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D4-NEWHAM SCHOOLS MANAGEMENT OF SICKNESS ABSENCE POLICY, PROCEDURE AND MANAGEMENT GUIDANCE FOR TEACHERS AND ALL SCHOOL STAFF

September 2016

The Governing Body of _____ School

adopted this Policy on _____ [insert date]

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Appendix D4

Sickness Absence Management

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**MANAGEMENT OF SICKNESS ABSENCE
POLICY AND PROCEDURE FOR SCHOOL
BASED STAFF**

(SECTION A)

MANAGEMENT OF SICKNESS ABSENCE POLICY AND PROCEDURE

Policy and General Considerations

Policy Statement

- 1.0 The purpose of this policy and procedure is to manage attendance levels within the context of a concern for genuinely ill staff, balanced by a concern for those staff who are still at work and for pupils and parents who may suffer from reductions in either the level or quality of service through staff absence.

Applicability

- 1.1 This document applies to all staff employed in community and voluntary controlled schools, where the relevant body is the governing body. It also applies to all non-school based teachers for whom the relevant body is the Local Authority.
- 1.2 This document covers sickness absence, dealing with cases of long term ill health and responding to cases of persistent short term sickness absence. The procedure sets guidelines for managers, identifies the sorts of issues with which they should concern themselves and sets out a clear procedure for dealing with cases.

Consistency

- 1.3 As the devolution of authority and accountability to schools increases, the implementation and use of a sickness management policy and procedure is essential. It helps to ensure that staffs are not treated differently depending on where they work and are dealt with in a sensitive and fair way.

Involvement

- 1.4 The recognised trade unions have been consulted about this policy, procedure and its implementation, including all updates.

Confidentiality

- 1.5 Medical information about employees must be treated with confidentiality. This does not necessarily mean employees have the right to withhold information about their medical condition but it does mean that the relevant body recognises that some

employees may be reluctant to divulge sensitive or embarrassing information and, therefore, this policy allows employees some discretion over who, within their management structure, they may speak to about ill health problems. Whoever receives such information must respect confidentiality and any breach of confidentiality will be regarded seriously and may lead to disciplinary action. If other staff need to know, they must be kept to a minimum and the employee's consent obtained beforehand and informed why it is necessary for another person(s) to have this information.

1.6 Managers have a responsibility to treat all sickness absence in a sensitive manner. In cases of doubt about how to handle particularly sensitive issues, advice should be sought from NPW - Schools HR.

1.7 Absences arising from accidents, injury or assault at work

Teaching staff

In the case of absence 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 of up to 6 months shall be allowed and this does not count towards their sick pay entitlement, which commences at the end of this period

Support Staff

In the case of absence due to accident, injury or assault attested by an approved medical practitioner to have arisen out of and in the course of support staff's employment, including attendance for instruction at physical training or other tasks organised or approved by the employer or participation in any extra curricula or voluntary activity connected with the school, full pay of up to 12 months, shall be allowed, but no subsequent sick pay.

Absences due to accidents, injury or assault that occur in the course of all members of staff's employment must be recorded and the appropriate accident report documentation completed then sent within two weeks to Newham Council's Corporate Health and Safety Section and a copy to the employee.

Cases of staff absent due to accident, injury or assault at work should be handled particularly sensitively. It may be appropriate to encourage the employee to involve their union representative or if already known to yourself, for you to approach them directly.

During the period that an employee is absence due to an accident, injury or assault that occurred at work, it is important for Managers to remain in contact with the employee and follows much of the good practice in the Sickness Absence Policy. This could include, calling a duty of care or exploratory meeting to ascertain more information regarding the exact cause of the absence, referral to Occupational Health, discussing and implementing appropriate support strategies. However, the Authority recommends that it is not appropriate to start the formal Stage 1 of this procedure until the employee has been absent for at least 6 months.

2.0 Introduction to Procedure

2.1 This document sets out the actual procedure to be followed in dealing with sickness absence.

There are three stages to this procedure, as follows:

Stage One - Trigger Level Interview.

Stage Two - Formal Improvement Action Plan.

Stage Three - Formal Governors Hearing Considering Dismissal.

2.2 This procedure does not rule out any stage being used more than once.

2.3 This procedure refers to the head teacher. It is for the head teacher to determine if they, or any designated member of staff, actually carry out the steps in these procedures.

2.4 In the absence of evidence to the contrary, sickness absence must be accepted as genuine. The key issue is not whether the employee is genuinely sick but whether the level of non-attendance is acceptable.

2.5 It is important that employees with unacceptable sickness absence records are made aware of the consequences if the position does not improve.

- 2.6 The purpose of all meetings within this procedure is to look at ways in which attendance can be improved to an acceptable level given the individual circumstances of the case.
- 2.7 Refusal to attend such a meeting without an acceptable reason may be dealt with as a misconduct issue as for example, refusal to comply with a reasonable instruction, which falls under the Disciplinary Procedure. When an employee's non-attendance is wholly due to the medical condition causing the sickness absence, the head teacher should continue with the sickness absence procedure.
- 2.8 If the employee's union representative is unable to attend the proposed date of any meeting at any stage of the sickness procedure or the employee can provide evidence that they have a medical appointment on the proposed date. A postponement may be requested and would be agreed and the meeting re-scheduled within 5 working days. No further postponement will be agreed.
- 2.9 A copy of all documents written when using the procedure must be given to the employee and placed in a confidential school based file.
- 2.10 Managing the sickness absence of staff with a disability requires reasonable adjustments to be made. This may be for example to the working environment or to the trigger levels. The individual must not receive less favourable treatment because of the disability. This does not preclude the dismissal of an employee with a disability; it requires that reasonable steps are taken which will vary depending on individual circumstances. See appendix 1 for further guidance.
- 2.11 The school and LA will abide by sick pay regulations and entitlements (details of which can be found in appendix 6).
- 2.12 In the case of concerns about a head teacher's sickness, the Hearing/Presenting Officer will be The Executive Director or appropriate delegated officer at the request of the chair of governors.

Stage One - The Trigger Level Interview

- 3.1 The first stage will normally be triggered by six working days sickness absence and/or three spells of sickness absence in any six month period. Part time employees are eligible for a proportion of trigger levels of a full time employee.
- 3.2 When an employee reaches a trigger level as detailed above, the head teacher can arrange a stage 1 meeting with the employee concerned. The employee has a right to be accompanied at this meeting, by a trade union representative or workplace colleague.
- 3.3 The purpose of the meeting is to have an open discussion during which the employee's views about the state of their health are sought in the light of their absence record. The discussion may include considering whether there is an underlying cause for the sickness. Management should explain the difficulties for the school and its pupils arising from this level of absence.
- 3.4 Details of this meeting should be recorded; a sample form is attached at Appendix 3, and a copy of the completed form should be given to the employee either at the end of the meeting or sent to them within 5 working days of the date of the meeting, a covering letter re the outcome may also be sent. Copies of all documentation should be filed in the employee's school file and any subsequent correspondence from the employee.

If an employee disagrees with the content of the form or covering letter, they should within 5 working days of receipt, submit in writing their concerns. Employees who are members of a trade union and/or were accompanied at the meeting, should be advised to discuss with their union, before making any submission of concern

- 3.5 At the discretion of the head teacher, this part of the procedure can be implemented on more than one occasion depending upon the reason of the absences and their pattern.
- 3.6 In long term ill health cases, employees should be invited to attend a trigger level interview at the school. A Statement of Fitness to Work that states you are not fit to attend work does not automatically preclude attendance at a meeting. In cases where the employee cannot make it to the school, a home visit may be necessary to carry out the trigger level interview meeting. In the case of a home visit only, a representative or work place colleague may be present. If the employee does not wish to be visited and visiting the school also presents problems, consideration should be given to the meeting taking place at a neutral venue. In cases where the

individual may be too ill or unwilling to attend, a representative can attend the meeting in the employee's place. Where both these options fail, the meeting may go ahead in the employee's absence; in this case the employee will receive written details of any decision, action plan and review date.

- 3.7 In some cases it may be appropriate to refer the employee to the occupational health service. See section 4 of the guidance for further details of how to refer an employee.

Stage Two – Formal Improvement Action Plan

- 4.1 Where continued concern exists about the level of absence since the trigger level interview, further actions should be explored to improve attendance. A meeting will be arranged and the employee has the right to be accompanied by a trade union representative or work place colleague at the meeting. It is the head teacher's responsibility to ensure that she/he acts reasonably and fairly in all such cases. See Appendix 4 for discussion points at the meeting.

- 4.2 One or more of the following decisions may be taken, if considered appropriate having listened carefully to the employee's views based on each individual case:

(a) Refer the employee to the Occupational Health Service for medical assessment (if not already done). If this course of action is decided, then the School should either complete the OH referral form and sent electronically to NPW Schools HR or complete the on line OH referral and submit directly to OH. For further information see section 4 of management guidance.

(b) In cases of short term absences set a target for improvement over a set period with a review date and in the case of long term absence set a required date of return to work.

(c) Adjust working conditions, i.e. a new chair for someone with a back problem. See appendix 5 for further details.

(d) Consider and discuss if a change in duties/redeployment is an option. This may be a temporary arrangement within or outside the school depending on individual circumstances/availability of alternative roles.

(e) Ask for a doctor's Statement of Fitness to Work for all absences including one day absences. The relevant body will pay for these. There is limited scope to do

this as there can be problems with staff obtaining an appointment with their GP at a timely point to obtain a Statement of Fitness to Work. Bear this in mind when considering making this a requirement.

(f) Issue a formal improvement action plan and caution the employee that if attendance does not improve, a formal hearing will be called to consider the employee's future employment at which dismissal will be an option. This would be with the Head teacher or governors committee.

- 4.3 A record of this meeting should be made detailing the decisions taken, any requirements or targets set for the individual and action to be taken by the head teacher or employee and the review date set. A sample form is attached at Appendix 3. It is important that either the completed form and covering letter or an outcome letter alone is sent to the employee. Sample letters attached are at appendix 12.4
- 4.4 The employee must be advised of the consequences of their failure to achieve an acceptable level of improved attendance or a return to work i.e. the employee will render themselves liable for dismissal.
- 4.5 If at any time up to the review date the employee fails to show an acceptable level of improvement, the head teacher may write to the employee to notify them that they wish to meet with them and that they may be accompanied by their trade union representative or workplace colleague. At this meeting, reasons for the lack of improvement should be explored. It is important to take into account issues and problems raised by the employee; this should form part of the discussion. If the head teacher considers that the level of absence is still not acceptable, they can decide to refer the case for consideration under Stage 3 of this procedure. Alternatively a revised improvement action plan with a new review date may be issued.
- 4.6 In long term ill health cases, employees should be invited to attend a stage two meeting at the school. A Statement of Fitness to Work that states you are not fit attend work does not automatically preclude attendance at a meeting. In cases where the employee cannot make it to the school, a home visit may be necessary to carry out the stage two meeting. If the employee does not wish to be visited and visiting the school presents problems, consideration should be given to the meeting taking place at a neutral venue. In cases where the individual may be too ill or unwilling to attend a representative can attend the meeting in their place. Where both these options fail, the meeting will go ahead in the employee's absence; in this case the employee will be written to with details as set out in 4.3 above.

Stage Three - Hearing To Consider Dismissal

- 5.1 Stage 3 of the procedure is used when dismissal is to be considered.
- 5.2 If, after a stage 2 review meeting has taken place, the absence level of an employee does not improve to an acceptable level, or there is no acceptable indication of a return to work as a consequence of a long term absence, the case may be referred for a hearing at which dismissal will be considered.
- 5.3 The decision about whether the dismissal hearing will be conducted by the Head Teacher or a governors committee will be based on the Staffing Regulations and associated guidance. This states as follows:

The Staffing Regulations and Guidance under the Education Act 2002 states that the initial dismissal decision should be delegated to the Head Teacher with the exception of where the existing Head Teacher is unwilling to perform this, or where there are proven concerns about the Head Teacher's performance, or "where he/she has been directly involved in disciplinary procedures leading to dismissal, has instigated a proposal to dismiss, or is a witness of particular conduct giving grounds for the dismissal in question". In these cases, the dismissal case will be considered by a panel of governors sitting as the Staffing Committee of the governing body.

The Director of Children's Services (or representative) will be notified of all hearings at which dismissal is to be considered and is entitled to be present and give advice.

The rest of this document refers to the hearing officer; this is either the Head Teacher or the governors committee as determined in accordance with the above guidance. The Head Teacher cannot delegate this responsibility to any other member of staff.

- 5.4 The employee must be given 10 working days' notice of the hearing in writing, including copies of all paperwork to be presented at the hearing. Where possible the date of the hearing should be agreed with the union representative in advance, however, there are constraints and limitations on how this may be achieved, especially if a governors committee must be convened. The employee must provide all copies of responding documents by no later than 5 working days before the hearing.
- 5.5 The purpose of the hearing is to arrive at a decision based on the facts presented. The presenting officer should present a report pulling together all the information that has been relied upon at previous stages, for example copies of letters and action

plans, for consideration by the hearing officer. An up to date Occupational Health report should be available and included in the paperwork presented.

- 5.6 The procedure to be followed at the Stage 3 hearing should be consistent with that set out in the Disciplinary Policy (paragraphs 4.8 to 4.15).
- 5.7 The hearing officer should take into consideration all the information presented to them, including the whole history of attendance of the employee.
- 5.8 The hearing officer can make one of the following decisions:-
- (a) To issue a further improvement action plan and caution the employee that if attendance does not improve, a further hearing will be called to consider the employee's future employment at which dismissal will be an option. The caution that dismissal could be an option would remain on file for any period up to 24 months.
 - (b) To determine that the employee should be dismissed from the School and Council's service, with appropriate notice.
 - (c) To take no action, in which case no papers will be placed on file.
- 5.9 In cases where a caution or a further hearing to consider dismissal has been issued (as in case 5.8, (a)) above, and the employee has subsequently failed to achieve the required improvement at any time during the caution period, a further hearing will be convened at the request of the Head Teacher.
- 5.10 A letter and a written record of the hearing will be sent to the employee detailing the decision. This will include details of the right of appeal against any dismissal decision.

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Appeal Against Dismissal

6.1 The employee can only appeal against dismissal. Other forms of action are based on a formal improvement action plan, which is a positive approach to seeking the employee's return to work.

6.2 To register an appeal against dismissal, the employee or their representative must, within 5 working days of receiving written confirmation of the decision, write to the Head of Governor Services at Newham Partnership Working (NPW), who will inform the Head Teacher. Within 5 working days of registering the appeal, the employee must submit the details of the grounds on which they are appealing.

6.3 The appeal should be based on one or more of the following grounds:-

(a) The employee considers that the committee conducting the hearing unjustly found against them.

(b) The employee contends that the matter of fact referred to at the hearing has not properly been taken into account by the committee conducting the hearing.

(c) The employee contests the appropriateness of the type of action decided upon.

(d) New information has come to light since the date of the hearing.

(e) The employee contends there were significant breaches in the sickness absence procedure.

6.4 For staff for whom personnel powers rest with the governing body, the appeal will be to a Committee of the governing body.

6.5 When considering an appeal against dismissal by a governors committee, the quorum of the appeal committee will be equal to the number of governors who attended the dismissal committee and will not include any governors who originally heard the case.

6.6 The procedure to be followed at the Appeal Against Dismissal hearing should be consistent with that set out in the Disciplinary Policy (Part 6).

Revised

September 2016

**NOTIFICATION AND CERTIFICATION OF
SICKNESS ABSENCE**

(SECTION B)

NOTIFICATION AND CERTIFICATION OF SICKNESS ABSENCE ARRANGEMENTS

1.0 Notification of Absence by Employee

- 1.1 The relevant body has a right to know as soon as possible if you are not able to come to work because you are sick. You must comply with the reporting in requirements laid out by your school/place of work.

It is important that you comply with the school's reporting in procedures and keep the school updated regarding your likely return/length of absence, in order that the school can plan ahead, which may involve obtaining external cover staff . In all cases it is expected that you will give some indication of when you expect to return to work.

- 1.2 It is the school's responsibility to ensure there are adequate ways for staff to notify when they are absent and to ensure staff are aware of them. **It is your responsibility to comply with these procedures.**
- 1.3 Remember you could lose pay and/or be disciplined if you do not properly notify your head teacher or designated officer that you are absent from work because of sickness.
- 1.4 The above sickness absence procedures applies to all part time staff, except that if an employee's fourth working day of sickness falls on or after the eighth calendar day, the employee must provide a doctor's Statement of Fitness to Work from that day onwards.

2.0 Certification of Sickness by the Employee

- 2.1 For both teaching and support staff sickness absence including the first day, you will be required to complete a self-certification form which will be given to you on your return to work.
- 2.2 For both teaching and support staff sickness absences of eight calendar days or more must be covered by statement of fitness for work from a doctor or a hospital.
- You must arrange for the statement of fitness for work to be sent/hand delivered to your school as soon as you receive it.

2.3 In some cases, the Head teacher may have concerns regarding the employees' fitness for work. If this is the case, the employee will be referred to Occupational Health. . The aim of this is to ensure that the Head teacher has appropriate information to support the employee in their sustained return to work. NPW Schools HR – Employee Relations Team should be contacted for further advice, if necessary.

2.4 Certification of sickness is important. Failure to comply with these rules on certification could result in you losing your entitlement to sick pay and/or disciplinary action being taken against you.

2.5 The Statement of Fitness for Work (fit note)

The fit note was introduced in April 2010 to replace the doctor's sick certificate. The aim of the fit note is to help employees to either remain at work or return to work sooner, by providing more information about the effects of their illness/condition. The main change is that a GP can give advice to the employer to help employees return to work. The GP can choose one of two options to advise that an employee is:

Not fit for work

OR

May be fit for work

2.6 A GP will chose the "may be fit for work" option if they think that returning to work, with support will help the employee. The GP may also give general advice on the fit note about the illness and tick boxes as appropriate, in relation to general ways in which an employee could be supported to return to work.

2.7 As long as the employer agrees, an employee can return to work before the end date stated on the fit note, this could be because they have recovered from their illness or injury more quickly than expected or the employer can offer support to facilitate a return. The head teacher should carefully consider any recommendations made by the GP on the fit note to support the employee back to work. This could include a time limited phased return or time limited amended duties.

2.8 Return to Work Interview

A return to work interview should take place as soon as possible after the employee returns to work. It is to welcome them back, to enquire about their health and to discuss any implications following their return. It will also inform the employee of any changes that might have taken place in the organisation whilst they were away.

For example, if they have suffered an injury the employer should take this opportunity to look into any changes they may need to make to ensure their work environment is safe.

Any confidentiality regarding their ill health should be respected. The meeting should be informal and generally only their line manager and the employee will attend.

3.0 Recording Sickness Absence by the School

The Equality Act 2010 requires that disability related sickness absence are recorded as such with the distinction clearly marked that the absence is related to a disability

- 3.1 Section 1.0 to 1.5 above sets out the detailed requirements for staff to notify sickness to their school/service and section 2 above gives details on how to submit Statements of Fitness to Work. A copy of the Self Certification/Return to Work Interview Form is also attached (Appendix 9).
- 3.2 Appendix 7 is the form to be used for notifying on a weekly basis sickness absence or unpaid leave to the Schools HR Service for payroll adjustment purposes. Schools should fill out the blank form with all the names and payroll numbers of their school staff in alphabetical order. A separate form should be used for teaching and support staff. Make sure that the teaching form includes head, deputy and unqualified teachers. Schools should include on their returns staff who works solely at the school; this could include ELS staff, Learning Support staff and special needs enhanced provision staff. Absences of peripatetic Learning Support Services staff should be notified individually to the relevant service and they will include these staff on their returns.
- 3.3 For each week in which an employee is sick, complete the notification form as follows:

- Against the employee's name and payroll number, enter S in the appropriate column(s) to indicate the day(s) on which the sickness absence occurred.
- Nature of sickness: enter any information supplied by employee.
- Code for Sickness: enter 2 digit code from reverse of form that best summarises the sickness absence reason.
- Statement of Fitness to Work Date: enter date of any Statement of Fitness to Work submitted.
- Did employee who was sick on Friday return to work on Monday? The form should not be finally completed until the Monday after the week to which it refers so that this column can be completed.
- If you have granted an employee any unpaid leave, indicate this as a U in the appropriate column and pay will be stopped accordingly.

3.4 You should also use this form for recording other kinds of paid leave, e.g. funeral leave (F), paternity leave (P), etc. (unless you have another adequate system for monitoring this information). However it is not necessary to submit such information to the Schools HR Service unless the leave is unpaid; in this case 'U' should be entered against the relevant day(s).

3.5 When completing each week's notification sheet, a check should be made over previous sheets to see if any employee has reached the trigger level, set out in the policy.

3.6 The notification form should be copied and the original sent to NPW Schools HR on the Monday following the week to which it refers together with all original Statements of Fitness to Work and self-certificates.

4.0 Sick Pay

4.1 Sick pay is made up of Statutory Sick Pay and Occupational Sick Pay. Occupational Sick Pay may be at full pay, from which Statutory Sick Pay is deducted, or half pay, which is paid in addition to Statutory Sick Pay, provided this does not exceed your normal full pay.

- 4.2 The full and half pay detailed in the sick pay scheme are maximum entitlements which do not prevent action being taken under the sickness absence procedure before the expiry of these entitlements.
- 4.3 An employee's entitlement to sick pay depends on their length of service. Details are given in Appendix 6.

5.0 Accident, injury or assault

- 5.1 If your absence from work is caused by an accident, injury, assault or disease sustained or contracted in the course of your duties, you must have it recorded on an Accident Report Form which is available from your school. The arrangements for reporting accidents are detailed in the "London Borough of Newham Children Services' Health and Safety Management System". For further advice contact NPW, School Management Support on 020 8249 6973
- 5.2 If your absence is caused by an accident, injury or assault and you may be able to claim damages from a third party, you must complete a Third Party Accident Form; further advice is available from NPW School Management Support. In such cases, sick pay is paid as a loan, which must be repaid if you receive any payment for damages.

6.0 Elective Surgery

- 6.1 Time off for any elective surgery, including recovery time, will not be authorised as sickness absence except where the surgery is medically necessary and there is evidence to support this. In cases where this is not medically necessary the employee will be required to request special leave (paid or unpaid will be at the discretion of the school). The leave will be granted or refused in line with the contingencies of the service.
- 6.2 After any surgery there is a period of recovery, or even complications arising from the surgical procedure that may mean the individual is not fit for work under such circumstances may present a fit note from their GP that declares them unfit to work. Where this is the case the School will need to accept this fit note and the period it covers as sickness absence.
- 6.3 Furthermore, there are some examples of where the Head teacher may view time off for elective treatment or surgery, as sickness absence where not doing so may be in breach of the Equality Act, for example undergoing IVF treatment or gender reassignment surgery. Further advice can be sought from Schools HR Employee Relations Team.

7.0 Medical Appointments

- 7.1 Employees are expected to schedule routine medical appointments such as opticians, GP, Dentist, Physiotherapy, Blood test etc. outside of normal working hours
- 7.2 If however this is not possible then the employee should speak to their Head teacher or manager to discuss this further and aim to arrange the appointment at either the start or end of the working day to minimise the impact on their attendance and disruption (if any) to the school. If the Head teacher or Manager is satisfied that the employee genuinely is not able to arrange an appointment outside of normal working hours then they will be granted time off to attend the appointment.
- 7.3 Employees will be granted time off to attend hospital appointments and this may also include cases where there is an on-going course of treatment. Employees should notify their line manager as soon as appointments are arranged. In addition, they should be asked to provide evidence of the appointment (i.e. a letter from the hospital, appointment card, confirmation of dates for treatment etc.).
- 7.4 Hospital or routine medical appointments will not be recorded as sickness absence, however as absences they need to be kept under review, and where the level of absence through appointments causes concern, the Head teacher or manager should meet the employee to discuss the issue, and a file note should be taken, so that the discussion may be referred to in subsequent proceedings under the Sickness Absence Procedure if necessary. However it is recognised that attendance at medical appointments is necessary to recover and in some circumstances positively supports attendance at work over the longer term. Any assessment of absence due to medical appointments needs to be undertaken giving this context.
- 7.5 Payment of an employee's salary to attend medical appointments will be at the discretion of the Head teacher.

MANAGEMENT GUIDANCE
(SECTION C)

MANAGEMENT GUIDANCE

1.0 Introduction

- 1.1 The relevant body acknowledges that the great majority of its employees meet the high standards expected from them in attending work. Nevertheless, there are inevitably some employees whose sickness and absence record will give rise for concern. It is important for all employees to recognise the effect that absenteeism/sickness has on the relevant body's ability to deliver services and that this, in turn, has a significant impact on everybody's future employment. The purpose of this document is to set out how Head Teachers and managers will deal with sickness absence and to:-
- a) Ensure that all sickness absence is accurately recorded; NPW- Schools HR (Payroll notified) and responded to appropriately and consistently.
 - b) Prevent sickness absence by addressing wider issues associated with sickness absence. This is done by identifying and resolving organisational and work related problems before they can escalate. This can be achieved through appropriate supervision, appraisal and staff meetings.
 - c) Ensure that all absence is monitored and managed.
 - d) Enable management to deal appropriately with concerns about an employee's level and pattern of sickness and absence.
 - e) Increase awareness of the measures that may be taken to resolve problems caused by a high level of sickness absence.
- 1.2 Managing sickness absence is a day to day part of management responsibility. If employees are to feel that they make an important contribution to the work of the relevant body, they need to be treated as an important member of the team whose presence is valued, whose absence is noticed and matters, and whose health is of interest and concern to their colleagues. The foundation of effective sickness absence management is to show that managers are concerned.
- 1.3 It is essential that contact is maintained throughout an employee's sickness absence, advising them of what action is being taken and the stage they are at in the Sickness Absence Procedure.

- 1.4 Delaying capability procedures because of sickness is to be avoided if possible. However, absences need to be assessed on an individual basis with advice from Occupational Health Service. Continuing with the capability issue would only be possible if the assessment had reached a stage where the absence of an individual will not significantly affect the outcome.
- 1.5 Dismissal of a disabled employee for a reason related to their disability can only be for a reason that is incapable of being removed by any reasonable adjustments.

2.0 Monitoring overall Sickness Absence levels

- 2.1 Managing absence must primarily be the responsibility of the Head Teacher or designated officer and it is, therefore, essential that as managers you have the confidence, information and support to take action where it is necessary.
- 2.2 Head Teachers or designated officers should hold and retain accurate attendance data within their school (SIMS Personnel allows for absences against an employee to be recorded and management reports produced per employee or whole school.) and monitor the sickness absence level for each employee against prescribed trigger levels.
- 2.3 Two key figures are being used across the Council to monitor sickness. These are:
- i) percentage sickness level for the period, i.e.
$$\frac{\text{total number of days sickness}}{\text{total number of working days}}$$
 - ii) average number of days sickness per employee per period, i.e.
$$\frac{\text{total number of days sickness}}{\text{number of employees (full time equivalent)}}$$
- 2.4 The monitoring information should be reviewed on a monthly or half termly basis to consider any trends or general concerns. Discussions about the information may be appropriate at school management meetings.

3.0 Type of Absence

- 3.1 Most absence falls into four main categories:-

- a) Long term ill-health where an underlying cause for the ill-health can be clearly identified. This may result in either long term sickness absence or periods of short term sickness absence
- b) Frequent short term absence where no underlying cause for the ill-health is identifiable, for example an employee who is regularly off sick with various ailments such as headaches, flu; stomach pains, etc. This can be certificated or uncertified sick leave.
- c) Abuse of the Sick Pay Scheme; falsely claiming to be sick as a reason for not attending work.
- d) Absence without permission, for example an employee who does not turn up for work and fails to report this according to sickness reporting procedures to their Head Teacher or designated officer.

3.2 With categories (c) and (d) these are to be dealt with under the Disciplinary Procedure. This Management of Sickness Absence Procedure deals with the two categories (a) and (b) of long term ill-health and frequent short term absence. In all cases the needs of the relevant body should be balanced with the needs of the employee.

3.3 Ill-health issues will be dealt with in a sympathetic manner and all information will be treated in the strictest confidence. Head Teachers and managers should aim to create conditions, which will support the employee to return to work. However, Head Teachers and managers need to be aware that eventually there may come a time when employment can no longer be left open.

3.4 There can be no clear hard and fast rules for dealing with both long and short term cases. All cases are different and the head teacher or manager must use his/her judgement when deciding what action to take. However, it is essential that Head Teachers and managers are able to justify whatever decision they make.

4.0 Occupational Health

4.1 The Occupational Health Physician (OHP) can provide support and advice, however their role is only advisory it is up to the head teacher or manager to decide whether to follow the advice offered, but you must be able to justify the basis for making your decision if challenged later.

- 4.2 When referring a member of staff to occupational health the more information that can be provided the better. This will give the OHP a background to the case and the views of Head Teachers and managers and what they want will help facilitate the meeting and subsequently improve the advice received. The following list details a number of main points that would benefit this process. The head teacher or manager would need to ensure this information is included with the referral documentation.
- a) An indication of any change in the individual's performance and their duties prior to the commencement of sickness absence.
 - b) Any outstanding grievance, disciplinary or management action.
 - c) Any reason you may have to believe that the absence may be work related.
 - d) Details of the nature of the specific duties of the post and any associated duties.
 - e) Any other relevant information you are aware of that would be helpful in the referral.
- 4.3 Do not become dependent on medical advice anticipating a resolution to the problem. Medical advice does not often recommend a specific source of action. It is only one part of the process and there to aid you.
- 4.4 In all situations a report would be obtained from the Occupational Health Physician, which may recommend a course of action to be followed. In long term cases for example, the advice may be regarding reasonable adjustments or redeployment and in short term cases health awareness advice and guidance for the individual.
- 4.5 However, there may be occasions when an employee referred to Occupational Health either is unable to attend the Health Physician or fails to attend for some other reason. In such cases a decision may have to be made based on the information available at the time.
- 4.6 Should a referral be made to the Occupational Health Physician and the employee fails to attend an appointment, without justifiable reason, this may result in disciplinary action being taken, and a decision taken on sickness absence on the basis of the information available.

4.7 Copies of all Schools HR correspondence to the employee about sick pay and to the OHP will be copied to the head teacher. Information supplied by the OHP is confidential to management.

4.8 The Burgundy Book gives advice in relation to the suspension of teachers who become medically unfit. Schools HR will advise in relation to the suspension of support staff whom become medically unfit. No medical suspensions should be actioned prior to seeking advice from Schools HR.

4.9 If you wish to refer a member of staff to the OHP:

- you should email your Payroll Officer or an HR Employee relations Officer that is supporting you with the case, the completed OH referral form. See Appendix 11, OH referral form

Alternatively schools are able to complete OH referrals online directly to the OH provider. To access online referrals you will need the login and password issued to your school or contact NPW, Schools HR

- you should have informed the employee that you are going to refer them.

4.10 The OHP does not 'treat' employees who are referred, although they may offer advice to them. The OHP usually discusses with the employee their medical condition, any treatment they are receiving and a likely prognosis. They may also physically examine them.

4.11 In some instances the OHP may contact the employee's GP and their hospital consultant (if appropriate) before sending a report back to NPW Schools HR/School directly. In this case the employee must give their consent for their GP / consultant to release medical information. If the OHP considers the employee permanently unfit for work they will discuss this with the employee if they have attended an appointment.

4.12 Employees are not obliged to give such consent but, if consent is withheld, any decision the OHP or head teacher might have to take will be made only on the facts available to them.

4.13 Under the Access to Medical Reports Act 1988 any one has the right:

- to withhold their consent to any application for a report to be made to their doctor.
- to see any medical report before it is given to the OHP as stated previously.
- to ask their doctor to amend any part of the report that they feel is inaccurate or misleading.
- if the doctor refuses such a request to attach a statement giving their views on its content.
- to refuse consent to the report being supplied to the OHP.

4.14 Any doctor has the right, however, to withhold any part of their report from a patient if they believe it would cause serious harm for the patient to see it. The doctor must inform the patient that parts of the report are 'hidden'. A full explanation of an employee's rights is attached to the actual consent form.

4.15 When the report from the OHP is returned to Schools HR it is forwarded to the head teacher. The report may state that:

- the employee is fit to return to work and carry out their duties
- the employee is fit to return to work with some modification in duties/phased return.
- the employee is not yet fit to return to their duties and the situation will be reviewed.
- the employee is permanently unfit for a return to duties.

4.16 On receipt of the OHP report, the head teacher may wish to contact NPW- School's HR Employee Relations Team to discuss the report.

4.17 Fit for Work Scheme

Fit for Work provides a referral to an occupational health assessment for employees who have been absent from work for over four weeks. Fit for Work is free and helps employee stay in or return to work. It provides an occupational health assessment and general health and work advice to employees, employers and GPs.

Please note that Fit for Work will complement, and not replace, existing occupational health services currently provided. Should you require further details about the scheme, please contact Schools HR (Employee Relations Team).

5.0 Return to work interviews

5.1 Whilst the employee has a responsibility to attend work as per their employment contract, sometimes it will become difficult for the employee to uphold this arrangement, for various reasons. Discussing the reasons for absence with the employee and supporting them to find ways to improve their attendance can be beneficial for the employee as well as the school.

5.2 It can be difficult talking to employees about why they have been absent from work and some employees, naturally, find it difficult to discuss personal medical problems. Although it is usual practise for the Head teacher / line manager to do this there are occasions where another person may be considered more appropriate e.g. someone of the same gender.

5.3 Return to work interviews should be held following every absence, even if only one day, and will facilitate an environment in which such conversations may typically take place.

5.4 Following any period of absence, whether short-term or long-term, a meeting should be arranged with their Head Teacher/Line Manager on their return to work, ideally on the day that they return to work or within five working days of the employee returning.

5.5 As a guide, the meeting should be used as an opportunity to recognise the absence and where appropriate discuss the reason(s), to highlight where absence is becoming a concern, particularly in line with the triggers for starting the formal procedures, and to identify if there are any reasonable measures that you or the employee can take to improve attendance at work going forward.

5.6 Absence may not always be linked to sickness, and by holding return to work interviews other issues may arise such as personal issues may be related to a caring responsibility, or even workplace pressures, etc. Discussing these early may be a good tool to resolving issues before they escalate and possibly preventing future sickness absence linked to these.

5.7 If the absence is caused by a gender specific sickness or issue the employee should be made aware that the interview can be conducted sensitively by a senior employee of the same sex, agreed between the parties who would then report back to the Head Teacher/Line Manager.

5.8 Any concerns arising from this interview should be raised immediately by the Head Teacher/Line Manager with the Schools' HR team at NPW.

- 5.9 The only exception might be in the case of long-term absence, where a formal review meeting is held prior to the employee's return, where it is likely that a number of the discussion points will already have been sufficiently covered; however it is still be appropriate to meet with the employee even if it is just to welcome them back.

Returning to work after long term absence

- 5.10 Following a period of long sickness absence (in excess of 4 weeks), but depending on the circumstances of the particular case or if any employee has had a serious or contagious illness, a Statement of Fitness to Work may be required and, if appropriate, confirmation of fitness from the school's Occupational Health Physician/Adviser may be sought.
- 5.11 If arrangements for returning from long-term absence have not already been discussed at either a trigger 1, stage 2 Formal Improvement Action Plan or Stage 2 review meeting, this should be discussed during the return to work meeting, on the first day back at work.
- 5.12 Depending on the illness and the specific circumstances of the case, it may be appropriate for a phased return programme, as a reasonable adjustment, to be recommended by Occupational Health.

Agenda for the return to work meeting/interview

- 5.13 The following agenda may be used as a guide for the return to work interview:
- a) welcome the employee back.
 - b) confirm the reason for the absence.
 - c) ask how the employee is feeling following the period of absence
 - d) ensure that the employee is fit to return to normal work or whether some support is needed for a period of time.
 - e) make sure that the correct certification has been provided, or that a self-certificate is completed where appropriate.
 - f) address any issues in respect of reporting absence, non-provision of Statement of Fitness to Work. Identify the reasons why protocol wasn't followed and remind the employee of future protocol. If necessary consider whether it is a disciplinary matter.
 - g) bring the employee up to date on the work and any changes which may have occurred.

- h) identify if there are any other issues, underlying causes, which are affecting attendance at work.
- i) to offer support/assistance on any issues raised which may affect their sickness absence.
- j) the employee should be made aware, for information purposes, what the trigger levels are under the procedures and advised that a referral to Occupational Health Unit might be made if appropriate.
- k) also inform the employee that should they have concerns about their own health, a management referral to Occupational Health can be arranged.
- l) the employee should be made aware, for information purposes, that all sickness will be monitored in line with the Newham Schools' Management of Sickness Absence procedure and if they have triggered, advise them of this and whether a formal review meeting will be arranged.
- m) Take notes and complete a return to work interview record, (see appendix 9) ensure it is signed by both parties and ensure a copy is given to the employee. The original record should be maintained in the employee's personal records.
- n) the employee should complete and sign a consent form if an Occupational Health referral is to be made.

5.14 The meetings should be conducted with sensitivity, and there may be circumstances when it would not be appropriate to cover all of the issues listed.

GUIDELINES FOR DEALING WITH LONG TERM SICKNESS

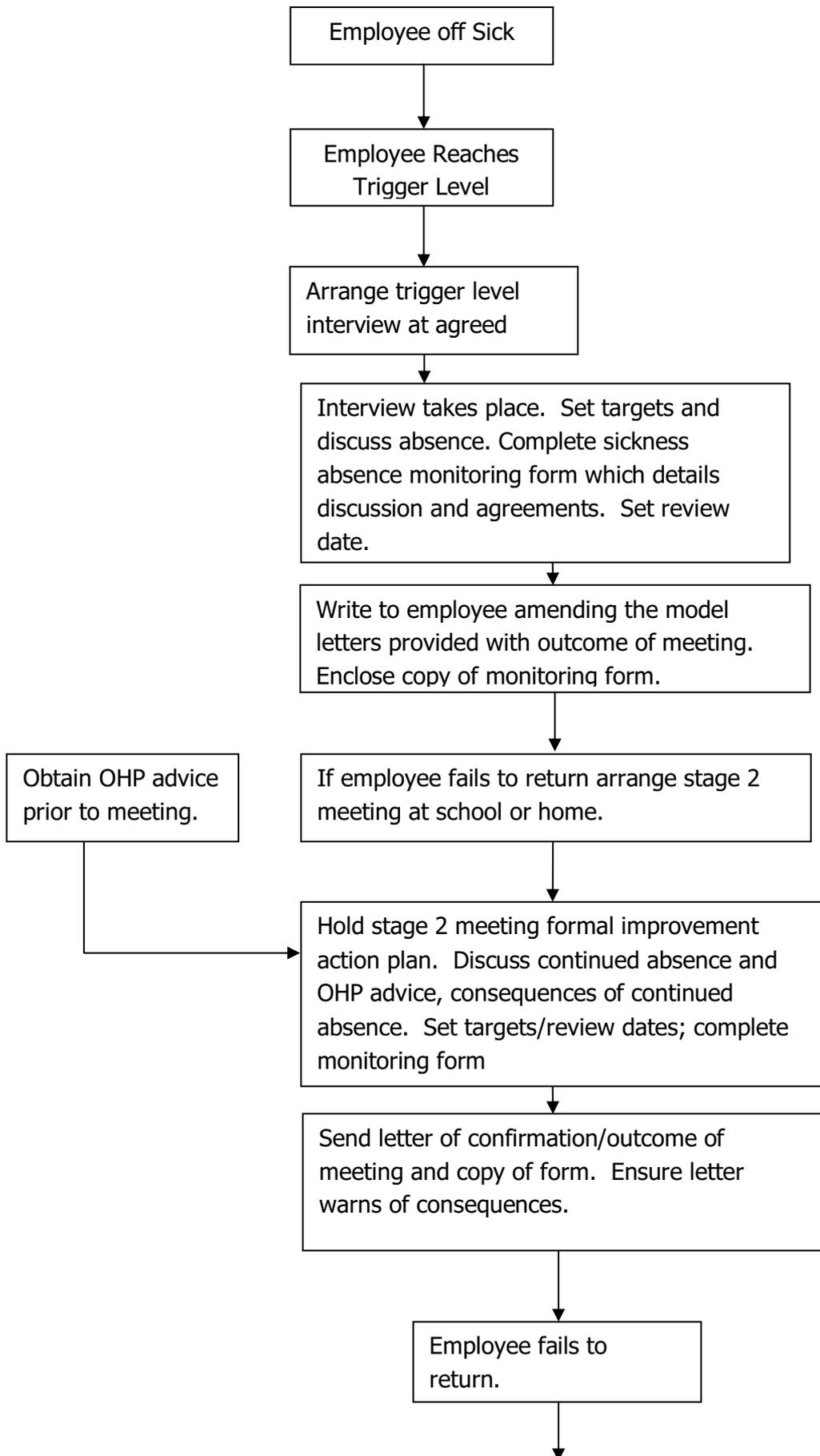
- 6.1 Long term ill-health encompasses employees who are on long term absence because of sickness and employees who are unable to attend work regularly because of chronic ill-health. In both cases an underlying medical cause is identifiable as the reason for absence.
- 6.2 In the ACAS booklet dealing with absence, it is suggested that the following points be considered when deciding upon what action to take. The following points are advice and not procedural requirements:-
- a) How much damage is being caused by the absence? Is there an immediate crisis, or could the school continue for some time without a replacement?
 - b) Is it the view of the employee's General Practitioner or Occupational Health Physician that a return to work would be possible? Would there be a full recovery or would a return to the same work be undesirable?
 - c) Could the employee return to work if some assistance were provided, for example reduced hours or amended duties for a temporary period?
 - d) Is less stressful or physically less demanding work available with re-training if necessary?
 - e) What costs (financial and other) are being incurred by the relevant body as a result of the absence?
 - f) Is early retirement a feasible consideration; and have all the possibilities been discussed with the employee and his/her representative?
 - g) Has the possibility of ill health retirement been explored?
- 6.3 Other considerations you are advised to look at are the general context of the relevant body's position in terms of its:-
- a) Financial situation;
 - b) The need to provide a service to pupils ensuring your obligation of running an Educational establishment is maintained to an acceptable level.

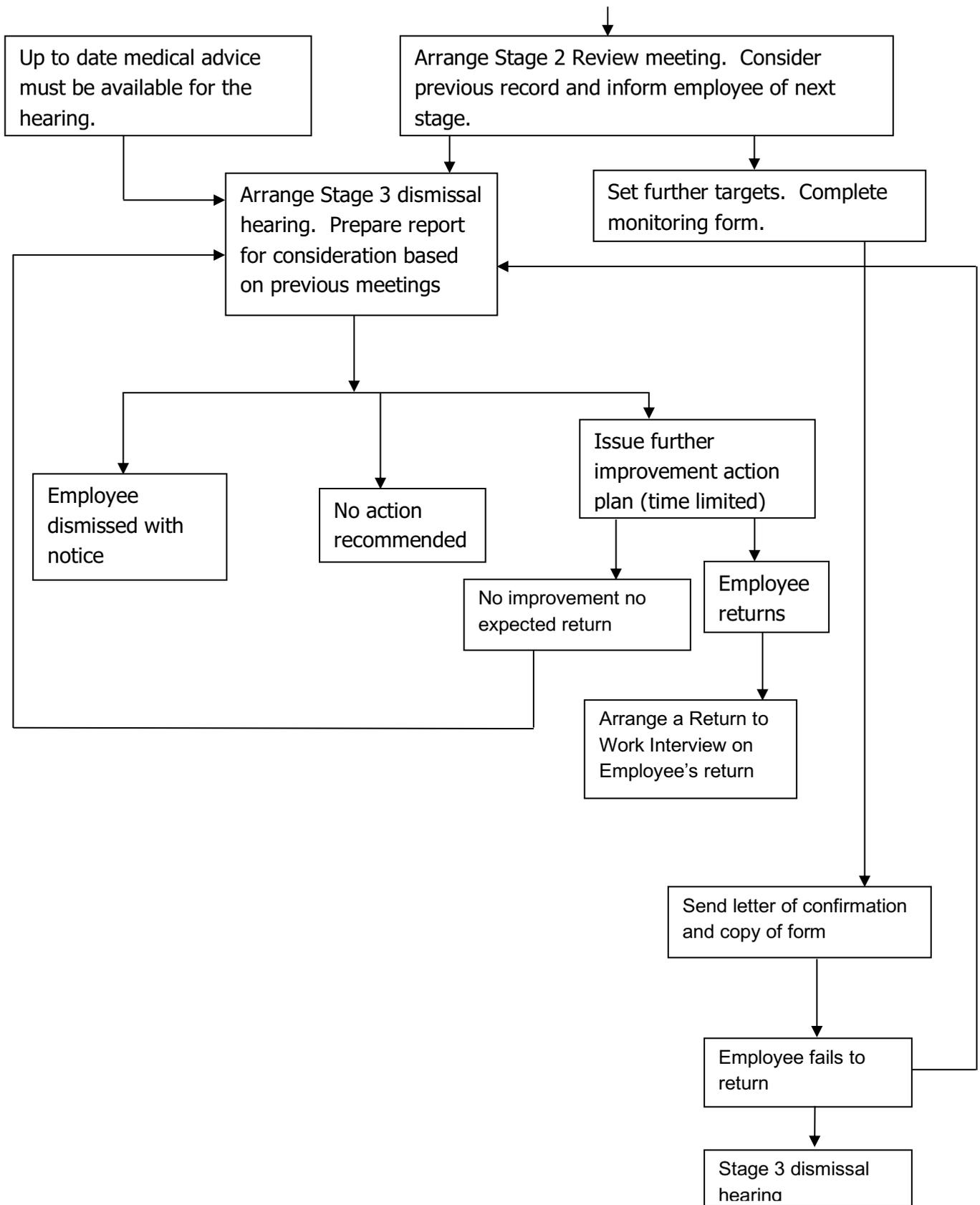
- c) The availability of alternative work.
- 6.4 This consideration will go to justifying the reasoning for taking the action decided upon.
- 6.5 It is essential to keep in regular contact with the employee and to keep them advised of all action the school intends to take. Such action does not have to wait for the employee to return to work.
- 6.6 It is recommended that an initial telephone call be made by the head teacher or designated officer within the first 2 weeks of any long term absence.
- 6.7 Should the employee continue to be absent, the date and time for a trigger level meeting (Stage 1) should be arranged. This may take place at school, home or an alternative venue.
- 6.8 The purpose of this meeting is to explore if any action can be taken to enable the employee to return to work through either part time working for a temporary period or a variation of duties and to explain any action you were taking, to show an interest in individual welfare and to advise them of any information that may be of interest to them. (See appendix 5 for phased return to work issues). This meeting should be conducted in accordance with appendix 4 guide to discussion points, and a written record made.
- 6.9 In cases where the individual may be too ill or unwilling to attend a representative can attend the meeting in their place. Where this option fails the meeting will go ahead in the employee's absence.
- 6.10 If absence continues a further meeting can be held according to Stage 2.
- 6.11 If following referral to the Occupational Health Physician, a medical report is received that suggests that an employee is permanently unfit to continue their present duties, but may be able to cope with a different type of work. Attempts should be made, with the employee's agreement, to find alternative work either within their current school (or elsewhere in the relevant body and through the corporate redeployment scheme if appropriate). Any placement on the Corporate Register will be time limited based on length of service up to a maximum of 12 weeks. The corporate register is where non-teaching vacancies across the whole council are logged simultaneously to being advertised. No school vacancy has to be placed on the

corporate register as the schools are not a part of this process. The corporate redeployment register is only appropriate for non-teaching staff because of the nature of vacancies available. However, in exceptional circumstances if it was considered appropriate and there was a chance of a teacher finding suitable alternative employment as they could no longer teach, then consideration would be given to them being placed on the corporate redeployment register. If no alternative work is available or acquired during the time on the register, then the relevant body will be left with no choice but to initiate dismissal or ill-health retirement. Ill Health Retirement has to be recommended by OHP. However, if an offer of redeployment is refused by an employee, this could result in the employee being dismissed from the relevant body's service but not through ill-health retirement.

- 6.12 On return to work following a period of long term sickness absence, an employee should be seen either in accordance with stage one or stage two of this procedure.
- 6.13 An employee should be able to discuss sensitive medical details with an alternative male or female senior colleague; however, this will not be allowed to enable the employee to play one member of staff off against another. The employee must discuss the impact of their sickness absence with their head teacher or manager.
- 6.14 Defining when absence is causing concern is difficult because individual situations differ. Obviously 10 days certificated absence with a broken arm is likely to cause less concern than 10 single days of absence. Similarly, long periods of certificated absence where the cause of the sickness is known may be less of a problem compared to, 5 certificated periods of absence with a variety of ailments.
- 6.15 The point at which it is appropriate to move to stage 3 depends on the issues outlined in 5.2 and 5.3 above.

LONG TERM SICKNESS ABSENCE FLOWCHART





Use chart in conjunction with the procedure and guidance as this gives more details on how to deal with each stage.

GUIDELINES FOR DEALING WITH FREQUENT ABSENCE

7.1 The stages which Head Teachers or nominated officers must follow are detailed in stage one, two and three of this document. However, it is left to the head teacher or managers discretion to decide when the relevant part of the procedure is applied. Head Teachers and managers should ensure that they exercise their judgement in a fair manner and it is essential that they are able to justify whatever decision they make. All discussions should be conducted with the employee in a discreet and sensitive manner. (Please see Appendix 2 guidance notes on the treatment of sensitive conditions).

7.2 Return to Work Interview

When an employee has been off for any period, **even for one day**, the head teacher should ask them how they are and what was wrong with them on their return to work, and get the member of staff to complete a self-certification form appendix 3 to this document. The purpose of this is to show that the head teacher is interested in the employee's well-being and that they have been missed and the absence noted. It may be appropriate to hold a trigger level interview depending on the previous absence record

7.3 Intermittent frequent absence will have a damaging effect on the standards and consistency of service provided by the school. The need to provide Education to pupils is a statutory requirement.

7.4 In the ACAS booklet dealing with absence, it is suggested that the following points be considered when deciding upon what action to take. The following points are **advice** and not procedural requirements:-

- a) How much damage is being caused by the intermittent absences? Is there an immediate crisis, or could the school continue on these days without a replacement?
- b) Is it the view of the employee's General Practitioner or Occupational Health Physician that regular attendance work would be possible? Would there be a full recovery or would a return to the same work be undesirable?
- c) Could the employee give regular attendance at work if some assistance were provided, for example reduced hours for a temporary period or amended duties?

- d) Is less stressful or physically less demanding work available with re-training if necessary?
- e) What costs financial and other are being incurred by the relevant body as a result of the absence?
- f) Is voluntary early retirement a feasible consideration; and have all the possibilities been discussed with the employee and his/her representative?

7.5 Other considerations you are advised to look at are the general context of the relevant body's position in terms of its:-

- a) Financial situation;
- b) The need to provide a service to pupils ensuring our obligation of running an Educational establishment is maintained to an acceptable level.
- c) The availability of alternative work.

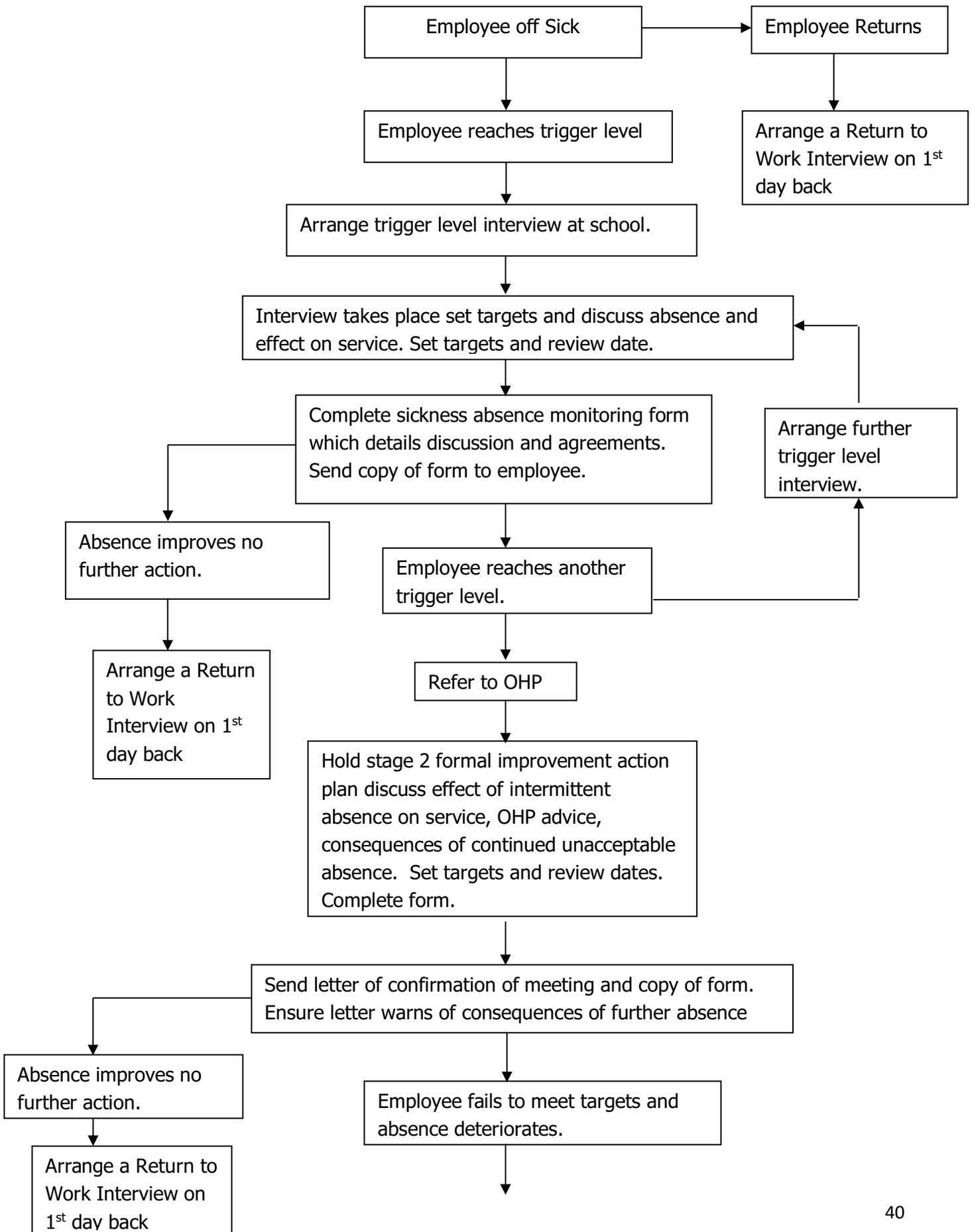
This will go to justifying the reasoning for taking the action decided upon.

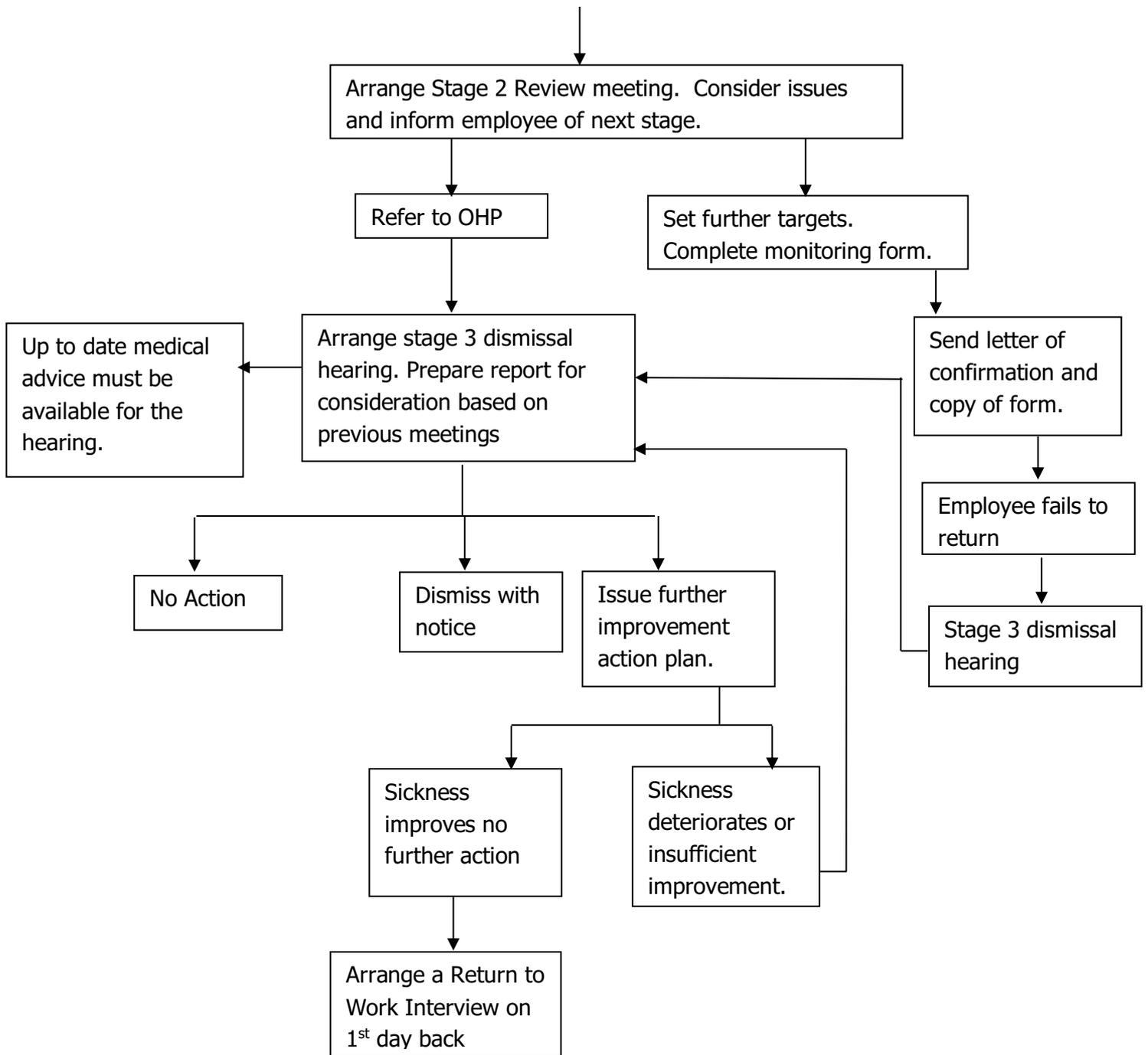
7.6 An employee should be able to discuss sensitive medical details with an alternative male or female senior colleague; however, this will not be allowed to enable the employee to play one member of staff off against another. The employee must discuss the impact of their sickness absence with their head teacher or manager.

7.7 Defining when absence is causing concern is difficult because individual situations differ. Obviously 10 days certificated absence with a broken arm is likely to cause less concern than 10 single days of absence. Similarly, long periods of certificated absence where the cause of the sickness is known may be less of a problem compared to, for example, 5 certificated periods of absence with a variety of ailments. In conjunction with the trigger levels outlined above, Head Teachers should also look to the patterns in the absence, is the employee going sick when on early rota. Does the sickness regularly occur on Mondays or Fridays? Such patterns often reveal a work-related or domestic problem which should be investigated. In all cases the head teacher should use his/her judgement and be able to justify what

action they have taken and note should be taken of the guidance in dealing with sensitive conditions as attached at Appendix 2.

FREQUENT SICKNESS ABSENCE FLOWCHART





Use chart in conjunction with the procedure and guidance as this gives more details on how to deal with each stage.

ILL-HEALTH RETIREMENT

Teaching Staff Arrangements (or staff contributing to teachers' pension scheme)

8.1 The following arrangements should be followed when staff contributing to the Teachers' Pension Scheme wish to apply for premature retirement on the grounds of ill health:-

(1) Staff should obtain an application for ill health retirement and ill health medical form from Schools HR or download it from the Teachers' Pension website

(www.Teacherspension.co.uk).

(2) Staff should complete Part A of the application form, and then send it to Schools HR to complete the rest of the form. Staff should also complete Part A of the medical form and then Part B and C is to be completed by a medical practitioner or Occupational Health.

(3) Schools HR will forward all completed forms to Teachers Pension to consider the application. The employer and employee will be advised in due course whether the application is successful or not.

(4) Successful applicants should agree a leaving date with the head teacher/line manager.

(5) When a leaving date has been agreed the employee should submit their resignation to Schools HR.

(6) Retirement benefits are normally paid after the employee's last day of paid reckonable service.

8.2 In the event that the premature retirement on the grounds of ill health is not granted and all steps have been taken to enable the employee to return to work have failed, the only option available to Head Teachers or managers is a hearing under stage three of the procedure where the relevant body determines whether the employee should be dismissed.

Support Staff Arrangements (or staff contributing to the Local Government scheme)

- 8.3 For support staff the Occupational Health Physician (OHP) would decide if ill health retirement is appropriate and if so under what tier of ill health retirement should be granted. Support staff cannot be medically retired without the decision of the OHP.
- 8.4 Once the decision has been taken to IHR an employee, the employee does not have a choice to refuse the recommendation. However, the OHP will discuss the issue of IHR with the employee before making a decision. If ill health retirement is recommended, the OHP will send a certificate of incapacity to NPW Schools HR at which point NPW Schools HR after communication with the head teacher, will write to the employee with a last day of service, generally the end of the month following the decision. Superannuation will release benefits if appropriate after the last day of service.

In the event that the OHP does not recommend medical retirement and all steps have been taken to enable the employee to return to work have failed, the only option available to Head Teachers or managers is a hearing under stage three of the procedure where the relevant body determines whether the employee should be dismissed.

- 8.5 For staff who do not contribute to the pension scheme, you are not eligible for benefits under the Local Government Pension Scheme and therefore cannot be considered for ill health retirement. The recommendation to the school will be to move to a stage three hearing where dismissal will be considered.

APPENDICES

EQUALITY ACT 2010 – BASIC CONSIDERATIONS

1.1 Under the Equality Act 2010 a disabled person is defined as a person with:

“A physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities”

1.2 The Equality Act came into force in October 2010 and replaces the previous Disability Discrimination Act.

The Equality Act places a legal duty on employers to support disabled employees in the work place – to overcome barriers that disabled people face in gaining and maintaining employment. In particular the law places a duty on employers to make reasonable adjustments to accommodate disabled employees.

The Equality Act also states that employers have a responsibility not to discriminate against employees because of a disability. Schools HR can advise in more detail on the implications of the Equality Act, in relation to disability. Care would need to be taken when dealing with an employee who has a disability as defined by the Act, to ensure that all feasible alternatives have been fully explored **before** either ill health retirement or other managerial action is taken. However, this does not mean that the sickness absence of employees with disabilities should not be managed in the normal manner.

1.3 Under the Equality Act an employer discriminates if he/she treats a disabled person less favourably for a reason which relates to the person’s disability and the treatment cannot be justified. Less favourable treatment will only be justified if the reason for it is both material to the circumstances of the case and substantial.

1.4 Under the Equality Act an employer discriminates if they do not take reasonable steps to remove a disadvantage facing the disabled person due to working arrangements or physical features of the premises. The best way to appropriately consider, if there are reasonable adjustments that could be implemented on a fixed or permanent basis is to carry out a risk assessment, which covers the employees role and the physical features of the premises. This then enables a holistic view to be obtained and appropriate decisions to be made. Once the risk assessment has been carried out, the Head teacher should consider if the implementation of any

reasonable adjustments is possible. However if the Head teacher has any concerns regarding the employees fitness in relation to the requirements of the job/work environment or is unable to accommodate appropriate reasonable adjustments, the Head teacher may dispute the fit note and refer the employee to Occupational Health. In such cases the advice from Occupational Health will take precedent over that of the GP.

Advice should be sought from NPW- Schools HR, Employee Relations Team regarding instructing the employee to refrain from work until a report from Occupational Health is received. And a review meeting held to discuss.

Examples of Reasonable Adjustments are given below.

- Making physical adjustments, i.e. adjustments to the premises
- Allocating duties to another employee
- Transferring the disabled person to another vacancy
- Altering his/her working hours/duties
- Assigning him/her to a different place of work
- Allowing him/her to be absent during working hours for rehabilitation, assessment or treatment
- Giving or arranging training
- Acquiring or modifying equipment or modifying instructions or reference materials
- Modifying procedures for testing or assessment
- Providing a reader or interpreter
- Providing supervision.

1.5 In deciding whether or not it is reasonable for an employer to take a particular step (as above) certain factors are taken into account. These are:

- How effective the step would be in resolving the problem
- How practicable it is
- The cost and likely disruption
- The employers financial and other resources
- The availability to the employer of financial or other assistance.

1.6 It is important for employers to be able to demonstrate that they have considered possible adjustments that can be made and that there are good reasons for any decisions not to make the adjustment. There is no obligation to take expert advice.

**GUIDANCE NOTE
PREGNANCY RELATED SICKNESS ABSENCE
THE TREATMENT OF SENSITIVE CONDITIONS**

1.0 Pregnancy related sickness absence

- 1.1 Any sickness absence that is pregnancy related and occurs during the period from the start of the pregnancy to the start of the maternity leave should NOT be taken into account with regard to the sickness absence trigger point, nor there any progression through the sickness absence procedure.

However a manager may still conduct a meeting, following the stage one format, to discuss the employees' health, any support that can be offered and consider if it is appropriate to refer to occupational health for advice on how best to support the employee.

If an employee falls sick before the four week period leading up to the expected week of childbirth and the employee is still working they will receive sick pay as normal. After this time (i.e. within the four week period leading up to the expected date of birth) any pregnancy-related sickness occurring whilst still working will automatically start the maternity leave period. If there is concern about an employee's fitness to remain at work then a Fit Note certifying their fitness for work can be requested. Sick pay is not payable during maternity leave.

2.0 The Treatment of Sensitive Issues

- 2.1 Confidential health issues should be dealt with sensitively. Head Teachers must still take responsibility for speaking to an absent employee initially on their return to work, but should be aware that the detail of the exact nature or cause of the sickness may be something that the employee does not want to discuss. If the employee states that this is the case, the Head Teacher should ask whether the additional involvement of a third party, possibly of the same gender or ethnic origin as the sick employee, would assist in ascertaining whether the problem is likely to be ongoing or recurrent, whether help can be provided at work to assist recovery, or whether further specific medical intervention could be helpful and is to be expected. The aim is to get answers to these questions in one way or another, without adding to the stress or distress that may already be affecting an employee.

3.0 Examples

- 3.1 There are many conditions which may be regarded as "sensitive" and it is again emphasised that all sickness absence needs to be treated in a sensitive and confidential manner when first discussed. Examples of sensitive conditions include:-
- life-threatening disorders which have substantial remission periods;
 - sickle cell or Thalassaemia, which affects only certain ethnic groups;
 - chronic illnesses such as rheumatoid arthritis, where some, but not all abilities

- may be affected;
- miscarriages, where there are likely to be physical, psychological and emotional factors involved in recovery;
- a range of illnesses (e.g., tuberculosis, scabies, hepatitis) which may be contracted directly through work or because of working conditions, where the employee may be justified in expecting particular support and understanding given the reasons for their illness.

4.0 Advice and Guidance

- 4.1 In any situation where detailed information about a particular condition is needed, Head Teachers should contact Schools HR initially, who will seek medical advice from the Occupational Health Service as necessary. Head Teachers are reminded that it is important when considering any type of action which may result in the employee stopping work to be clear about the true medical position surrounding their illness, and that failure to ascertain the medical facts could result in successful action being taken against the Relevant body.
- 4.2. To take a particular example, sensitivity would be required where an employee is HIV positive or has AIDS. The Relevant body's policy on HIV/AIDS supersedes the sickness absence policy inasmuch as the Relevant body would not wish to see an employee dismissed or retired from service against their will while they were still able to work during healthy periods, notwithstanding the fact that similar levels or patterns of absence in other people who are not known to be infected by HIV/AIDS or other comparable conditions may result in just such action being initiated. Another issue to be borne in mind in relation to HIV/AIDS is that in some cases the employee themselves may be unaware that they are infected, or may still be coming to terms with such knowledge, and may therefore be faced with additional emotional or psychological pressures.
- 4.3. Other conditions which the Relevant body would wish to see sensitively treated, for example, are sickle cell disease, which affects only certain ethnic minority groups and often manifests itself as requiring repeated short term absence while the employee is in crisis; and the issue of termination of pregnancy, where there may be a fear that personal views may impact on working relationships if disclosure of the explicit reason for absence was revealed to the Head Teacher. In both the above cases, as with any condition, Head Teachers are required to be aware that patterns of absence or reluctance to be specific about the exact reason for absence will not necessarily mean that the employee does not have a genuine medical problem. On the other hand, Head Teachers should explore reasons for absence with the employee, and will therefore still need to ask about the likely prognosis and impact on attendance and seek to take action if and when the level of absence becomes a problem, to try to resolve it.
- 4.4. In any case where an employee is at risk or has become ill because of the nature of their work, particular care will need to be taken to ensure that appropriate

preventative and curative treatment is allowed for. The Relevant body's Health and Safety liabilities and how these are fulfilled continue to be a particular concern, and all managers are reminded that they have responsibilities under the Health and Safety at Work Act.

5.0 Mental Health

- 5.1 Employees that have severe mental health conditions also need to be handled sensitively. It is important that assumptions regarding their illness or ability to undertake their role are NOT made by Head teachers' or Manager's. Early on in the absence, advice should be taken from Occupational Health, regarding the employee's condition and how best they can be supported.

6.0 Stress

- 6.1 When an employee is absent and the fit note states the reason as "stress". The initial aim should be to maintain contact with the employee, encouraging dialogue regarding their health, the specific stressors (if known) and ways in which they may be able to be supported by the School.
- 6.2 Details of the Employee Assistance Scheme should also be given to the employee and its role explained.
- 6.3 It may be via dialogue or stated on the fit note that the reason for the absence is "work related stress". If this is the case, it is important to seek to establish more information from the employee, regarding the specific stressors that are affecting their attendance at work. The employer has a duty of care to all employees and will need to demonstrate that they sought to work pro-actively with the employee to improve their attendance.
Referring promptly to Occupational Health is advised, as the employee may discuss more freely the issues which are impacting on their attendance at work and ways in which they feel they could be supported.
- 6.4 The issues, that the employee raises, in relation to stress, should be carefully listened to and considered. They may be around workloads, working relationships, environment or demotivation/dis-satisfaction. In some cases, it may be appropriate to instigate an investigation process, if alleged bullying, harassment or inequality is given as the reason for the stress at work resulting in their absence. Advice regarding if the commencement of an investigation is appropriate should be sought from School's HR – employee relations team.
- 6.5 In all instance the aim should be to work pro-actively to support he employee back to work.

SICKNESS ABSENCE MONITORING FORM**SCHOOL**

PERIOD FROM:	TO:
EMPLOYEE NAME:	
HEAD TEACHER/NOMINATED OFFICER NAME:	

PERIODS OF SICKNESS/ABSENCE			
DATE(S)	REASON(S)	STATEMENT OF FITNESS TO WORK	
		SELF	DOCTOR'S

NOTES (key decisions/action plan/targets/review date)**Guidance on completing this form:**

1. Employees who have difficulties in understanding or completing the form should be assisted in the normal way.
 2. Employees who do not agree the content of the form will be given the opportunity to submit their concerns in writing within 5 working days of receipt of the form or any outcome letter.
 3. For pregnancy related sickness absence, although the stage 1 meeting format is used, there will be no progression through the sickness Absence Procedure.
- . Continue notes on an additional sheet if required.**

SICKNESS ABSENCE MONITORING FORM**SCHOOL**

PERIOD FROM: 5/1/01	TO: 10/5/01
EMPLOYEE NAME: E Grundy	
HEAD TEACHER/NOMINATED OFFICER NAME: P Archer	

PERIODS OF SICKNESS/ABSENCE			
DATE(S)	REASON(S)	STATEMENT OF FITNESS TO WORK	
		SELF	DOCTOR'S
5/1/01	Upset Stomach	X	
12-13/2/01	flu	X	
23/4/01	Sickness	X	
9-10/5/01	Food poisoning	X	

NOTES (key decisions/action plan/targets/review date)**Stage 1 Trigger Level Interview**

I explained to Eddy that he'd hit the sickness trigger level because he'd had 4 spells of absence over 5 months.

Eddy says that he doesn't think he has any underlying health problem. He sometimes has a dodgy stomach, and he caught the flu that was going round the school. Other than that he was generally fit.

I explained that he was missed when he was not in school and that it's hard to provide cover for him at short notice.

I informed Eddy that I would be monitoring his sickness over the next 6 months and that if he had further sickness absence, I would consider moving to Stage 2 of the Sickness Absence Procedure.

SIGNATURE OF EMPLOYEE:	DATE: 15 th May 2001
SIGNATURE OF HEAD TEACHER/NOMINATED OFFICER:	

Guidance on completing this form:

1. Employees who have difficulties in understanding or completing the form should be assisted in the normal way. 2. Employees who do not agree the content of the form will be given the opportunity to submit their concerns in writing within 5 working days of receipt of the form or any outcome letter. 3. For pregnancy related sickness absence, although the stage 1 meeting format is used, there will be no progression through the sickness Absence Procedure. **Continue notes on an additional sheet if required.**

SICKNESS ABSENCE MONITORING FORM**SCHOOL**

PERIOD FROM: 5/1/01	TO: 25/6/01
EMPLOYEE NAME: E Grundy	
HEAD TEACHER/NOMINATED OFFICER NAME: P Archer	

PERIODS OF SICKNESS/ABSENCE			
DATE(S)	REASON(S)	STATEMENT OF FITNESS TO WORK	
		SELF	DOCTOR'S
5/1/01	Upset Stomach	X	
12-13/2/01	flu	X	
23/4/01	Sickness	X	
9-10/5/01	Food poisoning	X	

NOTES (key decisions/action plan/targets/review date)

PERIODS OF SICKNESS/ABSENCE CONTINUED 4/6/01 to present – Broken wrist
STAGE 2 ACTION PLAN

- OHP report stated Eddy would be fully fit within 1 month when cast is off, but that he is now fit for light duties.
- Agreed that as Eddy is right handed, and it's his left wrist which is broken, he would not be able to lift or move heavy items, or use the trolley to do this. Joe would do this for the time being.
- He may also find difficulty in doing small repairs where two hands are needed. Agreed to use contractors for the next month on repairs.
- Other than these he should be able to carry out the majority of his duties, but at a slower pace than usual.
- Agreed to meet on 20th July, the day after Eddy has the plaster off to review arrangements.
- Eddy informed that his absence will be monitored over the next 2 terms and that a review meeting will be held during Autumn term. If his absence fails to improve by then, further action will be taken, which could result in his dismissal.

SIGNATURE OF EMPLOYEE:	DATE: 25/6/01
SIGNATURE OF HEAD TEACHER/NOMINATED OFFICER:	

Guidance on completing this form:

1. Employees who have difficulties in understanding or completing the form should be assisted in the normal way.
2. Employees who do not agree the content of the form will be given the opportunity to submit their concerns in writing within 5 working days of receipt of the form or any outcome letter.

. **Continue notes on an additional sheet if required.**

DISCUSSION POINTS FOR SICKNESS ABSENCE STAGES

MANAGER'S QUICK GUIDE

This document is an aid for you when going through the various stages of the Sickness Absence Procedure. It covers areas for discussion and issues to consider in a document that is easy to refer to. It is recommended that you photocopy this document and have it with you for every employee that you meet with because of sickness absence. You can use it as a quick reference sheet to remind you of areas you want to cover. Not all areas may be appropriate for every sickness case. There is sufficient space beneath each item to record a response or decision made at the meeting if appropriate.

1. Discuss the attendance level and that the employee's level of sickness absence is unacceptable and creating service delivery problems.

2. Look at and discuss the medical position - where available.

3. Try to identify any underlying problems and note these and any possible remedies.

4. Listen to the employee's explanation regarding health problems and reasons for absence. Ensure that the employee is given an opportunity to account for and explain their level of sickness absence.

5. Ensure the employee has been made aware that their level of sickness absence is unacceptable.

6. Consider steps taken to help the employee to date and what can be done for the future if any.

7. Show proof that the employee's sickness absence has been monitored over a period of time with no evidence of sustained improvement.

8. Set target for improvement over a set period based on the individual case (if not already done).

9. Consider requiring the member of staff to submit a doctor's Statement of Fitness to Work for all absences including 1 day absences. The relevant body will pay for these certificates.

10. Consider advising the employee they will be referred to Occupational Health for medical assessment.

11. Consider a change in working conditions, i.e. a supportable chair for someone with a back problem or a temporary change in hours for a member of staff recovering from a long term illness

12. Draw up a formal improvement action plan by setting targets for improvement over a set period based on the individual case. To be monitored over a designated period as decided by the Head Teacher/Manager. The targets may vary based on the medical problem of the individual.

GUIDANCE FOR FACILITATING A PHASED RETURN TO WORK FOLLOWING LONG TERM SICKNESS ABSENCE

- 1.1. For the purposes of this section the term illness is deemed to include injury. In most cases of long term sickness absence medical practitioners will indicate that a phased return to work would facilitate an employee's full recovery or enable them to return to work earlier. Such a return, by mutual agreement may take a variety of forms, including:
- working only on certain days of the week;
 - working a reduced number of hours;
 - undertaking restricted or other duties for a period of time.
- 1.2 The LA/school wishes to facilitate and encourage good practice in appropriate circumstances which may provide the following advantages:
- assisting the full recovery of an employee;
 - minimising the strain on an employee following a serious illness;
 - encouraging an early return to work;
 - maintaining the LA/schools standing as a caring employer which gives reasonable support to employees following serious illness.
- 1.3 When an employee has been absent from work due to long term sickness absence certified by a medical practitioner and following advice from a medical practitioner that a phased return to work is desirable, the following arrangements may apply:
- A phased return will normally not exceed 4 weeks, however in cases where it is advised that a short extension would be beneficial to the employee's health and well-being, an extension may be agreed, but should not exceed 6 weeks in total
- 1.4 The proposed phased return should be subject to consideration by the Occupational Health Adviser and the Head Teacher (or the supervisor concerned) and agreement reached in principle that the proposed arrangements are feasible and acceptable.
- 1.5 Medical statements indicating that an employee is capable of part-time work should be required at least at four weekly intervals. Any duties that an employee is unable to undertake should be clearly identified.
- 1.6 The individual arrangements agreed should be subject to general monitoring by the Head Teacher. After three months, further advice will normally be sought from the Occupational Medical Adviser.
- 1.7 Advice on sickness benefit and income during a phased return to work by an employee will be available from Schools HR
- 1.8 Where an employee returns to work on a part-time basis, he/she should receive full pay for any day on which he/she works. For any normal working day on which work is not undertaken due to medical advice, sick pay in accordance with the individual's outstanding entitlement shall apply. Should an employee be receiving benefits greater than the earnings of the part-time work, the Head Teacher will normally authorise a compensatory payment which increases earnings to the level of benefits

lost.

- 1.9 The days which an employee does not work, due to partial incapacity, will be set against the total permitted period of sick pay entitlement.
- 1.10 The Superannuation position should be unaffected by a phased return to work.
- 1.11 Providing the arrangements are reasonable and acceptable to the Head Teacher, the terms of the Council's insurance arrangements for employees will apply.
- 1.12 Following agreement on a phased return to work the Head Teacher will notify Schools HR (Payroll) for payment purposes.

LONDON BOROUGH OF NEWHAM TEACHERS' SICK PAY REGULATIONS

Scheme governing payment of allowances to Teachers during periods of absence from duty because of illness or other disability.

Teachers and Lecturers (full and part-time) in accordance with the conditions of service for school Teachers in England and Wales ("Burgundy Book").

1.0 Sick Leave

1.1 Subject to the provisions of this scheme, a teacher absent from duty owing to his/her illness (which also includes injury or other disability) is entitled to receive in any period of one year sick pay according to the following scale:

During the first year of service: fully pay for 25 working days and, after completing four calendar months' service, half-pay for 50 working days.

During second year of service: full pay for 50 working days, and half-pay for 50 working days.

During third year of service: full pay for 75 working days, and half-pay for 75 working days.

During the fourth and successive years: full pay for 100 working days, and half-pay for 100 working days.

This scale is regarded as a minimum and the Authority have discretion to extend its application in any individual case.

2. Sick pay

2.1 Sick pay includes, where appropriate, Statutory Sick Pay (SSP), and will not exceed full (ordinary) pay.

Appropriate deductions are detailed in the following sub-paragraphs

3.0 Calculation of sick leave and sick pay

3.1 For the purpose of calculating entitlement to sick leave under paragraph 1.1. above, the year begins on April 1st of each year and ends on March 31st the following year. In the case of a teacher whose service begins on a date other than April 1st, such service shall be deemed, for the purpose of this scheme, to have commenced on the preceding April 1, subject to the completion of four calendar months' actual service before half-pay can be claimed. In the case of a teacher who is absent owing to illness on March 31 of any year, they will not begin new entitlement to sick leave in respect of the following year until he/she has resumed teaching duties, the period

from April 1 until the return to duty being deemed to be part of the preceding year for the purpose of this scheme. In the case of a teacher transferred from the service of one Authority to that of another any sick pay paid during the current year by the previous Authority shall be taken into account in calculating the amount and duration of sick pay payable by the new Authority.

3.2 The following deductions, except in the circumstances set in 3.4 below, will be made from sick pay, where it is of an amount equal to full pay:

- the amount of sickness benefit to be received under the Social Security Acts 1975 – 1982 (provided, however, that in any case where sickness benefit is, or may later prove to have been, receivable in respect of the first three days of any sickness, the amount of benefit receivable shall be deducted from such pay only if such benefit has in fact been received in respect of any such period of three days).

- the dependency element (but not the disability element) of any treatment allowance received from the Department of Social Security.

3.3 Deductions shall also be made from sick pay where it is of an amount less than full pay if a teacher would otherwise, with the benefits receivable in respect of insurance under the Social Security Acts 1975 – 1982, become entitled to an amount exceeding the sum of his/her full (ordinary) pay.

3.4 In the event of a teacher exhausting in part or full his/her entitlement under 1.1 above, and being given notice of the termination of his/her contract without returning to work, on the ground of permanent incapacity or for some other reason, he/she will be paid full salary for the notice period with normal deductions only.

3.5 Deductions equivalent to those set out in paragraph 3.2 above will be made from the sick pay of a teacher who is a married woman or widow has elected to pay reduced contributions under the terms of the Social Security Act 1973, provided that, where a widow is in receipt of a widow's or widowed mother's allowance or widow's pension, regard should be paid in calculating the amount of sick pay only to such part of the national insurance benefit receivable as in excess of the amount received by the teacher from the Department of Social Security in weeks in full normal employment.

- 3.6 For the purpose of 1.1 above, two half school days shall be deemed to be equivalent to one working day. While sickness during school holidays will not affect the period of a teacher's entitlement to sick leave under 1.1 above, it will be relevant so far as deduction of benefit is concerned. Thus the rate of sick pay applicable to a teacher in respect of sickness during closure of school is the rate applicable to him/her on the last day before the closure. Where a teacher therefore, is ill immediately preceding the school holiday and:
- he/she is on full sick pay
 - he/she will continue on full sick pay, but the closure period is not counted against his/her entitlement under 1.1 above;
 - he/she is on half sick pay
 - he/she will continue on half sick pay, but the closure period is not counted against his/her entitlement;
 - he/she has exhausted his/her sick pay entitlement and is not receiving any pay he/she will continue to receive no pay.

Where a teacher is either on half pay or is not receiving pay he/she may be put back on full (ordinary) pay by the procedure in 3.8 below.

- 3.7 Subject only to the provision in 3.2, the deductions listed under 3.2, 3.3 and 3.4 above will be made if the teacher is eligible to receive such benefits, payments or allowances whether or not he/she takes the necessary steps to obtain it.

- 3.8 When a teacher is ill immediately before 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 school on the first day after the period of closure.

- 3.9 If, during the period of closure of a school a teacher falls ill and become entitled to Statutory Sick Pay or becomes or would become (but for election to be excepted from liability to pay contributions) entitled to claim any of the benefits referred to in sub-paragraph 3.2 above, it shall be his/her duty to notify the Authority (in accordance with sub-paragraph may either pay Statutory Sick Pay (where applicable) or make the appropriate deductions.

4.0 Conditions

- 4.1 For the purpose of this scheme a teacher shall be under an obligation to declare to the satisfaction of the Authority his/her entitlement to benefit under the foregoing Acts (3.2 above) and any subsequent alteration in the circumstances on which such entitlement is based, in default of which the Authority shall be entitled to determine benefit by reference to the maximum benefit obtainable.

- 4.2 A teacher who is absent owing to illness shall submit such statements as the Authority in their direction shall require provided that doctors' statements will not be required, except in special circumstances more frequently than on the eighth day of absence, at the end of each month of absence and on return to duty, unless fitness for return to duty has already been ascertained and the teacher returns to duty on the date specified on the previous doctor's statement. In the case of a prolonged or frequent absence a teacher may be required at any time to submit to an examination by an approved medical practitioner. The teacher's own doctor may be present at such examination on the teacher's request.
- 4.3 A teacher entering hospital or similar institution shall submit a doctor's statement on entry and on discharge.
- 4.4 In the case of absence due to accident 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 Authority or participation in any extra-curricular or voluntary activity connected with the school, full pay in all cases will be allowed, such pay being sick pay for the purposes of paragraphs 2.1 to 3.9 above, subject to the production of a self-certificates and/or doctors' statements from the day of the accident up to the date of recovery, but not exceeding six calendar months, after which the case will be reviewed before a decision on any extension of the period of sick pay should be reached. Absence resulting from such accidents shall not be reckoned against the teacher's entitlement to sick leave under 1.1. above, though such absences are reckonable for entitlement to Statutory Sick Pay.
- 4.5 When the approved medical practitioner attests that there is evidence to show a reasonable probability that an absence was due to an infectious or contagious illness contracted directly in the course of the teacher's employment full pay shall be allowed for such period of absence as may be authorised by the approved medical practitioner to be due to the illness, and such absence shall not be recorded against the teacher's entitlement to sick leave under 1.1 above though such absences are reckonable for entitlement to Statutory Sick Pay.
- 4.6 Where the absence is attested by the approved medical practitioner to be due to pulmonary tuberculosis and the teacher carries out an approved course of treatment full salary shall be paid in respect of the first twelve calendar months of the period of absence after attestation and further full half pay shall be allowed at the discretion of the Authority.
- 4.7 A teacher residing in a house in which some other person is suffering from an infectious disease shall at once notify The Executive Director and the teacher shall, if required, take such precautions as may be prescribed, provided that if in the opinion of the approved medical practitioner it is considered inadvisable, even allowing for such precautions, for such teacher to attend duty, full pay shall be allowed during any enforced absence from duty, such pay being sick pay for the purpose of paragraphs 2.1 to 3.9 above. This provision will also apply where, in the opinion of an approved medical practitioner it is inadvisable for a teacher to attend duty for

precautionary reasons due to infectious disease in the workplace. The period of absence under this paragraph shall not be reckoned against the teacher's entitlement to sick leave under 1.1 above, although such absences are reckonable for entitlement to Statutory Sick Pay.

- 4.8 If the absence of the teacher is occasioned by the actionable negligence of a third party in respect of which damages are recoverable, he/she will advise the Authority immediately and the Authority will require the teacher to refund a sum equal to the aggregate of sick pay paid to him/her during the period of disability or such part thereof as is deemed appropriate but not exceeding the amount of the damages recovered. In the event of the claim for damages being settled on a proportionate basis, the Authority will require full details and will determine the actual proportion of sick pay to be refunded by the teacher.
- 4.9 If the Authority are of the opinion that the disability which has occasioned the teacher's absence from work is due to his/her misconduct, or if the teacher has failed to observe the conditions of this scheme, or has been guilty of conduct prejudicial to his/her recovery, the payment of any sick pay under the scheme may be suspended by the Authority, provided that in any such case the Authority will inform the teacher of the grounds upon which the payment of sick pay has been suspended and offer him/her an opportunity of submitting comments, and at his/her request, of appearing, and represented if he/she so decided, on Appeal Panel. If the Panel decide that the disability was due to the misconduct of the teacher or that he/she failed without reasonable cause to observe the conditions of the scheme, or has been guilty of conduct prejudicial to his/her recovery, then the teacher shall forfeit his/her right to any payment or further payment of sick pay in respect of the period of absence.
- 4.10 Sick pay shall not be paid in a case of accident due to active participation in sport as a profession unless the Local Authority by resolution decide otherwise, though Statutory Sick Pay may be payable.

SICKNESS PAY ENTITLEMENTS – SUPPORT STAFF

1. The regulations governing sickness pay and entitlements are complex. The guidance below is a summary only. The regulations are administered by the Schools HR

Sickness Allowance

2. Staff who are absent due to illness receive sick pay in accordance with the following nationality agreed scale:

During 1st year of service 1 months 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 5 months full pay and 5 months half pay service

After 5 years' service 6 months full pay and 6 months half pay

- Nb. The entitlement of Supervisory Assistants and Welfare Assistants is 20 weeks full pay and 20 weeks half pay during their 4th and subsequent years of service.

3. Staff receive their ordinary pay minus any entitlement to Statutory Sick Pay (SSP) which is administered by the Authority in most cases.

4. Protracted Illness Scheme

If an employee has exhausted their entitlement to full sick pay, they shall be granted, according to their length of service with Newham and the scale below, an additional period of full sick pay. This period of full sick pay is in lieu of and not in addition to pay which would otherwise be the normal entitlement under ordinary sickness allowance.

Years of Continuous Newham Service

Additional Months of full

(Excluding any year in which 4 or more

Sick Pay

weeks due to illness with pay has been allowed

Under 5	Nil
5 and under 10	2
10 and under 15	4
15 and under 20	6
20 years and over	8

All periods of additional full sick pay shall be accumulative unless and until an interval of 12 months elapses between the end of one illness and the commencement of another, to the effect that in determining the maximum amount of additional months of full sick pay to which an employee may be entitled upon his or her first day of absence due to illness the periods of additional full sick pay received by the employee since the last such interval shall be aggregated and be deducted from the amount appropriate to the employee under the scale set out in paragraph (4) above.

Except where the employee is a patient in hospital, all periods of sick pay are conditional upon the employee being examined by a doctor arranged by the Council in addition to the submission of Statements of Fitness to Work from their own doctor. Such assessments will be made at intervals recommended by the Occupational Health Advisor or on the recommendation of the head teacher. The doctor will certify that the employee's continued absence is necessary due to illness.

APT & C/TEACHERS*: NOTIFICATION OF SICKNESS ABSENCES for week ending:19.5.95

*Delete as appropriate.

TO: Schools HR Service, Broadway House.

From: Catford Primary School Establishment

Pay No	Name	Nature of Absence					Nature of sickness	Code for Sick-ness (see over-leaf)	Cert Date	Did employee sick on Friday return to work on Monday
		Unpaid leave (U) Sickness (S)								
		M	T	W	TH	F				
116010	J Bloggs									
161513	B Clark	S	S	S	S	S	Flu	19	Yes	
106661	F Earl									
134444	G Foster	J	J	J			Jury Service			
139010	T Johnson									
113132	S Hurst		U	U	U	U	Unpaid Leave		Yes	
106332	A Smith	M	M	M	M	M	Maternity Leave		No	
134932	A Williamson		S				Migraine	22		

Number of Staff

8

Total days lost through sickness (S)

6

Total number of working days

40

All self-certification forms and Statements of Fitness to Work must be **stapled** to this return when submitted.

This return must be submitted to the Schools HR Service at Broadway House on the Monday following the week to which the return refers.

I certify that the above information is correct (signature)

Date:.....

Date actioned by Schools HR ServiceInitials

Please ensure that any absence is entered by using the following payroll code.

17	Back/neck problems	31	Broken/fractured bones
18	Chest infection/respiratory infection	32	Diabetes
19	Cold/flu/throat infection	33	Ear/hearing problem
20	Digestive problems	34	Eye disorder
21	Gynaecological problems	35	General infection
22	Headache/migraine	36	Genital/urinary disorder
23	Hospital admission/investigation/surgery	37	Notifiable disease
24	Nervous/psychological problems	38	Limb/tendon/muscle injury
25	Tooth/gum/mouth problems	39	Skin allergy/rash
26	Heart/circulatory problems	40	Sinus/nasal problems
27	Allergy/hayfever	41	Thyroid condition
28	Arthritis/rheumatism	42	Tumour/cancers
29	Asthma/obstruction/respiratory problems	43	Neuro/brain disorder
30	Blood disorder	44	Accidental injury
		59	Unspecified

SELF CERTIFICATION FORM FOR ALL SCHOOL STAFF

About Return to work

All absences due to sickness must be recorded on a Self Certification Form (this should be completed in the presence of your line manager on your first day back at work. In addition a Statement of Fitness to work from your GP must be produced for absences of 8 calendar days or more and cover you from the 8th day onwards. If your Statement of Fitness to Work is for longer than two weeks or you provide more than one Statement, you must obtain a final Statement of Fitness to Work indicating that you are fit to resume your duties before you return to work.

If you find it embarrassing or difficult to talk about sensitive medical issues you can complete this form with an alternative male or female manager.

NB Line Managers (in accordance with advice from Schools' HR (NPW)) can require you to provide Statements of Fitness to Work from your GP (in addition to the Return to Work/Self Certification Form) for every absence as part of the School's Sickness Absence Procedure..

SURNAME:	FORENAME(S)
PAY NO. (this is on your pay slip)	
SECTION/SCHOOL:	

I certify that I was unable to attend work because of sickness as follows:

DATE SICKNESS STARTED:	
TIME OF LEAVING WORK: (only complete if you stopped work before the end of your working day)	
DATE SICKNESS FINISHED:	
DATE RETURNED TO WORK:	
Note: You should state the actual calendar days on which you sickness started and finished, whether or not they fell on days on which you were due to work i.e. include weekends/bank holidays.	
NATURE OF SICKNESS:	
Please say briefly why you are unfit for work. Works like "sickness" or "unwell" are insufficient	
.....	
.....	
.....	
SIGNED:	DATE:
SIGNED:	DATE:
Line Manager	

Failure to comply with the procedures for notification and certification of sickness will affect an employee's entitlement for sick pay.

Return to Work Interview Form

About Return to work

All absences due to sickness must be recorded on a Self Certification Form (that should be completed in the presence of your line manager on your first day back at work. In addition a Statement of Fitness to Work from your GP must be produced for absences of 8 calendar days or more and cover you from the 8th day onwards. If your Statement of Fitness to Work is for longer than two weeks or you provide more than one Statement, you must obtain a final Statement of Fitness to Work indicating that you are fit to resume your duties before you return to work.

If you find it embarrassing or difficult to talk about sensitive medical issues you can complete this form with an alternative male or female manager or Human Resource Consultant/Officer.

NB Line Managers (in accordance with advice from Human Resources) can require you to provide Statements of Fitness to Work from your GP (in addition to the Return to Work/Self Certification Form) for every absence as part of the Schools' Sickness Absence Procedure.

Brief note of discussion (*points to consider, full details in Section C, at 5.13 on p.26 of this Management of Sickness Absence Policy*):

- *Welcome back*
- *Reason for absence?*
- *Fully recovered?*
- *Statements of Fitness to Work?*
- *Adaptations required?*
- *Work update?*
- *Team briefing/any changes whilst away?*
- *Address any absence reporting issues*

Stage One Meeting required? Yes / No

Stage One Meeting Date:

I certify that this form was completed with me and I have discussed the reasons for absence, the impact on service delivery and any issues that have arisen during the absence with the employee concerned.

I have input this absence on the Trent People Manager system.

Line Manager's Name:

Job Title:

Office Location:

Signature:

Date:

Please attach the completed form and any Statements of Fitness to Work and send to:
HR Payroll (NPW), 3rd Floor Francis House, 760 Barking Road, London, E13 9PJ.



MANAGEMENT REFERRAL

COMPANY DETAILS

Company	LBN5484772
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PERSONAL DETAILS

Title:	Mr/Mrs/Miss/Dr/Other	Surname:	
Forename:		Date of Birth:	
Division/Location/Department:			
Address:			
Town:		Postcode:	
Telephone (Daytime):		Mobile:	
Email:			

For Office Use Only (This section must be filled in by HR Dept or Line Manager)

All correspondence regarding this questionnaire should be returned to:-

Name:		Job Title:	
Email:			
Address:			
Purchase Order/Cost Cost/ (if required):			

HISTORY OF ABSENCE AND PRESENT REASON FOR ABSENCE

Reason for Referral:	<input type="checkbox"/> Advice on Likelihood of Further Sickness Absence <input type="checkbox"/> Advice on Workplace Restrictions <input type="checkbox"/> Alcohol/drug/substance abuse <input type="checkbox"/> Capability to undertake current role <input type="checkbox"/> Fitness for Alternative Duties/redeployment/role change <input type="checkbox"/> Fitness for Work / Return to Work <input type="checkbox"/> Long Term /Continuous Sickness Absence <input type="checkbox"/> Performance Deterioration <input type="checkbox"/> Poor Attendance Record due to Sickness <input type="checkbox"/> Report following an Accident at Work <input type="checkbox"/> Return from Long Term Sickness <input type="checkbox"/> Specific Health Concerns <input type="checkbox"/> Other? please specify
Reason for absence	
Is the individual absent from work now?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes please provide date absence commenced.	
Total Number of days absent to date:	
No of Days absent in last 12 months including reasons for absence (Please attach printout if available):	

Has the individual been referred to Occupational Health before? If so, when?	
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EMPLOYEE DETAILS – JOB DESCRIPTION

What is the employee's job title?	
Please provide a brief description of the main aspects of the employee's job.	<input type="checkbox"/> JOB DESCRIPTION ATTACHED
Is the employee employed in a management or a supervisory capacity?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If so, how many staff does the employee directly control?	
What hours does the employee work?	
Are there any unusual aspects of the employee's hours of work?	Shift work Yes <input type="checkbox"/> No <input type="checkbox"/> Weekend Work Yes <input type="checkbox"/> No <input type="checkbox"/> Being on Call Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the employee deal with the public, either face to face or via the telephone?	

WORK ENVIRONMENT

In what area does the employee work (e.g. office, outdoors, factory, etc.)? If more than one, please indicate percentage of time.	
What machines or equipment does the employee use?	
Are there any environmental conditions that aggravate the claimant's disability (e.g. dust, fumes, heat or cold, noise, etc.)?	

PHYSICAL REQUIREMENTS OF JOB

Are the physical demands of the job:	
<input type="checkbox"/> Bending/Squatting/Kneeling/Stretching	
<input type="checkbox"/> Driving Company car/vans	
<input type="checkbox"/> Driving FLT, HGV, etc.	
<input type="checkbox"/> Exposure to harmful chemicals	

<input type="checkbox"/> Exposure to hazards to unborn child/ pregnancy <input type="checkbox"/> Exposure to significant work place stress <input type="checkbox"/> Extremes of hot/cold temperature <input type="checkbox"/> Fine movement/good dexterity required <input type="checkbox"/> Food Handling <input type="checkbox"/> On-call duties <input type="checkbox"/> Peripatetic/frequent travel <input type="checkbox"/> Pushing/pulling/carrying loads> 10kg <input type="checkbox"/> Pushing/pulling/carrying loads> 5kg <input type="checkbox"/> Regular/frequent computer use <input type="checkbox"/> Require the use of power or vibrating tools? <input type="checkbox"/> Shift Work (including night and rotation) <input type="checkbox"/> Sedentary/Office based <input type="checkbox"/> Silting for prolonged periods> 1 hour <input type="checkbox"/> Specific Health Surveillance Requirements (hearing/vision) <input type="checkbox"/> Standing for prolonged periods> 1 hour <input type="checkbox"/> Using stairs where lift is unavailable <input type="checkbox"/> Walking for prolonged periods > 1 hour <input type="checkbox"/> Walking for prolonged periods> 1 hour <input type="checkbox"/> Work at heights/ladders <input type="checkbox"/> Work in confined spaces <input type="checkbox"/> Working from home <input type="checkbox"/> Working in outside environment (all weathers) <input type="checkbox"/> Working to deadlines <input type="checkbox"/> Working unsupervised/alone <input type="checkbox"/> Working with dangerous machinery <input type="checkbox"/> Working with dust or fumes	
What percentage of the day is spent driving?	

JOB SKILLS

What formal qualification, if any does the claimant need to do his/her present job?	
What special skills are required?	
What level of experience is required?	
Specify any special intellectual demands (e.g. communication, calculation, problem solving, etc.)	

PERFORMANCE

Has there been a change in attitude towards the standards of the job required?	
Has there been a change in timekeeping (i.e. lateness, short term absences)?	

Has there been a change of attitude towards colleagues?	
Please detail any changes of behaviour or attitude that have occurred.	
Have any disciplinary or grievance procedures taken place within the last six months?	

ADJUSTMENTS

Please indicate whether there has been (please provide details):	<input type="checkbox"/> A change of duties/tasks <input type="checkbox"/> A change of hours <input type="checkbox"/> A change of location or working area <input type="checkbox"/> A change of working procedures <input type="checkbox"/> Additional training (i.e. lifting) <input type="checkbox"/> Additional equipment <input type="checkbox"/> Any other changes or adjustments made
Are there any other positions/jobs/tasks available either short term or long term? If so please describe them.	
Have you interviewed the employee since their absence? If so what was the outcome?	

CHECKLIST OF DOCUMENTS (please tick if included)

- Access to Medical Reports Act 1988 Consent form – COMPLETED AND SIGNED
- Referral Letter or Form
- History of Absences – meeting notes, return to work interview notes, note of disciplinary meetings (within 6 months), etc.
- Copies of Self Certifications
- Copies of Statements of Fitness to Work
- Job Title and Job Description
- Invoice Information, including Purchase Order Number if necessary
- Any other relevant information

QUESTIONS YOU WOULD LIKE ANSWERED (please list)

**PLEASE GIVE ANY OTHER INFORMATION YOU MAY FEEL IS HELPFUL.
(PLEASE USE ADDITIONAL SHEETS IF NEEDED)**