

FORT PITT THOMAS AVELING ACADEMIES TRUST



FPTA Academies

Sickness Absence Monitoring Policy

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Up-date by DfE:

Next Review Date:

Sickness absence procedure

Sickness absence monitoring

Effective sickness absence monitoring is essential for the early detection of problems including welfare and work-related problems. Earlier identification of issues and intervention can lead to speedier management, medical or individual responses.

It is essential that accurate records are kept for each employee by their Head teacher. If a particular individual needs to be approached in respect of their sickness absence, accurate records provide evidence for the line manager to illustrate their attendance levels are causing concern.

Regular monitoring also enables managers to gain a picture of where there may be underlying areas of concern such as management, motivation or stress issues and assess the impact of sickness absence on service provision.

Absence triggers

Absence triggers aim to ensure a consistent approach to managing sickness absence is maintained throughout the school. The absence triggers are detailed below:

SHORT TERM sickness absence triggers

- three occasions of absence during a six-month period (i.e. single days or multiple days)
- more than five days' sickness, during a six-month period.
- patterns of short term absence which have been identified over the past 6 months e.g. particular days of the week

When any of these triggers are met the Head teacher will normally follow the process for managing short term sickness absence as set out in the **Managing short term sickness absence** section.

LONG TERM sickness absence triggers

- four continuous weeks' sickness

Psychological illnesses such as stress and depression

- In cases of stress, depression or another psychological illness, Head teachers should contact the employee in the second week of absence to arrange to meet to consider a referral to the Occupational Health Adviser straight away.
- In any cases of stress, depression or another psychological illness being given as the reason for absence Head teachers must ensure a more in-depth return to work meeting is held, a stress risk assessment is undertaken and consider a referral to the Occupational Health Adviser.

When any of the triggers are met the Head teacher will normally follow the process for managing long term sickness absence as set out. Head teachers in any doubt should contact HR Advisor for further guidance.

Special considerations

Parents of young, or disabled, children have a statutory right to request flexible working. Eligible employees are parents of children aged under 16, or of disabled children aged under 18. In considering any request, the Head teacher has to strike an objective balance between the business and operational needs and the preferences of the individual employee and his/her personal circumstances. Full details of this right and the procedure to be followed have been included in the Schools Guide to Flexible Working.

Head teachers should stress to their staff that medical information about them will be treated in confidence and that any breach of confidentiality will be regarded as serious and potentially as a disciplinary matter.

Disability related sickness absence

Where absence could be disability related, employees are appropriately treated within the context of the Equality Act 2010. This legislation provides legal protection against discrimination for disabled people. In dealing with disability related absences Head teachers should seek advice from their HR Advisor if they are in any doubt about managing disability related sickness.

Sickness absence relating to disability should be recorded separately as this could be regarded as a reasonable adjustment when referring to the sickness absence triggers.

Maternity related sickness absence

Employees should not be discriminated against as a result of maternity related sickness. Maternity related sickness absence during protected periods must not be taken into account as grounds for subsequent dismissal. The protected period is from notification of inception of pregnancy to the end of the woman's maternity leave.

Illnesses, which are related to pregnancy, should be dealt with through this procedure. Any pregnancy related sickness after the beginning of the 4th week

before her Expected Week of Childbirth (EWC), will automatically start her maternity leave. Any sickness before the 4th week of the EWC will be treated as sickness absence.

A risk assessment should be undertaken by the Head Teacher once they have been notified in writing that the employee is pregnant, has given birth in the previous six months or is breast-feeding. Further details can be found in the school's Maternity Policy.

Industrial injury related sickness absence

Where absence is as a result of an industrial injury the school's Accident and Incident Reporting and Investigation Policy must be followed.

Any employee who is absent due to an injury sustained in the performance of their contractual duties and without them being at fault, shall be paid in accordance with normal sickness absence.

An employee who is absent as a result of an accident where damages may be receivable from a third party, will be paid Occupational Sickness Pay subject to the employee undertaking to refund to the school the total amount of Occupational Sick Pay or a proportion of it from the damages received from a third party in respect of such an accident.

In the case of a teaching staff member absence due to accident, injury or assault attested by an approved practitioner to have arisen out of and in the course of a teacher's employment, including attendance for instruction, physical training or other classes organised or approved by the employer, or participation in any extracurricular or voluntary activity connected with the school, full pay in all cases will be allowed. Such pay being treated as sick pay, subject to the production of self-certificates and/or fit note from the day of the accident, injury or assault up to the date of recovery, but not exceeding six months.

Absence resulting from accidents, injuries or assaults, will not count against the teacher's occupational sickness entitlements, but are reckonable for entitlement to statutory sick pay. (teachers' pay and conditions of service).

Sickness caused by infectious disease

An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under the occupational sick pay scheme. Please refer to Health & Safety Advisers for further clarification.

Absence for appointments at the GP, dentist, hospital etc.

Employees should be encouraged to arrange for appointments to take place outside of normal working hours or failing that at the beginning or end of the day. Where this is not possible, employees should arrange appointments so that the time away from work is kept to a minimum. Head Teachers need to ensure that this is not abused.

Absence for half or more than half of the employee's normal working day should be recorded as sickness absence.

Special consideration should be given to employees who attend appointments for reasons relating to a disability as these appointments may be considered to be a reasonable adjustment. Contact your HR Advisor for further advice.

Sickness absence whilst on leave and during school closure periods

Support staff - In the event of an all year round employee falling sick during the period of annual leave, they will be regarded as being sick from the date of their doctor's fit note (any costs to be met by the employee) and further annual leave shall be suspended from that date and for the duration of the fit note. If no fit note is produced annual leave will stand. Every reasonable effort should be made by the employee to report their sickness absence as soon as practicable to their Head teacher.

Support staff (term time only & teaching staff– in the event of an employee falling sick during the school closure periods, they will be regarded as being sick from the date of their fit note and must send in any doctor's fit note to cover this period.

Teaching staff – whilst sickness during closure periods will not affect the period of a teacher's entitlements to sick leave (see page 9), it will be relevant so far as deduction of benefit is concerned. Thus the same deductions

applicable to a teacher in respect of sickness on working days will be applicable in respect of sickness during a closure period.

The rate of sick pay applicable to a teacher in respect of sickness during the closure of a school is the rate applicable to him/her on the last day before the closure. Where a teacher, therefore, is ill immediately preceding a closure period and is on either full pay or half pay, they will continue on this rate of pay but the closure period is not counted against the teachers' entitlements. If the teacher has exhausted their sick pay and is on no pay, they will continue to receive no pay. A teacher may in the above circumstance, be put back onto full (ordinary) pay if the teacher is ill immediately preceding a closure of the school and recovers during this period of closure. In this circumstance, the teacher shall be deemed, for the purpose of calculating salary due, to have returned to duty on the day he/she is authorised as medically fit by their GP via a fit note, provided the teacher returns to duty on the first day after the closure.

Sickness monitoring and statutory annual leave (all year round staff)

A break in long term sickness absence for taking statutory annual leave does not trigger a new period of sickness absence in terms of monitoring. Paid statutory holiday entitlement accrues during sickness absence regardless of how long an employee is off sick. Employees are therefore able to take paid statutory annual leave while on sick leave.

Medical Suspension

If an employee's condition is considered to be a health and safety risk either to themselves, other staff, and or pupils they should be suspended on medical grounds. The suspension will be on full pay. Head teachers in any doubt should seek advice from their HR Advisor before taking this action.

An employee who is medically suspended would normally have been referred to the occupational health service or would be in the process of being referred for a medical opinion.

The employee will be advised to visit their GP in this circumstance to ascertain the doctors' opinion on their state of health. If the doctor agrees that the employee should not be in work, the employee should send the fit note to their Head Teacher. The medical suspension will cease from the date of the fit note.

For cases of suspected drug or alcohol abuse Head teachers should refer to the Trust's Substance Misuse Policy.

There may be occasions when the medical advice received from the GP or Occupational Health Adviser cannot be practically implemented. In such cases the Head Teacher has the authority to suspend on medical grounds.

Differences of Medical Opinion

On rare occasions, there may be a difference of medical opinion between the employee's GP and the Occupational Health Physician. The opinion of the Occupational Health Physician takes precedence.

Return to Work Interview

Following any period of sickness absence, the Head Teacher (or delegated leader) will meet informally with the employee to discuss their sickness absence.

The purpose of the meeting should be;

- to welcome back and to discuss whether there needs to be a phased return, amendments to hours or any workplace adjustments;
- to ensure full recovery and to give the opportunity for the employee to share any underlying problems; and
- to ensure they complete the necessary notification and that the employee has provided a fit note if appropriate.

Managing short term sickness absence

The early and successful management of short-term absence is essential to good working conditions. Responsibility lies with the Head teacher to manage this process in a consistent and appropriate manner.

To ensure that a complete picture of absence is available, comprehensive sickness records must be kept for monitoring purposes.

The Head teacher may arrange for the employee to be referred to the Occupational Health Adviser in order to seek advice including whether there is any underlying cause for the short-term absence.

Head teachers should review absence levels more formally with an employee where a pattern or level of absence has emerged which causes concern and/or the absence triggers as set out in the section above have been met.

In these instances, a Stage One formal review meeting should be held between the Head Teacher and the employee to discuss the Head teacher's concerns. At this meeting the employee should be provided with a copy of this policy. During the formal stage the employee will be expected to improve their level of attendance. The level of attendance required will be confirmed to the employee in writing and the employee informed that failure to reach this required attendance within a specified timescale could lead to dismissal.

In extreme cases a Stage Three final review meeting will be convened without going through Stages One and Two.

Steps to be followed

STAGE ONE - Formal Meeting One

The purpose of the meeting is to discuss the situation with the employee in a supportive way, to establish whether the absences from work are related and to agree with the employee the best way forward. The employee should be asked if they wish to be accompanied by a Trade Union representative or a workplace colleague at the meeting. In exceptional circumstances your HR Advisor may be asked to attend if the matter is particularly complex.

By the end of the meeting, the Head teacher would be expected to have a real understanding of the problem and any workplace issues that are affecting the employee's ability to attend work and determine reasonable ways of assisting the employee in reducing his/her sickness absence and/or making a successful return to work. The decision of the meeting should be recorded and a copy of the record be given to the employee to avoid any confusion. In situations where the manager is unable to fully understand the problem a further referral will be appropriate.

If the reasons given for the absences appear to be unrelated and the level of absence and/or frequency and pattern is causing concern the Head Teacher should try and identify through discussion with the individual if there are other problems of a domestic or work nature that may be affecting their attendance. If there are any work issues affecting attendance, the Head Teacher has a responsibility to make every effort to resolve these and to involve the employee in their effective resolution. A date should be set in two months' time to review the position at a Stage Two formal review meeting.

Where an employee has taken three or more periods of sickness absence within a six-month period, the Head Teacher must automatically review the need for a referral to the Occupational Health Adviser. Action taken to refer to the Occupational Health Adviser must be appropriate to the nature of the absence. Guidance on when this is appropriate is available from the Trust's HR Consultant.

STAGE TWO - Formal review meeting

The purpose of this meeting is to review the situation.

An exception to this would be where medical advice indicates that the employee will not be able to return to their role or a suitable alternative role, and where there are no reasonable adjustments that would enable them to return. A Stage Three final review meeting will then be convened.

Outcome from Stage Two

The outcome will be either an improvement or failure to improve.

The following explains the next steps that need to be taken in either circumstance:

The level of absence has improved

If the level of attendance has improved sufficiently this should be recognised and a further review organised for two months' time. If after that further review, there is no ongoing concern, then no further action is required. A

record of this decision should be made and shared with the employee and placed on the employee's personal record for 12 months.

Head teachers should make it clear to the employee however that should there be further concerns regarding their attendance within the next 12 months' consideration would be given to re-starting the review process at Stage Two. Head teachers should explain that should their level of absence persist after a final two-month review period, a Stage Three final review meeting will be convened and that this could result in their employment with the school being terminated on medical grounds.

The level of absence has not improved sufficiently

The process will move to the final Stage Three review meeting in cases where the Head Teacher has exhausted all options available that might enable the employee to reach an acceptable level of attendance and where:

- the level of short term absence remains unacceptable, and/or
- the steps taken at Review Stages One and Two have not secured the required improvement.

In which case the Head Teacher should explain that the result of the Stage Three meeting could result in their employment with the school being terminated on medical grounds.

STAGE THREE – Final Review Meeting

Where all options have been considered during Stages One and Two of the formal process, the Head Teacher should convene a Final Review meeting before a panel of governors. The employee will be informed of this meeting. Up to date Occupational Health advice will be sought before the Final Review Meeting.

Outcomes of the Final Review Meeting will result in either:

- a written warning to remain on the employees personal file for 24 months, or
- termination of employment on medical grounds.

Managing long term sickness absence

When an employee is on sick leave for a period of time it is important that the Head teacher (or nominated person) keeps in regular contact in order that the individual is supported and does not feel isolated and also that an accurate picture of the circumstances can be maintained. There is also an obligation on the part of the employee to keep their Head Teacher updated with regard to their health situation.

Long-term ill health can be a fair reason for terminating an employee's contract of employment. The legal background is that an employee who is absent from work due to ill-health, where there is an underlying medical condition, may be fairly dismissed provided that fair and reasonable steps are taken.

Referral to the Occupational Health Adviser

A referral can be made by the Head Teacher to the Occupational Health Adviser at any point during the period of sickness for a medical opinion on the employee's fitness to carry out their duties and advice on how to facilitate an early return to work wherever possible. This will normally be where the employee has been off sick for a continuous period of four weeks or in cases of stress, depression and other similar conditions during the second week of absence (i.e. where they have met the triggers for further action).

Action taken to refer to the Occupational Health Adviser must be appropriate to the nature of the absence. If in any doubt Head teachers should seek advice from their Trust's HR Consultant for further guidance.

Employees unable to return to their normal duties due to a disability

If an employee becomes disabled as a result of illness, reasonable adaptations must be considered under The Equality Act 2010. See [appendix one](#) for further details regarding reasonable adjustments.

Access to Work funding may be available to assist with reasonable adjustments required in the workplace. Whilst the school is not obliged to create a new position for an employee, if there is work available which might

be considered suitable, taking into account the individual's capabilities, they should be considered for re-deployment into this position.

No decision to terminate the employee's contract should be taken without firstly consulting the Trust's HR Advisor.

Phased returns to work

In some circumstances, the Occupational Health Adviser may advise that a phased return to work is appropriate for employees returning from a period of long term sickness absence. This will enable the employee to gradually build up their working hours and/or days and settle back into their normal working pattern.

Timescales for phased returns to work will be discussed in advance and medical advice sought to determine when the employee will be able to return to their normal working hours and/or days. The employee should submit a fit note confirming that they are fit to return to work. During the initial period of a phased return, the employee will be paid their normal contractual salary.

If a phased return extends beyond four working weeks, then the employee will be paid on the basis of hours actually worked. If the staff member is an all year round employee and has already accrued annual leave, they may request this to make up any time that they are not at work.

Employees not fit to return to work

In cases of long term absence where the employee is not expected to be fit to return to work within a reasonable timescale, and where any steps taken to secure a successful return to work have been unsuccessful the Head teacher should discuss this with the employee and move to Stage Three.

Retirement on the grounds of ill-health

In those circumstances where employees cannot return to work on grounds of ill health or be found suitable alternative employment, they may be eligible for retirement on ill-health grounds. The pre-requirement for an application is that

the employee is a member of the Local Government Pension or the Teachers' Pension scheme.

This avenue will be explored before a formal meeting takes place, providing the medical information received thus far indicates that the employee may be incapable of returning to work for the foreseeable future.

The process of application is different for both pension schemes, but the HR Advisor will be able to advise you on the application process. The basis of the award is that the member of staff is permanently incapacitated or unable to carry out their employment duties due to illness.

Out of service applications

The HR Advisor will assist the school in a referral to Occupational Health on behalf of the ex-employee, in order for occupational health to confirm permanent incapacity and issue a permanent incapacity certificate. In order to do this, occupational health may need to: -

- conduct an independent medical assessment
- contact the ex-employee's GP
- contact the ex-employees treating specialist

The school will not meet the cost of such a referral and the member will be asked to sign an agreement to meet the costs prior to the application being commenced.

Termination of employment on grounds of ill health

Any decision to terminate the employment on medical grounds will be dealt with in accordance with the following process.

The Final Review Meeting should be convened to discuss the situation once it is established that:

- an employee is medically unfit for their duties as confirmed by the Occupational Health Adviser, or

- there is no identified resolution to their sickness which is sustainable, due to its impact on the provision of the service, or
- the procedure for managing short term absence has been followed and there has been no improvement in attendance at the end of the review period nor further evidence of a health problem has come to light;
- No reasonable adjustment is possible or any adjustments which have been put in place have failed.

If the Occupational Health Adviser determines that the employee will not be able to return to their normal duties, suitable alternative vacant posts within the Trust will be considered as a re-deployment opportunity before the Stage 3 final review meeting is convened.

Final Review Meeting process

The Final Review meeting shall be conducted by a panel of governors and they will be accompanied by a HR Advisor. The employee will be notified in writing at least ten working days ahead of the meeting and will have the right to be accompanied by a trade union representative or work place colleague. The employee is required to provide the panel with any documentation they will be relying on at least five working days in advance of the meeting.

Where an employee is dismissed they should be issued with appropriate notice and the right of appeal.

The employee will be notified in writing of the outcome and their right of appeal, normally within five working days of the decision.

Right of Appeal

The right to appeal against termination of employment on the grounds of ill health is to a panel of governors not previously involved in the case. Appeals must be lodged with the school, addressed to the Chair of the Appeals Committee within ten working days of the date of receipt of the letter notifying the outcome of the formal meeting, clearly stating the grounds for the appeal.

The appeal will be heard as soon as possible.

The appeal panel's decision will be final.

Relevant Legislation

Employment Rights Act 1996

Equality Act 2010

Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010 (SI 2010/137)

Appendix One

Supporting an employee who becomes disabled

Making reasonable adjustments

Under the Equality Act 2010, disabled employees are protected against discriminatory treatment that occurs for a reason related to their disability. One of the key duties under the Act for employers is to make reasonable adjustments to working arrangements, working practices and premises.

Reasonable Adjustments

Should an existing employee become disabled an employer can help practically by considering what reasonable adjustments could be made to accommodate the employee's needs and ensure they are successfully retained in employment. The employee may have suggestions, which you should of course consider, but it remains your responsibility to identify and implement any adjustments.

Some examples of these reasonable adjustments include in no particular order:

- **altering premises**, e.g. widening a doorway, providing a ramp, stair-climbing chairs or non-slip flooring, moving furniture, altering lighting, or providing parking spaces for drivers with disabilities.
- **allocating some duties to another employee**, within the working environment.
- **transferring the person to fill an existing vacancy via a redeployment process**, e.g. if an employee becomes disabled and there is no reasonable adjustment which can enable them to continue in their post they might be considered for another suitable post within the school.
- **altering working hours**, e.g. allowing an employee who becomes disabled to work part-time or to job share.

- **changing the person's place of work.**
- **allowing absences during working hours for rehabilitation, assessment or treatment**, e.g. allowing an employee who becomes disabled time off during work to receive physiotherapy or other treatment.
- **supplying additional training**, e.g. training in the use of particular pieces of equipment unique to the disabled person.
- **Acquiring or making changes to equipment**, e.g. a visible fire alarm system, an adapted telephone, a specific software package etc.
- **providing a reader or signer**, e.g. reading information to a visually impaired person at particular times during the working day.
- When planning changes to buildings or practices, management should, as a matter of good practice, consider the possible needs of new employees with disabilities, impairments or long term health conditions and existing employees who may develop them in the future.