



Hull City Council
Oakfield School

60. Sickness Absence Policy

| | |
|-----------------------------|---------|
| Adopted by School Governors | Hull CC |
|-----------------------------|---------|

POLICY ON SICKNESS ABSENCE

TEACHING AND NON-TEACHING EMPLOYEES

1. AIMS OF THE POLICY

- 1.1 Good attendance is vital if the Governing Body is to provide effective and efficient services. High levels of attendance will help schools to plan and provide quality services. Low levels of attendance, on the other hand, will result in poor provision of services.
- 1.2 The main aim of this policy is therefore to achieve high levels of attendance from employees and to reduce sickness absence.
- 1.3 In reducing sickness absence the Governing Body recognises that employees are entitled to expect fair treatment. Headteachers are equally entitled and required to manage sickness absence properly and to take into account the operational realities of providing efficient and effective services.

This policy aims to ensure employees are:-

- a) treated fairly, properly and consistently.
 - b) given adequate opportunity and assistance to improve their attendance record with a view to ensuring their full return to normal working or where possible and practical redeployment to alternative work.
 - c) fully informed of the services available from the City Council, Occupational Health and Safety Services Unit including welfare and counselling.
 - d) informed when their attendance record is causing concern.
- 1.4 This policy is separate from the Governing Body's policy on discipline. Sickness Absence is not a disciplinary issue unless a false reason for absence on health grounds is suspected, in which case the matter should be dealt with under the terms of the disciplinary procedure.
 - 1.5 Action taken under the Sickness Absence Policy will be on the grounds of capability. If the absences continue at an unacceptable level and dismissal is the next stage the matter will be referred to the Personnel Committee of the Governing Body.

2. COMMITMENT

- 2.1 The Governing Body and the recognised Trade Unions are fully committed to a healthy and safe environment that leads to the achievement and maintenance of high attendance levels.
- 2.2 They have therefore agreed to work together in a positive manner to achieve the conditions necessary for high attendance levels and ensuring procedures are effective and fair.

3. ROLES

- 3.1 To ensure sickness absence is properly managed it is important that all parties are aware of their responsibilities. With this in mind the following roles are clearly identified:-
- 3.2 Occupational Health and Safety Services Unit (OHSSU)
 - i) The Governing Body is committed to the principle of Occupational Health and recognises the role to be played by the Occupational Health and Safety Services Unit. The unit has a wide role to play in improving the health of the work force. It will also fulfil an important advisory role within this policy.
 - ii) The OHSSU will through the Workforce Development Employee Relations Team provide advice to Headteachers on an employee's state of health, giving specific help on such matters as duration of absence and where appropriate limitations on working activities on the return to work. In some cases where the employee is waiting to be referred to a specialist, a private appointment paid for by the school may be considered. If appropriate the OHSSU will, with the employee's consent, advise the employee's General Practitioner (GP) on the nature of the employee's work and receive from the GP any relevant information on the employee's medical condition.
 - iii) Detailed medical information on the employee's condition will not be released by the OHSSU without the employee's permission. However, generalised information on the employee's condition, expected duration of absence and the relation to/effect on work activity will be given to the Employee Relations team and Headteachers **and can be made available to employees on request**. Release of information is covered by the Access to Medical Reports Act 1988 and should not be released to a third party (eg. insurance companies etc) without the written consent of the employee concerned.
 - iv) In order to provide a consistent approach with the OHSSU it is recommended that any referral to the Unit should be made through the Employee Relations team. To carry out this role effectively the

Headteacher will provide the Employee Relations Team with as much background information as possible on the employee's duties, working practices, sickness record and the nature of the absence(s). In cases of long term absence it is important that consideration is given to referring employees to the Employee Relations Team in the early stages of the absence. This may be after approximately 3/4 weeks of absence. Each case however will be different and any referral will be dependent on the circumstances of the case and not necessarily the length of absence. It will be the responsibility of the Headteacher to explain to the employee that it is normal practice to refer an employee to the OHSSU and to explain the role of the Unit.

3.3. Headteacher

- i. The monitoring and control of absence on a day to day basis is the responsibility of the Headteacher.
- ii. Headteachers are also responsible for the day to day welfare of their staff.
- iii. Headteachers must ensure following adoption of this policy that its aims are publicised to all their staff.
- iv. Headteachers are responsible for providing the Employee Relations team with as much background information as possible on an employee's duties, sickness record and the nature of the absence(s) when referring cases.

3.4. Local Education Authority (LEA)

- i. The LEA will provide training to give Headteachers a thorough understanding of the policy and procedure. The LEA will also provide training for Governing Bodies.
- ii. The Employee Relations team will have a role in co-ordinating the implementation of the policy and to provide advice on sickness absence to Headteachers. The Employee Relations team will also provide advice and information to employees on welfare provision, including the availability of counselling.
- iii. The Employee Relations team will provide figures and advice on retirement of employees on the grounds of ill-health and where practical to do so will involve the appropriate Trade Union.

4. **OTHER RELEVANT POLICIES/PROCEDURES/STRATEGIES**

- 4.1 There are other Policies or Procedures which the Governing Body should have regard to. These include:-

- a) Welfare Procedure - (including the availability of advice from the LEA welfare contact or advice and counselling from the OHSSU or the external counselling service).
- b) Equal Opportunities in Employment Policy.
- c) The possibility of redeployment and returning to work on a part-time basis after sickness, this will be dependent on the suitability of each case.
- d) Retirement on the grounds of permanent ill health.
- e) Employment Policy on HIV and AIDS.
- f) Disability Discrimination Act 1995 - whereby the school will have to make reasonable adjustments to employees who become disabled or whose disability worsens.

5. METHODS OF MONITORING AND CONTROLLING SICKNESS ABSENCE

5.1. Reporting Sickness and Producing Certificates.

- i) The rules for reporting sickness absence and submitting evidence of sickness are contained in a separate document which is given to all new employees (Appendix 1). It should be noted that a self certification form must be completed for all absences of 7 days or less.
- ii) A medical certificate is not normally required until the 8th day of absence. However, in appropriate cases, as part of this procedure, the Headteacher may require a certificate prior to this, if the level of sickness absence is raising concern. This will normally apply to cases of short-term absences. In such cases the cost of obtaining the certificate will be reimbursed by the school.

5.2 Records

- i) The Governing Body recognises that accurate, accessible and well-presented information is essential for effective absence control and will ensure that such records are kept, regularly monitored and that action is taken on a consistent basis. It is therefore recommended that a calendar for each employee is adopted which will provide the main source of information on an employee's absence record (Appendix 2).
- ii) Information on levels of sickness absence will be presented to employees and jointly discussed at the Governing Body Meetings, the LEA Joint Consultative Committee's and the Schools Sub-Committee under an Exempt basis. The method of presenting the information will ensure individual confidentiality and will provide reasons for absence, number of

days absent and where appropriate an estimate of costs incurred by the school due to sickness absence. Where the level of absence or patterns of absence in a school raises concern then the Authority will work with a school to identify any reasons for such absences and where practicable work towards a solution(s).

- iii) When considering an employee's attendance record all absences from work because of illness and injury will be considered.
- iv) If an absence is related to an industrial injury it is important that any need for improvement in methods of work, working conditions and training etc. are identified. In the case of an accident which has arisen out of or in the course of a teacher's employment then the provisions under Paragraphs **9.1 – 9.4** of the Burgundy Book will apply for sick pay entitlements.

5.3 Maintaining Contact with Sick Employees

i. Contact During Absence

It is important that the Headteacher maintains regular contact with an employee who is absent from work due to sickness. This might involve telephoning the employee at home or when appropriate visiting the employee at home or at some other **neutral and** acceptable venue. Care should be taken if this contact could be perceived as threatening by the employee.

At this visit it may be appropriate to refer an employee to the OHSSU as well as organising a Welfare Officer to see the employee. After visiting an employee an appropriate record must be kept of the discussion. When a home visit is being arranged the Guidance Notes at Appendix 3 must be followed. The decision to conduct any home visit rests with the Headteacher and must only be arranged when it is appropriate to do so.

ii. Return to Work Discussions

It is widely recognised that the return to work discussion can have many positive effects. Such discussions must be carried out sympathetically and in private, by the Headteacher. Return to work discussions should only take place after either a period of absence (e.g 5 days or more) or where an habitual pattern of absence has been identified. Care must be taken to ensure consistency and uniformity of approach.

A record of the discussion and the nature of the sickness must be made on the Return to Work Form (Appendix 5). A copy of this form will be given to the employee. It should be noted that 'sick' is not sufficient as a reason for absence.

If there is no improvement in an employees sickness record and every effort has been made by the Headteacher to help an employee regarding their unsatisfactory sickness absence record then the Headteacher must inform the employee of his/her intention to proceed to an Informal Interview.

6. SICKNESS CONTROL PROCEDURE

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

6.2 FREQUENT, SHORT AND MEDIUM TERM ABSENCES

6.3 FORMAL ACTION

6.4 First Stage - Informal Interview

- a) If your attendance record is falling below an acceptable standard and discussions have taken place, you will be interviewed by the Headteacher and asked for an explanation. This will be an informal interview and you may bring a work colleague or trade union representative if you wish. You will be informed in writing of this informal interview with **10** working days notice. ***The meeting will be arranged at a time convenient to all parties.***
- b) If it appears that a personal or domestic difficulty may be affecting your health, welfare assistance will be offered. This facility, however, is also available to you at an earlier stage.
- c) If it seems that your attendance record may be affected owing to health reasons or if you feel this is the case, you will be referred to the OHSSU. You will also be advised to consult your GP.
- d) At this stage you will normally be advised that your attendance record is causing concern and that every effort must be made to improve it. A letter confirming this advice will be sent to you by your Headteacher.
- e) Your attendance record will be monitored and reviewed after a suitable interval (which should be no longer than 3 months). If during the review period there is improvement to a satisfactory level, you will be advised of this and this will be confirmed in writing. If however, following the review, there is no improvement or insufficient improvement you will be formally interviewed.

6.5. Second Stage - Formal Action

- a) You will be informed of the interview in writing, with 10 working days notice, and will be given the right to be accompanied by a work colleague or trade union representative. The interview will be conducted by the Headteacher.
- b) The purpose of the formal interview will be to:-
 - i) establish the reasons for your level of absence
 - ii) record what action could be taken by you and by your Headteacher to improve your level of attendance.
 - iii) express concern over your level of sickness absence and its effect on others
 - iv) set a review period during which your sickness absence level will be monitored
 - v) consider all the circumstances of the case and if appropriate you will be given a formal warning, which will remain on your file for one year.
- c) Where a formal warning is given this will be confirmed to you in a letter which will explain that if your absence record does not improve to the required standard and if the improvement is not sustained, it will result in a further formal interview being convened and if appropriate a final written warning being issued to you.

Subject to your agreement a copy of this letter will be given to your recognised trade union representative.

- d) In deciding appropriate action, your Headteacher will take into account all circumstances including your age, medical information from the OHSSU, length of service, possible modification to your job and the availability of suitable alternative work. Your Headteacher will be required to consider reasonable adjustments for employees who become disabled or whose disability worsens under the Disability Discrimination Act 1995.
- e) Where a formal warning is given, your attendance record will be monitored and a review of your attendance record will take place at intervals of not more than 3 months. One of the aims of the procedure is to achieve and maintain a satisfactory attendance level and therefore, a satisfactory attendance level must be achieved during the review period, this must then be maintained over a longer period. In the case of a formal warning, the improvement must be maintained over a twelve month period from the date of the letter confirming /giving the warning. If an improvement is maintained over a twelve month period, the warning will be removed from your file. However, your attendance will still be

monitored and if it deteriorates again you will revert back to the first stage of the procedure the Informal Interview.

If during the review period there is improvement to a satisfactory level, you will be advised of this in person and this will be confirmed in writing to you by the Headteacher. If however, following the review, there is no improvement or insufficient improvement a further formal interview will be held.

- f) Where a warning has been issued you will have the right to make a representation in writing, no later than 10 working days following the date of the letter confirming the warning, to a Governor nominated by the Governing Body for this purpose objecting to this warning who may ask the Headteacher to reconsider. The nominated Governor will not be able to participate in any dismissal or appeals proceedings and this fact should be recognised by Governors when dismissal and appeals panel are being set up.

6.6 Third Stage - Final Written Warning

- i) You will be informed of the interview (10 working days) in writing and be given the right to be accompanied by a **work colleague or trade union representative**. The interview will be conducted by the Headteacher. If appropriate a final written warning will be given and a further 3 month review period will be set. The final warning will be confirmed in writing by letter and subject to your agreement, a copy of this letter will be sent to your recognised trade union representative.
- ii) Where a final warning has been issued you will have the right to make a representation in writing, no later than 10 working days following the date of the letter confirming the warning, to a Governor nominated by the Governing Body for this purpose objecting to this warning who may ask the Headteacher to reconsider. The nominated Governor will not be able to participate in any dismissal or appeals proceedings and this fact should be recognised by Governors when dismissal and appeals panel are being set up.

6.7 Fourth Stage - Dismissal

- i) If during the 3 month review there is insufficient improvement a final formal interview will be held. You will be informed of the interview in writing, 10 working days in advance, and will be given copies of all relevant documentation which will be presented by the Headteacher. You will also be given the right to be accompanied by a **work colleague or trade union representative**. This formal interview will be heard by a relevant Committee of the Governing Body and may result in your contract being terminated on the grounds of capability or your final written warning being reinforced and a further review period being set. At the interview

the Headteacher will present the case and you will be given the opportunity to put forward an explanation either in person or through your work colleague or trade union representative.

- ii) The relevant Committee of the Governing Body will decide what action is appropriate and if dismissal is recommended to be the appropriate course of action, a letter confirming this decision will be sent to you. The letter will also state that you have a right of appeal to the Appeals Sub-Committee of the Governing Body. Any appeal must be given in writing to the clerk of the Personnel/Disciplinary Committee, with a copy to the Headteacher, within 10 working days of the date of the dismissal letter.

Note: The appeal should be convened as quickly as possible, normally within 4 weeks of receipt of your appeal but allowing sufficient time for you to prepare for the hearing.

- iii) Following the decision of the Appeals Sub-Committee, if the dismissal is upheld, this will take immediate effect and full pay in lieu of notice will be given to you, in accordance with your contract of employment, regardless of whether or not you are off sick at the time or whether or not your sick pay has been exhausted. A letter confirming this decision will be sent to you.

7. IMPROVEMENT

7.1 If during any of the 3 month review periods, your sickness absence record improves to a satisfactory level, you will be advised of this by letter. One of the aims of this procedure is to achieve and maintain a satisfactory attendance level and therefore, although a satisfactory attendance level may be achieved during the review period, this must then be maintained and sustained over a longer period.

7.2 Where a warning has been issued, the improvement must be maintained over a twelve month period from the date of the letter confirming/giving the warning, after which time the warning will be removed from your file. However, your attendance will still be monitored and if it deteriorates again you will revert back to the first stage of the procedure the Informal Interview.

8. LONG TERM SICKNESS ABSENCES

8.1 If you are absent for a prolonged period and/or have a long term illness the following action will be taken, having full regard to the policies on Equal Opportunities in Employment, Ill Health Retirement and the Disability Discrimination Act 1995, especially that relating to the need to make reasonable adjustments for employees who become disabled or whose disability worsens.

With your permission, your Trade Union will be kept fully involved and informed of the situation.

- 8.2 You may be visited at home, **or some other neutral and acceptable venue**, normally after 3 to 4 weeks absence, and will be interviewed periodically, with the involvement of your trade union if you so wish, and in turn you should maintain contact with your school. Your Headteacher will write to you informing you of his/her wish to visit which will be followed up by a telephone call to you in order to arrange a suitable time, date **and venue**.
- 8.3 You will be referred to the OHSSU after approximately 3 to 4 weeks absence, who will undertake reviews as necessary. It is in your own interest to attend these reviews as the OHSSU may be able to offer you further advice, help or support. It is essential that you take the opportunity to make sure that the OHSSU have all the available information about your absence/illness. This will ensure that the OHSSU gives **the** Headteacher **the** full facts to enable a fair decision to be made.
- 8.4 The OHSSU in consultation with your GP will, where possible, advise Employee Relations and your Headteacher on the likelihood of you recovering and being able to return to work in your own job. The OHSSU will also advise all parties when your return to work is expected **and this may be on a phased basis**.
- 8.5 If the illness/absence is such that you cannot return to your own job then the possibility of redeployment into other schools within the Authority will be explored as well as whether it is practical to modify your job or if alternative work (either short term or on a permanent basis) is available. Full regard will be made to the policies on Equal Opportunities in Employment, Redeployment & Protection of Earnings Policy (if applicable), Ill Health Retirement and the Employment of Disabled People, especially that relating to the need to make reasonable adjustments for employees who become disabled or whose disability worsens.
- 8.6 If you cannot return to your own job wherever possible retirement on the grounds of permanent ill-health will be considered in cases of a long term absence/illness. This will be dependent upon the LEA's Doctor being able to make the necessary recommendation in line with the requirements of the Superannuation Scheme for non teaching staff and in the cases of teachers, the Teachers Pensions. At this stage the possibility of early retirement, redeployment, ill health retirement may be discussed with you. Your Headteacher may also wish to involve the Employee Relations team at this stage.
- 8.7 Where retirement on the grounds of ill health cannot be offered to you, or in the case of teaching staff the decision from the Teachers Pension is not

known and the employee has been absent for a considerable amount of time, the following action will normally be taken:-

- a) You will be kept fully informed if your employment is at risk and this will be confirmed in writing.
- b) Where your job can no longer be kept open and no suitable alternative work is available or acceptable to you, you will be interviewed and informed of the likelihood of dismissal.
- c) Where dismissal action is taken this will be heard by a relevant Committee of the Governing Body and will be on the grounds of capability. The same process will be applied as paragraph 6.7
- d) The exhaustion of sick leave entitlement does not in itself make it fair to dismiss and no dismissal will be considered just because sick pay has been exhausted. Conversely, it is not necessary to wait until sick pay has been exhausted before dismissing you.
- e) Where there is a disagreement between the Authority's doctor and your medical adviser about your medical condition the matter will be referred at your request to an Independent Medical Referee. The cost of an Independent Medical Referee will be borne by the school

8.8 If you are employed as a teacher and have been absent from duty for more than 3 months (ignoring short breaks) on account of mental or nervous illness you will be suspended from duty on normal sick pay and will not be permitted to return to work until the Authority's Occupational Health Physician is satisfied that you are fit to return to work. Where ever possible your trade union representative will be informed of your suspension prior to you receiving the letter from the LEA.

9. FURTHER INFORMATION

- 9.1 Any disagreement over the interpretation of any part of this policy should be referred to Employee Relations in consultation with the Chair of Governors who will endeavour to resolve the issue in question.
- 9.2 The aim of this policy helps to ensure that all employees are treated fairly, properly, sympathetically and consistently with the ultimate aim of achieving high levels of attendance from employees at all levels to reduce sickness absence.

10. MONITORING HEADTEACHER'S ABSENCE

- 10.1 The policy on Sickness Absence will apply for all Headteachers and Deputies. It is important that a consistent and fair approach is adopted for all employees within a school. It has therefore been agreed that in order

to monitor the sickness absence of a Headteacher the following procedure must be implemented:-

- 10.2 The overall responsibility of monitoring the attendance record of a Headteacher will be the Chair of the Governing Body or his/her representative. Where formal action has to be introduced the Chair of the Governing Body will be able to seek advice and assistance from Employee Relations.

11. REVIEW OF THE POLICY

- 11.1 The operation of this policy will be jointly reviewed 12 months after its implementation and introduction.

NOTES:

- i) The LEA is entitled to attend all the relevant proceedings where dismissal may be the outcome and the Governing Body is obliged to consider any advice given by or on behalf of the LEA. It is also recommended that the Headteacher seeks advice and/or involves the LEA in formal interviews where warnings are issued to the employee.
- ii) Although the Headteacher has been referred to in the Policy it may be appropriate for the Headteacher to delegate any part of the procedure to an appropriate 'line manager'. The delegation of any interviews etc will be at the discretion of the Headteacher.

Revised 03/08
Version 2