

# Churchstanton Primary School Sickness Absence Management Policy



Approved by the Board of Governors of Churchstanton Primary School:

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## **CONTENTS**

[Policy Statement](#)

[Responsibilities](#)

[Notification Procedure for Sickness Absence](#)

[Statement of Fitness for Work](#)

[Requesting Notification of Sickness from a Doctor for Absence Spanning less than Eight Days](#)

[Unauthorised Absence](#)

[Recording Sickness Absence](#)

[Return to Work Interview](#)

[Reviewing Sickness Absence](#)

[Managing Frequent Intermittent Sickness Absence](#)

[Absence Review Meetings](#)

[When to Refer to Occupational Health for Frequent Intermittent Absence](#)

[Unacceptable Level of Absence Unrelated to Ill Health](#)

[Formal Caution Procedure](#)

[Managing Long Term Sickness Absence](#)

[Maintaining Contact](#)

[Referral to Occupational Health for Long-Term Sickness Absence](#)

[Full Return to Work in Reasonable Time](#)

[Partial or Phased Return to Work to Aid Rehabilitation and Ultimate Full Return to Work](#)

[Return to Work is Possible but not to the Existing Post or Terms and Conditions of Employment](#)

[Recovery will be long or will not occur](#)

[Return to Work following Long Term Absence](#)

[Accrual of Annual Leave during Long-term Sickness Absence](#)

[Termination of Employment](#)

[Sickness Absence related to Disability](#)

[Reasonable Adjustments](#)

[Redeployment](#)

[Termination on Grounds of Capability](#)

[Sickness Absence Unrelated to the Disability](#)

[Sickness Payment Scheme](#)

[Occupational Sick Pay Entitlement](#)

[The Procedure for Alteration or Termination of Sick Pay](#)

[Statutory Sick Pay](#)

[Sickness during Public Holidays, School Holidays and Annual Leave](#)

[Sickness during Probationary Period](#)

[Extension of Sickness Payments](#)

[Insurance Claims for Loss of Earnings in the Event of an Accident Outside of Work](#)

[Industrial Injury/Diseases](#)

[Absence due to Contact with Serious Infectious Diseases](#)

[Abuse of Sickness Payment Scheme](#)

[Recording Accidents](#)

[Procedure for Reporting Injuries, Diseases and Dangerous Occurrences](#)

[Sickness Absence during other Formal Procedures](#)

[Sickness Absence related to Pregnancy](#)

## **Policy Statement**

This policy is recommended for adoption by all Somerset County Council Maintained Schools and Academies that purchase HR Advisory Services through Support Services for Education (SSE).

Attendance is a vital factor in providing effective and high quality public services. High levels of attendance at work will contribute to and provide positive assistance in the planning and provision of quality services and high morale among employees.

The school/academy is committed to maximising attendance by maintaining good working practices at all stages of employment and at all levels within the school. A collaborative approach to the management of sickness levels will be adopted involving management, employees and their representatives.

The overall aim of this policy is to maximise attendance and ensure that employees are treated fairly and in a considerate manner in order for them to fully recover from sickness and return to work. The benefit of reducing sickness absence and improving attendance levels is felt at different levels:

- Alleviating the extra workload on colleagues;
- Improved productivity and positive effect on service delivery;
- Reducing the need to bring in supply staff or offer additional hours to current employees.

Any reduction in sickness levels should bring about a considerable saving as well as improved productivity and service delivery through close attention to employee health and welfare.

When establishing the causes of absence and likely future patterns, this policy should be considered alongside associated policies in relation to Health and Safety, Work-related Stress, Disability, Ill Health Retirement, Alcohol and Substance Misuse, Fairness and Dignity at Work and Flexible Working/Work-Life Balance policies.

The school/academy is committed to evaluating the effectiveness of this policy by recording, monitoring and communicating sickness absence levels, with the aim of improving attendance.

All sickness absence information will be handled sensitively and with due regard to confidentiality and Data Protection Principles.

## **Responsibilities**

All employees have a responsibility to work to achieve high attendance levels and make absence management effective. This will produce a working environment where there is a positive attitude to attendance.

## **School Governing Bodies**

- Provide clear leadership for the reduction of sickness absence levels and ensure this policy is implemented within the school.
- Ensure action plans are in place to deal with areas of high sickness absence and support managers in achieving defined standards.
- Expect regular information on sickness absence levels and its cost.

## Headteachers/Line Managers

- Encourage a positive attitude to attendance at work.
- Make employees aware of the Sickness Absence Management Policy.
- Ensure every absence is accurately recorded.
- Monitor employees' sickness absence through the management information available.
- Discuss on-going sickness absence with the employee at an Absence Review Meeting and keep written documentation of agreed action points.
- Seek help, guidance and support from the School's HR Advisory Team or other professionals, e.g. Occupational Health, in interpreting sickness figures and finding solutions, which are consistent and fair while allowing for flexibility to individually tailor responses.
- Ensure a return to work interview is conducted with each employee as soon as possible, ideally within 5 working days of the return from sickness absence.
- Create a supportive environment to facilitate a successful return to work for employees.
- Always consider reasonable adjustments and put in place where appropriate.

## Employees

- Take responsibility for their own health, wellbeing and attendance at work.
- Read and understand the policy.
- Comply with the sickness absence notification procedure.
- Maintain contact with their Manager during periods of sickness absence and co-operate with all reasonable requests to attend meetings. (Also reference information around maintaining contact below.)
- Submit to an Occupational Health referral and co-operate with medical advice, to facilitate a return to work.

## Trade Unions

- Protect the reasonable interests of their members and support management in their efforts to improve attendance levels.

## Notification Procedure for Sickness Absence

Employees must comply with the notification procedure set out below to ensure they receive their correct entitlement to sick pay.

As soon as an employee is unable to report to work due to illness, they must make every effort to ensure their Headteacher/Line Manager (or person to whom they are required to report) is notified, by telephone at the earliest opportunity at the beginning of the working day. The employee is required to speak to their Headteacher/Line Manager (or person to whom they are required to report) and give a reason for the absence and the anticipated return date. If the return date is not known, the employee should agree with their Headteacher/Line Manager to maintain regular contact until a return date is known.

If an employee has been sick for 4 consecutive days (including Saturdays, Sundays and Public Holidays) they must notify their Headteacher/Line Manager of their continued sickness and give an expected date of return to work. They may be entitled to payment of Statutory Sick Pay (SSP) and this will be paid as part of their sickness allowance provided that they have followed the notification procedure.

A Statement of Fitness for Work or 'fit note' should be submitted for sickness absences longer than 7 calendar days, all statements must be submitted to the Headteacher/Line Manager as soon as is practicable on or before the 8th day of absence.

Failure to follow the notification procedure may lead to non-payment of sick pay and disciplinary action.

### **Statement of Fitness for Work (Fit Note)**

GPs use a Statement of Fitness for Work (Fit Note) to advise that an employee is either 'unfit for work' or 'may be fit for work' with recommendations or additional support in place. With the introduction of fit notes it is no longer possible to request that an employee provides a final medical certificate from their doctor showing their fitness to return to work. Headteachers/Line Managers with concerns about an employee's ability to return to work should, therefore, refer the employee, with their consent, to Occupational Health with the involvement of the schools HR Advisor as necessary.

For further information see Headteacher Guides – Fit Notes (Statement of fitness Statement of Fitness for Work or Fit Notes).

### **Requesting Notification of Sickness from a Doctor for Absence Spanning less than 8 Days**

There may be occasions when a Headteacher/Line Manager requires an employee to obtain a letter or note from their Doctor for absences spanning less than 8 days, for example where absences are being monitored under the Managing Frequent Intermittent Sickness Absence protocols. If the GP charges for this service, the cost will be reimbursed to the individual by the school. The school reserves the right to suspend sick pay if a Doctor's letter cannot be produced, depending on the circumstances.

### **Unauthorised Absence**

If an employee is absent from work without authorisation and provides no reasonable explanation, written notice may be given to stop pay for the whole period of absence. Unauthorised absence will be treated as misconduct, which could result in disciplinary action. In particular, the following two situations may be identified as unauthorised absence which requires investigation:

1. An employee's request for leave of absence was refused, but the employee has reported in sick. (In this circumstance, a Doctor's Certificate should be requested).
2. The employee has not followed the notification procedure for sickness absence, for example the employee fails to submit a Statement of Fitness for Work to cover absence beyond the self certification period. (See Notification Procedure for Sickness Absences for further details.)

### **Recording Sickness Absence**

Accurate and accessible information is a pre-requisite of effective absence management. Headteachers/Line Managers cannot manage sickness absence and returns to work without the appropriate information.

The procedure for recording sickness absence is as follows, although individual schools and academies may wish to tailor this depending on their size and payroll provider:

- Employees are responsible for notifying their Headteacher/Line Manager of sickness absence.
- Headteachers are responsible for ensuring the payroll provider is notified of the sickness absence.
- On their return to work, the employee must complete and sign a self-certification form (the Sickness Declaration and Return to Work Form) and pass to the Headteacher/Line Manager. The Headteacher/Line Manager must check the form for accuracy, sign it and arrange to undertake the return to work interview. The form together with any appropriate Statement of Fitness for work must be retained for the record.

The Sickness Declaration and Return to Work Form requires employees to indicate both calendar days and working days lost due to sickness absence. Both are vital for the overall management of sickness absence.

Calendar days absence is required for sick pay and timely referrals to occupational health.

Working days lost due to sickness absence are defined as those days on which the employee would have been expected to work. Part-time employees will only be counted as absent for the hours which they would normally work, which are likely to be shorter than full-time equivalent days. This is required because it enables the school to accurately monitor the cost of sickness absence, compare sickness absence levels with other organisations and to inform action plans for improvement.

### **Return to Work Interviews**

Following any sickness absence period, it is the responsibility of the Headteacher/ Line Manager to ensure that a return to work interview is conducted with the employee as soon as possible, ideally within 5 working days of the return, using the template on the back of the Sickness Declaration and Return to Work Form. The form must be retained on the employee's personal file.

If there is a concern about the complexity of a particular case, advice should be sought from the Schools HR Advisory Team.

## Reviewing Sickness Absence

Certain levels of sickness absence may be cause for concern and warrant management action. When reviewing employees' sickness absence levels, in the interest of treating full time and part time employees consistently, the Headteacher/ Line Manager should take account of the full period of sickness in calendar days rather than working days lost. For example, if an employee has a health problem, which results in them being unfit for work for 10 calendar days (whether they work full time or part time) this is cause for concern, regardless of the number of working days absence.

Maintained schools are able to request sickness absence information, which includes a Bradford Score, via their HR Admin and Payroll. The 'Star' payroll system does not provide sickness data, but information on how to calculate this is available.

A Bradford score of **144 or more in a 12 month rolling period** identifies frequent periods of short term absence, which may indicate a cause for concern. A Bradford Index of **144** signifies, for example, 36 calendar days absence over 2 separate periods or 16 Calendar days of absence over 3 separate periods.

When a Headteacher/Line Manager identifies a cause for concern, they must follow this up with the employee using an Absence Review meeting. Additional information is available in the Headteacher Guide: Absent Review Meeting.

## Managing Frequent Intermittent Sickness Absence

### Definition

Frequent intermittent sickness absence is a series of short term sickness absences often for minor or unconnected illnesses; many of which will be for periods of less than 7 calendar days and so will not be certified by a Doctor. Frequent intermittent sickness absences warrant close scrutiny where certain trigger points are met.

### Procedure

Frequent sickness absence is often more disruptive than long-term absence due to the unpredictable nature of the absence. The school/academy will, therefore, take any reasonable action to manage frequent absenteeism and must advise an employee when their sickness absence level is becoming a cause for concern.

### Absence Review Meetings

When a concern with sickness absence levels has been identified because an employee has met the triggers outlined under Reviewing Sickness Absence, or there is a work related stress concern or through the management information available, the Headteacher/Line Manager will arrange a discussion with an individual at an absence review meeting. If any of the absences are directly related to a disability then advice should be sought as reasonable adjustments may need to be considered.



The meeting is conducted by the employee's Headteacher or another Manager at the appropriate level. A trade union or work colleague may accompany the employee, provided that this does not significantly delay the meeting from taking place.

The purpose of the meeting is to discuss the employee's absence record, explore the reasons for absence, agree any support that is required and set targets for improvement.

The outcome of the meeting is to agree an action plan to include any supportive measures that can be put in place and targets for improvement. A record of the absence review meeting will be made on the form Record of Absence Review Meeting and a copy placed on the employee's personal file. A further meeting will be arranged to review progress.

If the high sickness absence levels appear to be due to work related stress, Managers should consider Health and Safety Guidance on Managing Stress for more in depth advice.

### **When to refer to Occupational Health for Frequent Intermittent Sickness Absence**

A referral to an Occupational Health provider is recommended if the employee has, or it is believed they may have, an underlying health problem or if they identify a work related problem that is causing ill health. Where it is less clear what is causing the poor attendance levels, and in particular if the majority of the sickness absence is self-certified (7 calendar days or less), the Headteacher/Line Manager should consider seeking medical advice.

The Headteacher/Line Manager should refer the employee to the school's Occupational Health provider, (if schools buy into the central contract this can be accessed on-line <https://www.ohportal.co.uk/>) for an opinion on the employee's medical condition and whether the employee's absences are likely to remain at the same level.

In general, consent from the employee is required for an Occupational Health referral. For those employees covered by the Green Book, in particular, the national terms and conditions specifically state that an employee shall submit to a medical examination, subject to the provisions of the Access to Medical Reports Act. The Burgundy Book has a similar provision for teachers. For further guidance contact your HR Advisor.

If Occupational Health identifies an underlying health problem they will advise on the likely duration and whether the employee's job could be having a detrimental effect on their health. Following receipt of this advice the Headteacher/Line Manager may wish to discuss appropriate action with the schools' HR Advisor before speaking to the employee.

### **Unacceptable Level of Absence Unrelated to Ill Health**

If, following discussion with the employee or via referral to Occupational Health, it is apparent that the cause of their poor attendance is unrelated to ill health, for example where a personal or domestic difficulty is identified, then the Headteacher/ Line Manager should discuss support options which may

help; for example, temporary flexible working arrangements or if appropriate, the school's approved independent professional counsellor service (if the school subscribes to such a service). If any work related matters are raised, these should be investigated promptly and any reasonable action taken.

An action plan for the employee's attendance record to improve should be agreed with the employee allowing reasonable time for the support to assist improvement and review periods should be set. These details should be put in writing and a copy given to the employee and one retained on file. If an employee's attendance does not improve after a reasonable period of time, the disciplinary procedure may be applied.

If an employee is absent from work and does not follow the notification procedure and/or does not offer a reasonable explanation the absence is considered unauthorised, please refer to the Unauthorised Absence Section.

## **Formal Caution Procedure**

Where management actions have failed to reach a satisfactory outcome, it will be necessary to formally caution the employee about the level of sickness absence. The points below outline the procedure to be followed. If an employee's level of sickness absence is unacceptably high and the absence is causing a serious adverse affect on colleagues and service delivery then it may be justifiable to omit stages of the formal procedure.

The formal meetings should be conducted by a Manager at the appropriate level and, if requested, accompanied by the schools' HR Advisor. The employee has the right to be accompanied by a trade union representative or work colleague at all stages of this process.

Cautions should not be issued to an employee whose absences are directly related to pregnancy.

### **First Caution**

A formal meeting will be held to discuss the employee's level of sickness absence and advise them formally that the level of sickness absence cannot continue and to provide them with a period and a target for improvement.

The caution must be confirmed in writing and outline the seriousness of the problem and the importance of clear sustained reduction in the level of absences within an improvement period, normally of no longer than three months. Headteachers/Line Managers must keep the absence levels under constant review during the improvement period to ensure that improvement is demonstrated immediately and sustained throughout the improvement period, with a final review at the end of the improvement period.

### **Second Caution**

If the employee does not show sufficient improvement within the improvement period (i.e. 1 to 3 months) or this is not sustained over subsequent months, a further meeting needs to be held. One possible outcome is the issue of a second caution, clearly stating that if there is no further improvement over the improvement period, this will lead to termination of employment. This must be put in writing to the employee.

## **Final Review and Dismissal**

If, after the second caution, no improvement is forthcoming in the following improvement period or the improvement is not sustained after the expiry of the improvement period, termination of employment can be considered. The Headteacher should arrange a meeting in line with the dismissal process outlined in the disciplinary procedure. At the meeting the employee will have an opportunity to state their case before a decision is made on whether to terminate their employment. It is necessary to ensure any decision about the employee's employment status is based on up-to-date medical information; therefore the employee may need to be referred back to Occupational Health before a decision can be made.

If the decision is made to terminate employment with notice it must be confirmed in writing to the employee and they should be informed of their right to appeal. The employee will be dismissed on the grounds of capability due to ill health with notice or full pay in lieu of notice.

## **Managing Long-term Sickness Absence**

### **Definition**

A long-term absence is defined as a continuous absence of over 28 calendar days or it is known in advance that the employee is likely to be absent for such a period due to illness.

In long-term absence, the employee's illness may result from a longstanding medical condition, or it may be due to a sudden severe illness or disabling injury. The employee may be rendered incapable of attending work for one or more long-term periods.

### **Maintaining Contact**

Great sensitivity is required in dealing with an employee who has had, or is likely to have, considerable certificated sickness absence as a result of a serious illness.

When an employee is absent from work for a long period due to sickness, it is important that contact is maintained between the School and employee.

The Headteacher/Line Manager or a nominated individual will keep in touch with the employee from the earliest opportunity. In certain circumstances, the employee's Headteacher/Line Manager may need to acknowledge that the employee may prefer to see a close colleague, of the same gender for example. It is important that Headteachers/Line Managers keep a record of the contacts made, including home visits.

The school recognises that, in some circumstances, an employee may find it helpful to take advice and gain support from their trade union representative. It may also be appropriate for communications to be maintained via the employee's trade union representative.

In this case, the trade union representative will make contact with the Headteacher and thereafter will be kept informed, and if the employee wishes, may accompany the employee to any meetings.

During the early stages of sickness absence, regular contact will normally be made through telephone/e-mail. When the period of continuous absence extends to 4 weeks and beyond, regular contact will progress to a home visit or a meeting at another mutually agreeable location.

This regular contact aims to ensure the employee feels supported and remains in touch with work. It also enables the Headteacher/Line Manager to determine the employee's welfare, identify whether there is a likelihood of a return to work and establish whether work needs to be reallocated to ensure service delivery is maintained.

The contact provides an opportunity to give the employee the Frequently Asked Questions on Long-term Sickness Absence.

### **Referral to Occupational Health for Long-Term Sickness Absence**

A referral to Occupational Health will provide the Headteacher/Line Manager with sufficient information about the nature of the illness and the prognosis for recovery in order for them to make a reasonable decision on the best way to manage the absence.

In general, consent from the employee is required for an Occupational Health referral. The national terms and conditions specifically state that an employee shall submit to a medical examination, subject to the provisions of the Access to Medical Reports Act.

Occupational Health will arrange to contact the employee and may also consult the employee's GP and/or consultant if further information is required. Once the medical report has been obtained, the advice is likely to broadly fall into one of the categories outlined below. In all cases the Headteacher/Line Manager needs to discuss the outcomes of the medical report with the employee, in person, as soon as possible.

If the absence is related to stress, an early referral to OH is advisable as well as reviewing information from Health and Safety on Stress for more in-depth advice.

### **The outcome of a long-term sickness absence has various outcomes based on professional medical advice.**

#### **Full return to work in reasonable time.**

If it is known that the employee will make a full recovery and return to work within a reasonable time, the employee should be reassured, that their post will remain open pending their return at the expected time.

#### **Partial or phased return to work to aid rehabilitation and ultimate full return to work.**

If this option is recommended by Occupational Health or by the GP on a Statement of Fitness for Work, the Headteacher/Line Manager must give it serious consideration and accommodate wherever possible. Return to work

on a partial basis must be approved by the Headteacher, who will give consideration to operational implications. There must be regular review dates agreed in consultation with the employee, with a view to gradually increasing the hours worked as soon as practicable. A phased return to work may include a temporary contractual reduction in hours or, where applicable and with agreement from the employee, use of outstanding annual leave. Schools/academies should contact their payroll provider to agree how best the phased basis of the return is recorded.

### **Return to work is possible but not to the existing post or terms and conditions of employment.**

If Occupational Health or the GP advises on the Statement of Fitness to Work that work is a possibility, but not in the employee's existing post or terms and conditions of employment (e.g. permanently reducing hours or grade) this must be investigated thoroughly and efforts made to redeploy the individual into a suitable alternative position. Redeployment into another post in the employee's school is preferable. If this is not possible, for maintained schools only, please contact your HR Advisory team with regards to placing the employee in the Resource Pool (previously known as the Redeployment Register). If a decision is made that the employee is not able to continue to work in their existing role, a decision to terminate the employment may be made and the employee issued with notice to terminate, during the notice period the school can continue to seek suitable alternative employment.

If alternative work is available, the employee should be invited to discuss this option. It is important to ensure that the employee accepts the medical view that a return to their previous post is not possible and that action needs to be taken.

If an employee refuses the alternative work this may potentially lead to termination of employment. Please contact the Schools' HR Advisor for advice.

The employee must be informed if no alternative work is available and their Headteacher/Line Manager should discuss whether or not employment can be sustained and if so for how long. If the employee is a member of the pension scheme they may be considered for early retirement if they meet the criteria.

### **Recovery will be long or will not occur**

In the event that Occupational Health indicates that recovery will be long or will not occur a decision needs to be made on whether or not employment can be sustained and if so for how long. This decision will be dependent on the anticipated timescale for return to work and the service delivery requirements which would have to be assessed on a case-by-case basis.

### **Return to work following long-term absence**

An employee who has had a long-term absence from work will need extra support when returning to work. The Statement of Fitness for Work should

detail recommendations or additional support that would assist the employee in returning to the workplace. It is advisable to carry out a risk assessment with an employee, based on the recommendations in the Statement of Fitness for Work, within the first week of returning from long-term absence to ensure that appropriate steps are taken to ensure a successful return, in particular if absence was related to stress.

Consideration of a Risk Assessment or Personal Emergency Evacuation Plan (PEEP) may also be required with more detailed advice available through Health and Safety.

Regular reviews with the employee need to be scheduled for the first weeks/months to ensure the employee is settling back into work successfully.

For further advice please contact the schools HR Advisor, the schools H&S Advisor or Occupational Health.

### **Accrual of Annual Leave during Long-term Sickness Absence**

Where employees are on a period of long-term sickness absence which crosses the leave year, they will be able to carry over automatically only that portion of outstanding leave (i.e. statutory entitlement less any leave already taken) up to a maximum of the statutory entitlement of 28 days per annum (i.e. 20 leave days and 8 Bank Holidays) . This is pro-rata for part-time employees.

Teachers' pay and leave arrangements are expressed differently to other Local Government employees and so are dealt with slightly differently.

Teachers do not have a contractual entitlement to paid annual leave. However, teachers are entitled to 28 days (5.6 weeks) of statutory annual leave under the Working Time Regulations 1998. This is not an additional entitlement to annual leave on top of the current school closure arrangements. Therefore, the entitlement to statutory annual leave can be offset by any periods of school closure, whether they occur before or after the period of sickness. Where there is insufficient school closure time to allow the statutory annual leave to be taken, employers should allow the teacher to carry forward the leave to be taken in a school closure following their return.

When a teacher commences sick leave, the amount of 'leave' a teacher has had in the current leave year will be established by the amount of school closure periods that have already occurred during the leave year. If this exceeds the entitlement to statutory annual leave there will be no further entitlement to leave.

Annual leave for all support staff consists of a statutory entitlement and an additional contractual element. While there is no automatic right to a carry forward of contractual leave Headteachers/Governors may use their discretion, in conjunction with advice from the HR Advisor, to allow the carry forward of a proportion of the outstanding leave that equates to contractual leave.

For all year round support staff a request to take annual leave can be made in the normal way during a period of long-term sickness absence. Employees are able to 'swap' sickness absence for annual leave; however, the period of

sickness absence will not be broken for the purposes of calculating sick pay entitlement. Activities undertaken during annual leave should not be inconsistent with the reason for sickness absence or prolong or worsen the illness, the school reserves the right to stop statutory sick pay or occupational sick pay and in some cases this may result in disciplinary action.

## **Termination of Employment**

### **The Employment Decision**

Headteachers/Line Managers must be able to demonstrate that they have fully considered alternative options (e.g. redeployment, reduced hours), and service delivery needs before concluding that the school is no longer able to accommodate the consequences of an employee's continued frequent intermittent absence or long-term absence. This would involve full consultation with the employee and their representative and should be based on the most up-to-date Health prognosis. Any decision to terminate the employment lies with the Headteacher or a panel of Governors and should be carried out in accordance with the dismissal procedure as outlined in the disciplinary procedure.

If it is decided that employment can no longer be sustained then the options are:

1. Termination of the contract on grounds of capability (i.e. the employee is incapable of fulfilling the terms of their contract due to ill health), or for Some Other Substantial Reason.
2. The employee may wish to resign from employment.
3. The employer and the employee mutually agree that employment ceases.

A meeting must be held with the employee to inform them of the school's decision to terminate their contract of employment. It is important there is clarity about which option is being pursued so that there is no misunderstanding with the employee.

The employee is entitled to be accompanied by a trade union representative or work colleague only. The employee must be given written confirmation of the decision to terminate their employment, their eligibility to any paid notice in line with the contract of employment, and informed of the right to appeal. If dismissed by a panel of Governors the employee must be informed of the right to appeal to the Staff Appeals Committee of the Governing Body, within 10 **school** days of receipt of the decision, stating the grounds for the appeal.

It should be noted that particular consideration should be given to the timing of meetings for teachers, to ensure that enough notice can be given for the decision to take effect on a valid date i.e. 31<sup>st</sup> August, 30<sup>th</sup> December, and 30<sup>th</sup> April. If mutually agreed these contractual notice periods may be waived.

### **The Pension Decision - Ill Health Retirement under Local Government and Teachers Pension**

If the employee is a member of the Local Government Pension Scheme or the Teachers Pension Scheme they **may** be eligible for early payment of pension benefits under ill health retirement. The decision regarding whether a member of the pension scheme is eligible for benefits, can only be made by the Pension Scheme Approved Independent Occupational Health Physician and is entirely separate to the school's decision to terminate employment.

An assessment can be made on whether the employee meets the requirements under ill health retirement criteria so that the decision in relation to continued employment and ill health retirement can be made to coincide and result in the employer and employee mutually agreeing that employment has ceased. Pension benefits cannot be granted until the employee has left employment (whether they leave through dismissal, resignation or mutual termination).

The Local Government and Teachers Pension Schemes have set procedures for dealing with employee's ill health retirement. Full details of eligibility criteria, ill health retirement application form and guidance for completion are outlined in the ill health retirement guidance.

### **Sickness Absence Related to a Disability**

Where the effect of an employee's disability results in a need to be absent from work due to illness, this will need to be accommodated as far as is reasonable within the terms of the Equality Act 2010. Before the formal caution process is commenced it is essential to ensure any reasonable adjustments have been considered and where appropriate put in place.

### **Reasonable Adjustments**

Headteachers/Line Managers should always consider whether it is possible to reduce the extent of disability related absence through reasonable adjustments, e.g. provision of an auxiliary aid, providing the appropriate equipment, allowing an individual to have flexible working arrangements or other support mechanisms, which can reduce the need for absence. The Equality Act specifically identifies the provision of leave as a reasonable adjustment where a disabled person needs to be absent from work for 'rehabilitation, assessment or treatment'. (E.g. the routine assessment of hearing aids, hospital or specialist check-ups including monitoring of related equipment or treatment).

There may be financial help available from external agencies to make reasonable adjustments for an employee with a disability including employees who have become disabled in the course of their employment to return to their post.

For further information refer to the Disability Leave process within Guidance for Schools, Vol 1, Section 10a (if adopted). Advice is also available from the school's HR Advisor.

### **Redeployment**

If an employee becomes incapable of carrying out their existing post because of a disability, or their disability/condition changes, various options must be considered in consultation with the employee which could include redeployment. For further advice contact the school's HR Advisor.



## Termination on Grounds of Capability

Having fully explored the options to retain the employee in employment, if it is apparent that they cannot realistically continue in any available comparative employment, a decision to terminate their contract should only be taken following consultation with the employee, their Trade Union representative (if they are a member of a Trade Union) and the schools HR Advisor. Additional advice may be sought from Occupational Health.

## Sickness Absence Unrelated to the Disability

If a disabled employee is absent from work due to sickness, which is unrelated to their disability, this sickness will not fall under the scope or protection of the Equality Act and therefore should be dealt with under the normal sickness management procedure. It may in practice be difficult to tell when an absence is disability related so it is vital that the employee is consulted and medical referral sought at an early stage to ensure that the Manager can make an informed decision on how to manage the absence.

## Sickness Payment Schemes

### Occupational Sick Pay Entitlement

Entitlement to sick pay is set out below and can also be found in the appropriate handbooks of the National Joint Council / Burgundy Book. However, when an employee is due to transfer from full pay to half pay or to terminate sick pay altogether, it is essential that the employee is notified in advance and in writing.

Employees are entitled to receive sick pay for the following periods:-

#### 1. Support Staff

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

N.B. Support Staff: The period during which sick pay shall be paid, and the rate of pay in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day of the aggregated periods of paid absences during the 12 months immediately preceding the first day of absence.

#### 2. Teachers

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

#### N.B Teachers

- A year is deemed to begin on 1 April and end on 31 March of the following year.
- Where a teacher starts service after 1 April the full entitlement for that year will be applicable.
- Where a teacher is on sick leave on 31 March in any year no new entitlements shall begin until the teacher has resumed duty and the period from 1 April until the return to duty is regarded as part of the preceding year's entitlement.
- Service means aggregated teaching service with one or more LEA/relevant employer.
- Working day means teaching and non-teaching days within 'Directed Time'.

For Support Staff and Teachers the date used to establish years of service is quoted in the employee's Statement of Particulars taking into account any previous relevant service. (Refer to Appendix 5 of [Continuous Service Provisions for Teaching and Support Staff](#), in [Guidance for Schools Volume 1 Section 6](#) for further information).

Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.

In the case of half pay periods, sick pay will be an amount equal of half normal earnings plus an amount equivalent to Statutory Sick Pay and Employment and Support Allowance receivable, so long as the total sum does not exceed normal pay.

#### **The Procedure for Alteration or Termination of Sick Pay**

If the payroll provider is the County Council the provider will write to the employee directly to give them advanced notice of the dates their sick pay is to be reduced to half pay and when the half pay period will end together with the date SSP will end. Normally 6 weeks notice is given. Supply Mutual will also be informed, if the school subscribes. These changes will be automatically put into effect unless the Headteacher advises otherwise.

If the County Council is not the payroll provider the school will need to make arrangements to ensure the employee is informed of any change to their pay.

### **Statutory Sick Pay (SSP)**

New employees may be entitled to payment under the Statutory Sick Pay Scheme from turning up to work on their first day of employment. However, payments can only be made if the payroll provider is notified appropriately.

Statutory Sick Pay can be paid by the employer for up to 28 weeks, subject to the employee being covered by the relevant statutory regulations.

SSP will be paid only if sickness occurs on a 'Qualifying Day'. For the majority of school support staff, qualifying days are Sunday to Saturday (including non-working days). However, for teachers employed in educational establishments, qualifying days will be Monday to Friday. In most cases an employee will not receive SSP for the first 3 qualifying days; these are 'Waiting Days' (subject to their being no linking with a previous period of sickness absence).

SSP is subject to deductions for income tax, national insurance and pension. If employees are excluded from SSP or the employer's liability to pay SSP has ended, they will be sent an SSP1, which will explain why they are excluded or why they are to be transferred to the state benefits system. Employees will be provided with the SSP1 form for them to see if they can claim state benefit from the Department for Work and Pensions. If they wish to claim any state benefits this form must be completed and sent to Jobcentre Plus with any current Statement of Fitness for Work, which will have been returned to them by their Headteacher/Line Manager.

Note - all Statements of Fitness for Work must be sent to the Headteacher/Line Manager in the first instance.

If the employee has claimed Employment and Support Allowance (previously Incapacity Benefit or Severe Disabled Allowance) within 8 weeks of a period of sickness absence, or was entitled to the 52 week benefit protection they may be able to get Employment and Support Allowance instead of SSP. Any relevant correspondence received from Jobcentre Plus should be passed to the payroll provider.

Further information on SSP may be available from the payroll provider.

### **Sickness during Public Holidays, School Holidays and Annual Leave Support Staff**

Where an employee is receiving sick pay from the employer, they should continue to receive such pay if a public holiday occurs during sick leave. Where an employee has exhausted their period of entitlement to sick pay, no payment should be made (other than SSP as applicable) in respect of a public holiday occurring during the period of sick leave. No substitute public holiday should be given.

In the event of a member of the support staff falling sick during the period of their annual leave they must obtain a doctor's statement. They should be

regarded as being on sick leave from the date of the Doctor's statement and further annual leave shall be suspended from that date. Self certification during annual leave entitlements will NOT be accepted and a Doctor's medical certificate must be submitted.

## **Teachers**

When a teacher is ill immediately preceding a closure of the school, and has exhausted his/her sick leave entitlement, or is on less than full pay, and recovers during the period of closure, such teacher shall be deemed, for the purpose of calculating the amount of salary due, to have returned to duty on the day he/she is authorised medically fit to do so by means of a Doctor's statement obtained for that purpose, provided he/she actually returns to duty on the first day after the period of closure. Where a teacher in these circumstances does not return to duty on the first day after the period of closure he/she shall refund such sum as the employer at their discretion may decide.

If, during the period of closure a school teacher falls ill and becomes entitled to Statutory Sick Pay or becomes or would become (but for the election to be excepted from liability to pay contributions) entitled to claim any of the benefits referred to in sub-paragraph 5.1 of the Burgundy Book, it shall be his/her duty to notify the employer thereof (as if the days of closure were working days) so that the employer may either pay Statutory Sick Pay (where appropriate) or make the appropriate deductions.

## **Sick Pay during Probationary Period – Support Staff only**

Please refer to the Induction Arrangements for New Teachers and Probationary Policy for Support Staff.

## **Extension of Sickness Payments**

In certain circumstances it may be possible for a Governing Body to extend the period of sickness payment laid down in the appropriate handbook of the National Joint Council. Special consideration should be given in matters of financial hardship, where it is felt that such a move will assist in the individual's recovery and as a reasonable adjustment for disabled employees. In such cases the advice of the school's HR Advisor should be sought. Headteachers must maintain detailed records for monitoring purposes and to ensure consistent decision making.

## **Insurance Claims for Loss of Earnings in the Event of an Accident Outside of Work**

If an employee is absent as a result of an accident outside of work, damages may be claimed from either the individuals or the third party's insurance to cover for loss of earnings. In this event, the school may pay the employee sick pay under the Occupational Sickness Payment Scheme. However, this is subject to the employee undertaking to refund to the School the total amount of such payments or the proportion paid by the insurance company for loss of earnings. Any period of absence in such a case where a refund of the monies advanced is made in full, shall not be recorded for the purposes of sick leave entitlement. Where only part of the earnings is paid, the School has the

discretion to decide to what extent, if any, the period of absence may be recorded against the sick leave entitlement.

## **Industrial Injury/Diseases**

All Accidents at work should be recorded.

## **Support Staff**

In line with the Green Book, if an employee has a period of absence due to industrial injury or disease, accident or assault arising out of, or in the course of, employment with the school and without their own fault, this will be recorded separately from normal sickness records for the purposes of the Sickness Payment Scheme.

Periods of sickness absence in respect of an industrial injury or disease are counted independently and are not linked to any other periods of sickness absence for the purposes of calculating the 12 month rolling entitlement.

## **Teachers**

In line with the Burgundy Book, if a teacher is 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, including attendance for instruction at physical training or other classes organised or approved by the employer or participation in any extra curricular or voluntary activity connected with the school, full pay shall in all cases be allowed, such pay being treated as sick pay for the purposes of paragraphs 3 to 7.5 of the Burgundy Book, subject to the production of self-certificates and/or Doctors' statements from the day of the accident, injury or assault up to the date of recovery, but not exceeding 6 calendar months.

Where a teacher is still absent due to accident, injury or assault after the initial 6 month period, the question of any extension of payment under paragraph 9.1 of the Burgundy Book shall be considered. In the event of no extension of leave being granted under paragraph 9.1, the teacher shall be entitled to normal sick leave and pay according to his/her length of service as prescribed by that paragraph.

Absence resulting from accidents, injuries or assaults referred to in sub-paragraph 9.1 of the Burgundy Book shall not be reckoned against the teacher's entitlements, though such absences are reckonable for entitlement to Statutory Sick Pay.

For the purpose of sub-paragraph 9.1 "absence" shall include more than one period of absence arising out of a single accident, injury or assault.

## **Absence due to Contact with Serious Infectious Diseases**

An employee who is prevented from attending their place of employment because of contact with a serious infectious disease shall notify the Headteacher/Line Manager immediately and shall be entitled to receive normal pay.

For further information the Headteacher/Line Manager should contact the South West (South) Acute Response Centre (formerly Somerset Health Protection Team) on [HPU.SouthWestSouth@hpa.org.uk](mailto:HPU.SouthWestSouth@hpa.org.uk). A period of absence on this account shall not be counted against the employee's entitlement to occupational sick leave.

In the case of contact with other infectious or contagious diseases the employee should not stay away from duty if they feel well but should report the fact of contact to their Headteacher/Line Manager.

### **Abuse of Sickness Payment Scheme**

Sick pay may also be suspended if an employee abuses the Sickness Payment Scheme, through behaviour that is inconsistent with the stated reason for sickness absence or are absent on account of sickness due or attributable to the following:-

1. Deliberate conduct which hinders or delays their recovery and return to work;
2. The employees own misconduct or neglect;
3. Active participation in professional sport;
4. Injury while working in their own time on their own account for private gain or for another employer.

Abuse of the Sickness Payment Scheme will be dealt with under the Disciplinary Procedure.

The Headteacher/Line Manager shall advise the employee of the grounds for suspension of sick pay in writing and the employee shall have a right of appeal to the Governing Body's Staff Appeals Committee within 10 school days of notification.

### **Associated Procedures**

#### **Recording Accidents**

The school is required to have a means of recording accidents that is readily available in every work place where there are more than 10 employees, so that an employee or some other person on their behalf may enter particulars of an accident or dangerous occurrence.

#### **Procedure for Reporting Injuries, Diseases and Dangerous Occurrences**

Headteachers/Line Managers from maintained schools and academies subscribing to the H&S SSTEP services should seek advice from the schools Health and Safety Unit.

#### **Sickness Absence during other Formal Procedures**

If an employee is absent from work due to ill health whilst they are subject to a formal procedure i.e. disciplinary, capability or grievance etc, the formal procedure will continue to apply during the sickness absence. All reasonable

efforts will be made to adjust the process to enable the employee to attend or be represented by a Trade Union representative or a work colleague at any meetings or hearings.

Employees may be asked to engage with Occupational Health to determine their fitness to attend a formal meeting or hearing. If the absence is likely to last for an extended period, the meeting/hearing may proceed without the employee's attendance.

### **Sickness Absence related to Pregnancy**

Refer to Maternity Leave Policy.

### **Sickness Absence during Probationary Period**

Please refer to the Induction Arrangements for New Teachers and Probationary Policy for Support Staff.