



Children and Young People's Services

Employee Wellbeing

Caring About Sickness

The Management of Sickness Absence

This procedure has been agreed by the following professional associations / trade unions representing School Based Staff

- National Union of Teachers
- National Association of Schoolmasters Union of Women Teachers
- Association of Teachers and Lecturers
- National Association of Head Teachers
- Association of School and College Leaders
- Unison
- GMB

Last updated July 2009

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PART 1: GENERAL

1.1 INTRODUCTION AND AIMS

- 1.1.1 This guidance has been prepared to ensure that a fair and consistent approach is taken towards the effective management of sickness absence for both teaching and non-teaching staff in schools and that the costs and service implications of this kind of absence are kept to a minimum.
- 1.1.2 The guide has the support of the trade unions and incorporates and replaces the good practice set out in the Personnel Handbook for schools Section 4.3, The Management of Sickness Absence. A summary of the key points will be made available to all staff employed in schools and will set out what action should be taken in relation to sickness issues. All employees will be expected to comply with the requirements and responsibilities explained to them.
- 1.1.3 For ease of reference the guide is divided into four distinct parts each one dealing with a specific aspect of sickness absence.
- 1.1.4 Some useful contacts for further advice and information are given at [Appendix 1](#).
- 1.1.5 Whilst the Local Authority (LA) values high levels of attendance by its employees it also recognises its responsibilities to those who are genuinely ill and unable to attend work. The management of attendance and sickness absence is very much a line management responsibility and all headteachers and individual members of the Committee of School Governors responsible for personnel matters will be provided with training, support and guidance to help them meet these responsibilities.
- 1.1.6 The aims of the policy are:
- (a) To ensure that all employees understand their obligations and entitlements when they are unable to work because of illness.
 - (b) To achieve high standards of sickness absence management through the actions and awareness of individual headteachers with support as necessary from governors.
 - (c) To apply a fair and consistent approach across the LA in the handling of sickness absence cases.
 - (d) To make the maximum use of the Occupational Health Service as part of a positive and effective approach to sickness absence management and employee rehabilitation.
 - (e) To protect, and where possible, enhance the health and well being of employees.

- (f) To reduce sickness absence levels whenever possible and therefore the impact of such absence on the good running of the school/education service.

1.1.7 These aims reflect Shropshire Council's overall Policy Statement on Employee Health and Welfare which is attached at [Appendix 2](#).

1.2 APPOINTMENT PROCEDURES AND FITNESS FOR WORK

Arrangements during recruitment and selection

1.2.1 Headteachers/appointing officers are required to take action during the recruitment procedures to support the aims of the caring about sickness policy.

1.2.2 The essential arrangements are described in sub paragraphs 1.2.2 (a) to (e) below. **It is important that these arrangements are followed.**

- (a) To ensure that all employees are medically fit on appointment, all posts should be offered subject to medical clearance. Medical fitness should also be checked in some cases when internal appointments or promotions are made when the requirements of the new job are significantly different to the employee's existing role.
- (b) All candidates for appointment should be asked to provide a statement of previous sickness absence as part of the appointment process and any unusually high sickness absence levels should be followed up at interview, as appropriate.
- (c) Headteachers should ensure that information on a candidate's recent sickness record is sought in reference requests to current or recent employers.
- (d) Heads are to ensure that the requirements of the Disability Discrimination Act are met as positively as possible when managing appointment processes. ([Appendix 3](#) summarises the main employment provisions of the Act).
- (e) To ensure that sickness policies and procedures are made known to newly appointed employees as part of induction processes.

Guidelines for candidates

1.2.3 Within these guidelines all candidates for posts:-

- (a) Will be expected to give an honest statement when applying for jobs about how much sickness absence they have had over the previous year, highlighting any longer periods of absence they may have incurred over the past three years.

- (b) If offered a job, will be asked to complete a medical questionnaire and co-operate with any request to attend a medical review as part of medical clearance procedures.
- (c) Who have a disability as defined in the Disability Discrimination Act 1995, will advise the interviewing panel, of any workplace adjustments which may help them if appointed or help them attend for interview.

Interviewing panels

1.2.4 Interviewing panels will ensure that:

- (a) Information on a shortlisted candidate's recent sickness record is sought in a written reference from a current or recent employer prior to the interview.
- (b) Any adjustments at interview to meet the needs of any candidate who has a disability are made and will consider the need for any workplace adjustments. They will also discuss with disabled candidates what reasonable adjustments they would need in the job.
- (c) All appointments are made subject to satisfactory medical clearance through the Occupational Health Service and that a complete and accurate analysis of the job requirements is provided on the health questionnaire.
- (d) Candidates are asked to comment at interview about any unusually high level of sickness absence which they have had, as shown on the application form and/or in references.

The Occupational Health Service

1.2.5 The Shropshire Council Occupational Health Unit will ensure that:

- (a) Medical clearance procedures are completed as quickly as possible and that all medical fitness issues are examined.
- (b) They advise, as appropriate, in any cases where a successful candidate's disability may require reasonable adjustments to help them at the workplace.

Appointing Officers

1.2.6 The Appointing Officer will ensure that:

- (a) The importance of good attendance and the requirements of sickness absence policies and procedures are emphasised in all induction processes.

- (b) The attendance of newly appointed staff (including those who are required to serve a probationary or trial period) is carefully monitored and take action as appropriate. **It must be noted that probationary and trial periods do not apply to teaching staff.**

1.3 NOTIFYING SICKNESS ABSENCE

Written statement of particulars

1.3.1 The written statement of particulars, issued with letters of appointment, outlines an employee's responsibilities with regard to notifying and providing medical certification for any period of absence. **Headteachers/designated officers must make employees** aware of the following information:

- (a) That if they are unable to attend work because of sickness they must notify their place of work and provide necessary self-certificates and medical certificates in line with the requirements set out below.
- (b) That whenever a medical certificate is required it is provided by employees who are sick and that this will form the basis of accurate recording of absence and the calculation of sickness allowances.
- (c) That any serious or repeated abuse of the sickness scheme is dealt with as a disciplinary matter, and that sick pay is suspended.

Employees' responsibilities

1.3.2 Employees' responsibilities are set out below:

DAYS	REQUIREMENTS
<p>Notification: Not later than Day 1</p> <p>(In accordance with the Statutory Sick Pay (SSP) Regulations the first day of absence is the first day you are off sick, even if this is not a normal working day for you i.e. if you fall sick on a Saturday and you normally work Monday to Friday your first day of sickness will be the Saturday).</p> <p>Schools will have a range of local arrangements and these should be followed.</p> <p>Please note the Day 1, 4 and 8 notification requirements are in accordance with SSP regulations</p>	<ul style="list-style-type: none"> • Contact should be made with the headteacher, or designated officer before the start of the working day. Where, in exceptional circumstances, contact cannot be made before the beginning of the working day, it should be made no later than 2 hours after you would normally start work. Employees should not leave a message with a colleague or on an answerphone unless this is unavoidable. In these circumstances the employee can expect to be contacted later by the headteacher or designated officer. • When notifying a period of absence you must, give the reason for absence, state the day on which the sickness began and, if possible, give an

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indication of how long you are likely to remain unfit for work.

- Exceptionally, a relative or friend may telephone on your behalf if you are unable to do so. **Reporting absence by means of a text message is NOT acceptable.**

If it is likely that the absence will be for longer than 3 days you must make contact with the school again on Day 4.

Day 2 and Day 3

- No further action required (unless individual school policy states otherwise).

Day 4

- If an absence continues you must telephone your place of work as soon as possible on the 4th day (or on the next working day if the 4th day is a Saturday or Sunday)

Days 5, 6 and 7

- No further action required (unless individual school policy states otherwise).

Day 8 and ongoing

- If your absence continues into a second week you must telephone your place of work as soon as possible on the 8th day (or on the next working day if the 8th day is a Saturday or Sunday).
- If your absence continues your headteacher (or designated officer) will advise you of the frequency of ongoing contact with the school.

Certification Up to 7 days

- For any period of sickness you must complete a self-certification of sickness form and submit it to your headteacher (or designated officer). If an absence lasts for 4 to 7 days, the self-certification form will be used as the self-certificate for SSP purposes

More than 7 days

- If you are still sick after 7 calendar days you **must** obtain a medical certificate from your doctor to cover

your absence after the first week and make sure that it reaches your place of work not later than the calendar week after your period of absence began.

- If you are aware at the beginning of your absence that it is likely to continue for more than seven days then you must complete a self-certification of sickness form and send it to your place of work as soon as possible to cover the first 7 days of absence, i.e. one calendar week.
- If in seeking treatment for your illness, your doctor feels that you will be absent from work for more than a week, you may be given a medical certificate covering from the first day or part of the first week of absence.
- Remember you must fill in a self-certification of sickness form for any part of the first 7 days of absence not covered by a medical certificate. This form and the medical certificate from your Doctor must be sent to your place of work by no later than the end of the second calendar week of your absence (even if this is not a normal work day).
- Where sickness absence continues for a longer term further medical certificates must be obtained to cover the entire period of absence and sent as quickly as possible to your headteacher (or designated officer).
Failure to do so is a breach of discipline and could affect your pay.
- You must inform your headteacher (or designated officer) of your intention to return to work in advance of the date on which you intend to do so following any period of absence. When you consider yourself fit to return to work and where your medical certificate (Med 3 from your GP) covers a period exceeding 14 days or if you have

Returning to Work

submitted more than one medical certificate for the period of absence, you must obtain a final certificate from your GP confirming that you are fit to resume work.

- When returning to work after a period of sickness which included a weekend, you should inform your headteacher of the actual days you were sick.
- On your return to work your headteacher (or designated officer) will complete the return to work section of the self-certification form. This will normally be done at a face to face meeting, however where this is not practical, it can be completed over the telephone.

Note: It is recommended that the information provided on pages 6-9 under the heading “Notifying Sickness Absence” is included in the Staff Handbook and forms part of the information provided to all members of staff during induction.

1.4 SICKNESS SCHEME

1.4.1 The Authority’s policy is as follows:

- (a) To apply nationally agreed provisions on sick pay allowances.
- (b) To ensure that during periods of sickness absence medical opinions are sought on employees.
- (c) To deal promptly with any cases of suspected abuse of sickness rules, by use of the formal disciplinary procedure.
- (d) That in exceptional circumstances and in accordance with Conditions of Service provisions sick pay may be extended where there is every likelihood of an employee returning to work after prolonged sickness absence.

1.4.2 If an employee abuses the sick pay scheme, sick pay can be suspended, subject to a right of appeal. Repeated or serious abuse of the scheme will be dealt with as a disciplinary matter. (For teachers, this procedure is outlined at paragraph 11.2 of the Conditions of Service for School Teachers in England and Wales (the Burgundy Book)).

1.4.3 Examples of employee behaviour in relation to sickness absence, which will be dealt with as misconduct within the disciplinary procedure (and may also lead to the suspension of sick pay), include:

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- (a) Failure to notify absence.
- (b) Failure to provide necessary certification.
- (c) Reporting absence for a false reason.
- (d) Taking up paid employment elsewhere whilst on sickness absence.

1.4.4 In exceptional circumstances the governing body may at their discretion and on the basis of medical opinion(s) extend the period of an employee's sick pay. But only in circumstances where the employee is likely to return to work within a reasonable period of time e.g. three months. Advice on individual cases should be obtained from HR C&YPS.

Teaching staff

1.4.5 The sick pay entitlement for teachers, in accordance with the Burgundy Book, is as follows:

During 1 st year of service	25 working days' full pay and (after 4 months service) 25 working days' half pay
During 2 nd year of service	50 working days' full pay and 50 working days' half pay
During 3 rd year of service	75 working days' full pay and 75 working days' half pay
During 4 th and subsequent years of service	100 working days' full pay and 100 working days' half pay

Non teaching staff

1.4.6 The national scheme of sick pay allowances for non-teaching staff is as follows:

During 1 st year of service	1 month's full pay and (after 4 months service) 2 months' half pay
During 2 nd year of service	2 months' full pay and 2 months' half pay
During 3 rd year of service	4 months' full pay and 4 months' half pay
During 4 th and 5 th year of service	5 months' full pay and 5 months' half pay
After 5 years service	6 months' full pay and

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6 months' half pay

1.5 RECORDING AND MONITORING SICKNESS ABSENCE

Responsibilities of the headteacher (or designated officer)

1.5.1 A headteacher or his or her designated officer is required to:

- (a) Ensure that the effective management of sickness absence is treated as a key performance issue within the school.
- (b) Provide and develop effective recording systems for sickness absence, identifying within this reasons for absence, and to require accurate recording of all sickness absence.
- (c) Ensure that the Senior Management Team receive regular reports on sickness absence levels and can consider any further actions required. Advice and support is available from HR C&YPS.
- (d) Recognise that reports on sickness absence levels are made to the Corporate Director and elected members on a regular basis, and adopt any policy initiatives necessary to improve performance in this area.
- (e) Ensure that all sickness absence, of whatever duration, is acknowledged when the employee returns to work, and that "return to work interviews" are undertaken appropriate to the circumstances. Advice from HR C&YPS is available.

Training of headteachers and governors

1.5.2 Effective management of sickness absence has been identified as a key competence for all headteachers and governors with responsibility for personnel issues. Training courses on the Council's approach and their responsibilities in this area are available.

Monitoring of absence

1.5.3 Sick absence levels are a key performance indicator for Shropshire Council who are committed to developing quality information on patterns and causes of sickness absence. It is essential, therefore, that the duration and reasons for all periods of sick absence are accurately recorded and reported promptly and correctly.

1.5.4 To assist schools in monitoring sickness absence, regular reports will be made available to headteachers which will show the pattern of sickness absence amongst employees. Headteachers (supported by HR C&YPS) must take appropriate steps to deal with issues of both short and long term absence in line with these guidelines.

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- 1.5.5 HR will also monitor any patterns of sickness absence within schools which may be an indicator of issues such as working relationships, work pressures, organisational change etc. Where such patterns are detected headteachers are expected to take appropriate advice from HR C&YPS on possible actions.
- 1.5.6 The Council's Head of Human Resources & Development also monitors sickness absence levels, trends and causes across the Authority as a whole and reports to elected members with recommendations for improving performance in this area.

Return to work interview

- 1.5.7 All periods of sickness absence, of whatever length, must be acknowledged by the headteacher (or designated officer) on the employee's return to work and a "Return to Work Interview" must take place.
- 1.5.8 Wherever possible the employee must be seen personally. However, where this is not practicable because of the nature of their work, they can be spoken to by telephone. The return to work section of the self-certification of sickness absence form ([Appendix 4](#)) must be completed and placed on the employee's personal file.
- 1.5.9 The return to work interview is of particular importance where the absence is part of a pattern of short term absences giving rise to concern or for longer periods of absence.
- 1.5.10 The length and scope of a return to work meeting will be proportionate to the duration, frequency and nature of the employee's sickness absence. For example, if the individual was only absent for part of a day it may only last for a few minutes, however if the employee was returning from a lengthy period of absence it would necessarily be longer and more detailed in scope.
- 1.5.11 For all absences this process provides an opportunity:
- (a) To remind employees that the school/Local Authority does care about sickness absence and to reassure them that their employer has a genuine interest in their health and wellbeing.
 - (b) To understand the reason for the absence, if possible, and any link which there may be between the employee's ill-health and work. This informal discussion is not about expecting an employee to disclose and discuss personal medical information if there is no reason to do so. The focus should be on the absence and employee's return to work, and should only include the reason for absence where this may be work-related or may have some impact on work performance either at the time or in future.
 - (c) To try to establish whether the absence is likely to re-occur.

- (d) To see if there are any domestic or work related issues contributing to the absence and to ascertain whether any employer action or support can be provided.
- (e) To help the employee catch up with any work issues, particularly where the absence has been for a long period.
- (f) Where the employee is returning after a long absence, to discuss aspects of their rehabilitation, although in all such cases prior contact must have been made to help with the employee's return to work (see also 3.2.2).
- (g) For employees with disabilities (as defined under the Disability Discrimination Act (DDA)) to explore any reasonable adjustments to working arrangements which may be helpful.

PART 2: PERSISTENT SHORT TERM SICKNESS ABSENCE

2.1 DEFINITION

2.1.1 Persistent short term sickness absence is typified by frequent short periods of sickness absence repeated at intervals over the year, usually self certified, and often due to unrelated minor ailments.

2.1.2 The Authority's policy is that:

- (a) All sickness absence will be regularly monitored by headteachers, managers and HR C&YPS.
- (b) Whilst it is recognised that many employees are likely to need to have short periods of absence from time to time because of unavoidable sickness, persistent short term sickness absences will need to be managed in a consistent manner and appropriate steps taken where the pattern and frequency of such absences gives rise to concern.
- (c) In cases where the pattern and level of absence are having a serious effect on the performance of the employment contract, consideration will be given to whether the employment can continue.
- (d) Appropriate support mechanisms will be available, through the Occupational Health Service to help deal with issues of regular short term sickness absence.

2.1.3 In dealing with these issues the following guidelines and procedures have been adopted but are not intended to be prescriptive. Factors such as the nature of the illnesses, length of service, performance, previous sickness/absence records and the periods of good health between them, the employee's age and personal circumstances, the likelihood of a change in attendance and the effect of past and future absences on the school all need to be taken into account when deciding on appropriate action. In all cases, however, it is important that concerns are dealt with promptly, reasonably and consistently.

2.2 IDENTIFICATION OF SHORT TERM SICKNESS ABSENCE PROBLEMS

2.2.1 In some cases the reasons for the employee's recent pattern of absences may be such that the headteacher will not consider it appropriate or helpful to initiate the following steps without a longer assessment of the situation. Each case should be dealt with promptly, reasonably and consistently within the school. Particular regard should be taken of any known disability which the employee has, which may be affecting their ability to attend work.

2.2.2 It is important that headteachers review employees' absences on a regular basis. Information on employee absences will be made available to heads at regular intervals. It is not practicable to give precise rules about acceptable levels of absence, in that the number and pattern of absences as well as the

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total number of days lost are relevant. However, as a guideline it is accepted that normally steps should be taken to investigate and take appropriate action to deal with absence problems when:

(a) The employee has had four periods of absence in any rolling 12 month period. (Note NASUWT have registered their objection to this trigger point, their view is that it is too great a change from the original trigger point of 4 occasions in a 13 week period).

or

(b) When absences amount to more than 20 working days (pro rata for part-time employees) in any rolling 12 month period.

2.2.3 There may be other occasions however, when an employee's absence or pattern of absence is causing concern although not following the above patterns. Frequently there will be a combination of medically certificated and self certificated absences which together constitute a level of absence warranting further investigation.

2.2.4 Headteachers will consider the most appropriate processes and mechanisms which will support employees to sustain an acceptable level of attendance, if this is not already the case. In doing so they will need to carefully balance the needs of the school, the employee and other colleagues on whom the absence has an impact.

2.3 PROCEDURE FOR HANDLING PERSISTENT SHORT TERM ABSENCE

Stage 1: An initial meeting with the employee.

2.3.1 Subject to the safeguards above, any pattern of absence causing concern should be discussed with the employee. This discussion is separate from any return to work interview(s) that may have taken place. A model letter, to set up any meeting to discuss persistent short term absence is attached ([Appendix 5](#)).

2.3.2 The written record of the absence pattern should be discussed with the employee because it will illustrate clearly the amount of absence occurring. The employee should be asked to comment on their absence record. Where absences have arisen because of responsibilities outside work, or are related to workplace issues, such factors should be taken into account.

2.3.3 During this first discussion with the employee it is important to be specific about the level of absence and the effect on the school, and to set a period at the end of which a further review of the employee's attendance record will take place - normally a maximum of three months. A note of the discussion must be placed on the employees' personal file and copied to the employee (see [Appendix 6](#)).

2.3.4 Advice should be sought from Occupational Health about whether there is a need for a referral at this stage. A decision to refer the employee to the OHU

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must be discussed with the employee and a copy of the referral will be provided.

- 2.3.5 The situation should be reviewed within three months (see Stage 2: First review meeting with employee)

Stage 2: First review meeting with the employee

- 2.3.6 If, on review, there has been insufficient improvement, the headteacher will invite the employee to a meeting to discuss the matter (giving at least three day's notice). The meeting will give the employee an opportunity to provide further information about any absences. Where sufficient improvement has been achieved, the headteacher or designated officer can provide positive feedback and no further action will be taken at this stage.
- 2.3.7 If the headteacher is not satisfied with the explanation it will be necessary to express further concerns about the employee's attendance and the problems that the continuing level of absence is causing the school.
- 2.3.8 A written note should be given to the employee formally setting out these concerns and indicating that a referral to the Occupational Health Unit is likely. A copy of this note should be placed on the employee's Personal File (see [Appendix 6](#)).

Stage 3: Subsequent review meeting

- 2.3.9 A further review of the employee's sickness absence record will take place within a period not exceeding three months.
- 2.3.10 At this second review, if it appears that the level of absence is persisting or has not improved sufficiently, HR C&YPS should be contacted and a full absence record (normally covering the last three years) obtained. If not already done so, the headteacher, via HR C&YPS, should obtain a medical opinion from the Council's Occupational Health Unit who may in turn ask an employee to sign a Medical Report Consent Form. They will be informed of their rights under the "access to Medical Reports Act 1988". Whilst they are not obliged to give their consent to such an application being made, they should be aware that, if they refuse, any decision that may have to be made regarding their employment will be taken on the basis of the information available. (See the referral guidelines at [Appendix 7](#)).
- 2.3.11 Once the medical opinion has been received the employee should be seen again and the opinion discussed (a suggested model letter for setting up this meeting is at [Appendix 8A](#)). It should be noted that the employee has the right to representation at this meeting. Where this meeting indicates that there is no underlying problem contributing to the pattern of absence, it should be explained to the employee what effect their absence is having on the school/service and why this cannot be permitted to continue. The employee should be formally warned that their attendance record is unacceptable and must improve and that the improvement must be maintained. This warning

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should be recorded in writing to the employee (a model letter is provided at [Appendix 8B](#)).

Stage 4: Review of formal warning and issue of final warning

2.3.12 If a formal written warning has been given this should be reviewed after a suitable period (a maximum of three months) and if there is insufficient improvement in the employee's attendance record, a final warning should be issued by the headteacher which makes it clear that a failure to improve attendance to a satisfactory level will result in consideration of dismissal (see [Appendix 9](#) for model letter). In some cases, for example where some improvement has taken place but not to a satisfactory level, it may be appropriate to give a further warning, followed by review at the end of the warning period, prior to considering a final warning.

Stage 5: Consideration of dismissal

2.3.13 Where a final warning has been issued but a sustained and significant improvement in attendance has not been achieved, dismissal may be considered.

2.3.14 Consideration of termination of employment in such cases will be by the School's Staff Dismissal Committee unless the Governing Body has delegated this responsibility to the headteacher (see Part 3: Long Term Sickness Absence for details).

2.3.15 Before any dismissal decision is made the following points should have been covered:

- (a) Availability, to all parties, of the employee's attendance record.
- (b) Previous warnings have been given and that the employee has been told that dismissal is an option.
- (c) Adequate medical opinion(s) has/have been obtained.
- (d) The likelihood or otherwise of any improvement in attendance.
- (e) The employee has been advised of the impact their absence is having on the good running of the school.
- (f) Any personal circumstances or responsibilities which remain relevant to the attendance issue.

2.3.16 A model letter is attached at [Appendix 10](#).

2.3.17 The employee has the statutory right to appeal against decisions at any stage of these proceedings. The employee should notify either the headteacher or, if the Staff Dismissal Committee has met, the Clerk to the Committee, of

his/her intention, in writing, within ten working days of receiving the letter of notification.

Genuine medical cause

2.3.18 If the medical opinion confirms a genuine medical problem giving rise to the absences, which may or may not require further medical treatment or enquiries, it would be inappropriate to issue a warning at this stage. Instead, the headteacher should keep the case under review and consider further action, at an appropriate time, in the light of any further medical evidence and/or absences.

2.3.19 Where continuing absences are linked to a specific medical cause, further reviews should be carried out at regular intervals. Unless a medical opinion is obtained within this period which confirms that the employee is permanently incapable of carrying out the duties of their present post on grounds of ill health and this results in the employee's retirement on ill health grounds these reviews should, at an appropriate stage, result in the employee being clearly informed that their attendance record is unacceptable and that in the light of their medical condition, their future employment is inevitably at risk if there is no improvement in their condition.

2.3.20 Where at any stage of the above procedures, an interview is to be held which is likely to result in a warning of any kind, the employee should be given five days written notification of the nature of the interview and be advised that they may be accompanied by a trade union representative or other person of their choice if they so wish.

Appeals

2.3.21 In any case where an employee is dismissed for persistent short term absences (other than where the problem has subsequently been concluded as one of permanent incapacity on grounds of ill health) the employee will have a formal right of appeal to the Governors' Staff Dismissal Appeals Committee established for this purpose. Employees dismissed for these reasons must be notified of this right and any such appeal must be confirmed in writing to the Clerk to the governing body within ten working days of receipt of the letter of termination. An appeals hearing will be arranged and the parties involved notified. Dismissal and the notice period will take effect from the initial dismissal decision. In the event of a subsequent successful appeal, the employee will be reinstated.

Suspension on grounds of ill-health (Teachers)

2.3.22 Under Regulation 10 of the Education (Teachers) Regulations 1993, the Secretary of State has power to direct on medical grounds that teachers shall be suspended, or that their employment shall be terminated or made subject to conditions. In the first instance it is for the employing authority to take whatever action may be necessary when they have reason to think that a teacher may have become medically unfit to perform teaching duties,

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particularly where there may be a risk to the pupils or students in that teacher's care.

2.3.23 Suspension is undertaken in the interests of the school and of the pupils or students in the teacher's charge. If the teacher is either unable to continue teaching duties or has no intention of resuming them until declared fit to do so, suspension will be a formality pending further medical advice. In certain cases suspension may be necessary in order to ensure that the teacher does not stay at work or resume duties whilst there is a risk to pupils or students or to other members of the staff or if the teacher is unable to give efficient service.

Short-term sickness absence management stages flowchart

2.3.24 A flowchart setting out the process for managing short-term sickness absence is at [Appendix 11](#).

PART 3: LONG TERM SICKNESS ABSENCE

3.1 DEFINITION OF LONG TERM SICKNESS ABSENCE

3.1.1 Long term sickness absence is where an employee is unable to attend work for a prolonged continuous period because of serious illness or injury

AND

In some cases there is little or no indication of an early return to work.

OR

The period of absence is for 4 weeks (or more) or where a medical certificate shows that a long term medical condition may be developing.

3.2 PROCEDURES TO BE FOLLOWED

3.2.1 Where an employee is off sick for a long period (one month or more) a positive approach will be taken by the headteacher, supported by the Occupational Health Service, to maintain contact and help the employee return to work.

3.2.2 In appropriate cases, before the employee returns to work, a return to work meeting should take place at which consideration will be given to a rehabilitation plan which meets both the needs of the school and the employee. This will require contact with the employee prior to their return to discuss the arrangements. It will be important to provide information relating to any relevant changes that may have occurred at the school during the employee's absence. Return to work arrangements will require the setting up of a meeting with the employee, their staff association /trade union representative or friend/colleague (if they so wish) and a Human Resources Officer. The discussion will cover the possibility of additional support to the post, provision of assistance with teaching materials or planning and the necessity for any additional equipment etc, from the Disability Employment Service.

3.2.3 Long term absences will be monitored by headteachers and early referrals made to the Occupational Health Unit. Appropriate decisions will be taken on how best to manage such absence cases, in the light of adequate and timely medical opinions.

3.2.4 In exceptional circumstances consideration may be given to extending the period of sickness allowance at full rate, in appropriate cases, where there is a clear prospect of the employee's return to work within a reasonable period, based on medical opinion(s).

3.3 MANAGEMENT OF LONG TERM CASES

3.3.1 The effective management of cases of long term sickness absence will involve the following stages:

- (a) The employee concerned making contact with their headteacher or assigned contact person at reasonable intervals, to keep them informed (in addition to supplying medical certificates when required).
- (b) The headteacher ensuring also that regular contact is maintained with the employee who is absent. This should be at least monthly.
- (c) If the absence continues and there is no immediate indication of the employee being able to return to work, the headteacher will seek a first medical opinion from the Council's Occupational Health Unit. Such a referral should normally be made no later than one month from the first day of absence.
- (d) The Occupational Health Unit will provide an opinion as quickly as possible, although if this needs to include, at any stage, contact with the employee's GP or Consultant, some delay may arise.
- (e) The opinion may indicate the need for a further review at a future date or for an additional GP or Consultant opinion to be sought. In some cases it may become clear that the employee is likely to return to work within a specified period.
- (f) The headteacher will be responsible for ensuring that each case of long term absence is properly monitored and managed and that decisions are taken in the light of medical opinions received. Advice should be taken from HR in seeking to progress the case.
- (g) The Occupational Health Unit, wherever possible, will arrange for a welfare visit to the employee to help in the assessment of their condition and discuss any support he or she may need to help their return to work.
- (h) Where an employee has been away from work for a lengthy period (two months or more) their return to work should be on the basis of:
 - (1) An opinion from the Occupational Health Unit as to their fitness to return to their normal duties (or other agreed modified role).
 - (2) Consideration by the headteacher, in discussion with the Occupational Health Unit, and the employee concerned of any agreed rehabilitation programme which will help their return to work.
 - (3) In certain cases this may include financial support from organisations including Enable, The Shaw Trust, and through the Access to Work scheme (details available from HR C&YPS).

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- (4) The pay implications of a partial return to work will be agreed between the school, HR and the Payroll Manager but, in the majority of cases, schools should continue to pay the employee for their full contracted hours for the first two to four weeks of their rehabilitation into work. Schools which have opted in to the Authority's Sickness and Other Absence Insurance Scheme may be able to claim back the extra cost of supply cover incurred during the first four weeks of any agreed and approved rehabilitation plan. Lengthier return to work programmes will need to be managed through a combination of annual leave, flexi-leave or a temporary reduction in paid contracted hours. The latter must be in agreement with the individual and will need to be reviewed after a set time i.e. one to three months, depending on the length and nature of the absence.
- (5) In some instances a return to work programme may temporarily preclude the employee from carrying out certain duties which are fundamental to the role e.g. lifting, bending, driving, using ICT, break time duty etc. Advice should be sought from both Occupational Health and HR if the reduced duties continue for a period longer than assessed at the outset of the agreed return to work programme.
- (6) Where an employee's length of absence continues and successive medical opinions do not indicate any likely return to work within a reasonable period, consideration will then be given to the possibility of the employee's early retirement on grounds of capability related to ill health. It must be noted that the decision to grant an ill health retirement rests with the administrators of the relevant pension scheme and is governed by specific criteria. For employees who do not belong to either the Teachers or Local Government Pension Schemes, termination of employment on grounds of capability may be inevitable when absence is prolonged and if, on the basis of medical opinion(s) received, there is little or no prospect of the employee being able to return to work within an acceptable timescale. **Advice must be taken from HR C&YPS in dealing with such cases.**
- (7) In cases where an employee is a Pension Scheme member but their medical condition does not satisfy the criteria for ill-health retirement with pension benefits, termination of employment on grounds of capability will still need to be considered if sickness absence continues on a long term basis and there is no realistic prospect of a return to work or redeployment and the options of modification of their job (e.g. part time working) have been exhausted.

3.4 ILL HEALTH RETIREMENTS

3.4.1 The policy of the Authority is:

- (a) To apply on a consistent basis the requirements of the Teachers or Local Government Pension Scheme in cases where the option of ill health retirement comes under consideration.
- (b) To monitor the number and causes of such retirements in line with national and audit requirements.
- (c) To ensure that all possible alternatives to ill health retirement are considered and acted upon, where practicable.
- (d) To ensure that employees, whose retirement on ill health grounds is a possibility, are fully consulted before any decisions are taken, and are made aware of the pension implications of this outcome.

3.4.2 As a general rule, employees within the Teachers or Local Government Pension Scheme (LGPS) who have to cease work through ill health will qualify, subject to age and service requirements, for the payment of pension benefits. In determining whether ill-health retirement is appropriate, the test to be applied is whether the employee can be regarded as being permanently incapacitated and no longer capable of carrying out their specific job, or any comparable employment, and is so certified by an appropriate medical officer.

Teachers' Pension Scheme

3.4.3 Under the Teachers' Pension Scheme, a teacher must be considered to be **permanently unfit to teach** in order to qualify for ill health retirement benefits. The decision is made by the Secretary of State on recommendation by DCSF Medical Advisers.

3.4.4 In order to be considered for ill health retirement benefits a teacher has to submit an application to Teachers' Pensions with supporting medical evidence which includes a statement by the employer's Occupational Health Adviser. In practice the majority of employees who find themselves in the position of making an application are doing so on the advice of their medical specialists and there is therefore a mutual acceptance of the need for them to leave their employment.

3.4.5 The Authority considers an application for ill health retirement benefits as notice of an employee's intent to retire on those grounds should the application be approved. On ill health retirement benefits being granted the employee is required to submit a letter of resignation taking effect from the earliest possible date.

3.4.6 An amendment to the Teachers' Pension Regulations from January 2007 saw the introduction of a two tiered ill health retirement arrangement. Partial Incapacity Benefits (PIB) are payable where a teachers is considered

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permanently unfit to teach but capable of undertaking other employment. These benefits are based on a teacher's actual reckonable service within the scheme. Total Incapacity Benefits (TIB), the calculation of which includes compensatory added service, are payable where a teacher is considered to be permanently unfit to teach or undertake other gainful employment.

- 3.4.7 Under the Education (Health Standards) (England) (Regulations) 2003, teachers cannot be appointed to posts covered by those regulations while they remain in receipt of an ill health retirement pension which has become payable after 31 March 1997. A teacher awarded ill health retirement benefits will not be able to return to teaching in any capacity without firstly being declared medically fit and then suspending payment of their pension.

Local Government Pension Scheme

- 3.4.8 If the employee's absence from work becomes prolonged and there is no indication from medical opinions received of an early return to work, the Occupational Health Service should be asked specifically whether the employee is to be regarded as:

“permanently incapacitated on grounds of ill health from carrying out their specific job or any comparable employment”.

- 3.4.9 This will normally be done by Human Resources C&YPS in consultation with the headteacher. Where the Occupational Health Service reaches the conclusion that the employee is permanently incapacitated, they will seek an opinion from an independent medical practitioner as to whether, in their view, the employee satisfies the criteria for ill-health retirement as set out in the LGPS.

- 3.4.10 The independent medical practitioner will receive information from the Occupational Health Service about the employee, and in due course, advise the Authority as to whether the criteria for ill health retirement have been met and, if so, provide the necessary certificate to that effect. On receipt of the certificate the school, in consultation with Human Resources C&YPS will make necessary arrangements for the termination of employment.

- 3.4.11 Employees granted ill health retirement under the LGPS receive immediate payment of their accrued pension benefits. New regulations which came into force on 1 April 2008 introduced three tiers of ill health retirement which provide for different levels of enhancement depending on the degree of the persons incapacity. Details are as follows:

- Where there is no reasonable prospect of the employee being capable of obtaining gainful employment before age 65, ill health benefits will be based on the membership had the employee remained in employment until age 65.
- Where the employee is unlikely to be capable of obtaining gainful employment within 3 years of leaving but may be capable of doing so

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before age 65, ill health benefits will be based on membership at the time of leaving plus 25% of the prospective membership from leaving to age 65.

- Where the employee is likely to be capable of obtaining gainful employment within 3 years of leaving, or before age 65 if earlier, ill health benefits will be based on membership at the time of leaving. Payment of these benefits will cease after 3 years, or earlier, if the employee obtains gainful employment or becomes capable of getting such employment.

3.5 TERMINATION OF EMPLOYMENT ON THE GROUNDS OF CAPABILITY RELATED TO ILL HEALTH

- 3.5.1 Where ill-health retirement is either inapplicable or cannot be justified, an individual may be retired on the grounds of capability related to ill health. In these circumstances the termination of contract and the leaving date will normally be determined by mutual agreement. However, as the employee may not always accept that their medical condition is preventing them from discharging their duties efficiently it is important to follow the correct procedure leading to dismissal. Retirement on capability grounds may also, regrettably, be necessary where an infirmity pension application has been refused.
- 3.5.2 Dismissal on the grounds of capability related to ill health will be regarded as a measure of last resort only to be considered in the absence of other reasonable alternatives. Such a decision will need to be made in the light of all the circumstances including the medical assessment of the employee, the length of the absence, the impact of the absences on others who work with the employee and on the school, and the steps taken to resolve the issue thus far.
- 3.5.3 If the employee remains absent from work, and there is no certainty of a return to work within an acceptable period, the headteacher will need to consider whether there are grounds for terminating the employee's contract on grounds of capability.
- 3.5.4 Before any recommendation to dismiss is made, consideration should be given to the following questions:
- (a) Has the employee been contacted and the possibility of dismissal been raised, in the light of the length of absence, the medical opinions received and the effect of their continuing absence on the service?
 - (b) Has the feasibility of redeployment/alternative work been considered and discussed?
 - (c) Has it been made clear to them, at an appropriate point, that if they are unable to return, their job is at risk?
 - (d) Has recent medical advice been taken and does it take into account any current treatment the employee is, or is about to receive?

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- (e) Has the employee seen and been able to comment on the medical opinion(s) received?
- (f) What is the effect on the service and/or the employee's team of the continuing absence? Are there cost issues? Can a reasonable employer be expected to wait any longer?
- (g) Does the headteacher, based on the facts of the case, have reasonable grounds to conclude that it is unlikely that the employee can achieve satisfactory performance of their contract in the foreseeable future?
- (h) Has the employee (and any representative) been given the chance to comment on any points relevant to the decision on their employment?
- (i) And would a decision to dismiss fall within the band of reasonable responses of a reasonable employer in all the circumstances?

Consideration of Dismissal

- 3.5.5 Where, following this consideration, it is concluded that dismissal is warranted the matter will be referred to the school's Staff Dismissal Committee for a decision and the employee will be invited, in writing, to attend a meeting of this Committee so that he or she can make representations.
- 3.5.6 In order to allow sufficient time for preparation, the employee will be given at least ten working days notice of the Staff Dismissal Committee meeting and will be informed of their right to be accompanied by their professional staff association/trade union representative or friend or colleague. The headteacher and a representative from HR C&YPS will also be in attendance at the meeting to present a report, a copy of which will have previously been sent to the employee, setting out the steps taken thus far, the employee's full absence record and a medical assessment obtained via the County's Occupational Health Unit. The reasons for the proposal to dismiss will also be explained to the employee who will have the opportunity to ask questions and to respond to the case presented.
- 3.5.7 The procedure to be followed at this meeting is summarised at [Appendix 12](#) of this policy.
- 3.5.8 If, following the meeting, the Staff Dismissal Committee is satisfied that dismissal should proceed, they will advise the employee informing them at the same time of their right of appeal to the school's Staff Dismissal Appeals Committee. Wherever possible, the decision of the Staff Dismissal Committee will be issued orally at the conclusion of the meeting. Any decision of the Committee must be confirmed in a letter sent to the member of staff. In the case of dismissal, the letter must clearly state the grounds of dismissal, set out the employee's right of appeal and confirm the employee's position with regard to notice, pay and any other conditions of service which

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need to be resolved. Two copies of the letter will be sent to the individual who will be required to sign and return one as an acknowledgement of receipt. Copies of the letter will also be sent to the Director of Children and Young People's Services and to the employee's Staff Association/Trade Union representative. If the employee wishes to appeal, they or their representative should inform the Clerk to the Governors within ten working days of the Staff Dismissal Committee meeting. A meeting of the Staff Dismissal Appeals Committee will then be convened giving ten working days notice.

- 3.5.9 Following receipt by the Director of Children and Young People's Services of a decision to dismiss, the Authority will issue the employee with appropriate notice. In the event that the employee successfully appeals against their dismissal they will be reinstated. The notice periods for teachers and non-teaching staff are as set out in their written statement of particulars/terms and conditions of service.

NOTE: In accordance with any changes emanating from the School Staffing Regulations. Where the Governing Body has delegated initial dismissal decisions to the headteacher he/she may make a decision to dismiss subject to the member of staff firstly having the right of representation to the headteacher about their proposal to dismiss.

Where the headteacher makes a decision to dismiss the employee will still have the right of appeal to the Staff Dismissal Appeals Committee within the timescales indicated above. Again, should the appeal be successful, the employee will be reinstated.

Contractual Issues

- 3.5.10 The schemes of sickness allowances do not give an entitlement to employees to remain off sick for the whole of this period, irrespective of medical opinions, and prognosis, or for any termination to automatically coincide with the end of half pay. The timing of any interventions and decisions on the contrary must depend on the progress and circumstances of each case.
- 3.5.11 An employee is entitled to formal notice if being dismissed on grounds of capability based on the longer of statutory or contractual notice entitlement and is entitled to receive their normal pay during their notice period.
- 3.5.12 For employees who belong to a pension scheme but are not in receipt of an ill health retirement pension, pension benefits will be deferred in accordance with the employees' pension scheme arrangements.

PART 4: POSITIVE ASSISTANCE FROM THE LA/OHU

4.1.1 The Authority's policy is:

- (a) To provide, and regularly bring to the attention of all employees, a range of occupational health services.
- (b) To provide occupational health support to headteachers dealing with sickness absence issues.
- (c) To give occupational health support to employees within a wider policy on Employee Health and Welfare.

4.2 SERVICES AND INTERVENTIONS AVAILABLE FROM THE OHU

4.2.1 Employees may have access to a confidential external counselling service where they feel that issues are affecting their work and health (relevant contact telephone numbers are at [Appendix 1](#) and full details of this service are also available from the Occupational Health Unit (01743) 252833).

4.2.2 Informal counselling, and advice, on health issues is also available from the Occupational Health team (contact details as above).

4.2.3 The Occupational Health Unit will arrange welfare visits to employees absent from work for long periods, as part of the on-going monitoring of such cases, and support to employees and headteachers.

4.2.4 Occupational health staff will provide advice on all rehabilitation and return to work issues in cases of long term absence, accessing any financial or other support available from the Department of Employment in relevant cases.

4.2.5 The Unit will assist headteachers in dealing with both short and long term absence cases by:

- (a) Providing medical opinion on request.
- (b) Obtaining medical information from GP's and Consultants.
- (c) Determining ill health retirement issues.

4.2.6 Advice can be given on any issues relating to the requirements of employees within the Disability Discrimination Act and the Authority's obligations.

4.2.7 The Occupational Health Unit undertakes audits of the workforce from time to time to identify any factors which may lead to increased levels of stress or similar conditions. Such audits, or other research commissioned by the Authority, may lead to recommended actions which could reduce or contain levels of sickness absence.

4.2.8 The document set out at [Appendix 13](#) identifies the range of services accessible to employees and the support/guidance available to headteachers/managers. The diagram gives an overview of these services. Further information on this issue is also available from HR C&YPS.

CARING ABOUT SICKNESS – APPENDICES

NUMBER	DESCRIPTION
Appendix 1	- Useful contacts
Appendix 2	- Policy statement on employee health and welfare
Appendix 3	- Disability – definitions and support
Appendix 4	- Self certification of sickness absence form
Appendix 5	- Persistent short term absence – Stage 1 (model letter)
Appendix 6	- Persistent short term absence – Stage 2 (model letter)
Appendix 7	- Occupational Health guidance – referral
Appendix 8 A.	- Persistent short term absence – Stage 3 (model letter)
Appendix 8 B.	- Persistent short term absence – Stage 3, 2 nd review meeting (model letter)
Appendix 9	- Persistent short term absence – Stage 4 (model letter)
Appendix 10	- Persistent short term absence – Stage 5 (model letter)
Appendix 11	- Short term sick absence – Flowchart
Appendix 12	- Staff Dismissal Committee/Staff Dismissal Appeals Committee procedure
Appendix 13	- Well being/Absence Management diagram

USEFUL CONTACTS

**CHILDREN AND YOUNG PEOPLE'S SERVICES -
DIRECTORATE HR TEAM**

HR Manager	Michele Leith	(01743) 254402
HR Officer	Lorraine Edwards	(01743) 254412
HR Officer	Rob Hudson	(01743) 254491
HR Officer	Paul Jones	(01743) 254410
HR Officer	Louise Smith	(01743) 254204
HR Officer	Stuart Waters	(01743) 254549
Sickness Absence Project Worker	Rachel Roberts	(01743) 254501

OCCUPATIONAL HEALTH UNIT

Physician	Dr Leeming-Latham	(01743) 252831
Nurse Manager	Margaret Smith	(01743) 252999
Admin Support	Janice Richards	(01743) 252833

**DISABILITY EMPLOYMENT SERVICE
(Rehabilitation Service)**

Darren Wootton (01743) 843355

CORPORATE PERSONNEL

HR and Development Officer (Disability) Linda Gladman (01743) 252741

**As the Authority is a member of the
EMPLOYERS FORUM ON DISABILITY -
any employee can make contact for DDA
and legal advice**

Website: www.employers-forum.co.uk
Username: shropcc7
Password: adjust5
Helpline: 020 7403 3020
E-mail: disabilitydirections@employers-forum.co.uk

ENABLE (Community Services) (01743) 340035

Teacher Support Network (24 hrs) 08000 562561
(Independent national confidential support line for teachers)

www.teachersupport.info

Schools Staff Counselling Service Sheri Wright (01952) 385216

NOSS Employee Confidential Counselling Service (01978) 780479

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POLICY STATEMENT ON EMPLOYEE HEALTH AND WELFARE

Shropshire Council is committed to a positive approach to protect, and where possible, improve the health and welfare of its employees.

1. This approach generally involves:
 - (a) Providing, and regularly bringing to the attention of all employees, a range of Occupational Health services.
 - (b) Reviewing, and where possible developing those services in the interests of the Council and its employees.
 - (c) Recognising that unreasonable workloads and working practices could potentially harm employees' health, and taking practicable steps to reduce or remove such risks.
 - (d) Regularly consulting employees and their representatives on any policies or practices relevant to the health and welfare of the workforce.
 - (e) Seeking to help employees maintain a reasonable balance between responsibilities at home and at work.

2. Within this approach headteachers and managers with support as necessary from key governors are required to:
 - (a) Undertake, from time to time, stress audits of the workforce to become aware of work related issues which are seen by employees as potentially harmful to their health and welfare.
 - (b) Take all practicable steps to address specific issues arising from such audits.
 - (c) Promote, and review, through the Occupational Health Unit, support to employees through the confidential counselling service.
 - (d) Ensure all employees take appropriate annual leave where applicable and adequate lunch breaks.
 - (e) Ensure that where staff are involved in additional work commitments during evenings and weekends, appropriate work life balance considerations are made.

- (f) Generally monitor work loads and seek to ensure that employees are not being regularly involved in unreasonable working hours.
- (g) Pay regard to employees' responsibilities outside work, when arranging meetings and other commitments at work.
- (h) Regularly consider in appraisal/performance management or personal development discussions any work related or caring issues which employees consider may be affecting their health - and where possible take action on these.
- (i) Where practicable encourage flexible patterns of work, e.g. home working, job sharing, where this is helpful both to the schools, LA and employees.
- (j) Manage reorganisations and other significant changes in a sensitive manner which takes account of the potential impact on employees' health.
- (k) Implement consistently and in a positive way adopted policies in relation to parental leave, and compassionate and family emergencies leave.

DISABLED EMPLOYEES

The Disability Discrimination Act 1995

1. The Disability Discrimination Act 1995 defines disability as:
A physical or mental impairment which has a substantial and long-term effect on the ability to carry out normal day to day activities.
2. The Disability Discrimination Act 1995 (DDA) requires employers to treat disabled employees equally with all employees in relation to all aspect of employment.
- 3 Disabled employees have the same entitlement to sick leave and sick pay as other employees.
4. Subject to some exceptions, disabled employees should be treated equally with other employees in relation to managing sickness absence.
5. When a disabled employee is going through the formal stages of the Managing Sickness Absence Procedure, in relation to persistent short term absence or long term absence, the headteacher must take advice from HR C&YPS.

Sickness absence and disabled employees

6. Headteachers are likely to have concerns about health issues relating to disabled people and, whether having a disability will affect an employee's attendance at work. In many instances such concerns are based on the misconception that disabled people have a health problem but in fact there is no reason why a disabled employee should need more time off due to sickness than other employees.
7. We must be aware that:
 - (a) A disability is a physical or mental impairment which affects a person's ability to carry out certain tasks and it does not necessarily have any effect on the disabled person's overall health.
 - (b) Some disabilities, however, are caused by impairments which are associated with health problems, and
 - (c) Some disabled people may be reluctant to take time off for sickness, even when it is really necessary. A disabled person who has had difficulty in finding a job may be anxious about taking sick leave and thereby fulfilling stereotypes about disabled people being ill.

8. The headteacher should discuss concerns about an employee's health at an early opportunity and apply a consistent and fair process.

Time off for medical appointments or treatment

9. To fulfil duties under the DDA it will generally be enough to ensure that disabled employees have the same entitlements for time off as other employees. There may, however, be some circumstances when it would be considered a reasonable adjustment to allow a disabled employee time off to receive treatment.

Disabled employees and persistent short term absences

10. The same procedure should be used when handling issues relating to disabled employees as for other employees.
11. However, you may decide that suitable adjustments are required, for example:
 - (a) Accepting a slightly higher level of sickness absence if the disabled employee needs time off for treatment or hospital appointments.
 - (b) Providing additional support or equipment.
 - (c) Changing some of the duties of the job, if practicable.
 - (d) Discussing the disabled employee's situation with HR C&YPS, or the Occupational Health Unit.

Can a disabled employee be dismissed for high levels of sickness absence or long term sickness?

12. If a disabled employee reaches the point which would trigger procedures under long term sickness absence then the normal review should be undertaken to decide what action should be taken. This should include discussion with HR C&YPS and obtaining a report from the Occupational Health Unit.
13. If a disabled employee can no longer do their current job, options to be considered are:
 - (a) Changing some of the duties of the job (if practicable).
 - (b) Providing additional equipment or assistance.
 - (c) Redeployment to another job.
 - (d) Agreeing a temporary or permanent reduction in hours.

- (e) Early retirement on health grounds
 - (f) Dismissal on health grounds where the employee does not meet the criteria for ill health retirement.
14. The definition of the term “Disability” includes:
- (a) people with physical, sensory or mental impairments, including learning disabilities.
 - (b) people with progressive conditions, (eg cancer, AIDS from the moment the condition leads to the impairment) even if initially this may not be substantial.
 - (c) people with severe disfigurements.
 - (d) people who have had a disability from which they have since recovered, eg a nervous breakdown.
15. The term “Disability” does not cover:
- (a) people with an addiction to alcohol, nicotine, or any other substance unless medically prescribed.
 - (b) people with allergic rhinitis (e.g. hay fever).
 - (c) people with a tendency to physical or sexual abuse of others
16. All LA maintained schools are covered by the Provisions of the Act regardless of their individual size. Where the governing body is the employer (as in voluntary aided schools), the provisions apply only where there are 20 or more employees. (Numbers are calculated by a headcount, rather than full time equivalents, including all non teaching staff both full-time and part-time as well as temporary contract staff and those on secondment or leave).

The key issues in respect of the Disability Discrimination Act are:

17. To ensure that disabled employees are not treated less favourably than other staff. This means it would not be permissible to dismiss a disabled person for absenteeism through illness if another employee would not be treated in the same way if they had the same amount of sickness.
18. To make any reasonable adjustments which governing bodies and the LA might reasonably have to make, such as:
- (a) **altering premises**, e.g. widening doorways, providing ramps, stair-climbing chairs or non-slip flooring, moving classroom or corridor furniture, altering lighting, or providing parking spaces for disabled drivers;

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- (b) **allocating some duties to another employee**, e.g. asking a non-disabled employee to assemble a slide projector and screen for a disabled teacher, providing ancillary support in the classroom, arranging supervision duty rosters to take account of mobility, eg library supervision may be more appropriate than playground supervision for a disabled employee;
 - (c) **transferring the person to fill an existing vacancy**, e.g. if a teacher becomes disabled and there is no reasonable adjustment which can enable them to continue in their present post they might be considered for another suitable teaching post. In the case of LA maintained schools, the LA may be able to recommend the teacher for a suitable vacancy at another school;
 - (d) **altering working hours**, e.g. allowing an employee who becomes disabled to work part-time or to job share or making adjustments to the timetable;
 - (e) **changing the person's place of work**, in order that a teacher with mobility difficulties, which prevents them from using the stairs, can hold all of their lessons in classrooms on the ground floor;
 - (f) **allowing absences during working hours for rehabilitation, assessment or treatment**, e.g. allowing an employee who becomes disabled time off work to receive physiotherapy or other treatment;
 - (g) **supplying additional training**, e.g. training in the use of particular pieces of equipment unique to the disabled person or re-training a teacher in a new subject area in order for them to continue teaching;
 - (h) **acquiring or making changes to equipment**, e.g. providing an induction loop in the school hall and other assembly areas, providing magnifying facilities, a pager that vibrates, a visible fire alarm system, or an adapted telephone; or
 - (i) **providing a reader or signer**, e.g. reading information to a visually impaired person at particular times during the working day.
19. Ensure that you discuss any adjustments needed with the employee's **work colleagues** so that they are fully aware and understand how it might affect them. You need to take into account how they might be feeling and be prepared to address any issues wherever possible. They might feel apprehension as to what the person is like, or indeed resentment if they are being asked to take on additional tasks because of the person's disability. Remember to first ask the permission of the disabled employee if you feel you need to disclose any details about the nature and extent of their disability.
20. It may be necessary to work out a **Personal Emergency Evacuation Plan** for some employees with disabilities and this should be done as soon as possible

after the employee has started work. The Health & Safety team should be contacted to assist with this.

What do I need to do if one of my employees acquires a disability?

21. **Retention and rehabilitation** of an employee who acquires a disability during employment makes good sense. It is very costly to recruit and train new staff, and it will often be more cost-effective to make adjustments for the existing employee, thereby retaining their skills, knowledge and experience.
22. It is also a requirement under the DDA that employers seek to make 'reasonable adjustments' to enable the person to continue in employment.
23. If an employee becomes disabled consideration must also be given to referring someone who has been absent due to long term sickness, i.e. has been absent for 4 weeks or more, to the Occupational Health Unit. [Appendix 7](#) of this policy provides advice for headteachers/managers on how to handle such situations and should be referred to. Advice should also be sought from your Human Resources Officer.
24. Before the person returns to work, a rehabilitation plan should be drawn up by the headteacher following discussion with the disabled employee and HR C&YPS, which might set out, for example, a gradual building up of hours, the temporary allocation of some duties to other employees, or identification of activities that should be avoided and any reasonable adjustments as set out above.
25. There is help available from the Government to assist employers who have employees with disabilities. Disability Employment Advisers, who are based at local Jobcentre Plus offices, can advise you on the retention of an employee who has become disabled, and Jobcentre Plus funding may also be available. In particular, the Access to Work programme is a government funded scheme run by Jobcentre Plus. It provides financial assistance towards the extra costs of employing someone with a disability. It is available to unemployed, employed and self-employed people and can apply to any job, full-time or part-time, permanent or temporary.

Support Available

26. Examples of the type of support available include:
 - (a) **a communicator** at a job interview for people who are deaf or have a hearing impairment.
 - (b) **a reader** at work for someone who is blind or has a visual impairment
 - (c) **a support worker** if someone needs practical help because of their disability, either at work or getting to work

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- (d) **adaptations to a vehicle**, or help towards taxi fares or other transport costs if someone cannot use public transport to get to work because of their disability
- (e) **equipment** (or alterations to existing equipment) necessary because of an individual's disability
- (f) **alterations to premises** or a working environment necessary because of a person's disability.

Funding Available

27. The funding available depends on the employment status of the disabled individual at the time of application. For:
- (a) **unemployed people starting a job and all self-employed people** - the programme will pay up to 100% of all approved costs
 - (b) **people changing jobs** - the programme will pay up to 100% of all approved costs
 - (c) **employed people who have been with the employer for six weeks or longer** - Access to Work will not make any contribution to costs below £300. Above this sum, the programme will pay up to 80% of the costs up to £10,000 and up to 100% of the costs above £10,000
 - (d) **travel to work** - the programme will pay up to 100% of all approved costs irrespective of employment status
 - (e) **communicator support at interview** - the programme will pay up to 100% of all approved costs irrespective of employment status
 - (f) **a support worker** - the programme will pay up to 100% of all approved costs irrespective of employment status
28. Access to Work funding is made available for up to three years. A review of an individual's circumstances and support needs will take place if further funding is needed after this time.
29. Applications for Access to Work must be made **by the person with the disability** on an application form. Forms are available from Access to Work Business Centres. Although it is the individual who completes the form, both HR and the headteacher/manager concerned should be involved in the process.
30. In some cases Access to Work solutions may incur a business benefit, for example, if other members of staff use your specialist equipment as part of their own work. In these instances the business benefit costs will be

estimated and deducted from the Access to Work costs. The programme will pay a proportion of the remaining amount as described above.

31. **It is important to note that Access to Work funding is not available retrospectively. It will not refund any payments that have already been made towards the cost of reasonable adjustments.**
32. HR C&YPS should be contacted in the first instance, before any approach is made to the Jobcentre Plus.
33. Acceptance of becoming disabled may be an emotional time for the employee with the disability, their colleagues and their headteacher/ manager. HR C&YPS, the Occupational Health team, and the Health and Safety team can all help provide advice and guidance on how to deal positively with an employee's changing health situation.
34. The Disability Employment Adviser will be happy to talk to staff about a particular disability and its impact upon the person and other around them.
35. If an existing employee becomes disabled or has a disability which worsens, the headteacher should consult the person about their needs and, if the employee has a progressive condition, about the effect the disability may have on future employment. The school may need to consider making reasonable adjustments for the disabled person. In these circumstances it may be a reasonable adjustment to:
 - (a) Hold a job open for someone whilst they take time off to recuperate.
 - (b) Make special arrangements under the terms of the employee's sick leave/pay scheme, at least for a temporary period.
36. It may be that as a result of a disability it becomes very difficult for an employee to continue working at a particular school. For example, if a teacher at an LA maintained school with very poor physical access becomes disabled the governing body will need to consider what reasonable adjustments can be made. One option might be to consult the LA about any opportunities for re-deployment to a school with better physical access. The LA may be able to recommend the teacher to the governing body of a school in the LA with better physical access which at the time has a vacancy. It would then be for the governing body to judge whether the teacher was the right person for the vacancy.
37. Due consideration should be given to the possibility of remission in some conditions which can last for years and during which time the individual is able to continue working without difficulty.
38. If a governing body decide to dismiss a disabled employee for a reason relating to their disability they would need to justify their decision. The reason for the dismissal would have to be one which could not be removed by any reasonable adjustment. For example, it would be justifiable to terminate the

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employment of a teacher with a worsening progressive condition if it became unreasonable for the governing body or LA to make the degree of adjustment necessary. It is recommended that the advice of the LA is sought in such cases. Headteachers also need to:

- (a) take into account feelings/attitudes of other staff who will be affected by any changes
- (b) Emergency Evacuation Plan

SELF CERTIFICATION OF SICKNESS

Part 1 Personal Details

Name

Address

NI Number Date of Birth

Section and Directorate

Personal No (as shown on your payslip – 7 Digits)

Part 2 Details of Sickness

1. On what date did you last work?

2. At what time did you finish work?

3. On what date did you become sick, irrespective of whether you were due to work or not?

4. On what date were you fit to return to work? (please specify that date even if that was not a day on which you would normally work, including public holidays, weekends, annual leave or special leave)

5. State the nature of your sickness as you understand it:

6. Is the absence the result of an industrial disease?

7. Is the absence the result of an accident at work?

NB if yes, you must ensure you have completed the accident book at your place of work.

If Yes to 6 or 7 did this result in more than 24 hours in hospital?

8. Is the absence the result of a violent incident?

9. Is the absence the result of a third party accident?

10. Have you consulted your Doctor?

* please delete as appropriate

I declare that the information given by me is true and complete.

Signature Date

- NOTES**
- You should complete this form for all absences as soon as possible after your return.
 - For long term absences you should complete this form as soon as your first medical certificate has been produced for SSP purposes.
 - Upon completion, this form should be submitted to your Line Manager.
 - If this form is not completed you may lose any entitlements you have to payment for your absence.
 - To give false information may render you liable to disciplinary action.
 - You may be required at any time to present yourself for a medical examination to be arranged by the County Council.
 - Copies of these forms can be obtained from Human Resources C&YPS.

Part 3 Head teacher / Line Manager's Comments

1. On how many occasions and days during the previous 12 months has the employee concerned had periods of absence?

2. What is the total number of working days involved in Part 2 overleaf?

3. If absence is longer than 7 days, have appropriate medical certificate(s) been supplied?

4. Do the responses to Part 3 indicate that the level of absence reaches the trigger points for action? *(please see guidance overleaf)*

5. If the absence was due to an industrial injury, industrial disease or accident, was it reported in the accident book at the place of work?

6. If yes, on what date was it reported?

NB If No, you must ensure that it is reported immediately.

7. If answered YES to Question 6 or 7 overleaf regarding accident at work was the total absence more than 3 days?

If Yes, please ensure you have reported this to Health & Safety

8. Any workplace adjustments necessary to assist the employee's return and/or reduce further absences?

If YES, please give details

9. Are any further steps necessary in relation to this absence in line with County Council procedures?

If YES, please give details

10. Absence (and reason code) entered on sickness absence data form?

11. State any further comments which you may have

* delete as appropriate

Signed: _____

Position: _____

Date of Interview: _____

SELF CERTIFICATION OF SICKNESS FORM

Parts 1 & 2 should be forwarded to Payroll along with the Monthly Sickness Absence Return Form. Part 3 should be forwarded to Human Resources.

Sickness Coding System

If general sickness please use the appropriate code i.e. Headache = 21000.

If sickness is due to 3rd Party Accident, Work related accident/ill health or Violent Incident, please change the last two digits of the Sickness Code to the following:

- 01 3rd Party Accident
- 02 Work related accident/ill health
- 03 Violent Incident

eg. Concussion caused by a work related accident = 21002

CODE	REASON	SUB-CATEGORY
21000	Nervous System	
	<ul style="list-style-type: none"> • Headache/Migraine • Epilepsy • Multiple Sclerosis • Concussion • Neuralgia • Chronic fatigue / ME 	21001 3 rd Party Accident 21002 Work related accident/ill health 21003 Violent Incident
22000	Ear, Nose, Throat and Eyes	
	<ul style="list-style-type: none"> • Dental problems • Ear infections • Sight loss • Eye infections • Tinnitus/dizziness/vertigo/hearing loss 	22001 3 rd Party Accident 22002 Work related accident/ill health 22003 Violent Incident
23000	Respiratory System	
	<ul style="list-style-type: none"> • Coughs/colds/influenza • Asthma • Hayfever • Sore throat • Sinusitis • Pleurisy/pneumonia 	23001 3 rd Party Accident 23002 Work related accident/ill health 23003 Violent Incident
24000	Cardiovascular System	
	<ul style="list-style-type: none"> • Heart problems • High blood pressure • Stroke • Phlebitis • Blood clot/thrombosis • Varicose veins 	24001 3 rd Party Accident 24002 Work related accident/ill health 24003 Violent Incident
25000	Digestive System	
	<ul style="list-style-type: none"> • Crohn's disease • Ulcerative colitis/diverticulitis • Gall bladder/cholecystitis • Sickness & Diarrhoea 	25001 3 rd Party Accident 25002 Work related accident/ill health 25003 Violent Incident

CODE	REASON	SUB-CATEGORY
26000	Reproductive and Urinary System	
	<ul style="list-style-type: none"> • Kidney/bladder problems • Cystitis • Hysterectomy • Hormone related • Pregnancy related • Painful/heavy periods • Prostate problems • Vasectomy 	26001 3 rd Party Accident 26002 Work related accident/ill health 26003 Violent Incident
27000	Musculoskeletal System	
	<ul style="list-style-type: none"> • Neck/back problems • Broken bones • RSI/Upper limb disorders • Tennis elbow • Strains/sprains • Rheumatism/arthritis • Frozen shoulder • Carpal tunnel syndrome • Other Musculoskeletal 	27001 3 rd Party Accident 27002 Work related accident/ill health 27003 Violent Incident
28000	Skin Related	
	<ul style="list-style-type: none"> • Rash • Cuts/abrasions • Dermatitis/eczema • Burns/scalds 	28001 3 rd Party Accident 28002 Work related accident/ill health 28003 Violent Incident
29000	Infectious Diseases	
	<ul style="list-style-type: none"> • Chicken Pox / Measles • Tuberculosis • Gassing/Poisoning • Meningitis • Hepatitis 	29001 3 rd Party Accident 29002 Work related accident/ill health 29003 Violent Incident
30000	Mental Health	
	<ul style="list-style-type: none"> • Eating Disorders • Alcohol/drug dependency • Other Mental Health Condition 	3001 3 rd Party Accident 3002 Work related accident/ill health 3003 Violent Incident
3100	Stress	
		3101 3 rd Party Accident 3102 Work related accident/ill health 3103 Violent Incident
32000	Glandular Disorders	
	<ul style="list-style-type: none"> • Diabetes • Thyroid problems 	
33000	Cancer	

GUIDELINES FOR HEADTEACHERS / DESIGNATED OFFICERS ON CONDUCTING RETURN TO WORK INTERVIEWS

The following guidelines should be followed when an employee returns to work after sickness absence (including single days). However, if the employee has been absent due to a serious illness or injury the return to work interview must discuss changes in health which may need to be taken into account, eg. Changes may have to be made either to the work station or work practice on a permanent or temporary basis. Headteachers should be aware that some injuries and illnesses may affect fitness to drive or operate machinery, e.g. Epilepsy, diabetes, stroke, head injury or heart disease. In cases relating to absence as a result of stress, then managers will also need to complete a Stress Risk Assessment.

For further information and advice on illnesses and fitness to work contact the Occupational Health team on (01743) 252833. For further advice on return to work interviews contact the Human Resources C&YPS team.

- Select the interview location carefully – consider the level of privacy and allow a reasonable period of undisturbed time to conduct the interview.
- Acquaint yourself with the employee's sickness absence record.
- Begin the interview by welcoming the employee back to work.
- Discuss the reason for absence, bearing in mind the nature of the illness (see introduction) and enquire how they are feeling and ask about their health generally. If you have any concerns or need advice you should contact the Occupational Health Team. It should be made clear to the employee that if they, for whatever reason, does not want to share personal information relating to personal health with you, they may ask to be seen by the Occupational Health nurse or doctor. Employees returning to work after sickness absence where there is a manual element involved may need to be given lighter duties until normal fitness levels are regained.
- Take the opportunity to reinforce the importance of the employee's contribution to the Authority but also indicate that you will continue to keep under review sickness absence and explain if needed that they improve their attendance record.
- Headteacher or the designated officer should then complete Part 3 of the self-certification of sickness form headed 'Line Manager Comments' before it can be submitted for sick pay purposes and absence monitoring.

The outcome of the interview should leave the employee feeling that their input is appreciated and that they were missed during their absence. It should also enable you to give support in the event that an ongoing health problem is identified and the opportunity to seek advice from the Occupational Health Team.

If the employee's absence means that the trigger points for action are reached then reference should be made to the Caring About Sickness – Guidelines for Managers where Stage 1 of the procedure should be followed and a separate meeting arranged.

If the absence is as a result of a 3rd Party Accident, Work related accident/ill health or Violent Incident, which resulted in the person either being in hospital for more than 24 hours or an absence of longer than 3 days, Health and Safety must be informed (please contact Human Resources C&YPS team).

SELF CERTIFICATION OF SICKNESS FORM

Parts 1 & 2 should be forwarded to Payroll along with the Monthly Sickness Absence Return Form.

Part 3 should be forwarded to Human Resources C&YPS.

DEALING WITH PERSISTENT SHORT TERM ABSENCE

STAGE 1

Calling an employee to a meeting to discuss sickness absence

MODEL LETTER

Dear

SICKNESS ABSENCE

Under the Caring about Sickness Policy, headteachers are required to monitor the sickness absence of all employees. The policy states that when, **“the employee has had four or more periods of absence or 20 working days pro rata in any 12 month rolling period”** they will be invited to an interview with their headteacher / designated officer to discuss the reasons for their absence and to find ways to help them achieve an improvement.

Your payslip includes details of your most recent sickness absences and you will have noticed that you have been absent through sickness for days on occasions within the last twelve months. As this has now reached the level specified above I would like to invite you to a meeting on.....at
.....to discuss how we can help you to achieve a reduction in your sickness absence.

Yours

cc: HR, C&YPS

DEALING WITH PERSISTENT SHORT TERM ABSENCE

STAGE 2

Confirming the outcomes following a review meeting with the employee

MODEL LETTER

Dear

SICKNESS ABSENCE

At our discussion on **(date)** I informed you that I was concerned about your level of sickness absence and the effect of this on **(your place of work/the team/etc)**.

We discussed the pattern and nature of your absence and you advised **(detail of any reasons, commitments given by the employee)**

I outlined the matters of concern and my expectations regarding your ongoing attendance as follows. **(detail expectations)**

We agreed to take the following action **(detail any support/action the school can reasonably take to reduce occurrence of absence, plus detail of the action the employee will take)**.

Your sickness pattern will continue to be kept under review and I hope there will be a significant improvement.

I will review the position again by **(date)** and will consider a referral to the Occupational Health Service for their professional advice on your sickness absence. I will forward a copy of the referral letter to you. When I have received a report from the Occupational Health Service I will have a further discussion with you which may need to be on a more formal basis if your attendance record does not show sufficient improvement.

If you wish to record any observations in response to this note please let me know within the next ten working days.

I enclose a second copy of this letter and ask that you sign and return it as an acknowledgement of receipt. A copy of this letter together with any such observations will be placed on your personal file.

Yours

cc: HR C&YP

**OCCUPATIONAL HEALTH GUIDANCE
REFERRAL OF AN EMPLOYEE TO THE OCCUPATIONAL
HEALTH UNIT**

Introduction

1. Managing a situation where an employee may be suffering from a health problem needs to be done sensitively and usually with the guidance from C&YPS Human Resources and the advice of the Occupational Health Unit (OHU).
2. This document aims to help headteachers deal with some of the management problems which arise when staff are absent or failing to perform adequately through ill health. These problems can be some of the most difficult, frustrating issues that headteachers have to deal with and they are commonly a source of misunderstanding and friction between headteachers and the OHU.

Role of School management:

3. It is a line management responsibility to discuss attendance, performance and efficiency issues on the basis of the medical information available. It is important to consider but not confuse the management issues with the health issues.

Role of Occupational Health Unit:

4. The role of the OHU is to help headteachers/managers decide on future action by giving guidance and advice on a range of matters affecting the health and well being of employees and their working environment. This includes advice on the causes of absence or ill health, the likely outcomes and a range of possible adjustments in the case of long term disability.

Role of HR C&YPS

5. The role of HR C&YPS is to provide advice to headteachers and managers on a range of procedural, legal (e.g. DDA, pregnancy, employment law etc) and policy issues. These may include sickness absence procedures, referral of an employee to the OHU and providing advice following a response from occupational health.

Individual referrals:

6. Where a headteacher considers that a referral to the OHU may be appropriate they should first discuss this with their human resources officer. Referral is most commonly made in cases of:
 - Long term absence.
 - Persistent short term absence.
 - Failing performance possibly linked to/due to a health problem.
 - Impact of disability on performance
 - A suspected occupationally related health problem.
 - Alcohol or other substance abuse related problems.
 - Where ill health retirement is being considered.

STEP 1 :

Define the problem from an operational perspective

7. The main concern of headteachers arising out of poor attendance or performance should be the effect on the operation and service delivery of the school. This may or may not be due to medical factors, occupational health factors or disability.
8. This is a typical but not necessarily exhaustive checklist that will help the headteacher define the problem **before** referral to the OHU.
 - Has the employee's absence or performance caused service delivery difficulties?
 - Has the head consulted with the employee to explain the difficulties the absence or performance is causing the school, the department or colleagues etc?
 - Could the absence or poor performance have a health reason and has this been discussed with the employee?
 - Does the headteacher have a clear idea of how long the pattern of absence or poor performance can be tolerated and managed. Are the management difficulties clear to the employee?
 - Has the employee given an indication as to when the attendance or performance is likely to improve?
 - Does the employee willingly consent to be referred to the OHU?

STEP 2:

Consultation with the employee

9. It is important for headteachers to explain why they are seeking a referral to occupational health. They should discuss the operational difficulties clearly and sympathetically with the employee and ask if their health could be a reason for it. Care should be taken to avoid invasion of privacy during this consultation especially where the nature of the illness is embarrassing, serious or chronic. There is no need to get involved in medical matters and become side-tracked from the operational impact. You should indicate at this stage that you are considering a referral to the OHU.

STEP 3 :

Consider referral to the OHU if absences due to ill health are a cause for concern, or are a long term problem, or are severely affecting work performance or service delivery

10. If you decide to make a referral this should be done using the [Occupational Health Referral form](#), which can be accessed by clicking on the link. The form contains a selection of standard questions for you to choose from (as detailed below) but there is also space for you to pose any other questions that you feel may be appropriate in relation to the particular circumstances. You need to think carefully about what questions you put to the OHU - having first discussed these with the employee - in order to ensure that you get the advice and information you want as their reply will be based only on what you ask and the information you supply. **It is also essential that, prior to referral, the headteacher/designated officer has fully consulted the individual regarding the reason for referral and that, wherever possible, the employee is provided with a copy of the completed referral form.**
11. The form should be submitted to HR C&YPS, in the first instance, so that the personal information, service details and absence record required on the second page can be added before onward transmission to the OHU (this will also ensure that HR is able to monitor and support the progress of the case).

Standard referral questions

- Is there a significant underlying or chronic health problem to account for the absence(s) or failing performance?
- When is the employee likely to return to work or former efficiency?
- On return is he/she likely to be able to achieve a normal level of effectiveness and efficiency?
- Can you advise any specific restrictions, adjustments or help needed?

- Do you recommend a return to work rehabilitation program and of what length?
- Does he/she come within the scope of the disability Discrimination Act (DDA)?
- Can you advise on a range of possible adjustments under the DDA?

Headteachers should avoid (unless they have discussed it with the employee):

- Writing anything which implies dishonesty, moonlighting, malingering, laziness or other defamatory remarks.
- Opinions on the triviality or genuineness of the diagnosis.
- Making judgements about the employee's mental state.
- Writing anything that cannot be substantiated.

It is most important that the following information is included in the referral in order for Occupational Health staff to give an informed response:

- An indication of any change in the individual's performance and their duties prior to commencement of sickness absence.
- Any outstanding disciplinary or grievance procedures.
- Any reason that the employing organisation may have to believe that the absence may be work related.
- Details of the nature of the specific duties of the post and any associated physical and environmental features of the job.
- Any other relevant information.

STEP 4:

Replies from the Occupational Health Unit

12. It is unlikely that the answers will be clear cut in the majority of cases. The unpredictable course of many health problems and individual variation make that inevitable. And the impact of many medical problems will be modified by the degree of commitment, motivation and personal working relationships.
13. In order to give the fullest advice it may be necessary for the OH Physician/Nurse to contact the employee's GP or specialist for reports under the Access to Medical Reports with the informed consent of the individual concerned. If this is necessary there will inevitably be delays to reports.

14. Before writing a report for the headteacher/designated officer, OHU staff will discuss with the employee the content of the report and its likely consequences.
15. The OHU staff give advice and some answers may suggest adjustments or special conditions which are simply not practicable or reasonable in a particular case or circumstance. That is for headteachers' to judge and implement or not as the case may be. However, they need to demonstrate that they have considered the advice and looked at reasonable adjustments and compromise.

NB: In cases involving termination of the contract due to prolonged absence DO NOT assume this will automatically be sufficient to release a pension under current LGPS or TPS rules. (Employees may wish to refer to their trade union for advice)

16. In difficult cases HR will be able to provide advice on appropriate courses of action.

Definition

18. **“Informed consent”**. In this context the employee gives informed consent to information being sought and a report being written if he/she:
 - (1) Consents to a request for a report being written and knows what the report contains.
 - (2) He/she knows to whom the report is to be sent.
 - (3) Understands the purpose and possible consequences of that report.

Data Protection Act 1998

19. Unless there are exceptional reasons headteachers and Human Resources Officers should assume that the **occupational health staff will disclose the contents of their referral letters and emails from managers to the employee**. Likewise the occupational health staff will also disclose the contents of the report to the employee.

This referral information has been provided by the Occupational Health Unit

APPENDIX 8A

DEALING WITH PERSISTENT SHORT-TERM ABSENCE

STAGE 3 Notification of Subsequent Review Meeting

MODEL LETTER

Dear (name)

SICKNESS ABSENCE

I have now received a reply from the Occupational Health Service and would like to discuss this with you. I would therefore ask you to attend a formal meeting with me on (date). The outcome of this meeting could result in disciplinary action. In view of this you are advised to have someone accompany you to the meeting. This could be a professional staff association/trade union representative or friend/colleague.

Yours sincerely,

DEALING WITH PERSISTENT SHORT TERM SICKNESS ABSENCE

STAGE 3 Subsequent Review Meeting

MODEL LETTER

Dear

SICKNESS ABSENCE

I am writing to you following your formal interview with me on **(date)** when you were accompanied by **(name)**.

I have shared with you the medical opinion recently received which shows no underlying significant cause for your sickness absence. The level and pattern of absence continues to be unsatisfactory. I have no alternative but to issue you with a formal warning, in line with our disciplinary procedure, and to inform you that this level of absence is unacceptable. I expect to see an immediate and lasting improvement in your attendance and must inform you that further disciplinary action may be necessary if a satisfactory level of attendance is not maintained.

If there is no improvement or if the level of improvement is insufficient then the matter will be referred to (name of committee) for their consideration. This could ultimately mean that consideration is given to terminating your employment due to your unacceptable level of sickness absence.

I will review your attendance record on **(date)** and let you know the outcome.

You have a formal right of appeal against this decision. If you wish to appeal please inform your headteacher in writing within 10 working days of receipt of this letter. Further information is contained in the Caring about Sickness policy for Schools.

Yours sincerely,

DEALING WITH PERSISTENT SHORT TERM ABSENCE

STAGE 4 Review of formal warning and issue of final warning.

MODEL LETTER

Dear

SICKNESS ABSENCE

I am writing to you following your formal interview with me on **(date)** when you were accompanied by **(name)**.

Despite earlier discussions and a formal warning about your sickness absence record, there has been insufficient improvement in your attendance record.

Over the last **(period)** your sickness absence has totalled **(number of days and occurrences of absence)**. This level of absence is unacceptable and this letter confirms a final warning that unless there is an immediate and lasting improvement your employment with the **(name of school)** may be terminated.

You are reminded that you have a formal right of appeal against this decision. If you wish to exercise this right, please inform your headteacher, in writing, within 10 working days of receipt of this letter. Further information is contained in the Caring about Sick Absence Policy for Schools.

Yours sincerely

DEALING WITH PERSISTENT SHORT TERM ABSENCE

STAGE 5 Consideration of dismissal

MODEL LETTER

Dear

SICKNESS ABSENCE

I am writing to you following your formal interview with me on **(date)** when you were accompanied by **(name)**.

You have received a final warning about your attendance record on **(date)** which made clear that an immediate and lasting improvement in your attendance was essential.

Despite that warning your sickness record continues to be unacceptable **(insert details of absence)**

After careful consideration of what you (**and/or your representative*) said at the interview and the medical opinion(s) which have been shared with you, I have concluded that I have no alternative but to refer the matter to the Governors' Staff Dismissal Committee for consideration of terminating your employment with the County Council on the grounds of unsatisfactory attendance. I will inform you of the arrangements for the Committee in due course.

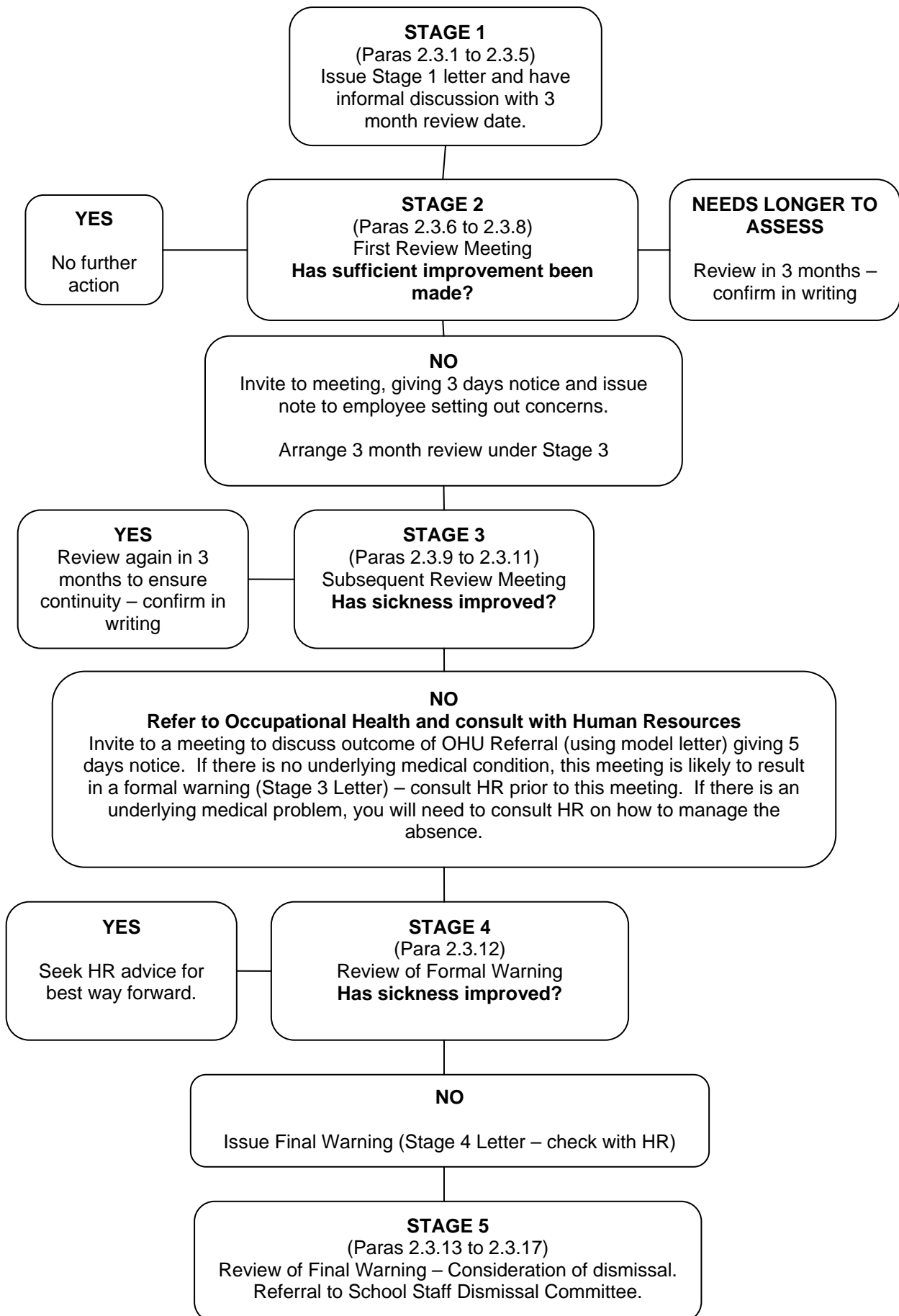
You are reminded that you have a formal right of appeal against this decision. If you wish to exercise this right, please inform your headteacher, in writing, within 10 working days of receipt of this letter. Further information is contained in the Caring about Sickness policy for Schools.

Yours sincerely,

* include as appropriate

SHORT-TERM SICKNESS ABSENCE MANAGEMENT – FLOWCHART

Trigger of 20 non-continuous days or 4 periods of absence has been met:-



**Governors' Staff Dismissal Committee/Staff Dismissal Appeals Committee
(This procedure applies to meetings of either committee)**

1. The Chair will introduce those present, confirm the purpose of the meeting and process to be followed and confirm that either side may request an adjournment at any stage of the proceedings.
2. The headteacher will be invited to present the case. Witnesses can be called if deemed necessary.
3. The employee, or his/her representative, may ask questions of the headteacher and any witnesses (if called).
4. The headteacher may re-examine any witnesses (where called).
5. The employee, or his/her representative, will be invited to present the case and will have the same opportunity to call witnesses if appropriate.
6. The headteacher may ask questions of the employee, any witnesses called by the employee and, where the employee's representative gives evidence, of the representative.
7. The employee or his/her representative may re-examine any witnesses (where called).
8. Members of the Committee may ask questions of the parties (or witnesses) at any stage but will seek to confine questioning until after questioning of any witnesses is completed and prior to re-examination of the parties.
9. The headteacher will be invited to sum up the case.
10. The employee or his/her representative will be invited to sum up the case.
11. At the conclusion of the hearing the parties and any other persons present with the exception of the Director of Children and Young People's Services, or representative, shall withdraw whilst the Committee deliberates. The decision will be notified in accordance with paragraph 8.4 of the Disciplinary Procedure.

Notes:

- Arrangements will be made for a record of the meeting to be taken. This record will not be a verbatim report but should aim to accurately reflect the content of the meeting and will be provided for both parties' information.
- Although the procedure allows for witnesses to be called, it is unlikely that witnesses will be required or be appropriate in most cases of persistent short-term or long term sick absence.
- The Chair of the Committee may during the process above recall witnesses or call for further evidence on specific points but if it becomes necessary to act in this way following conclusion of the hearing (i.e. at 11. above) then both parties must be recalled.
- Either party may present documentary evidence, copies of which shall be served upon the other party at least five working days in advance of the hearing date.

- The employee, in addition to his/her representative or friend who may present his/her case, may be accompanied by one other assistant who takes no active part in the proceedings. The headteacher, in addition to making use of a clerical assistant, may receive advice from a representative or friend who will take no active part in the proceedings.
- Witnesses shall only be present whilst giving evidence unless the Chair of the Committee directs otherwise.
- Any party may call for an adjournment during proceedings. Whenever possible a room will be provided for the employee and his/her representative for use outside of the hearing.
- Where the Committee decides that dismissal is not appropriate, they may impose a sanction short of dismissal in accordance with this procedure. There will be a right of appeal against a sanction short of dismissal in accordance with Section 9 of the Disciplinary procedure for Schools.

APPENDIX 13

