



# Sickness Management Policy

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## **A Sickness Management Policy**

### **1. Introduction**

The Rowan Learning Trust is committed to creating a positive working environment. Employees who are absent from work due to sickness need to be treated with consideration and respect and Headteachers and managers will make every effort to assist staff in their recovery and return to work. The needs of the individual suffering from ill health must, however, be balanced against the needs of the school and the students.

The School acknowledges that it has a responsibility towards promoting a positive health and safety culture and that from time to time employees may become ill and as a consequence be unable to attend work. The School expects employees to co-operate in ensuring that all sickness absences are managed in line with this policy.

This policy applies to all permanent and fixed-term employees.

### **2. Policy statement**

The Sickness Management Policy enables Local Governing Bodies and Headteachers to effectively manage all sickness absence. The process ensures that each employee is considered on an individual basis in a thoughtful, sensitive and caring manner. A monitoring system is in place to trigger the process and throughout this, all relevant information including occupational health advice or medical reports will be taken into account.

The aims of the policy are to:

- provide a structured process for the review and management of sickness absence;
- develop the role of school managers in monitoring and reducing sickness absence levels amongst employees for whom they are responsible;
- provide a framework for fair and consistent treatment of all employees and good people management practices; and
- support and encourage employees to maintain good attendance.

### **3. Roles and responsibilities**

In order to achieve a culture of attendance, The Local Governing Body, Headteachers and employees have specific responsibilities. Considerations in deciding the role of the Headteacher and senior managers in the process will include whether it is reasonably practical for a senior manager to be responsible for managing the process.

#### **3.1 The Chair of Governors**

The Chair of Governors will be responsible for initiating and applying this policy where the employee is the Headteacher.

#### **3.2 The Headteacher or Manager with delegated responsibility**

The role of the Headteacher is to:

- decide whether a senior manager will be responsible for managing the process up to the stage where a decision may be made about an employee's future employment with the school.

The role of the Headteacher or Manager with delegated responsibility is to:

- report all occasions of sickness absence including reason for absences and return to work dates, for those employees they are responsible for;
- treat employees in a fair and consistent manner and adopt a supportive approach when dealing with sickness absence;
- monitor absences of those employees they are responsible for and take appropriate action under this policy;
- maintain regular and supportive contact with absent employees;
- ensure that any follow up action and review periods which are decided upon during the sickness management process are appropriate and carried out in a timely manner;
- document the outcome of reviews and notify employees in writing;
- seek advice and guidance, when necessary, from the Human Resources Officer;
- be accountable for managing staff absences, including the completion of paperwork, ensuring that any issues are dealt with appropriately and on time;
- hold return to work interviews with employees after every period of absence irrespective of the length, investigating any underlying cause of absence;
- agree, implement and monitor appropriate support interventions with the employee;
- provide informal support and conduct sickness management meetings when appropriate;
- refer an employee to the occupational health service provider

where appropriate (see appendix 1); and

- undertake risk assessments, where appropriate.

### **3.3 Employees**

The role of employees is to:

- attend work and meet the school's expectations in terms of attendance levels;
- when not fit to attend work, to follow the Sickness Reporting and Certification Procedure correctly;
- notify school if fit to return to work during school closure periods;
- attend meetings held under this policy and appointments with the Occupational Health provider when appropriate

## **B Sickness Management Procedure**

### **1. Introduction**

This procedure is designed to support and encourage employees to maintain good attendance and to provide Headteachers with a fair and consistent framework for dealing with sickness absence.

The procedure applies to all cases of sickness absence and the sickness management process will be followed when the triggers in section 5 have been reached. It is recognised that flexibility and judgement will be necessary depending upon the nature of the absence, particularly in respect of long term absences and a supportive approach will be taken throughout the process.

### **2. Absence reporting and recording**

On their first day of absence, an employee must report their absence in accordance with the procedures in the staff handbook.

It is important that they do so because this could affect their entitlement to contractual sick pay.

### **3. Communication during sickness absence**

The employee must keep their manager informed during their absence as detailed in the staff Handbook.

If an employee is ill continuously for eight or more calendar days and the absence is likely to be for a long period, then the employee and manager will agree regular dates for the employee to keep the manager informed. The frequency of contact will vary depending on the likely length of absence. During periods of long term absence it may be appropriate for the manager to visit the employee at home by agreement. This gives the manager an opportunity to maintain positive communication links by keeping up to date with the employee's current situation and supporting their recovery. The employee may be accompanied by their trade union representative.

### **4. Return to work interviews**

Managers will conduct a return to work interview with an employee following a period of sickness. The interview should take place irrespective of the length of absence and be carried out as soon as possible following the employee's return to work, ideally on their first day back, but should be no later than three days after their return.

The purpose of the interview is to discuss the reasons for the absence and to ensure that the employee is fully recovered and capable of performing their duties. Such discussions give the manager and employee the opportunity to talk about any possible underlying circumstances that may be a factor causing the absence. These interviews ensure that those circumstances are taken into account in setting any action plan, and more importantly, in ensuring that the employee is adequately supported in order to maintain regular attendance at work.

Following the interview the manager will complete a Return to Work Interview Form which is a record of what was discussed and actions agreed. The manager will then give the signed form to the Human Resources Officer for their records and give the employee a signed copy.

## **5. Absence alerts**

Alert points are a key part of the sickness absence procedure to ensure that managers have the opportunity to investigate any possible underlying reasons for absence at an early stage and that there is a consistent and fair approach to sickness management.

These thresholds highlight employees who have a certain amount of unplanned absence and helps to ensure effective support and management.

The sickness management process will be started when an employee's absence level reaches the following alert points:

- three occasions of absence in a rolling 12 month period; and/or
- attendance falling below 95% in a rolling 12 month period (for part-year employees, 95% of actual working weeks); or
- the employee's absence falls outside of these thresholds, but their level of absence is a cause for concern. This may be where, for example, there is a regular absence pattern that falls just outside the thresholds in the policy.

A rolling 12 month period is counted from the first occasion of sickness absence.

At a return to work interview where an alert point has been reached, management will advise the employee that the sickness management process will commence and a first stage sickness meeting will be arranged.

## **6. Sickness management process**

The sickness management process will be implemented when absence levels reach the alerts as detailed in section 5. Management will always consider offering appropriate support mechanisms during the sickness management process.

Employees whose absence is long term will be referred to Occupational Health after a continuous period of absence lasting four weeks, unless the prognosis is clear. For further information see Appendix 1, Section 1.

In the event that an employee can demonstrate that attendance at a meeting will be detrimental to their recovery, the meeting can be postponed and after that medical evidence will be required.

### **6.1 First stage sickness management meeting**

The manager and employee will discuss the need for an action plan for improving attendance, and what this should include, and a review period will be put in place as detailed in Appendix 1, Section 2. The manager will inform the employee that failure to improve their attendance will result in a second sickness management meeting being held.

The employee may be accompanied at the meeting by either a trade union representative or a work colleague.

The manager will record the outcome of the meeting and inform the employee in writing.

## **6.2 Second stage sickness management meeting**

The manager and employee will discuss the need for an action plan for improving attendance, and what this should include, and a review period will be put in place as detailed in Appendix 1, Section 2. The manager will inform the employee that failure to improve their attendance will result in a third sickness management meeting being held and ultimately may put their employment at risk.

The employee may be accompanied at the meeting by either a trade union representative or a work colleague.

The manager will record the outcome of the meeting and inform the employee in writing.

## **6.3 Third stage sickness management meeting**

If the employee's attendance has not improved in the review period, a third stage sickness management meeting will be arranged. The manager and employee will discuss the need for an action plan for improving attendance, and what this should include, and a further review period will be put in place as detailed in Appendix 1, Section 2. The manager will inform the employee that failure to improve their attendance may lead to their employment being terminated. An employee can be accompanied by a trade union representative or work colleague at the meeting. The manager may be supported by an HR representative at the meeting.

The manager will record the outcome of the meeting and inform the employee in writing.

If an employee is unhappy with how the sickness management process has been handled under stages one to three then they should raise their concerns with the Headteacher within 5 working days. Where the Headteacher has been involved with the process, the employee should raise their concerns with the Chair of the Local Governing Body. The Headteacher or Chair of the Local Governing Body will review the situation and any action taken. The employee will be given a reasonable timescale for the Headteacher or Local Governing Body to undertake the review and inform the employee of the outcome.

## **6.4 Fourth stage sickness management hearing**

Before arranging a hearing Headteachers should undertake a review of the case and the current circumstances, to ensure that it is appropriate proceed to this stage.

If the employee's attendance has not improved in the review period, a fourth stage sickness management hearing will be arranged.

The hearing shall be heard by a Governors Committee.

The purpose of the hearing is to review the employee's attendance and decide whether it is appropriate to dismiss the employee or to extend the review period. Before making a decision to dismiss the employee, the Governors Committee must consider the list of factors in Appendix 3.

The employee has the right to be accompanied by a trade union representative or work colleague.

The Panel may be supported by a HR representative.

The outcome of the meeting will be confirmed in writing to the employee.

## **6.5 Appeals**

An employee has the right to appeal if they are dismissed under the sickness management process. Appeals should be made in writing to the Clerk to the Local Governing Body within five working days of the date the employee received the letter confirming the outcome of the sickness management hearing. The letter should state the grounds on which the appeal is to be made. The employee will indicate which of the original documents used at the first hearing will be re-submitted.

The appeal will be heard by the Appeals Committee of the school's Local Governing Body. At least five working days' notice of the appeal hearing will be given.

At least five working days' prior to the appeal hearing, the Management will indicate which of the original documents used at the first hearing are to be re-submitted.

An employee can be accompanied by a trade union representative or work colleague at the meeting.

An HR representative may be present at the meeting to advise the Appeals Committee.

After careful consideration, a decision will be made by the Appeals Committee and confirmed to the employee in writing.

If the appeal by the employee is lost, any notice of termination of contract will continue. If the appeal is upheld, termination and any notice period will be rescinded.

### Further Management Guidance

#### 1. Occupational Health referrals

Occupational Health advice plays an important role in supporting a healthy workforce and reducing sickness absence. Managers will refer an employee to the occupational health service provider, to obtain a medical opinion on the employee's condition. This information will help managers make informed decisions when managing sickness absence.

Managers must refer an employee to Occupational Health in the following circumstances:

- if they are absent due to stress, the referral should be made as soon as the diagnosis is known. It can also be made if a manager believes that an employee's health is being affected adversely by their work, such as stress, upper limb disorders or back pain;
- if an employee has been absent for a period of four weeks or more and the recovery time is uncertain or when an employee does not return to work after a defined recovery time.
- prior to a sickness management meeting or hearing for all long term absences. It may be necessary to seek advice from Occupational Health when dealing with short term or intermittent absence and will be essential if a hearing is being held;
- if the employee's doctor has indicated on the statement of fitness for work (fit note) that an assessment by Occupational Health is required;
- if the doctor has indicated on the fit note that the employee requires amended duties for longer than two months. This can be extended to three months if supported by Occupational Health;
- a return date is known but there are remaining concerns about the medical condition and the employee's ability to fulfil their contractual obligations;
- to consider a request for ill health retirement under the Ill-Health Retirement Framework; and
- to consider whether someone is eligible for the fast track physiotherapy scheme.

The manager will inform the employee in all instances that a referral is being made and confirm this in writing.

If you decide not to engage with the Occupational Health referral, the School will proceed to make decisions without the benefit of medical advice.

In the event that a member of staff reports an underlying condition, but is not yet subject of management action in respect of attendance, they may request a referral to occupational health to explore any support or adjustments which may help or support their condition.

## **2. Review periods**

Review periods will be determined on an individual basis dependent on each case, however this will be for a maximum of up to six months.

At the end of a review period the manager will assess whether the employee's absence level has improved. The manager will inform the employee of the outcome of the review period in writing.

If there has been a satisfactory improvement the manager will acknowledge this in the letter. The manager will remind the employee that their attendance will continue to be monitored under the sickness management policy. If during the 12 months following the date of their sickness management meeting their attendance level reaches the absence triggers outlined in section 5 of the Sickness Management Procedure, a further meeting or, where appropriate, a hearing, will be held under the process.

If there has been insufficient improvement the manager will inform the employee that a next stage sickness management meeting or sickness management hearing will be arranged.

Further guidance on review periods is given in the [Guidelines on Sickness Management Meetings and Hearings](#).

## **3. Statement of fitness for work (fit notes)**

A fit note is the informal name for a statement of fitness for work which is issued by a doctor. It has replaced the medical certificate or doctor's note. A doctor will advise whether an individual is 'not fit for work' or 'may be fit for work'.

If the 'not fit for work' box has been ticked on the fit note, the doctor will indicate the period of time the individual should not undertake any work.

If the 'may be fit for work' box has been ticked on the fit note, the doctor will also add information on the functional effects of the individual's condition and what could help aid a return to work. The doctor will give advice on the individual's medical condition. If the doctor feels an assessment by an occupational health specialist is required, they will indicate this on the fit note.

The doctor will also indicate on the fit note which adjustments are required to help facilitate the employee's return to work. This may include:

- a phased return to work;
- amended duties;
- altered hours; or
- workplace adaptations.

## **4. Disability illness and reasonable adjustments**

Sickness absence due to a disability will be recorded and managed under this policy.

Managers will consider whether any temporary or permanent adjustments could be made to improve levels of short term absence or facilitate a return to work in long term absence cases. When necessary, advice should be sought from Health

Management on whether the employee is covered by the Equality Act. If an individual is covered by the Equality Act, the manager will need to show that they have considered reasonable adjustments.

Reasonable adjustments that could be made to assist in rehabilitating an employee back into the workplace or helping them to stay in work may include:

- a phased return to work - this will be on full pay and will be for no longer than four weeks. The phased return will require the employee to build up their hours to their full contractual hours;
- amended duties;
- workplace adaptations; and

For further details on all the above points please see Guidelines on Statements of Fitness for Work.

## **5. Ill-health retirement**

Employees who are members of the Teachers' Pension Scheme or Local Government Pension Scheme may qualify for immediate payment of pension benefits if they are permanently incapable of carrying out their duties on the grounds of ill-health.

## **6. Confidentiality and Data Protection**

All information about an employee's absence from work due to sickness or injury is confidential and must comply with the Data Protection Act. However, information on an employee's case will be shared between those involved in its management.

A manager is responsible for maintaining the confidentiality of sickness records within the employee's workplace. Records of absence will be stored securely, and access will be restricted only to those with a responsibility for managing or recording sickness absence.

Occupational Health recommendations about the effect of an illness on an employee's ability to work will be shared with the Human Resources Officer and with the relevant manager. This information will also be shared with the designated trade union representative when the manager is aware which trade union representative is involved in the case. The manager will only do this with the employee's consent.

## **7. Medical suspension**

Medical suspension is a last resort and may occur where a manager decides that due to ill-health there is a risk to the employee, colleagues or pupils. The employee will be informed of the reason for the suspension and this will be confirmed in writing to them.

A medical suspension is a short term measure which should only be used until medical evidence or opinion is received and acted on accordingly.

A medical suspension will not be put in place when a manager cannot provide support as stated under the "may be fit for work" section of the fit note. The employee does not need another fit note until the current one expires.

## **8. Pregnancy related illness**

Pregnancy related sickness absence is recorded as a separate code on the payroll computerised system. This is to distinguish it from other sickness absences.

Pregnancy related illness should not be used in any assessment of an employee's sickness record, for example in a redundancy selection exercise or for disciplinary purposes. Such actions could leave a manager vulnerable to a claim of sex discrimination.

The Headteacher should use the return to work interviews and other mechanisms provided under this policy as a framework for a supportive approach.

An employee who is absent due to a pregnancy related illness during the four weeks' period prior to her expected week of childbirth will be required to start her maternity leave, and will be entitled to maternity pay and not sick pay.

Employees who are pregnant and are required to attend antenatal appointments, will be treated in line with the School's Maternity Scheme for Teachers or Support Employees.

## **9. Infectious diseases**

Where an employee is known to be suffering from an infectious disease the manager should seek advice from the Human Resources Officer. If the employee has an infectious disease this is recorded as normal sickness absence and managed accordingly.

If an employee is prevented from attending work because of contact with someone with an infectious disease, as defined in the Exclusion Guidance for Communicable Diseases, and they are not suffering from any symptoms of the disease themselves, then it may be appropriate for the employee to work at home depending on the nature of their job.

If home working is not appropriate then the employee will remain on paid leave until appropriate advice supports their return to work. In some cases this will include medical advice. In this situation the employee will receive full pay and not sick pay. The period of leave will be recorded as absent due to contact with an infectious disease.

## **10. Industrial disease, accident or assault at work**

Where it has been accepted by the school that a period of absence has been the result of any of these incidents that occurred in the course of employment, this will be treated separately from normal sickness for the purposes of calculating sick pay entitlement for Support Employees. In accordance with the Burgundy Book, Teachers will receive the first six months of absence at full pay, followed by their normal sick pay. However, illness due to industrial disease, accident or assault at work will not contribute to the alerts but all absence, irrespective of its nature, will be managed in line with this policy.

## **11. Fertility treatment**

Employees will be allowed a period of paid time off to have fertility treatment. Further information about this is available in the Policy on Leave of Absence.

If an employee experiences a negative reaction after receiving treatment and is unable to return to work, the absence should be recorded as sickness and managed under this policy.

## **12. Terminal illness**

When dealing with terminal illness managers should treat each case on an individual basis and in a caring and sensitive manner. Managers will need to consider that people are affected differently by illness, terminal or otherwise. For some employees, attendance at work may be relatively unaffected and they may be keen to continue working, others may find it impossible to work.

## Sick pay entitlements and conditions

### 1. Teachers

Teachers' entitlements to sick pay are set out in the Conditions of Service for School Teachers in England and Wales (Burgundy Book) as follows:

<b>During the first year of service:</b>	25 working days full pay and, after completing four calendar months' service, half pay for 50 working days.
<b>During the second year of service:</b>	50 working days full pay and 50 working days half pay.
<b>During the third year of service:</b>	75 working days full pay and 75 working days half pay.
<b>During the fourth and subsequent years of service:</b>	100 working days full pay and 100 working days half pay.

In addition to this, the following local conditions apply:

<b>During fifteenth and subsequent years of service:</b>	115 working days full pay and 115 working days half pay.
<b>During the twentieth and subsequent years of service:</b>	138 working days full pay and 138 working days half pay.

For the purpose of the sick pay scheme, service includes all aggregated teaching service with one or more Local Education Authorities.

### 2. Support Employees

Support employees' entitlements to sick pay are set out in the NJC for Local Government Services (Green Book) as follows;

<b>During the first year of service:</b>	one month's full pay and after completing four months' service two months' half pay;
<b>During the second year of service:</b>	two months' full pay and two months' half pay
<b>During the third year of service:</b>	four months' full pay and four months' half pay
<b>During the fourth and fifth years of service:</b>	five months' full pay and five months' half pay
<b>After five years' service:</b>	six months' full pay and six months' half pay

For the purpose of the sick pay scheme, service includes all continuous service with one or more Local Government Authority.

### 3. Conditions

The Headteacher/Local Governing Body has a right to terminate employment before sick pay is exhausted, providing that the sickness management process has been followed.

The Headteacher/Local Governing Body has the discretion to extend the period of sick pay in exceptional cases.

It is possible that sick pay may be suspended and disciplinary action taken under the following circumstances:

- falsification of certificates either self or statement of fitness for work;
- failure to follow the schools Sickness Reporting and Certification Procedure without good reason;
- employee's own misconduct, neglect or recklessness in undertaking any activities either in, or outside, the school's employment which has caused the individual to be sick; and
- where an employee receives an injury whilst working in their own time for private gain.

Sick pay will **not** be paid in the following circumstances:

- failure to attend an Occupational Health appointment without good reason - refusal by the employee to co-operate with the requirement to attend Occupational Health for assessment may result in salary payments being suspended, disciplinary action and decisions on the employee's ability to perform their duties being made by managers on the best evidence available;
- where an injury is due to active participation in professional sport not connected to the employee's work duties;
- where an employee receives an injury whilst working for another employer;
- elective and cosmetic surgery unless this is needed for medical or psychological reasons. Managers are advised to seek advice from Occupational Health on this issue; or
- where an employee is absent from work as a result of an accident and a financial settlement will be recovered from a third party. The Headteacher/Local Governing Body will use its discretion in advancing an allowance provided the employee agrees to refund the amount from any financial settlement.

Managers should seek advice from the Human Resources Officer and Occupational Health where appropriate before taking action on any of the above.

List of factors to be considered by the Governors Committee before dismissing an employee

- The total absence and reasons for absence
- The available medical prognosis
- Advice from occupational health
- How long the school can effectively function without the absent employee
- What additional demands has the persistent intermittent absence generated for other employees and the school.
- Whether reasonable adjustments have been considered.
- Is complete recovery likely and if so, when?
- Whether ill-health retirement has been explored.