discrimination Act 1995). However, the general health and safety responsibilities of the governing body are not sufficient to enable it to routinely record all individuals' sickness absence details.

Generally therefore, the governing body must obtain individual employees' express permission to record, process and monitor their personal sickness details. Express permission may have been given by an employee's acceptance of a contract of employment containing a relevant clause. Where such a clause is not in existence, specific permission must be sought from individual employees.

The Data Protection Act provisions do not prevent the employer from recording action and decisions taken in respect of the management of individuals' sickness absence within the sickness absence management procedure, nor from simply recording that an individual has been absent from work. Copies of sickness certificates and return to work forms may be held on personal files for a maximum of 3 years (except where for example litigation requires extended periods of retention).

Aggregated data should be used to identify general patterns and frequency of absence and to help to inform the governing body and other parties (e.g. DCSF) for monitoring purposes. The self-certificate forms at Appendix A of the Procedure includes codes used by Essex LA for monitoring purposes and these should be used when notifying absences to Payroll.

5. Frequent Short-Term Sickness Absence

5.1 DEFINITION

Short-term absences are normally intermittent and due to minor ailments which, in many cases are unconnected and are more likely to be typified by the frequency of absences rather than the total number of days.

The employee may be absent for a week or, more often, for single days. In some cases a pattern may begin to emerge e.g. very often sick before/after a weekend. These are absences which can either be medically certificated and/or self certificated.

5.2 PRINCIPLES

Before taking any action on short-term absences it is important to gather as much information as possible and to show that attempts have been made to find out if there are any underlying medical or other reasons for the absences.

This can be done through;

- discussion with the employee at the return to work meeting;
- regular monitoring of sickness absences;
- establishing whether a pattern of sickness absence is emerging;
- establishing whether the triggers have been reached;
- referral to an occupational health adviser.

Short-term absence is the most difficult type of absence to deal with and can only be addressed effectively through monitoring the situation closely and keeping appropriate records and details of sickness absences. Each case should be looked at on its own merits and within its own circumstances.

5.3 TRIGGERS

In dealing with short-term absences it is important to determine what is an acceptable standard of attendance. Triggers may be used to determine when management should respond to an individual employees' sickness absence.

They can provide consistency of approach and assist the school in determining how to deal with general employee absences, although it will be important to consider each case on its own merits.

5.4 ABSENCE REVIEW MEETINGS

Where an employee has been identified as having a level, or frequency of sickness absence which gives cause for concern, they should initially be invited to an Informal Absence Review Meeting. This meeting is to explore the reasons for absence and to find ways of resolving any problems with a view to improving attendance and identify areas of support and assistance. If the employee has not visited their GP, he/she should be advised to do so where appropriate.

Further informal meetings may be arranged to discuss the outcome of occupational health referrals or any other follow-up actions.

If an employee has not shown sufficient improvement in line with the expectations set in the informal meeting or attendance levels have deteriorated, he/she should be required to attend a Formal Absence Review Meeting. Managers will be required to present written evidence to the hearing and this will be copied to the employee in advance of the hearing. A model letter of invitation to a hearing is at Annex V. Guidance for managers preparing for report for an absence review hearing can be found in Appendix VI.

5.4.1 Format of Absence Review Meetings

The meetings should cover:

- frequency or spells of sickness absence;
- duration of each spell of sickness absence;
- reasons for sickness absence (including any Health and Safety at Work issues);
- total amount of sickness absence;
- nature of job duties;
- outcome of any previous meetings;
- disruption to the workplace caused by the employee's absence;
- any domestic difficulties or work problems and the way these may be affecting the employee's performance.

The manager should listen to the employee's response, seeking clarification where necessary, and consider whether:

- there are any underlying reasons for the absence(s);
- support/assistance can be offered;
- the employee should be referred to an occupational health adviser;
- the employee may wish to consider contacting the Essex County Council counselling service;
- temporary adjustments could be made to the employee's working arrangements/working pattern;
- to review the employee's work or working conditions.

Possible outcomes of the meeting might be:

- expectations for improved attendance;
- a timescale for a further review and a date for a further Absence Review Meeting;
- support and guidance available from the school;
- a decision to refer to an occupational health adviser.

And in the case of Formal Meetings:

- an explanation of the consequences of failure to improve, i.e. possible formal action which could lead to a warning, or ultimately, dismissal. A model letter outlining the outcome of the absence review meeting can be found in Annex VII.

Where the manager has doubts over the genuineness of sickness absence he/she should seek advice from his/her personnel advisers on the most appropriate course of action, which could include action being taken under the school's Disciplinary (Misconduct) Procedure.

Absence Review Meetings should be conducted:

- sympathetically;
- in private (although a minute taker may be necessary in formal meetings);
- in confidence;
- with consistency and uniformity of approach;

- with sensitivity;
- and be based solely on the facts of the case and an individual's circumstances.

Managers should keep notes of meetings (these may be formal minutes in the case of formal meetings) and a letter should be sent to the employee confirming the key points discussed.

5.5 REFERRAL TO AN OCCUPATIONAL HEALTH ADVISER

(See 4.6)

It will sometimes be appropriate, following an Absence Review Meeting, to make a referral to an occupational health adviser.

It is the employer's responsibility to inform the employee of the referral process and its purpose. (Ref: form at Annex III – relevant if using ECC Occupational Health Service).

Subsequent referrals may be made as and when appropriate, but usually where an employee's attendance does not improve following support/management action; where the original prognosis indicated no underlying medical issue, but absence levels remain high, or where sickness absence levels increase.

6. Long-Term Sickness Absence

6.1 DEFINITION

Long-term sickness absence describes the situation where an employee is continually absent from work over a period of time, usually for eight weeks or more.

6.2 PRINCIPLES

The underlying principle in dealing with long-term sickness absence is to balance the needs of the school against those of the employee concerned.

No-one can avoid being ill, but neither can the school tolerate levels of staff absence which, if unaddressed, would be detrimental to the school.

Regular communication between the school and the employee is important to assist in planning work and cover arrangements and to enable appropriate support and guidance to be given to the individual. In some cases this will simply mean the submission of doctors' certificates and maybe an exchange of brief notes between the employee and employer. In other cases, regular telephone contact will be maintained. This may be through the manager, or through a third party (personnel adviser or trade union/professional association). It is not appropriate to ask employees who are absent on sick leave to set work, prepare reports or undertake any other work.

Ideally, and where appropriate, the employee should also be kept informed about school life through copies of minutes, newsletters etc.

All contact should be handled in a sensitive and tactful way, taking into account the particular circumstances and wishes of the individual. It may not, for example, be appropriate to send copies of school documents to someone absent because of stress or depression, which may be work-related. Employers must not appear to be harassing unwell staff, and where requested by the individual, contact should be confined to a minimum.

6.3 INITIAL STEPS

6.3.1 Meetings

It will usually be necessary to meet with the employee to discuss his/her absence. Clearly, however, in circumstances where the employee's ill-health is severe, such meetings may need to be deferred and contact maintained through a third party e.g. trade union or family member. Consideration should be given as to whether a home visit by the headteacher or a third party (personnel adviser) may be appropriate. Home visits should only be used in a sympathetic and sensitive way and should not be used to check up on employees. Visits should only be carried out with the consent of the employee.

The first meeting should normally take place between the 8th and 12th week of absence, although contact will of course have been maintained prior to this.

The purpose of the visit may be to:

- gather information about the employee's current health and prognosis;
- ensure the employee is aware of his/her entitlement to sick pay and his/her responsibilities in terms of certification etc.;
- discuss any support or information the employee may require in relation to his/her absence, his/her options in the longer term and/or his/her return to work;
- outline the procedure that may be followed in terms of managing the employee's ongoing absence (the sickness absence management procedure);
- discuss a referral to an appropriate medical adviser.

A record should be made of the key issues discussed and a copy given to the employee.

6.3.2 Referral to an occupational health adviser

(See 4.6)

The initial referral should normally take place around 8-12 weeks of absence. It is hoped that the medical report will give information about the long-term prognosis, the timescale for likely return, recommendations about alternative or adjusted working arrangements, or a recommendation for ill-health retirement.

It is the employer's responsibility to inform the employee of the referral process and its purpose. (Ref: form at Annex III – relevant if using ECC Occupational Health Service).

It may be appropriate to make subsequent referrals at, for example, around six and nine month's absence and immediately prior to making a decision regarding ill-health dismissal, although individual circumstances may require alternative timescales.

6.4 REVIEW MEETINGS

The manager should make contact with the employee personally, or through appropriate representatives, following each referral to discuss the outcome (and at any other appropriate stage). This contact should usually take the form of a meeting. The employee should be given the opportunity of representation at any such meetings and a record of any discussion/meeting should be made.

The purpose of the review meetings may be to:

- clarify any outstanding issues regarding the employee's entitlement to sick pay and his/her responsibilities in terms of certification etc.;
- discuss any support or information the employee may require in relation to his/her absence, his/her options in the longer term and/or his/her return to work;
- outline the procedure that may be followed in terms of managing the employees ongoing absence (the implementation of the sickness absence management procedure), including early warning to the employee that dismissal could be an outcome of long-term sickness absence;
- review any medical evidence, including the employee's view on this;
- agree a timetable for further referrals/reviews.

At the point at which the manager considers that the absence can no longer be sustained, the manager should discuss this with the employee at a final review meeting, prior to making arrangements to refer the matter to a formal hearing. (See Page 34).

6.5 RETURNING TO WORK

6.5.1 Re-integration meeting

A re-integration meeting should be held with an employee who has been on long term ill-health absence. The meeting should ideally take place prior to the employee's return.

The purpose of the meeting may be to:

- welcome the employee back to work;
- provide the opportunity to discuss any personal or health issues which may impact on the employee's return to work;
- discuss any special support measures necessary to facilitate the employee's first few days/weeks back at work;
- update the employee on key issues which have arisen during his/her absence.

The meeting does not need to be formal in nature, but a brief record of the issues discussed, particularly in terms of special support arrangements, should be made and copied to the employee.

6.5.2 Phased Return

It can be the case that employees experience difficulties in returning to work, following long-term ill-health absence. This can be because they feel they have lost touch with work life, are anxious about coping with the demands and/or because they are still in the process of recovery. In these circumstances, in consultation with an occupational health adviser if necessary, every effort should be made to facilitate a return to work and consideration should be given to a phased return which can take a number of forms, including:

- working only on certain days of the week;
- working a reduced number of hours;
- undertaking restricted duties;

Phased returns should be:

- subject to the needs of the school and the individual;

- for a limited time – not normally exceeding one half term/6 weeks;
- regularly monitored and reviewed;
- subject to advice from an occupational health adviser;
- subject to the provision of appropriate medical certificates by the employee;
- subject to consideration of sick pay/insurance implications;
- confirmed in writing.

Where an employee returns to work on a part-time basis, he/she should receive normal pay for the time worked. For any normal hours not worked, on medical advice, sick pay in accordance with the individual's outstanding entitlement shall apply. Appropriate medical certificates will be required.

If a phased return is not possible, the employee should remain on sick leave until either he/she is fully fit to return to his/her substantive post, or the remaining sickness absence management procedures are applied.

6.5.3 Facilitating an early return to work

In certain cases, where an employee's return to work is delayed pending medical treatment, the school might consider whether it would be appropriate to pay for the treatment in order to secure an earlier recovery. Clearly opinion should be sought from the employee and the occupational health adviser before embarking on this route.

6.6 FORMAL ACTION

Subject to the fair and reasonable application of the steps outlined in this procedure, managers are entitled at a certain point to say that they are no longer able to accommodate the consequences of an employee's:

- a) Long-term sickness absence and it is not reasonable to wait for them any longer;
- b) persistently high level of short-term absence.

There is no prescribed timescale in determining the point at which to pursue actions that may lead to a formal warning or dismissal, as each case should be assessed on its own facts.

- a) The maximum length of long-term absence which would normally be sustained is one year, although action may be taken before this.
- b) Action may be taken if there is a failure to meet the agreed attendance levels set in the Formal Absence Review Meetings or where previous formal warnings have been given.

There is no requirement to wait for the exhaustion of sick pay entitlement before taking action, although the status of pay should be taken into consideration.

Ill health cases are usually considered as capability issues, lack of capability due to ill health being recognised as a potentially fair reason for dismissal. However where the employee is at work at the time the dismissal is decided, the reason for dismissal may be for some other substantial reason. Advice should be sought on an individual basis as necessary.

Where a teacher is dismissed as opposed to being granted ill-health retirement, there is no entitlement to an ill-health pension. For all staff, any such dismissal will be with full

contractual/statutory notice. (NB teachers granted ill-health retirement do not have an entitlement to notice).

Dismissal on the grounds of lack of capability due to ill-health is a potentially fair reason in law. However, such steps, and those for action short of dismissal should only be taken following consideration of:

- whether the ill-health procedure has been correctly applied;
- the likely prognosis;
- alternative employment options;
- the effect on the school;
- the wishes of the individual;
- the length of the absence;
- any application for ill-health retirement;
- the likelihood of the employee returning / the employee's attendance improving;
- the employee's length of service;
- how the employee's performance has been affected by the illness;
- any previous formal capability (ill-health) warnings;

Annex VIII is a framework for making fair ill health dismissal decisions.

And after full consultation with:

- the individual;
- appropriate medical advisers;
- other appropriate parties i.e. personnel advisers, trade union/professional association representatives.

Consultation should be undertaken at every stage of the procedure.

It is important to consider all of these issues together. The decision to take formal capability (ill-health) action is a managerial one based, among other things, on medical opinion(s).

The employee should be given early warning of the possibility of formal action and the potential outcome. The procedures for formal action are at Annex II.

7. Ill-Health Retirement

7.1 TEACHING STAFF

Teachers may apply for ill-health retirement to the agency which deals with teachers' pensions. The decision is based only on written evidence presented to Teachers' Pensions by the individual and his/her medical advisers. Individuals will need to provide medical evidence in support of their application and this may be from their GP, specialist/consultant, or an occupational health adviser. In either case, the application must be considered and signed by the employer's Occupational Health Adviser. Teachers' Pensions will agree to medical retirement only where its medical advisers consider that the teacher will be permanently (at least until age 65) unfit.

Once deemed unfit for work by Teachers' Pensions, a last day of service should be agreed. Teachers' Pensions Regulations require that where an employee has been granted ill-health retirement by Teachers' Pensions a mutually convenient end date is

agreed as soon as possible. This overrides any contractual entitlement in relation to notice. Where the employee is off sick, their last day of service should normally be at the end of the half term in which the ill-health is granted. If the employee is still in work at the time their application is accepted, their last day of service should be as soon as practicable.

7.2 SUPPORT STAFF

It is necessary for an occupational health adviser to make a recommendation that a member of support staff is permanently unfit. This may arise following a referral under the procedures described above, or as a result of an individual making a self-referral.

However, the decision to agree ill-health retirement remains a management one and not a medical one. Where the school agree to act upon an occupational health adviser's recommendation of ill-health retirement, this constitutes a dismissal and a hearing should be held as described in Section 13 below. Employees should be given the right of appeal against such a dismissal, which should be heard by the governors' Staff (Discipline & Dismissal Appeals Committee. The procedures for such appeal hearings are outlined at Annex II.

Annex I**RETURN TO WORK MEETING****Return to Work Form****CONFIDENTIAL**

This form is to be completed by the line manager for all periods of sickness absence

Employee's Name:				
School:				
Date absence commenced:		Date of return:		
No. of days absence from work:	calendar days		working days	
Date of return to work meeting:				
Were notification requirements complied with as appropriate? <i>(i.e. notification on 1st day and further notification on 4th calendar day, medical certificate from the 8th calendar day)</i>				Yes / No
Has a Health and Safety Incident Report been completed? <i>(In case of accident/assault at work or worked related ill health)</i>				Yes / No
Self certificate	<input type="checkbox"/>	Medical certificate	<input type="checkbox"/>	Unauthorised absence <i>(no notification/certification)</i>
				<input type="checkbox"/> <i>(Tick as appropriate)</i>
Reason(s) given by employee for absence:				
Record of issues discussed: <i>Where action is required, include any relevant review dates/timescales/support arrangements agreed.</i>				

Name of Line Manager conducting meeting/discussion:

Manager's signature: Date:

Employee's signature: Date:

Under the Data Protection Act, personal data must be dealt with in a confidential manner in accordance with the requirements of the Act.

Annex II Formal Capability (ill-health) hearings

Formal warning/dismissal decisions should normally be made by the headteacher at a formal capability (ill-health) hearing. However, where the headteacher has not been given delegated powers to make initial dismissal decisions, the matter should be dealt with by a relevant Governing Body Committee e.g. Discipline/Dismissal Committee. An employee will have the right to attend any such meeting (and should make every effort to do so), to make representations and to be accompanied by a representative of a recognised trade union or other appropriate person.

Where dismissal is being considered the statutory 3-step procedure must be followed.

1. Written statement and invitation to meeting	<ul style="list-style-type: none"> Employer must send a written statement detailing the nature and basis of the concerns and inviting the employee to attend a meeting to discuss it
2. Meeting	<ul style="list-style-type: none"> A meeting must take place before any action is taken There shall be no meeting unless Step 1 has been followed The employee must take all reasonable steps to attend After the meeting employer must inform the employee of the outcome and their right of appeal
3. Appeal	<ul style="list-style-type: none"> If the employee wishes to appeal, s/he must inform the employer If the employee does so, the employer must invite him/her to a further meeting The employee must take all reasonable steps to attend The employer must inform the employee of the final decision

An employee should be given at least 7 working days' notice of the date of the hearing. This notice will include.

- The date, time and venue of the meeting.
- The name of the person(s) considering the case and details of any adviser.
- A copy of any report by the school
- The rights of the employee to attend the meeting; be represented and make written representation (to be submitted three clear working days before the meeting).
- Details of the possible outcomes.

There is a legal requirement to rearrange a capability hearing once, where either party or their chosen representatives cannot attend for a reason that was reasonably unforeseeable. The rescheduled meeting should normally take place within 5 working days of the original date although it is open to managers to negotiate with the employee and their representative.

The outcome of the hearing should be notified to the employee in writing within 5 working days. This should include:

- the decision of the hearing, the details of and grounds for the decision;
- where a warning is issued: details of what performance is required of the employee in future and in what timescale; a review date; the support to be provided to the employee and the consequences of failure to meet the required improvement;
- the nature and duration of any warning, and that these are given under part of the formal process, or where appropriate, notification of a dismissal, including any notice if applicable. (Notice/dismissal is effective from the date of this notification);

- confirmation of the employee's right of appeal and details of how this may be exercised.

Appeal

Where appropriate, an employee will have the right of appeal against a decision to issue a warning or to dismiss him/her. Any such appeal will be heard by the Staff (Discipline & Dismissal Appeals Committee.

An employee must make any appeal in writing to the Chair of Governors within 5 working days of receipt of the written notification of the outcome of the hearing.

The arrangements for the Appeal Hearing will be the same as for the original hearing.

There will be no further right of appeal within these procedures.

Annex III

Form 7030A

STRICTLY CONFIDENTIAL

**To: The Occupational Health Centre
PO Box 11, County Hall, Chelmsford CM1 1LX**

FORM 7030A

Request for Occupational Health Assessment

(Schools)

Instructions for completing this Form

*Reproduce a hard copy (2 sided only please). Complete each category **in full** on both sides. Send a copy to your Human Resource Service Consultant and keep a copy on the personal file.*

This document must NOT be completed online/emailed as this contravenes the Data Protection Act.

Last Name:..... First Name:.....(Mr/Mrs/Miss/Other)

Previous Last Name
(e.g. maiden name):..... Date of Birth:.....

Home Address:

Post Code:..... Telephone No:..... (Home) (Work)

Date commenced with ECC:..... National Insurance No:

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 (Compulsory)

Job Title:

School:

Address:..... Post Code:

Is the employee in the Local Government Pension Scheme (please tick): **Yes** **No**

Indicate Reason(s) for Occupational Health Referral

- | | |
|--|---|
| <input type="checkbox"/> Sickness Absence | <input type="checkbox"/> Workplace Modifications |
| <input type="checkbox"/> Rehabilitation Programme | <input type="checkbox"/> Stress Related Issues |
| <input type="checkbox"/> Assessment of Fitness to Work | <input type="checkbox"/> Work Performance Related to Health |
| <input type="checkbox"/> Workplace Restrictions | <input type="checkbox"/> Other |

I confirm I have summarised the employee’s main duties overleaf

I confirm I have included a Sickness Absence Record (Summary Only Please) or included absences in the **essential information** overleaf

I confirm I have discussed this referral and the reason for it with the employee

The employee has received the information sheet about Occupational Health Referral

Have any Absence Review Meetings been held?

FORM 7030A

Essential information relating to the purpose of the referral (if preferred attach in a separate covering letter) (Include relevant job history / demands / personal / capability issues)

[Empty box for essential information relating to the purpose of the referral]

Questions you wish to be answered by Occupational Health:

[Empty box for questions to be answered by Occupational Health]

I confirm that this referral has been discussed with the employee and that all relevant information regarding the referral has been included

Referring Human Resources
Consultant/Line Manager (*signature*):..... Date:.....

Please print name and contact address clearly:.....
..... Tel No:

Human Resources Contact:..... Tel No:

I understand the reason for referral and confirm that I am willing to attend for an occupational health assessment

Employee:..... Date:.....

Guidance notes for managers on an Occupational Health (OH) referral (Form 7030A).

Please refer to the Sickness Absence Management Policy for more detailed guidance.

The purpose of a referral is to obtain an opinion on the medical position. The OH response is just one piece of information to be used to make management decisions.

1. Be clear about the reasons for the referral. Examples:-

- Long term absence
 - Difficulties for school in sustaining absence
 - Need to determine likely return date
 - To seek advice on return to work strategies
 - Employee wishes to seek ill health retirement
 - Stress – refer early for improved chance of return
- Frequent short-term absences
 - Ascertain existence of underlying medical problem
 - Support strategies to improve attendance
- Performance
 - Employee cites health problems as cause for deterioration in performance
 - Management concerns that health is affecting conduct or performance
 - Whether employee is fit to attend capability meetings

2. The referral process

It is essential to maintain regular contact with an absent employee. **Any information provided to OH by the school will be shared with the employee** so it is essential that open and honest dialogue takes place with the employee prior to any referral.

2.1 Step 1

- Discuss referral with employee. This should be done at a face to face meeting wherever possible.
- Provide employee with Employee Information Sheet

2.2 Step 2

- Complete Form 7030A. Ensure that all the sections are fully completed.
- It is essential to include
 - A job description or a precise summary of duties
 - Full details of absence, including dates/length (2 years would be sufficient) and reasons
 - A full description of the medical situation as known, including any steps taken to address e.g. consultant appointments, counselling
 - Any other personal factors which may be relevant, including performance issues
 - Relevant background/history – including any known perceptions the employee may have about the work environment/situation
 - The operational impact of the absence if appropriate
 - Strategies the school has employed to support the employee e.g. adjustments to work
- Appropriate and specific questions need to be asked which are relevant and specific to the referral.

- When asking questions, think about what you want as an outcome (bearing in mind this might not always be immediately achievable). **Only ask selected relevant questions in each case.**
- Note that OH will usually only comment on questions asked. Example questions might include:
 - what are the underlying health problems responsible for the absence?;
 - whether recovery can be expected by xx date or else within what timescale?;
 - whether the health problem is likely to be ongoing or reoccur?;
 - what needs to be done for the health problem to be cured/improved and how long will this take?;
 - is the employee able to maintain regular and efficient service?;
 - is the employee considered to be disabled under the terms of the Disability Discrimination Act?;
 - will a temporary job modification enable the employee to return to work sooner?;
 - will a long term/permanent job modification or redeployment enable the employee to continue in employment without ongoing absences?;
 - will the employee be fit to return to work within xx timescale?. (Do not raise employee's expectations about ill health retirement. The criteria have to be stringently applied and ,many cases fail)

And in addition, in cases of frequent short term absence:

- is the level of sickness, or number of absences appropriate to the stated health problem(s)?;
- is the level/number of absences appropriate to the age and overall health of the employee?;

2.3 Step 3

- Arrange for the employee to sign the completed form.
- Ensure your HR Consultant's name is on the form.
- Once completed, please take a copy for the personal file and send the original and any attachments under 'Strictly Confidential' cover to:
The Occupational Health Centre, PO Box 11, County Hall, Chelmsford CM1 1LX

2.4 Step 4

- OH will usually arrange a medical appointment with the employee and you will be notified of the date.

2.5 Step 5

- Once the appointment has taken place, OH will write to you with their opinion. This letter will also be sent to the employee. Please contact your link HR Consultant at this point to discuss next steps.

If you have any questions or need help or advice on completing making a referral or any aspect of managing sickness absence, please contact your Link HR Consultant.

ANNEX IV New Guidance on Disability Discrimination Act 1995 (DDA)

Definition of Disability

The Act applies to “a person with 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”. Schedule 1 of the Act gives meaning to these terms that:

- a long-term impairment is defined as one that has lasted, or can reasonably be expected to last, at least 12 months. Where an impairment ceases to have substantial adverse effect on an employee’s ability to carry out normal day-to-day activities, it is to be treated as continuing to have that effect if it is likely to recur
- an impairment affects normal day-to-day activities only if it affects mobility; manual dexterity; physical co-ordination; continence; ability to lift; carry or move everyday objects; speech, hearing or eyesight; memory or ability to learn or to understand; or perception of the risk of physical danger
- a mental impairment includes a mental illness or disorder if it is a clinically well-recognised condition
- employees with severe disfigurement are not required to satisfy the “substantial effect” provision but the condition will be required to be “long term”
- the definition applies to those employees whose disability is regulated by medication or by the use of an additional aid
- employees with progressive conditions (for example, cancer, multiple sclerosis or muscular dystrophy) are covered by the definition where the condition would be expected in the future to have a substantial effect on the their ability to carry out normal day-to-day activities.

Scope of the Employment Provisions

The employment provisions of the Act are broad in scope and apply to:

- all employers
- employees including the “self-employed” or “contract workers”, temporary, casual, part-time workers and those employed on fixed-term contracts. People on work experience are also covered, whether paid or unpaid.
- the “field of employment” which includes recruitment and selection arrangements, promotion, training, dismissal and most aspects of the employment relationship, including, from (01.10.04), Occupational Pension Schemes.

Main Employment (and Other Related) Provisions

Under the DDA, it is unlawful for an employer to discriminate against a disabled person.

Definition of Disability Discrimination

Under the DDA an employer will be seen to be unlawfully discriminating in the following circumstances:

- unjustified less favourable treatment of a disabled person for a reason related to disability
- unjustified failure to comply with a duty to make a reasonable adjustment.
- (since 1/10/04) unjustified less favourable treatment of a disabled person for a reason related to his/her disability compared to someone with similar circumstances (direct discrimination).

In addition the DDA now renders it unlawful to:-

- harass a disabled person for a reason which relates to his/her disability.
- victimise a person (whether or not he/she is disabled).

Duty to Make Reasonable Adjustments

Under section 6 of the DDA where:

- (a) a provision, criterion or practice applied by or on behalf of the employer
or
- (b) any physical feature of premises occupied by the employer

...causes a substantial disadvantage to a disabled person compared to non-disabled people, employers are obliged "to take such steps as are reasonable in all the circumstances" to prevent the disadvantage - this is to make a "reasonable adjustment".

Justifiable Discrimination

Discrimination against a disabled person will be unlawful under the DDA unless it is justified. In order to justify "less favourable treatment" an employer must comply with any obligation to make a "reasonable adjustment" under the Act. Less favourable treatment is justified only if the reason for it is both material to the circumstances of the case and substantial. The defence of justification is not available to direct discrimination or to the duty to make reasonable adjustments.

Employers' Liability

An employer will be (corporately) liable for the discriminatory actions of their employees or agents - even where they took place without their knowledge – unless they can show they took all reasonably practicable steps to avoid discrimination within their employment.

Remedies and Enforcement Procedures

A disabled employee (past, present or future) has a right to take a complaint under the DDA to an employment tribunal. Where a complaint is upheld, a tribunal may award compensation and damages. As with race and sex discrimination, there is no upper limit for compensation under the DDA.

ANNEX V – MODEL INVITE TO ABSENCE REVIEW HEARING LETTER

Dear

SICKNESS ABSENCE REVIEW HEARING

I write to inform you that you are invited to attend a formal Sickness Absence hearing on (date) at (time), at (venue).

The purpose of the sickness absence hearing is to consider the frequency / circumstances of your absence, exact details of which are outlined in the enclosed report.

You should make all reasonable efforts to attend this hearing and it is your right to be accompanied at the hearing by a representative of a recognised trade union or some other person. It is also your right to call witnesses. It is your responsibility to arrange for your representative and witnesses to attend the hearing.

Should you decided to exercise the above rights you should notify the Headteacher at least 3 working days in advance of the hearing, the name and status of your representative and the names of your witnesses and a brief outline of the evidence they will present.

Subject to the same notice, the school will inform you of the names of the persons conducting the hearing and the names of witnesses the school will call, together with a brief outline of the evidence they will give.

(or)

The Hearing will be conducted by the Headteacher/Governing Body Disciplinary/Dismissal Committee (names). The school will call the following witnesses (include brief outline of evidence they will give) (or) will not be calling any witnesses. I will be accompanied at the hearing by (name) from (Advisors).

You may if you wish, submit a written statement either direct or through your representative addressed to the Headteacher/Chairman of Governors. This must be received by the Chairman at least 3 working days in advance of the hearing.

You should be aware that one (the) possible outcome(s) of the Absence Review hearing is (are) (no further action, verbal warning, written warning, final written warning, dismissal).

Please also find enclosed a copy of the school's sickness absence procedure for your information.

Please contact the Headteacher/Chairman of Governors the first instance regarding any matters relating to this document.

Yours sincerely etc.

ANNEX VI – PREPARING FOR AN ABSENCE HEARING

SICKNESS ABSENCE REPORT TO GOVERNORS

Front Page:	Marked “confidential” – include name of school and employee and date, time and venue of hearing
Contents Page:	Pagination – if is very important that each page is numbers for ease of reference during the hearing List of Appendices (documentary evidence)
Chronology of events: Summary list of dates of key events in the process.	
Introduction: Background information on the employee.	Post held, outline of job, length of service, position in school
Manager’s Report: A full account of the case <u>in detail</u> usually in date order of events.	Running commentary of key events in date order (chronology) Include procedural steps & evidence these were followed. Use numbers/bullet points – ensure easy to read / follow Cross reference evidence with appendices
Recommendation:	Close report with final paragraph outlining nature/impact of absences and make a recommendation of an appropriate sanction
Appendices: Index and attach all evidence as appendices.	Include all minutes, letters, files notes, witness statements, procedures, contracts of employment etc.

Please ensure the report is clearly set out, using bullet points, headings etc. Ensure all pages are numbered visibly, preferably on the right hand bottom corner of each page.

Ensure all Appendices are clearly indicated by number or letter. Cross reference Appendices within the text of the report

For lengthy reports consideration should be given to the use of a ring binder/dividers to ensure all parties can easily follow the managers’ verbal presentation when this is linked to the documentary evidence (appendices)

ANNEX VII – MODEL OUTCOME OF ABSENCE REVIEW HEARING LETTER

Dear

ABSENCE REVIEW HEARING (DATE)

I am writing to confirm the outcome of the Absence Review hearing held on (date).

I/we took into consideration the mitigating circumstances put forward by you, namely:
(detail mitigation e.g. reasons for absence))

I/we have decided that you are (given a formal written warning /dismissed) (length of
warning/required future conduct/date of dismissal).

You have the right to appeal to the Governing Body Disciplinary/Dismissal Appeal Committee and should you wish to exercise this write you should write to the Chair of Governors within 5 working days of receipt of this letter, clearly setting out the grounds for your appeal.

Yours sincerely etc.

ANNEX VIII - DECISION-MAKER’S CHECKLIST & RECORD (CAPABILITY CASES)

Name of Employee:..... Hearing Officer:.....

Position..... Date of hearing:..... (record to be completed at time of hearing)

Explanatory notes:

This checklist and record is designed to assist you in your task as adjudicator by reminding you of the matters which you should consider and the order in which you should consider them. The process is only likely to be fair if you can genuinely answer ‘yes’ to each question posed below. If you reach a point at which this is not the case or you are uncertain, you should take such steps as may reasonably be required to remedy the situation (seeking advice if necessary) before continuing. Furthermore, if at any stage it appears that the capability issues are related to a physical or mental impairment which is long-term (lasting or likely to last at least 12 months and/or recur) and would, if treatments and/or medications were ignored, have a substantial adverse effect on the employee’s day to day activities, you should ensure that advice has been sought on the applicability of the Disability Discrimination Act 1995.

It is essential that this document once completed is a clear and thorough record of your decision and the grounds upon which it is based. You should therefore complete the section entitled ‘Further Information/Grounds/Evidence’ with sufficient detail that your decision can be fully understood by a third-party reading the document and cross-referencing it to any relevant documents you have identified. Use additional paper if necessary rather than restricting yourself to short or incomplete answers.

Adjudicators should read all of the questions below carefully before the commencement of the hearing and should be able to answer question 1 in the affirmative before the commencement of the hearing.

Question	Answer	Further Information/Grounds/Evidence
1. Am I satisfied that: <ul style="list-style-type: none"> a. the employee was advised in writing in advance of the hearing of the circumstances relating to his/her capability which have lead to dismissal being contemplated; b. the employee was advised in writing in advance of the hearing of the basis upon which dismissal is being contemplated in light of those circumstances; 	Yes / No	

<p>5. Have I given the employee a reasonable opportunity to challenge the circumstances and/or make any representations and/or put forward any proposals and have I paid proper attention to the employee's representations?</p>	<p>Yes / No</p>	<p>(identify any document or summarise what (if any) challenge/representations/proposals are put forward)</p>
<p>6. Have I given the employee a reasonable opportunity to put forward any mitigating or extenuating circumstances and have I paid proper attention to the employee's representations?</p>	<p>Yes / No</p>	<p>(identify any document or summarise what mitigation or extenuating circumstances are put forward. pay particular attention to length of service and the extent to which any fault may lay with the organisation)</p>
<p>7. Taking everything into account (including but not limited to the needs of the organisation; the position held by the employee; and the employee's own circumstances) has the organisation waited as long as it reasonably could to see a sufficient improvement in the employee?</p>	<p>Yes / No</p>	<p>(give full reasons why the organisation has waited as long as is reasonable)</p>

<p>8. Do I believe it more likely than not that the employee is not able to satisfactorily perform their contractual obligations?</p>	<p>Yes / No</p>	<p>(identify the situation which is found to exist)</p>
<p>9. Do I have reasonable grounds upon which to sustain my belief?</p>	<p>Yes / No</p>	<p>(identify the grounds/evidence which supports the belief and why any challenge/representations/proposals are rejected.</p>
<p>10. Has the employee been offered and rejected all other reasonable steps (if any) which could be taken to avoid dismissal?</p>	<p>Yes / No</p>	<p>(note any other steps offered and reasons why any other proposals such as changes to the job or alternative employment are not suitable)</p>
<p>11. If the circumstances (including mitigating factors) are indistinguishable from one or more earlier or concurrent capability proceedings, is the decision I am contemplating consistent with those other proceedings?</p>	<p>Yes / No N/A</p>	<p>(identify any relevant cases, distinguishing where appropriate)</p>

<p>12. Taking everything into account, do I consider dismissal to be reasonable in the circumstances?</p>	<p>Yes / No</p>	<p>(give full reasons why dismissal is reasonable in the circumstances having regard to the circumstances of both the organisation and the employee paying particular attention to length of service)</p>
<p>13. Is the decision I have reached free from bias against the employee on any grounds other than those grounds set out above?</p>	<p>Yes / No</p>	

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Declaration: Before completing this record I reviewed all of the evidence in the case together with the representations put forward by both parties. The information I have provided is true to the best of my knowledge and belief.

Signed:.....(Hearing Officer)

Date:.....

