

# Sickness and absence policy

Bucklesham Primary School



<b>Approved by:</b>	Rachael Rudge	<b>Date:</b> May 2025
<b>Last reviewed on:</b>	April 2023	
<b>Next review due by:</b>	May 2027	

**Document Control Sheet**

<b>Document Reference</b>	SCC 007
<b>Document Title</b>	Model Sickness and Absence Policy – LA
<b>Description</b>	Policy
<b>Version Number</b>	V5.0
<b>Version Date</b>	March 2025
<b>Last Review Date</b>	March 2025
<b>Next Review</b>	March 2027
<b>Reviewed By</b>	Jessica Dumbill
<b>Document History</b>	V1-Oct-14, V2-Sept-19, V3 – Jun-21, V4-Sept-21, V5-March 25

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## 1. Purpose

The Sickness Absence Management Policy and Procedure has been developed to assist headteachers and governing bodies to manage sickness absence and to create a culture of attendance, underpinned by clear reporting procedures and active management and monitoring of sickness absence throughout the school.

Everyone feels the impact of ill-health and absence. It can affect the school's performance and education provision.

## 2. Scope, aims and principles

This Sickness Absence Management policy is non contractual and applies to all staff, except during any probationary period, when probation procedures will apply.

This policy covers employees who are absent from work due to sickness. Absences other than sickness are covered in the Leave of Absence policy.

The use of the term 'manager' throughout this policy and procedure refers to the person who has responsibility for managing attendance of an employee or group of employees.

The term 'Director for Children and Young People' includes any officer acting on that person's behalf who has the authority to advise governing bodies and headteachers in matters of absence management.

The governing body aims to:

- Maintain high levels of attendance
- Minimise impact to pupils' education
- Treat employees' absence in a consistent, fair, and sensitive manner
- Provide a safe working environment, appropriate welfare support, and advice on general health issues
- Ensure prompt action is taken
- Recognise where relevant training is necessary
- Create a positive culture which supports the health, safety, and wellbeing of staff
- Acknowledge the importance of promoting a healthy workforce

The school's principles are:

- The absence management procedure is designed to be proactive and supportive
- Management of absence will be dealt with in a non-discriminatory way
- Individuals and health-related information will be treated with respect and in confidence, in accordance with the requirements of the Data Protection Act and the Access to Medical Reports Act
- Open communication between managers and employees is greatly encouraged
- All absences are treated as genuine, unless there is reason to doubt this

## 3. Roles and responsibilities

The Governing Body is responsible for minimising the disruption to the school when employees are absent.

The purpose of this policy is to ensure:

- The school exercises its duty of care and has proper regard to the health, safety, and welfare of its employees
- Employees understand that repeated or long-term absence has a demotivating impact on other colleagues and impacts on the learning and achievement of pupils
- All employees understand that absence has a cost, whether direct or indirect.

The **Governing Body** will monitor and review this policy; delegate to the Headteacher the necessary discretion to operate absence management procedures and arrangements; and ensure that fair and consistent standards are applied.

The **Headteacher** is responsible for the day-to-day management of absence. The Headteacher is also responsible for ensuring all employees have a return-to-work meeting on their first day back from every absence, or as soon as reasonably practicable, regardless of its duration. The relevant forms should be completed and filed in a timely manner for recording and monitoring.

The **Office and Finance Administrator** will ensure suitable arrangements for enabling employees to notify the school of their absence for payroll and other necessary purposes, seeking HR advice where appropriate.

**Employees** have a duty to attend for work unless they are unable to do so through sickness or injury, or unless their absence has been otherwise approved. They have a responsibility to report their own absence through sickness or other emergency using the school's procedures, and to produce medical evidence including fit notes as required. Employees should keep the Headteacher informed regarding their absence. Employees are also expected to participate fully in any occupational health or other appropriate medical review process/provision offered by the school, or other agencies to support their health and attendance at work. Failure to do so may limit the support or information the school is able to consider when making decisions under this policy.

#### 4. **Disability**

Under the Equality Act 2010, it is unlawful to treat a person less favourably with a 'protected characteristic', such as a disability, than a person who does not have a disability. Disability should not be equated with poor health.

The Act also requires employers to consider all reasonable adjustments which would enable an employee with a disability to continue to work. Therefore, the school will ensure that all reasonable adjustments are considered and, where possible, provided, in discussion with the employee.

The definition of disability, according to the Equality Act 2010 is "a physical or mental impairment which has a substantial and long-term negative effect on his or her ability to carry out normal daily activities". Long-term in this definition is taken to mean more than 12 months. This definition also includes long-term illness such as cancer; HIV; and mental health problems such as clinical depression.

#### 5. **Pregnancy-related absence**

Pregnancy may result in various medical absences at different stages and the school will treat these supportively. No action under the provisions of this procedure will be taken against an employee who is absent from work due to a pregnancy related illness. However, absence levels will continue to be monitored and where the school has concern about the reasons or lengths of absence, it reserves the right to formally investigate the nature and cause. Absences in the four weeks leading up to the expected week of childbirth may result in maternity leave starting early at the request of the employer. For further information, see separate Maternity guidance.

## 6. Absence due to alcohol or substance misuse

Where poor attendance is related to alcohol or drug use, the headteacher should refer to the alcohol and substance misuse policy and seek advice from HR.

## 7. Referral to occupational health

Early occupational health advice can be a significant part of supporting an employee to improve their attendance; recover their health; or achieve a successful and sustained return to work. The school will consider accessing appropriate professional occupational health advice and support as necessary.

The headteacher will normally make any referral, although this responsibility can be delegated to another member of staff.

The employee will be advised that a referral is going to be made and, be encouraged to seek the support of the school's wellbeing programme and the support of their professional association if they have not already done so. In some circumstances, it may be necessary to inform the employee in writing that a referral to occupational health is being made.

An employee will not be compelled to attend a meeting with occupational health. However, if they choose not to participate in any review offered, the school may make a decision about their continued employment without the help of a medical opinion, which may be to the employee's disadvantage. Failure to engage with occupational health support may also affect the employee's entitlement to occupational sick pay.

Occupational health support can be sought at any stage and does not need to wait until the employee is absent due to ill health. Normally, however, the headteacher will refer an employee when a return-to-work interview or a 'trigger point' (see section 13) suggests it may be appropriate, or where the employee continues to be absent after twenty working days. However, this does not prevent an earlier referral taking place if required. In some circumstances, referral may not be necessary, for example, where the nature of the medical condition is clear, the prospect of return to work is well-defined (e.g., a broken limb or routine surgery) and advice regarding appropriate support and/or adjustments in the workplace is readily available, for example, from the employee's GP or a consultant.

Where it is known at the outset that an employee will be absent for an extended period, particularly in the case of stress-related absence, an earlier referral will be actively considered.

There is no self-referral process for employees, although an employee may request to be referred by the school.

### Factors to be considered by occupational health

Depending on the questions asked by the school as part of the referral, the occupational health provider is likely to consider the following:

- Whether or not the employee is likely to attend work regularly and resume the full duties of the post in the foreseeable future
- Whether there is a disability; how any disability affects the employee; and whether any adjustments are required
- Any recommendations on convenient and effective ways in which duties or circumstances could be re-arranged, on a temporary or permanent basis, considering the fitness and ability of the employee and recognising the individual circumstances of the school and the need to provide a high-quality education for its students
- Whether other roles could be considered which would suit their abilities, with further training
- Whether ill-health retirement is an option

- Whether there is any other support the school, or other agencies, could reasonably consider offering.

Following an employee being assessed by Occupational health, a report will be sent to the Headteacher. In the case of a headteacher, this will be sent to HR who will liaise with the Chair of Governors.

Where Occupational health advice is that the employee is fit for normal duties, they should return to work upon expiry of the current medical certificate. The report may recommend a phased return to work and/or light or limited duties for a limited period.

In situations where Occupational health recommends a therapeutic or a phased return to work, every reasonable assistance will be provided to the employee to facilitate this. All returns to work should be agreed within a specific timescale and the employee's progress reviewed by the Headteacher at regular intervals throughout the period.

#### Possible Outcomes of Occupational Health Assessment

**Fit for work with no adjustments:** the employee is fit to return to work with no adjustments to their working pattern. It is vital that the Headteacher arranges a return-to-work meeting to discuss the employee's return to work.

**Continue to Monitor:** it may be that no immediate action is necessary other than to continue to monitor the situation, which could be appropriate where a prognosis for a full recovery has been established by occupational health.

**Reasonable Adjustments:** Occupational Health may suggest reasonable adjustments to the employee's working environment or role to facilitate their return to work. It is for the school to decide what adjustments are reasonable having considered the suggestions made in the report.

**Therapeutic visits or Phased Return to Work:** there may be certain cases where following a long-term illness, Occupational Health recommends that it would be beneficial for an employee to return to work on a reduced hours basis, until their health has fully recovered. It is expected that a phased return to work should last no more than 4 to 6 weeks. The school will be required to pay the employee their normal full salary during the duration of the phased return. If after the 6 weeks phased return, the phased return needs extending, the Headteacher may need to consider the employee returning to work and being paid for the hours they work rather than their full contractual hours. Please see advice further HR support and guidance from your HR provider.

Where a therapeutic return is recommended, it will usually consist of a series of short visits to the school without the expectation that the employee will perform their normal contractual duties and will normally precede a phased return. During these therapeutic visits, the employee is still absent due to ill health and in receipt of sick pay benefits.

**Change of Role:** Occupational Health may suggest that the employee would temporarily benefit from a change in role or change of duties. It may not be possible to accommodate this, and the school should seek advice on any options for supporting the employee to find suitable alternative employment with their HR provider.

## 8. **Sickness absence reporting procedure**

On the **first day of absence** the employee must notify the Headteacher of the reason for their absence and likely duration due to ill health as early as possible, and no later than their normal start time. Unless otherwise agreed, the employee should contact the school on each subsequent day of absence.

The employee should ensure that they are following the schools reporting procedure.

Unless the employee is seriously ill or incapacitated, the employee should contact the Headteacher by phone, rather than asking anyone else to do so. Only in the most serious of cases, will it be acceptable for a text message or e-mail to be sent instead.

If the employee has been unable to speak to the Headteacher or another member of staff, at the time of reporting the absence, the employee may expect further contact from the school to clarify the nature of the absence, its likely duration, any immediate work commitments that will need to be covered or re-arranged, and to discuss any support the school could offer.

*(Failure to follow the local reporting arrangements could result in the absence being recorded as unauthorised. Failure to comply with the reporting and certification procedures may result in loss of sick pay; persistent failure to comply may result in disciplinary action.)*

If the absence is due to an accident or injury sustained at work, this information or incident should be reported to the Headteacher as soon as possible. This is to ensure that the school's management has properly recorded the incident and, where necessary, taken appropriate remedial action.

## **9. Certification**

For all absences up to and including seven consecutive calendar days employees must complete a self-certification form on their return to work. For absences of eight consecutive calendar days or longer, the employee must provide a certificate ("Fit Note") provided from their GP or relevant healthcare professional. The requirement for sickness absence to be certificated includes school closure periods.

The employee must keep the school informed of progress. The school will seek to agree a regular pattern of contact, usually weekly, with the absent employee in the early stage of absence. Headteachers should keep a record of their contact with the employee throughout the period of their absence. Employees should also be asked if they would like to receive news, information or changes within school. If an employee request there should be no contact during sickness, the reason for this should be explored with the employee. The employee could consent to an individual as their nominated representative e.g. a trade union representative or partner and a record made of the discussion and outcome. If you require assistance with this process, contact your HR provider.

If an employee receives a Fit Note from their GP or any other relevant healthcare professional, marked as 'May be fit for work' with suggestions for any of the following:

- A phased or therapeutic return to work
- Amended duties
- Reduced hours
- Workplace adjustments.

A meeting with the employee should be arranged to discuss options listed above and ways to manage the return-to-work process to support the employee with any reasonable adjustments. The school may need to contact Occupational health for further advice. It is for the school to decide what workplace adjustments are reasonable taking into account suggestions made by the GP, medical practitioner or occupational health.

If an employee informs the school that they feel well enough to return despite still being covered by a fit note certifying that the individual is 'not fit for work', the school should conduct a risk assessment and only agree to the individual returning if any risks can be satisfactorily managed.

## 10. Sick Pay

Employees have an entitlement to receive sickness pay during any period of sickness. This consists of Statutory Sick Pay and an Occupational Sick Pay entitlement.

For support staff, full details of sick pay entitlement is given in the Green Book. A summary of the allowances is shown below:

Length of Continuous Service	Full Pay	Half Pay
Up to 4 months	1 month	None
4 – 12 months	1 month	2 months
1 – 2 years	2 months	2 months
2 – 3 years	4 months	4 months
3 – 5 years	5 months	5 months
Over 5 years	6 months	6 months

For teachers, full details of entitlements to sickness payments are set out in the Burgundy Book. A summary of entitlements is set out below:

Length of Service	Full Pay	Half Pay
Up to 4 months	25 working days	Nil
4 – 12 months	25 working days	50 working days
1 – 2 years	50 working days	50 working days
2 – 3 years	75 working days	75 working days
More than 3 years	100 working days	100 workings days

The amounts of full and half pay will be reduced by the number of days of paid sick leave taken during the preceding twelve-month period.

In exceptional circumstances, the governing body may consider using its discretion to extend an employee's entitlement to occupational sick pay, but this will be taken from the school's budget. When teachers are absent due to accident, injury or assault attested by an approved medical practitioner to have arisen out of and in the course of the teacher's employment, the period of full sickness pay is automatically extended up to the date of recovery but not exceeding six calendar months.

Normal sickness absence procedures and pay will apply in the following circumstances:

- a. gender re-assignment.

- b. elective/cosmetic surgery supported by medical information demonstrating the pre-surgery position is negatively impacting health.
- c. semi-elective surgery that is performed to preserve life (or health) but does not need to be performed immediately.
- d. fertility investigations or treatment.

Please refer to the Leave of Absence policy and / or the specific policy for further information.

## 11. Monitoring absence

To ensure that any action taken against an employee for unacceptable levels and/or pattern of absence is appropriate, it is important that an accurate and consistent method of monitoring has taken place.

Effective monitoring of absence is dependent on accurate recording. New employees should be made aware of the school's absence reporting arrangements and the expectations of good attendance. Employees will be made aware the school will address concerns about their absence levels.

It is the responsibility of the Headteacher to determine whether formal action is taken. The decision will be based on the cause, amount, and frequency of the absence.

It should be noted that none of the definitions set out as part of this procedure prevents earlier intervention if appropriate, nor is it necessary to wait until sick pay has expired before further action is taken.

## 12. Unauthorised absence

It is the employee's responsibility to follow the absence reporting procedures as set out in point 8 above. If an employee fails to report to work, without informing the Headteacher, it is important to contact the employee to discuss the reason for their absence, and they are given the opportunity to explain. If, after all reasonable efforts have been made to contact the employee, they remain absent without leave, it may be treated as an unauthorised absence without pay and may warrant an investigation under the School's Disciplinary procedures.

## 13. Trigger points

To enable managers to monitor absence levels effectively see trigger points below. The Headteacher will monitor absence levels. If absence levels cause concern the Headteacher will arrange an informal meeting to discuss absence levels or patterns of absence further. The Headteacher will consider whether any informal or formal action is required.

Any absence that reaches the following trigger points should be subject to further investigation:

- **Three occasions, or twenty working days or more, absence in a rolling three months' period**
- **All absences of 20 or more working days**
- **Repeated patterns of absence (e.g., regular Friday and/or Monday absences or school closure periods)**

To ensure employees are not placed at a disadvantage the school must take into account the Equality Act in relation to disability and pregnancy which are protected characteristics. This includes absence relating to rehabilitation, assessment and treatment of a disability and pregnancy related absence should be excluded from the triggers (see the sections 4 and 5 above). Support should be given to employees who may be under the influence of drug or alcohol misuse or suffering from domestic abuse. In all cases the context of the employee's situation should be considered, and further guidance sought from your HR Advisor if required.

It should be noted that the above trigger points do not prevent earlier intervention. Any employee, who the school finds to be abusing the school's sickness absence management arrangements, will be subject to disciplinary procedures, which may lead to dismissal.

#### **14. Short-term and long-term absence definitions**

For this policy, **short-term absence** has been defined as including any of the following scenarios:

- Occasional short-term absence, or
- Recurrent short-term absence where the causes differ and appear to be unrelated, or
- Recurrent short-term absence with an underlying medical condition, or
- Repeated patterns of absence (e.g. regular absences either side of weekends or school closure periods)

For this policy, **long-term absence** is defined as follows:

- Continuous absence for a period exceeding 20 or more working days, or
- Where the employee's actual or anticipated return to work is unlikely due to their current or future health condition, or
- Reoccurring long-term absence with an underlying medical cause.

The school recognises that an employee facing a substantial period of absence from work due to ill health may feel anxious and vulnerable, therefore managers should be empathetic and sensitive to these feelings and provide support and reassurance wherever possible.

If meeting an employee consideration should be given regarding meeting at a neutral venue or make a home visit (although this should only occur with the express permission of the employee and in accordance with the Health and Safety Lone Working Policy).

#### **15. Informal stages: Return to work meeting / informal meeting**

The school should carry out a return-to-work meeting for all absences. The employee should inform the school no later than the day before the anticipated date of return to work. The meeting should take place on the first day of the employee's return to work.

The aim of the meeting is to:

- Ensure the employee is fit to return to work
- Ensure the employee has taken / is taking all reasonable steps to manage their health and attendance, including accessing medical support
- Help to identify the cause(s) of the absence and discuss any underlying problems the employee may be experiencing
- Offer any appropriate support available, including a referral to Occupational Health (OH) if required and signpost to employee well-being service
- Ensure the employee feels supported and listened to
- Update the employee on any changes that occurred within the school and assist with prioritising their workload following their absence
- Inform the employee attendance is a high priority for the school

- Ensure the absence is recorded and the relevant documentation completed
- Make the employee aware if they are approaching a trigger point (see section 13). Discuss what other support / action might be needed to reduce the employee's level of absence. Advise the employee that attendance may need to improve, to avoid any further action which could be formal (see section 16).

A record of the return-to-work meeting will be made, and a copy given to the employee and a copy of which will be kept on the employee's personal file.

### Informal Meeting

When absence is causing a concern (i.e. the employee has met a trigger point), the employee should be informed in writing and invited to an informal meeting to discuss the absence evidence in more detail before action is taken under the formal stages of this procedure. At the meeting: discuss attendance, review support and advice given to date, set expectations for improvement and monitoring period, if appropriate, confirm in writing that the employee's attendance will be reviewed at a first health review meeting.

There is no right to be accompanied during informal stages as they are part of normal management, but it may be helpful for the employee's trade union representative to be involved at an early stage.

## **16. Formal stages: Long term or short-term persistent absence procedure leading to the ill health capability review**

The First and Final Health Review Meetings of this policy are designed to deal with persistent short-term ill-health cases.

For long term absence, the school will seek to agree a regular pattern of contact, usually weekly, with the employee. Headteachers should keep a record of their contact with the employee.

Once the level of absence has been identified as a concern, the Headteacher should consider taking occupational health advice and meeting with the employee to discuss their absence, advice may also be sought from your HR provider.

The Headteacher should decide whether they or another senior colleague should conduct the meetings at each stage. For Headteacher cases, the Chair of Governors who normally would be responsible.

Once the level of absence has reached a point where all foreseeable and reasonable options have been explored, action should be taken as outlined under ill health capability review.

If an Occupational Health Physician has the opinion that the employee's long-term ill-health makes it impossible for the employee to carry out the duties of the post; early retirement on grounds of ill-health may be considered, where the employee is a member of the pension scheme. If retirement is not considered an option but there is little likelihood of the employee returning to work within a reasonable period, the process may start at the Ill-Health Capability Hearing stage. Redeployment to an alternative role should be given consideration and the advice of the Occupational health Physician sought.

Return to work meetings will continue to be conducted for absences that arise between any formal meetings.

a. First Health Review Meeting

If an employee's sickness absence levels have not improved despite being addressed in their Return-to-Work Meetings, and the employee has reached any of the trigger points (see section 13), the Headteacher will invite the employee to a First Health Review Meeting.

The invitation will be in writing, giving the employee at least 5 working days' notice and setting out the date and place of the meeting, the reason for the meeting, and stating that they may be accompanied by a trade union/professional association representative or work colleague. The school's HR provider and a note-taker may also be present.

The Headteacher will prepare for the meeting by ensuring they have identified the employee's sickness absence levels and the support that has been provided.

At the First Health Review Meeting the Headteacher will:

- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused
- Listen to reasons and respond appropriately
- Consider whether to refer the employee to Occupational health, if not already done
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement, and the next meeting date
- Identify any support required
- If appropriate, give the employee a first written warning and explain that continued failure to improve attendance to the specified level may lead to further action under this policy, which could lead to their employment being put at risk

Following the meeting, the Headteacher will write to the employee confirming all the details of this meeting, including a response to any specific points raised by the employee / the representative, any conclusions reached, attendance targets for the monitoring period, and the date of the next (final) review (see 16b).

If there is a further, significant deterioration in attendance, the Headteacher may bring forward the date of the next meeting, provided that 5 days' written notice is given.

b. Final Health Review Meeting

At the end of the agreed monitoring period, the employee's attendance will be reviewed at a final health review meeting, at which the employee will have the right to be accompanied by a trade union/professional association representative or work colleague.

At the Final Health Review Meeting the Headteacher will advise the employee of one of the following outcomes:

i) **The required standard of attendance has been met and sustained**

The employee's attendance will be managed under normal absence management arrangements and the written warning will remain active for six months from the date of the Final Health Review Meeting;

ii) **The required standard of attendance has not been met, or significant progress has not been made towards meeting the required attendance level, in which case the Headteacher will:**

- Explain the concern about the continued absence level and reasons for the concern, such as operational difficulties caused
- Listen to reasons and respond appropriately
- Consider whether any (further) occupational health advice should be sought
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement, and the next meeting date
- Identify any support required
- If appropriate, give the employee a final written warning and explain that continued failure to improve attendance to the specified level will lead to an Ill-Health Capability Hearing (see section 16C) which could result in dismissal.

Following the meeting, the Headteacher will write to the employee confirming all the details of this meeting, including a response to any specific points raised by the employee / the trade union representative, any conclusions reached, targets set for the final monitoring period and the date of review.

The school will always endeavour to:

- Monitor and support staff on long-term sickness absence.
- Promote and liaise with the Occupational health Service, keeping staff advised of the process.
- Make reasonable adjustments to existing jobs and workplaces to achieve a return to work wherever possible.

c. Ill health capability review hearing

Where the long-term absence of an employee continues, or, for short-term absence cases, where there has been no, or insufficient, improvement in attendance, or where any improvement has not been sustained, the case will be presented for full review. This may be to the Headteacher, if they have not been the decision-maker at earlier stages of the policy and have the delegated authority to consider dismissal, or to a panel of governors on the school's Hearings' Committee. The meeting will be set at the earliest possible date, but by no later than fifteen working days following the decision to move to an ill health capability review hearing

The employee will be advised in writing that a possible outcome of the meeting could be that the Headteacher / panel of governors determines that they should be dismissed.

Details of the case and notification of any witnesses to be called will be circulated to all parties at least ten days before the hearing. The employee will be invited to submit documentation and details of all witnesses, as appropriate. This must be provided at least five days before the hearing.

At the hearing, the manager presenting the case will detail the level of absence, and its impact, that has given cause for concern and refer to any documentation provided prior to the meeting, including any medical reports.

The employee (or representative) will have the opportunity to present evidence explaining why their level of absence is at its current level (a level of formal concern) and what action they have taken / will take to reduce it to an acceptable level.

In deciding what type of action to take, the Headteacher / panel of governors will review:

- The record and pattern of absence
- The support provided to the employee to date

- Whether there is an underlying illness, or any other matters raised by Occupational health
- The likelihood of an improvement in attendance
- The attitude and response of the employee in recognising and addressing the impact of their absence
- The impact caused by the employee's absence
- Whether all appropriate options, for example, redeployment and ill Health Retirement, have been properly explored
- The needs of the school and the best interests of the employee concerned

### **Possible Outcomes of the Ill Health Capability Review Hearing**

The Headteacher / panel of governors will confirm one of the following outcomes:

**i) The required standard of attendance has been met and sustained**

The employee's attendance will be managed under normal absence management arrangements and the final written warning will remain active for twelve months from the date of the Ill Health Capability Review Meeting.

**ii) The required standard of attendance has not been met and / or has not been sustained**

The employee will be dismissed with appropriate notice. If the decision is dismissal, wherever practicable, the employee will be informed immediately and advised of the right of appeal. The decision of the Headteacher/ panel of governors, the reasons for it and the appeal arrangements will be confirmed in writing to the employee normally within five working days.

Where appropriate, for a community or voluntary controlled school (whose staff are employed by the County Council), a copy of the letter will be sent to the Director for Children and Young People within fourteen calendar days. The Director for Children and Young People will formally confirm dismissal by letter to the employee.

## **17. Appeals**

Employees have the right to appeal against any formal actions, i.e., warnings or dismissal under this policy.

**Warnings:** any appeal arising as result of a warning, must be made in writing within fourteen calendar days of the receipt of the decision and include full details of the grounds for appeal and any relevant supporting information. If the warning was given by the Headteacher, the appeal is to the Chair of Governors. If the Headteacher is the subject of the formal action, the appeal will be to an appropriate panel of governors.

**Dismissal:** Any appeal arising as a result of a dismissal must be made in writing within fourteen calendar days of the receipt of the decision. The appeal will be to a panel of the Governing Body's Appeals Committee and must not include any governors who have been previously involved in the case.

At any appeal, any sanction or penalty imposed will be reviewed but cannot be increased.

The employee has the right to be accompanied by a trade union/professional association representative or work colleague. The Headteacher may present the school's case at the appeal hearing. If the Headteacher is the subject of formal action, the Chair of Governors will assume this role. The HR Provider will advise the Headteacher / panel on policy and process.

All parties will withdraw. The Headteacher or the committee will deliberate. The Director of Children and Young People's Services / their representative and a representative from the HR provider may be present at these deliberations to advise on procedural matters. In any case where dismissal is proposed, the Director of Children and Young People's Services / their representative and a representative from the HR Provider will advise the committee as to the potential risks associated with the committee's decision.

If the recommendation for dismissal is not upheld, the Appeals Panel may decide to issue a further warning.

Wherever possible, the employee will be informed immediately at the conclusion of the appeal hearing and, in any case, in writing normally within five working days, giving the reason for the decision.

There will be no further right of appeal for the employee following the decision of the Appeals Panel of the Governing Body. The employee will not be able to re-open matters that have been considered by looking to invoke a different policy, such as the Grievance policy.

## **18. Medical Redeployment or Retirement**

Any employee who is deemed to be permanently unfit for work, will leave the school's service in a supported way, with any pension benefits to which they are entitled.

## **Appendix 1**

### **Procedure for a Hearing**

Hearings will be held in as informal a manner as possible, and the employee will be given every reasonable assistance to put their case. The conduct of the hearing is at the discretion of the Headteacher, Chair of the committee or manager hearing the case.

In the case of an appeal the order of presentation set out below would normally be reversed, with the employee as appellant presenting their case first. However, by prior agreement or where the appeal constitutes a re-hearing of the full case, the employer's case may be presented first as at the initial hearing. Chairs of appeal committees or managers hearing appeals should ensure that all parties have a common understanding and agreement on the order of presentation.

#### **1. Introduction**

The Headteacher, Chair of the appropriate committee, or manager hearing the case will ensure that those present are introduced to each other and that they are aware of the procedure to be followed.

#### **2. Presentation of the Case**

The person presenting the employer's case may make an opening statement outlining the case. The person or committee hearing the case, and the employee responding to it, may ask questions.

The person presenting the case will then call any witnesses and ask them to give their evidence. The employee or their representative may then ask questions of each witness. The person or committee hearing the case may also ask questions of any witness. The person presenting the case may then re-examine the witness.

Where evidence is presented in the form of documents, the person presenting the case, or an appropriate witness will explain the nature and significance of the documents.

#### **3. The Employee's Case**

The employee or their representative may make an opening statement. The person or committee hearing the case and the person presenting the case against the employee may ask questions.

The employee may call any further witnesses and invite them to give their evidence. The person presenting the employer's case may ask questions of each witness after they have given their evidence. The person or committee hearing the case may then ask questions. The employee or their representative may re-examine the witness.

Where there is any documentary evidence, the employee will explain its significance.

**4. Re-examination**

Both parties will be asked if they wish to re-examine any evidence. The person or committee hearing the case may also do so at its discretion.

**5. Final Statements**

The person presenting the employer's case may make a final statement. The employee or their representative may then also make a final statement.

**6. Adjournment**

Either party may ask for an adjournment at any stage. The decision to adjourn is at the discretion of the Chair, who will consider a request in the light of the reason given for it.

**7. Consideration of the Case**

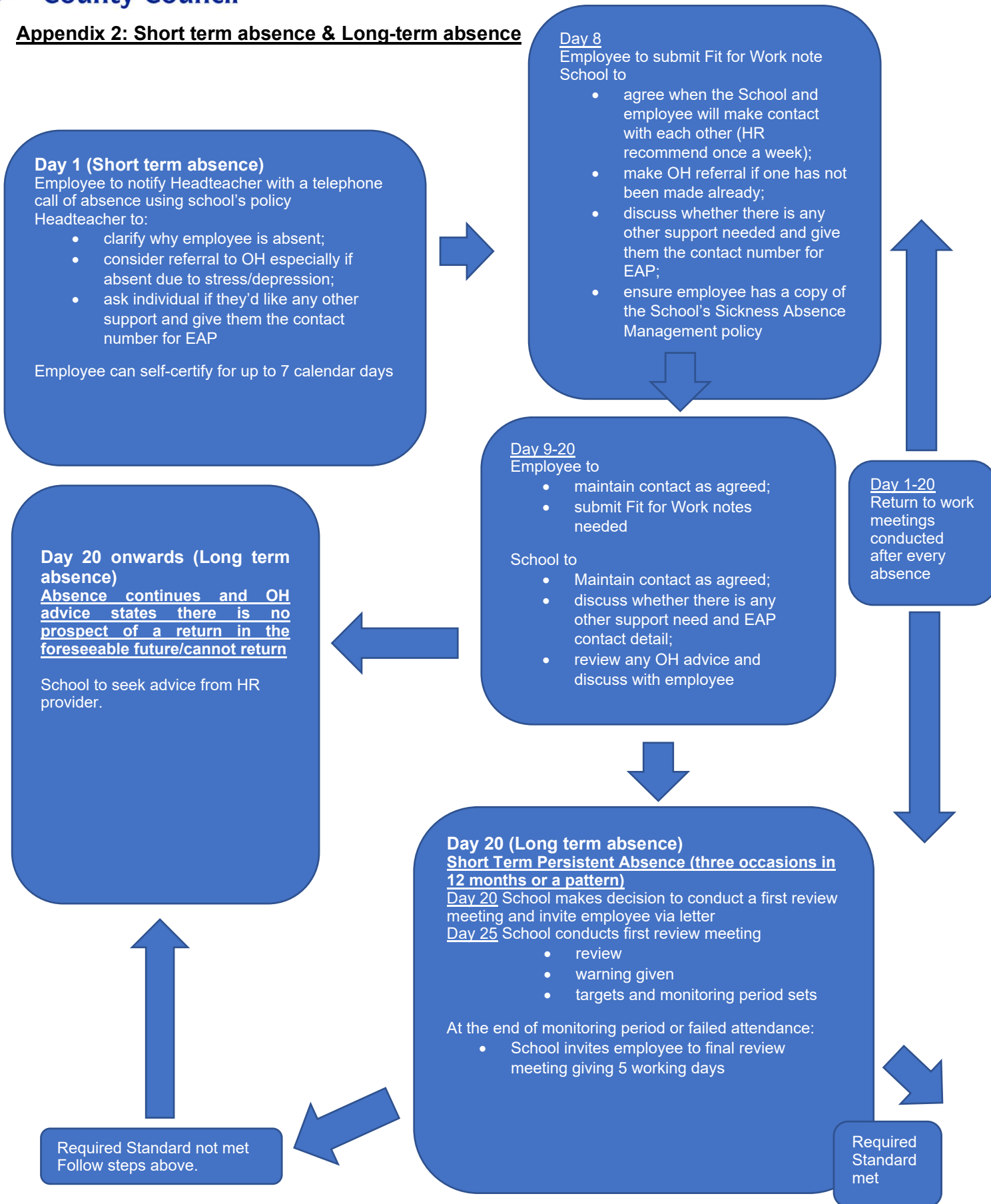
All parties will withdraw. The Headteacher or the committee will deliberate. Where relevant, the Director of Children and Young People's Services, / their representative, and a HR representative may be present at these deliberations to advise on procedural matters.

If it is necessary to recall either party or any witnesses, to resolve a point of uncertainty, both parties will be invited to be present, whether the point of doubt concerns one party or both.

**8. Decision**

If possible, the decision will be communicated orally to the employee after the hearing. The decision will be confirmed in writing to the parties involved usually within five working days or as soon as possible after the hearing.

## Appendix 2: Short term absence & Long-term absence



## Appendix 3: Self-certification form

For up to 7 calendar days of absence

RETURN-TO-WORK INTERVIEW FORM	
Staff member name:	Line manager name:
Meeting date:	Location:
List of those present at the meeting:	
<b>Period of absence</b> From: _____ To: _____ Total number of days absent in this period: _____	
Total number of days absent in the past year: _____	
Formal review process triggered? Yes / No	
Reasons for absence and other issues discussed:	
Support offered to staff member:	
Actions agreed and timescales:	

**Summary of changes to the policy**

<b>Document control</b>		
<b>Date</b>	<b>Section(s)</b>	<b>Update(s)</b>
September 2019	7 Referral to Occupational Health	Insertion of missing word in fifth paragraph, final sentence to read, "... the prospect of return to work is well-defined..."
September 2019	7.1 Factors to be considered by OH	Change 'service' to 'provider' in first sentence. Change 'taking in account' to 'considering' in third bullet point Remove 'If not...' from start of fourth bulletin point
September 2019	Possible outcomes of OH assessment	Remove 'in order to' from section headed Reasonable Adjustments
September 2019	8 Sickness absence reporting procedures	Insertion of missing word in second paragraph to read, "...a friend or relative <u>to</u> call..."
September 2019	10 Sick Pay	Change to Statutory Sick Pay and Occupational Sick Pay from Statutory Sickness Pay and Occupational Sickness Pay
September 2019	13 Trigger points	Change 'employee' to 'employees' in last sentence of the penultimate paragraph
September 2019	15 Informal stages	New paragraph about the scope of the informal meeting
September 2019	16.2 Final Health Review Meeting	Insertion of 'union' before 'representative' in final paragraph
May 2021	2 Scope, Aims & Principles	Inserted paragraph to define usage of the terms 'Governing Body', 'Director for Children and Young People' and 'Head of Legal Services'.
May 2021	7 & 14	Definition of long-term absence changed from 10 to 20 days, and therefore the timescale for making an OH referral extended accordingly.
May 2021	9 Certification	Expanded to include guidance on actions to take if a Fit Note states, 'May be Fit for Work' and when an employee wishes to return before a fit note has expired.
May 2021	10 Sick Pay	Summary details of Green & Burgundy Book entitlements to sick pay added.
May 2021	13 Triggers	Added advice to consider reasons behind the absences before deciding what, if any, action is appropriate.
May 2021	14 Home visits	Home visits to be made in accordance with the Health & Safety Lone Working policy.
May 2021	15 Return to work meetings	Added: "Offer any appropriate support available, including a referral to OH if appropriate and sign-posting any employee well-being services"
	13 Trigger Points	Trigger amended to from 10 days to 20 days to coincide with the sections 7 & 14
March 2025	9 certifications	Additional wording 'or any other relevant healthcare professional' to include other professionals who can provide 'fit notes'
March 2025	8 reporting	Additional sentence 'The employee should ensure that they are following the schools reporting procedure to notify the school of the absence.' For clarity on employee responsibility.

March 2025	Throughout document	Number formatting made clearer. Font more accessible. Gender Neutral terminology used.
March 2025	Appendix 2	Appendix 2 added