



Management of Sickness Absence Policy

Reviewed: May 2026

Review Due: May 2027

Context

This policy should be read in conjunction with Kingshill's other policies, as set out below:

- Equality Policy
- Capability Policy
- Code of Conduct

The school must ensure that sickness absence is handled promptly, sensitively, consistently, confidentially and in a fair and supportive manner and avoid any forms of discrimination. The headteacher has the capacity to manage staff attendance and take appropriate action to ensure that staffs' health and wellbeing are supported and the impact on pupils' learning is minimised.

We are committed to the promotion of community cohesion in our School, local, national and global levels, comparing our school community to its local and national context and implementing all necessary actions in relation to:

- ethnicity,
- religion or belief, and
- socio-economic background.

In accordance with the values of KINGSHILL we pledge:

- to respect the equal human rights of all our pupils;
- to educate them about equality; and
- to respect the equal rights of our staff and other members of the school community.

We will assess and analyse our current school practices and implement all necessary resulting actions to ensure pupils are not discriminated against because of their:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and Civil Partnership
- Pregnancy or maternity

These 'Protected characteristics' have been set out in law in the Equality Act 2010.

KINGSHILL is committed to eliminating practices, which could result in unfair or less favourable

treatment for persons with a protected characteristic.

Key definitions used in this policy

Headteacher	The school is led by a Headteacher, the most senior leader in the school.
The LGB	Local Governing Board
Governing Board Member	An active, registered member of Kingshill Infant School's governing body.
The School	Kingshill Infant School
Designated Person	A line manager or appropriate senior leader overseeing the case.
All	

The Policy

1. Introduction

- 1.1. Kingshill Infant School is concerned for the wellbeing of its employees and seeks to protect their health and safety by creating a sound working environment. When illness or injury occurs, employees are paid appropriate sick pay (in accordance with their terms and conditions of employment).
- 1.2. This policy and its obligations are applicable to all staff employed by the School. The procedure does not form part of any employee's contract of employment and may be amended at any time, with the exception of Appendix 2, which relates to Sick Pay entitlements, which are in accordance with Burgundy Book for Teachers and Green Book for Associate/ Support staff.
- 1.3. This policy has been developed in accordance with the School's values and following consultation with recognised union representatives and may be amended from time to time following further consultation.
- 1.4. Individuals have a responsibility for their own health and attendance at work. The School will support, advise and help where any underlying health or welfare issues are identified which may be contributing to levels of absence. In such cases, the procedure is designed to bring attendance to an acceptable level. Effective management and monitoring of absence will provide a positive contribution to the health and wellbeing of the workforce, reduce the cost of absence and enhance the provision of education services.
- 1.5. The policy explains the roles and responsibilities for managers and employees when handling absence.

2. Diversity Policy Statement

- 2.1. The School willingly accepts not only its legal responsibilities but also wishes to embrace best practice in all areas of its work in order to secure equality of both treatment and outcome for all.
- 2.2. The School is committed to ensuring that no one is treated in any way less favourably on the grounds of personal differences such as race, nationality, ethnic or social origin; gender (including

reassigned gender); sexual orientation; religious belief; age; disability; marital status; pregnancy and maternity, caring responsibilities or political or other personal beliefs.

- 2.3. We will implement all necessary action and training to ensure that the commitment of the School with regards to equality of treatment and outcome are fulfilled and will regularly monitor and review progress made in this respect.
- 2.4. We will ensure that employment and development opportunities are available to those who are, or who become, disabled on an equal footing with those without a disability, adapting jobs wherever possible to make them accessible.

3. Principles

- 3.1. The absence policy is based on the following principles:
- 3.2. This policy is intended to ensure that sickness absences are handled promptly, sensitively, consistently, confidentially and in a fair and supportive manner by the School. The procedure covers all sickness absence, including absences as a result of industrial injury but excludes absence connected to pregnancy.
- 3.3. Where sickness absence falls under the circumstances set out in the Equality Act 2010, discretion will be exerted as to whether this policy will continue to apply; reference should be made to Appendix 4.
- 3.4. The procedure will normally be initiated by the Headteacher, who may then delegate to an appropriate Leader or Line Manager who is trained (referred to as Designated Person within the procedure) to undertake return to work meetings and informal conversations. The formal parts of the procedure will normally be undertaken by the Headteacher, however, depending on the circumstances of the situation an employee hitting a trigger may not always result in a formal meeting.
- 3.5. The procedure recognises that some sickness absence is unavoidable and, will be treated sympathetically. It is the School's policy to offer security of employment wherever reasonably possible during such periods.
- 3.6. All absences should be recorded and monitored accurately and regularly by managers and appropriate documentation input onto payroll systems and/or forwarded accordingly for salary calculation and absence monitoring purposes.
- 3.7. Employees will be paid during periods of sickness absence, where this is certified with the correct documentation, in accordance with their terms and conditions of employment. Failure to comply with the requirements of KINGSHILL's sickness and attendance procedures and/or the abuse of the procedures may lead to loss of sick pay and may result in disciplinary action. Abuse includes taking time off as sick leave when not genuinely sick.
- 3.8. Employees are expected to make every endeavor to make routine medical appointments, such as GP, Dentist, Blood tests, Physiotherapy etc., outside of working hours.
- 3.9. If, however, this is not possible then the employee should speak to their Headteacher 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 Headteacher or Manager is satisfied that the employee genuinely is not able to arrange an appointment outside of normal working hours, then they may be granted special leave for time off to attend the appointment.
- 3.10. Employees will be granted special leave for 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 and the headteacher 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.). KINGSHILL will not allow paid sick leave for treatment of optional cosmetic nature; annual leave or TOIL should be used for such purposes.

- 3.11. 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 Headteacher 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 Management of Absence Policy 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.
- 3.12. Where an employee has to attend a medical or dental appointment as an emergency during normal working hours, this must be reported in line with the School's rules for notifying absence, the paid time off will be taken from the sick pay allowance or in accordance with their terms and conditions of employment.
- 3.13. We will consider any advice given by the employee's GP on the 'Statement of Fitness for Work' and we will discuss with the employee how we can help support them back to work. We will use an Occupational Health provider where appropriate to help identify the nature of an employee's absence and to provide advice on improving the employee's health and wellbeing.
- 3.14. It is the School's expectation that in addressing issues of sickness absence and applying the procedures set out below, managers should act fairly, reasonably, and with sensitivity and will be provided with the appropriate tools and support. The overall framework must be applied consistently, but action within each stage of the procedure should be determined on a case by case basis especially in relation to disability.
- 3.15. In cases where an employee's attendance and/or performance on ill-health grounds are affected such that they cannot consistently fulfil the duties and responsibilities of their post to the required standard, then KINGSHILL may have no option but to terminate employment. However, KINGSHILL will only take a decision to dismiss an employee on such grounds after all reasonable steps have been taken and alternative measures considered in line with the following procedures.
- 3.16. All parties with access to information relating to employees' absence records will be expected to treat this information in the strictest confidence and in accordance with Data Protection legislation and Access to Medical Records Act 1990.
- 3.17. Employees will be treated in a way that is non-discriminatory in the management of their absence and in accordance with the provision of the Equality Act 2010. Consideration will be given to the implementation of reasonable adjustments as deemed appropriate (see Appendix 4).
- 3.18. At all stages/levels of the procedure, where it is specified that a Human Resources Advisor is designated to support, KINGSHILL reserves the right to reasonably substitute suitable alternative Human Advisors in cases of non-availability or where otherwise considered appropriate.
- 3.19. Throughout the management of absence, during all meetings and reviews, notes will be taken, shared and agreed with the employee and where applicable their trade union representative/work colleague. If notes are not agreed the employee may add a comment.
- 3.20. The employee is entitled to be accompanied by a trade union representative or work colleague at all formal meetings. However, an employee can request to be accompanied by a family member, this will be considered in exceptional circumstances, such as an employee returning from long term absence and discussing reasonable adjustments.

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4. Roles and Responsibilities

- 4.1. Delegated authority and details of responsibilities are contained in the Management of Absence –

Guidance Notes and in Appendix 5

- Designated Person
- Employee
- HR Advisor
- Occupational Health
- Union/Workplace Representatives

5. Medical Health Advice and Support

- 5.1. The School works with independent Occupational Health (OH) providers to support and raise awareness of health issues with staff and support health and wellbeing initiatives.
- 5.2. OH provides professional advice on health issues at work and provides health assessments to:
 - advise on fitness for work with a view to supporting staff to continue at work;
 - advise on reasonable adjustments;
 - facilitate rehabilitation for staff returning to work following a period of ill health; and
 - advise on ill health capability issues.
- 5.3. The School reserves the right to make a referral to an OH adviser for a medical assessment to seek advice on reducing sickness absence and/or facilitating a return to work where this is possible. Where an employee is asked to attend an appointment with an OH physician they will receive a copy of the medical report from our provider, to review prior to release to the school. The Designated

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Person should arrange a follow up meeting with the employee to discuss the contents of the medical report and any concerns raised or adjustments recommended (if any).

6. Sickness Notification and Certification Requirements

6.1. Notification

- 6.1.1. Where an employee is absent due to sickness on a normal working day, they are expected to notify their line manager and /or the designated person by telephone as follows:
 - Telephone the school by 8.00 a.m. on their first day of absence;
 - stating the reason for their absence; and
 - the expected duration of their sickness absence, where this is known.
 - call the school to update the designated person on their status at 3.00 pm on each day of absence.
- 6.1.2. If the employee has a different work pattern from normal office hours (8.00 am – 4.00 pm, Monday to Friday), for example they work in the evenings or at weekends, then they should notify their manager at least one hour before their start time, where this is possible, so that cover may be arranged. If the School does not hear from an employee within an hour of their normal start time, the line manager or designated person should endeavor to contact the employee at home, to check on their welfare.
- 6.1.3. It is expected that an employee makes the call themselves, however in exceptional circumstances if the employee is unable to call themselves, they may ask someone to make contact on their behalf, however the employee must ensure they speak with their manager later the same day or as soon as practicable thereafter to discuss their period of absence. Text messages and emails will not be considered as appropriate notification, unless in exceptional circumstances or where been prior agreement has been approved.

6.1.4. Managers are expected to keep in regular contact with members of their staff on long-term sickness absence; this must be done by mutual agreement.

6.2. Certification

6.2.1. It is the responsibility of the employee to notify the School of their sickness absence and in providing the appropriate certification statements as required. Further information of certification requirements is outlined in Appendix 1. Where an employee does not adhere to these notification and certification requirements, there may be an impact on their eligibility for occupational sick pay, where it applies to qualifying members of staff. To qualify for statutory sick pay, an employee must meet the statutory conditions outlined by HMRC.

6.2.2. The School acknowledges that there may be exceptional circumstances which prevent the member of staff from meeting the reporting and certification requirements, for example in the case of a severe injury/hospitalisation.

6.3. Part Day Absence

6.3.1. Where an employee leaves work due to sickness absence before they have completed two hours work (pro rata for part time staff), absence will be recorded as a day's absence. After two hours have been completed, the absence will be recorded as half a day's absence.

6.3.2. Sickness during annual leave (non-teaching staff only)

If an employee is ill during their annual leave, their holiday entitlement may be reinstated subject to the employee providing a certificate from their GP to cover the period of sickness. **Retrospectively dated 'certificates' will not be accepted.**

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7. Return to Work Interviews

7.1. All staff will have a return to work interview with the Designated Person, normally on their first day back at work, wherever possible, but no later than three days following their return. If they work outside normal office hours, it may not be practicable to have a face-to-face conversation, for example, where the employee works during the evenings or works remotely. In such cases, the conversation should be undertaken by telephone. This is an informal meeting.

7.2. The purpose of a return to work interview is to check on an employee's fitness and to ensure that the Designated Person is aware of issues which affect the employee's attendance at work and their state of health, so that the appropriate support and action may be taken upon their return. This should be a supportive meeting. For example, the Designated Person (normally line manager) should be made aware of whether:

- there is an underlying medical condition; that may require a referral to occupational health
- any adjustments are needed if the employee has a disability;
- they are suffering from stress which may relate to personal issues or issues at work;
- there are personal issues outside work which are affecting the employee's attendance;
- identify whether the employee has hit any absence triggers and requires progression to a formal stage or requires an informal meeting, prior to escalation to a formal stage

7.3. Further guidance on the content and management of return to work discussions are detailed in the Five Point Plan, see Appendix 3.

8. Rights of Representation

8.1. Throughout the procedure employees have the right to be accompanied, at formal meetings by a recognised trade union representative (or a person approved by the trade union) or a work-based colleague nominated by the employee in writing. In particularly sensitive and personal sickness absence cases, the Designated Person may exercise discretion in allowing the employee to be supported at meetings by parties not covered by the description in this paragraph, e.g. family member.

9. Terminal Illness

9.1. At the discretion of the School, an employee with a terminal illness or life-threatening degenerative illness, where the employee's medical condition is known and will not improve, will not be asked to attend sickness absence monitoring interviews. Naturally, the School is expected to provide support and encouragement to individuals in these circumstances and manage matters sympathetically, and this could mean that other meetings, interviews etc. are held at reasonable intervals, to check on the employee's welfare and to discuss how the employee's absence will be managed. However, such action should not form part of any management initiative to reduce sickness absence. The wishes of employees and their families in these cases to keep their circumstances confidential must be respected. Terminally ill employees may remain on the School's payroll even after sick pay has been exhausted for the purposes of Death in Service benefits.

10. Stress Related Illness

10.1. There is an obligation on an employer to take into consideration an employee's mental as well as physical health and safety in the workplace. An employer has a duty of care to its employees and a failure to carry out this duty could result in legal redress because of a failure by the employer to safeguard an employee's health. These provisions are particularly important when dealing with stress. The School aims to address the problems created by stress at work and seeks to prevent or at least reduce stress, as well as alleviating the effect of stress on the general workforce.

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10.2. Whilst the School cannot prevent stress arising from employees' personal circumstances, we will endeavour to fulfil our responsibilities under health and safety legislation by ensuring that the demands of the workplace do not place excessive pressure on employees. This policy and procedure, in particular the use of discussions at returns to work and monitoring absence will assist Designated Persons to identify any signs at an early stage if one of its employees is suffering from work related stress. If the early symptoms can be identified, then measures can be taken to protect the employee from incidents that may exacerbate the situation. In all circumstances where an employee has been diagnosed with 'stress', it is recommended that a referral to Occupational Health be made as soon as practicable. In addition, managers should undertake a stress risk assessment with staff, details of which can be obtained from our Occupational Health providers, or from the Human Resources team.

11. Injury at Work/Infectious Disease

11.1. Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or during employment. Periods of absence in respect of one shall not be set off against the other for calculating entitlements under the scheme.

11.2. Absence because of industrial injury, accident or infectious disease preventing attendance at work will be recorded separately from sickness absence and will usually be paid at the contractual rate for the first six months of absence. If the employee has not returned to work at this point, consideration may be given to extending the pay along the lines in the relevant sick pay scheme for the employee.

- 11.3. An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under the sick pay scheme.

The Procedure

12. Short Term Sickness Absence

- 12.1. Short term absence is usually defined as those lasting less than one calendar month (28 calendar days) or 20 working days. It can often be characterised as frequent and persistent absence, or where a pattern of absences is established (such as every Monday or Friday). In some cases, the level of sickness absence becomes and remains unacceptable.
- 12.2. Within the School, sickness absence levels for individuals are monitored on a 6-month rolling period. The trigger points at which the Designated Person is required to consider the employee's sickness absence is where an employee has accumulated:
- **Ten** or more working days of sickness absence in a rolling six-month period
 - **Three** or more episodes of sickness absence in a rolling six-month period
 - Where there is a cause for concern regarding an employee's health or there is a particular pattern of absence that has not yet reached one of the trigger points above (for example Monday and/or Friday absence)
 - Only working days are counted in the rolling period that is defined as the 6 months prior to the first day of absence in any absence

In appropriate cases and circumstances, this trigger scheme may be varied but never to the disadvantage of the employee – as part of a conversation between the School, the employee and the trade union representative.

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- 12.3. The Designated Person should carry out a return to work interview with the employee as soon as practicable following their return from sickness absence, but no later than three working days following return.
- 12.4. The purpose of the meeting is to check on the employee's welfare, discuss any underlying health issues, including a disability and to formally record the absence and issues associated with it. In certain circumstances, there may be a need to refer to Occupational Health if the employee feels that there is an underlying medical issue. Any notes of the meeting should be kept by the Designated Person and copied to the employee, and the appropriate self-certification documentation should be completed. The employee should be told at this stage that continued unacceptable levels of absence will result in the employer invoking the formal stages of the absence policy.
- 12.5. If following a return to work meeting a referral to occupational health is made, an informal meeting will be held with the employee once the report is received to discuss the report's recommendations and agree any reasonable adjustments that may be required. There is no entitlement for the employee to be accompanied by a Trade Union Representative or a work colleague at an informal sickness absence meeting. A note taker may be present but that will not normally be necessary. The employee will be given a completed signed copy of the notes of this meeting if taken.
- 12.6. The following paragraphs show the actions taken at various stages of the procedure. The stages are progressive and are intended to remind and enforce the attendance standards that are expected, with support mechanisms to encourage this. This procedure does not rule out any stage being used more than once.

12.7. Further guidance about implementing the short-term absence procedure can be found in the Management of Attendance and Ill-Health Capability – Guidance Notes. Further information on the management of an employee with a disability can be found in Appendix 4.

Stage 1 – Formal Absence Review Meeting

12.8. The Formal Absence Review meeting is appropriate where a pattern appears to be emerging, in accordance with paragraph 12.2, where the absences are frequent or where absence levels have equaled or exceeded ten days or three instances in a six-month period. There will be discretion by the Headteacher to hold an informal meeting in exceptional circumstances. In the case of an employee with a disability, it may be that an agreement regarding an alternative target has been reached, and if that target is exceeded, the formal absence review meeting would then be appropriate.

12.9. The employee will be given reasonable notice, minimum five working days, of the meeting in writing and advised that they can have a trade union representative, or work colleague present if they wish.

They should be provided with a recent copy of their absence records. The employee can offer alternative dates for a meeting which are within five working days from the date proposed by the School in line with the employment legislation, and that notes will be taken during the interview and shared with the employee and their trade union representative.

12.10. The purpose of the meeting will be to explain and discuss the reasons, including any underlying causes for the employee's absence and explain how the employee's attendance has been assessed as unacceptable and the effect on teaching and learning, service delivery and colleagues.

12.11. The following points are by way of guidance:

- review previous informal conversations, including any measures taken to support the employee so far. Include any reasonable adjustments if appropriate, any work related issues and consider the content of any medical reports and advice received.
- discuss the likelihood of further absences, if absent on a number of occasions or how long the absence is likely to last, if absent on long-term sickness absence;
- seek agreement from the employee for a further referral to Occupational Health if this is required and/or appropriate in the circumstances;
- consider the employee's ability to return to/remain in his/her job in view both of his/her medical capabilities and the school's needs and any adjustments that can reasonably be made, if appropriate, to his/her job to enable him/her to do so;
- consider possible redeployment opportunities and whether any adjustments can reasonably be made, if appropriate, to assist in redeploying the employee;
- care must be taken regarding employees who have a disability to ensure that there is no discrimination.

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During the meeting, an Attendance Improvement Plan (AIP) which identifies a target level of absence/attendance should be set. This should include:

- a) An adjournment in order for a referral to occupational health, if this is required to assess an employee's fitness to undertake their role and whether any reasonable adjustments are required and a further meeting date set to re view the report
- b) Agree a reasonable review period of time over which the employee's attendance will be assessed for improvement in attendance levels, with due regard to the circumstances of the case. 6-8 weeks is usually judged as reasonable. The period will not normally be more than 3 months.

- c) Set absence targets and agree any interim review meetings that might be appropriate in the circumstances of the case.
- d) Agree support measures which can be offered to the member of staff;
- e) Explain the impact of the absence on the organisation and any improvements made since the last review. It should also be made clear to the employee at each review meeting that failure to make the improvements/progress required may result in progression to stage 2 and ultimately a dismissal.
- f) Consider the benefits of asking the employee to obtain a doctor's certificate for every absence. In this case, the School may be charged by the GP for such certificates where the absence is less than seven days.
- g) Agree a date and time of the next meeting.

12.12. The employee will receive written confirmation of the improvement plan which sets down the attendance targets to be met over the review period and support to be provided and informs the employee that failure to meet the attendance standards may result in progression to the next stage of the procedure. If after the review period attendance has improved then absence will be monitored and after six months of good attendance at work, no further action will be taken.

Stage 2 – Formal Absence Review Meeting

- 12.13. If an employee continues to have short term absences from work despite the improvements required being made clear in a Formal Stage 1 review, and additional support being provided, the Designated Person should arrange to meet with the employee. They should explain that they have not made a satisfactory improvement and their absence level will now progress to Formal Stage 2.
- 12.14. The employee will be given reasonable notice, minimum five working days, of the interview and advised that they can have a trade union representative, or work colleague present if they wish. The employee can offer alternative dates for a meeting, which is within five working days from the date proposed by the School in line with the employment legislation. Notes will be taken during the meeting, and shared with the employee and their trade union representative. The employee may append their amendments to the notes and will acknowledge receipt.

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The purpose of the meeting will be explained as in 12.10 (Stage 1 Formal meeting)

The meeting should include the following:

- a) An adjournment and referral to an Occupational Health Provider, if this has not already taken place, to see if there is any underlying illness affecting attendance or in the circumstances where there is any doubt as to the genuineness of the employee's illness.
- b) Agree a reasonable period over which the employee's attendance will be assessed for improvement in attendance levels. 4-6 weeks is usually judged as reasonable at this stage, with due regard to the circumstances of the case.
- c) Agree any further support which the School can provide to the member of staff; d)

Set absence targets and agree any interim review meetings that might be appropriate.

- e) Consider whether a written warning should be issued at this stage depending on the amount of time off, the impact on the organisation and the improvements made since the last review. Consider the benefits of asking the employee to obtain a doctor's certificate for every absence. In this case, the School may be charged by the GP for such certificates where the absence is less than seven days.
- f) An adjournment should take place and a decision made whether to issue a written

warning or, if attendance has improved, to finish the procedure.

g) Where a final written warning is issued agree a date and time of the next meeting.

h) A written warning will remain on the file for 26 weeks (6 months), with right of appeal, see section 16.

12.15. The final written warning sets down the attendance targets to be met over the next 6-month period and informs the employee that failure to meet the attendance standards may result in progression to the next stage of the procedure. After 6 months of good attendance at work, no further action will be taken.

Stage 3 – Formal Absence Hearing – Ill Health Capability

12.16. If an employee continues to have short term absences from work despite the improvements required being made clear in a Formal Stage 2 review, and additional support being provided, the Designated Person should normally arrange a Stage 3- Formal Absence Hearing for Ill Health Capability.

12.17. The purpose of the Dismissal Hearing is to consider an employee's sickness absence and decide about their employment situation. This may be implemented where conditions set in formal absence meetings have been undertaken and unacceptable absence levels continue; all other options of managing the employee's absence should have been fully considered and explored. Care must always be taken regarding employees who have a disability to ensure that there is no discrimination and reasonable adjustments have been considered.

12.18. The Headteacher will prepare an absence report detailing the employee's absence history, including all relevant documentation and medical advice received to date.

12.19. The employee will be given reasonable written notice minimum 10 working days, of their requirement to attend the Stage 3- Formal Absence Hearing - Ill Health Capability and advised that an outcome may be dismissal on ill health capability. The employee can offer alternative dates for a hearing, which is within five working days from the date proposed by the School in line with the employment legislation. The employee will be provided in advance with copies of all information to be considered at the hearing in deciding about their continued employment. Should the employee wish to submit any documentation for the hearing, then this should be done within three working days before the hearing so that these documents can be shared with the panel

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members in advance. Notes will also be taken during the meeting and shared with the employee and their trade union representative/work colleague following the hearing.

12.20. The level of sickness absence, which may be intermittent absence or contain a continuous period of long term sickness absence, will be considered, the impact this has had on the service and work colleagues, the support, actions or adjustments which have been taken so far, whether the employee has a disability and what reasonable adjustments have been made, whether redeployment or early retirement has been discussed where appropriate, and a decision will then be made about the employee's employment situation. A potential outcome of the Stage 3 Absence Hearing may be that their employment with the School will be ended with contractual notice, for unsatisfactory attendance at work on the grounds of ill-health capability.

12.21. As part of the Dismissal hearing, employees are given the opportunity to state their case and have the right to be accompanied by a trade union representative or a work colleague during the process. It is to be noted that the representative may assist employees in stating their case, but they may not answer questions on behalf of an employee.

12.22. Whilst it is in an employee's best interests to attend such a hearing, it is recognised that this is not always possible and where an employee is unable to attend in person, may either request a change in venue, submit a written representation or request their union attend on their behalf. Where an employee

does not attend the hearing without a good reason, their case and any documentation they have submitted may be reviewed and a decision reached in their absence.

- 12.23. Formal Absence Hearings will be conducted by a panel of two governing board members, one of which will act as Chair and will be supported by a member of HR for advisory purposes. The initial dismissal decision should be delegated to the Headteacher with the exception of where the existing senior leaders are unwilling to perform this, or where there are proven concerns about the Headteacher'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 two senior leaders. Employees will be notified of the decision as soon as possible following the hearing and this will be confirmed to them in writing within five working days of the decision being given.
- 12.24. If the employee is dismissed on the grounds of unsatisfactory attendance due to ill-health capability, they will be entitled to their contractual notice period and any outstanding annual leave.
- 12.25. In all cases where the outcome is dismissal, the employee has the right of appeal. See Section 16.
- 12.26. Employees should be given 10 working days from receipt of the outcome letter in which to appeal. Appeals received outside the 10-working day period may still be heard if the employee can show good reason for the delay and the delay is not unreasonable in the circumstances. The appeal must be in writing with clear grounds for the appeal. The employee should specify if the grounds relate to the facts of the matter, the level of sanction imposed or the way the procedure was followed including bias or discrimination.

13. Long Term Sickness Absence

- 13.1. For this procedure long-term sickness is defined as an illness, which has lasted at least four weeks or 20 working days.
- 13.2. If a trigger point is reached it will require the situation to be considered to determine what action, if any is appropriate. The fact that a trigger point is reached does not indicate that an employee's attendance is unacceptable or that any formal action will be taken. It is necessary to consider a range of options and make appropriate decisions with discretion and sensitivity.
- 13.3. Occasionally employees who otherwise have a good attendance record may suffer ill health of a substantial long-term nature. It is essential that long-term absences are monitored and managed, to enable the employee to receive appropriate support, for reasonable adjustments to be considered where the employee has a disability, and for the impact on the School to be minimised.
- 13.4. Procedures for dealing with long-term sickness need to be sensitively applied and recognise the School's duty of care for the individual. Inevitably, however, there will be genuine long-term sickness absence cases that may result in a recommendation that the School can no longer sustain the employee's absence.
- 13.5. After 20 working days of continued absence, a referral to Occupational Health should normally be made to determine the expected period of absence, identify any temporary adjustments that may be available to allow the employee to return to work and determine what other action may be

necessary.

13.6. Guidance on addressing long-term absence is available from the School's Human Resources team.

The Informal Welfare Interview

13.7. After a period of continued absence of 20 working days, a welfare visit to the employee (either at home or at a neutral agreed location) should be undertaken, to check on the employee's welfare and to ascertain any progress with their absence. The employee should be given at least five days' notice of the visit and be notified through the agreed communication channels.

13.8. The purpose of the meeting will be to discuss the long-term prognosis and any strategies, which may support the employee's return to work. However, at an appropriate stage, it will be necessary to advise the employee that the school is finding it difficult to sustain the continued long-term absence and the matter might need to be considered at a formal meeting.

13.9. At this meeting, support can be discussed, together with the contents of the first OH report, if obtained by this time. If not, then at this meeting consent may be sought for referral to OH. The employee may be supported by a family member at this informal meeting. In exceptional circumstances, a request may be made for a Trade Union representative or work colleague to attend will be considered. Notes made of the key points of the meetings and any action agreed may be taken.

13.10. Where the illness is due to a stress-related illness, extra sensitivity is needed when contacting the employee. Guidance can be obtained from the School's Human Resources Team on conducting meetings where stress is known to be a factor.

13.11. Throughout the period of absence, the Designated Person must ensure that either they or a senior staff member keeps in regular contact with the employee through an agreed method with the employee such as by telephone, email or post as appropriate. The contact should be sympathetic and supportive, and it is recommended that each conversation should conclude with confirmation of the discussion and agreement of the timing/nature of the next contact.

13.12. The Designated Person will ensure that the employee's workload is managed in their absence, wherever possible, and that any unreasonable amount of backlog does not accumulate for the employee's return to work.

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Stage 1 Formal Absence Review Meeting

13.13. If the absence continues for a further 20 calendar days, the Headteacher or Designated Person should begin to make further enquiries into the potential long-term effects of the illness and arrange to meet with the employee under the formal stage of the procedure. The employee will be given reasonable notice (minimum five working days) of the meeting and must be advised that they can have a trade union representative or work colleague present if they wish for this meeting and for further review meetings. The employee can offer alternative dates for a meeting, which is within five working days from the date proposed by the School in line with the employment legislation.

13.14. It is important that the School can demonstrate that rehabilitation has been fully explored, including making reasonable adjustments to the contracted post or any suitable alternative. This

may include redeployment to an alternative post, as appropriate.

- 13.15. If there is no indication when the employee will return to work the Headteacher or Designated Person should arrange a further referral to Occupational Health. A confidential report on the circumstances of the case will be provided to Occupational Health and key questions posed with respect to the employee's ability to provide regular and efficient service in the future. This report will be shared with the employee, in advance of the Employer receiving it.
- 13.16. The employee must make every effort to attend the medical appointment. If the employee fails to attend medical appointments without a good reason, the Headteacher or Designated Person (in consultation with Human Resources) is entitled to make decisions on their absence without medical advice.
- 13.17. Regular review meetings should be held by Occupational Health to update the employee and the Headteacher or Designated Person on progress. Appropriate notice will be given on the management review of the case and the employee will be reminded that they can have a trade union representative or workplace colleague present if they wish.
- 13.18. These meetings can be used to provide the employee and the Headteacher or designated person with an opportunity to discuss issues surrounding the employee's return to work, including any additional support they may need. Where appropriate, factors that may have impacted on the sickness absence should be discussed (e.g. personal issues, work-related problems, underlying illness, disability or additional employment), and any additional support which may be appropriate should be identified, i.e. counselling.
- 13.19. If an employee continues to be absent from work through long-term illness for a further 20 calendar days, the Headteacher or Designated Person should arrange to meet with the employee. This may vary dependent on the nature of the illness and could be a call to ensure the employer keeps in contact with the employee. If the Occupational Health advice is that there is no indication of a likely return date in the near future and/or the employee's absence is having a significant impact on service provision it may be that their continued absence cannot be sustained. The Designated Person must explain clearly and with compassion that there may be no alternative but to consider dismissal on the grounds of ill health capability. Referral will be made to the formal stage 2 of the process for a Formal Absence Review Meeting – Ill Health Capability.

- 13.20. The Headteacher or Designated Person will issue an outcome letter from this meeting, which confirms they have warned the employee that there may be no alternative, but to consider dismissal on the grounds of ill health capability and may, depending on circumstances, include other details such as moving on to Stage 2 of the procedure and attendance targets.

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14. Formal Stage 2 Formal Absence Review Meeting – Lack of Capability 14.1. Where

an employee's sickness absence, either long term, or combined with short-term, has been addressed using the informal and first formal stages of the sickness absence procedure, and there is no sustained improvement or prognosis for improvement, then the following absence procedure for lack of capability as a result of ill-health should be used.

- 14.2. The Headteacher or Designated Person should arrange a formal Stage 2 meeting with the

employee. The employee will be given reasonable notice (minimum five working days) of the meeting and informed that they can have a trade union representative or workplace colleague present. The employee can offer alternative dates for a meeting, which is within five working days from the date proposed by the School in line with the employment legislation.

14.3. The meeting should cover the following areas as appropriate to the circumstances:

- Identify the purpose of the meeting, clarifying that this is part of the Formal Absence - Ill Health Capability procedure.
- Use sickness monitoring information to identify the reasons for absence and overall total number of days lost.
 - Outline previous discussions held regarding the employee's sickness absence and support provided, both informal and formal. If appropriate, agree a course of action to resolve the absence problem with support from the school and record this in an improvement plan.
- For long-term absence, this may include discussion of the advice from Occupational Health on options such as with management of a disability, reasonable adjustments, ill health retirement in conjunction with Local Government Pension Scheme, redeployment and probable return to work if this has not already been discussed.
- Agree a reasonable period of time over which the employee's attendance will be assessed for improvement in attendance levels (AIP), subject to the nature of the illness. 20 working days (a month) is usually judged as reasonable.
 - Consider whether a written or final written warning should be issued at this stage depending on the amount of time off, the impact on the organisation and the improvements made since the last review. It should also be made clear to the employee at each review meeting that failure to make the improvements/progress required may result in a Formal Absence Hearing – Ill Health Capability, which may ultimately lead to their dismissal on the grounds of ill health capability.
- Consider the benefits of asking the employee to obtain a doctor's certificate for every absence, in the case of several periods of short and long-term absence. In this case, the School may be charged by the GP for such certificates where the absence is less than seven days.
- An adjournment should take place and a decision made whether to issue a written warning, final written warning or, if attendance has improved, to finish the procedure.
- Where a written or final written warning is issued agree a date and time of the next meeting. The written warning will remain on the employee's file for a period of 26 weeks

and a final written warning will remain on the employee's file for a period of 52 weeks, with right of appeal in both cases, see section 16.

14.4. In the event that attendance does not improve, and it is necessary to consider dismissal the Headteacher in conjunction with the School's Human Resources department, will make the initial decision to progress to a Stage 3 - Formal Absence Hearing – Ill Health Capability. For further information, please refer to the Management of Attendance and Ill - Health Capability Guidance Notes.

15. Formal Stage 3 – Absence Dismissal Hearing Ill Health Capability

- 15.1. The purpose of the Formal Absence Dismissal Hearing is to consider an employee's sickness absence and decide about their employment situation. This may be implemented where conditions are set in a Formal Absence Review Meeting, where there is no reasonable prospect of a return within the paid period of sick leave from long-term absence, and all other options of managing the employee's absence have been fully considered and explored.
- 15.2. The employee's Headteacher will prepare an absence report detailing the employee's absence history, including all relevant documentation and medical advice received to date.
- 15.3. 10 working days' written notice will be given to the employee of their requirement to attend a Dismissal Hearing – Ill Health Capability and they will also be provided with copies of all information to be considered at the hearing in deciding about their continued employment with the School. The employee can offer alternative dates for a hearing, which are within five working days from the date proposed by the School in line with the employment legislation. Should the employee wish to submit any documentation for the hearing, this should be done within three working days before the hearing so that these documents can be shared with the panel members in advance.
- 15.4. The level of sickness absence, which may be intermittent absence or a continuous period of long term sickness absence, will be considered; the impact this has had on the service and work colleagues, the support, actions or adjustments which have been taken so far, whether redeployment or early retirement has been discussed where appropriate, and a decision will then be made about the employee's employment situation. A potential outcome of the Dismissal Hearing may be that their employment with the School will be ended with notice.
- 15.5. As part of the Dismissal Hearing, employees are given the opportunity to state their case and have the right to be accompanied by a trade union representative or a work colleague during the process. It is to be noted that the representative may assist employees in stating their case, but they may not answer questions on behalf of an employee.
- 15.6. Whilst it is in an employee's best interests to attend such a hearing, it is recognised that this is not always possible and where an employee is unable to attend in person, they may request a change in venue, submit a written representation or request their union attend on their behalf. Where an employee does not attend the hearing without a good reason, their case and any documentation they have submitted may be reviewed and a decision reached in their absence.
- 15.7. Dismissal Hearings will be conducted by a minimum panel of two governing board members, one acting as the Chair, together with an HR Advisor for advisory purposes. Employees will be notified of the decision as soon as possible
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- following the hearing and this will be confirmed to them in writing within five working days of the decision being given.
- 15.8. If the employee is dismissed on the grounds of capability due to ill health they will be entitled to their contractual notice period and any outstanding annual leave.
- 15.9. In all cases where the outcome is dismissal on the grounds of ill health capability the employee has

the right of appeal.

16. Right of Appeal

- 16.1. Where a warning has been sanctioned the employee must be advised in writing of the decision and the right to appeal. The letter should be sent within five working days of the meeting/hearing and the employee should be given 10 working days from receipt of the letter in which to appeal. Appeals received outside the 10-day period may still be heard if the employee can show good reason for the delay and the delay is not unreasonable in the circumstances. The appeal must be in writing and state the grounds for the appeal. The employee should specify if the grounds relate to the facts of the matter, discrimination or bias, the level of sanction imposed or the way the procedure was followed.
- 16.2. Appeals against warnings and dismissal will normally be heard by a panel of two governing board members not previously involved in the case, together with an HR representative, also not previously involved in the case for advisory purposes. This will normally take place within 10 working days of the appeal being lodged. The employee has the right to be accompanied by a work colleague or trade union representative under those circumstances described above.
- 16.3. The employee will be notified in writing of the outcome of the appeal as soon possible, but no later than five working days after the completion of the appeals process. For further guidance on conducting appeals procedures, please see the Management of Attendance and Ill-Health Capability – Guidance Notes.

17. Returning to work on a phased return

- 17.1. Where an employee becomes fit to return to work, the line manager will normally arrange a re integration meeting with them before their return to work. This meeting will normally be informal and its purpose will be to support the employee's return to work.
- 17.2. It will sometimes be necessary to make alternative working arrangements and/or consider redeployment, on a permanent or temporary basis, to facilitate an employee's return to work or discuss a phased return.
- 17.3. There may be certain cases where following a long-term illness, Occupational Health recommends that it would be beneficial for an employee to return to work on a reduced hours basis, until his/her health has fully recovered. It is expected that a phased return to work should last no more than 4 weeks. The School will pay the employee his or her normal full salary during the duration of the phased return but for no longer than 4-weeks. Where a therapeutic return is recommended, it will usually consist of a series of short visits to the school without the expectation that the employee will perform their normal contractual duties and will normally precede a phased return.

During such therapeutic visits, the employee is still absent due to ill health and in receipt of appropriate sick pay benefits.

- 17.4. Such issues will be discussed between the line manager and the employee (and trade union representative and HR Consultant as appropriate). Agreed arrangements will be confirmed in

writing.

18. Monitoring and Review

The policy should be reviewed annually.

Appendix 1 – Sick Certifications

It is an employee's responsibility to notify the School of their sickness absence and providing the appropriate certification statements as required. Failure to adhere to these notification and certification requirements may harm an employee's eligibility for occupational sick pay, where applicable to qualifying members of staff. To

qualify for statutory sick pay; an employee must meet statutory conditions laid down by the HMRC. These conditions are detailed on the HMRC website at: <https://www.gov.uk/statutory-sick-pay>

It must be acknowledged that there may be exceptional circumstances which prevent the member of staff from meeting the reporting and certification requirements, for example in the case of a severe injury/hospitalisation.

1. Certification for Sickness Absence

Days 1 - 7 of sickness absence:

For the first seven calendar days of continuous sickness absence (including non-working days), there is no requirement for an employee to obtain a note from their GP to cover their sickness absence. They should contact their Designated Person to inform them about their absence and the reasons for this and complete a Self-certification form, which is signed by their designated person and provided to the school office. An employee's sickness absence details should be discussed with the employee during the return to work meeting and it is the employee's responsibility to inform their manager, in this meeting, if they think that their sickness absence record is incorrect.

Sickness absence that exceeds seven days:

For absences that exceed seven continuous calendar days (including non-working days), an employee must provide a Med 3 form which is a 'Statement of fitness for work' (Statement). Known as the 'fit note', this was introduced in 2010 and will need to be issued by the employee's GP.

It is an employee's responsibility to ensure that their medical Statements reach their line manager promptly. Periods of absence that are not covered by a Statement will not qualify for occupational nor statutory sick pay, however each case will be considered on its merits before occupational sick pay is withheld.

If the employee's GP provides advice that they may be fit for work, they should notify their line manager as soon as practicable, so as to support their return to work. Statements should be sent to the employee's line manager or other Designated Person, who will arrange for the Statement to be logged electronically and processed via payroll. If the Statement is not received by the twelfth consecutive day of sickness absence, this may impact the employee's entitlement to occupational sick pay. The Designated Person should contact the employee to establish the status or whereabouts of a medical statement before making any decision in relation to the employee's eligibility for occupational sick pay.

2. Statement of Fitness for Work Certificate (Fit Note):

An employee will either be given by their GP a Statement confirming that they are unfit for work for a specific period/until a specific date, or their GP may advise that they are able to return to work and, in these circumstances, suggest options that may help a return to work.

The purpose of the Statement or 'fit note' is to facilitate a return to work and may be more likely to be used in longer-term sickness cases or those with an on-going medical condition.

In some cases, the GP may recommend the advice of Occupational Health is also sought.

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Appendix 2 – Sick Payments

Guide for employees

1. Contractual sick pay

The contractual sick pay entitlement for School employees is in accordance with the national sick pay schemes for NJC staff and teachers. Details can be found in the Conditions of Service for School Teachers in England and Wales (the Burgundy Book) and the National Terms and Conditions for Local Authority Staff (the Green Book).

2. State benefit payments

The pay you get in full pay periods will be the same as normal pay, reduced by the amount of Incapacity Benefit if it is paid, and including Statutory Sick Pay receivable. The pay you get in half pay periods will be the same as half-normal earnings plus Statutory Sick Pay and Incapacity Benefit receivable, so long as the total sum does not exceed normal pay.

You will only be entitled to social security benefits if you have kept to:

- i. the conditions for the reporting of sickness as required by the School.
- ii. the rules about claiming of benefits; the obligation to declare any entitlement to benefits to the School about any changes after this, which affects your entitlement.
- iii. the conditions laid down in the relevant national agreement that applies to your contract of employment.

3. Provision for Paid Occupational Sick Leave

Subject to the provisions of this scheme, employees will be entitled to the following periods of sick leave in any 12-month period:

Teaching staff

During the first year of service: Full pay for 25 working days and (after completing four calendar months' service) half pay for 50 working days.

During the second year of service: Full pay for 50 working days and half pay for 50 working days.

During the third year of service: Full pay for 75 working days and half pay for 75 working days.

During the fourth and successive years' service: Full pay for 100 working days and half pay for 100 working days.

For the purpose of the contractual sick pay scheme, "service" includes all aggregated teaching service with one or more local education authorities.

Associate staff

First 2 days of absence: Unpaid.

During the first year of service: Full pay for 1 month and (after completing four months' service) half pay for 2 months.

During the second year of service: Full pay for 2 months and half pay for 2 months.

During the third year of service: Full pay for 4 months and half pay for 4 months.

During the fourth and fifth year of service: months.
Full pay for 5 months and half pay for 5

After 5 years' service: Full pay for 6 months and half pay for 6 months.

Notes:

For the purposes of calculating entitlement of Occupational Sick Pay, 'one month' is equivalent to a

calendar month.

For the purpose of the contractual sick pay scheme, "service" refers to continuous service with any public authority to which the Redundancy Payments Modification Order (local Government) 1983 (as amended) applies.

The sick pay entitlement is calculated based on the length of service the employee has accrued when the sickness absence commenced.

4. Normal pay

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

5. When might sick pay not be made?

Abuse of the sick pay scheme could result in disciplinary action being taken and possibly dismissal. The times that this might occur are shown below. If an employee:

- lies about their sickness (where proven)
- is off sick and is not taking reasonable steps to help themselves to get better
- is absent because of sickness due to the employee's own misconduct or neglect - is absent due to active participation in professional sport or injury while working in the employee's own time on their own accord for private gain or for another employer.

In exceptional cases, contractual sick pay may be suspended while the line manager investigates the matter. The employee will continue to receive any statutory sick pay where this is payable. The Designated Person shall advise the employee of the grounds for suspension of pay and the employee shall have a right of appeal. If the School decides that the grounds were justified, the employee shall forfeit the right to any further payment in respect of that period of absence.

Sick pay shall not be paid in a case of accident due to active participation in sport as a profession unless the School decides otherwise, though Statutory Sick Pay may be payable.

Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or during employment. Periods of absence in respect of one shall not be set off against the other for calculating entitlements under the scheme.

Absence because of industrial injury, accident or infectious disease preventing attendance at work will be recorded separately from sickness absence and will usually be paid at the full pay rate for the first six months of absence. If the employee has not returned to work at this point, consideration may be given to extending the pay along the lines in the relevant sick pay scheme for the employee.

An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under the sick pay scheme.

6. Illness During Annual Leave

Where an employee falls sick during the course of annual leave and knows that it is unlikely that they will be able to return to work on the due date, they must contact their manager immediately to advise them of the situation.

Employees who are ill during a period of annual holiday may be allowed to treat the days as sickness absence. In order to do so, they must provide a medical certificate to cover the relevant days. Subject to management approval, days of annual holiday lost through illness and covered by a medical certificate may be taken again at a later date.

The School may require employees to provide a medical certificate if they are absent before or after a school closure. This will be discussed with an employee at a return to work meeting and they may be advised that it will be a requirement for future absences before or after a school closure. The School will reimburse any fees associated with obtaining this certificate

7. Holiday Accrual during Long Term Sickness Absence

In line with the School's Managing Sickness Absence Policy and Procedure, staff will continue to accrue their contractual annual leave during sickness. Public holidays do not accrue during sick leave.

Staff who return to work following long-term sickness are expected to use their statutory annual leave accrued during the sickness as part of a graduated/phased return to work. Employees can request to take annual leave during sickness absence.

In accordance with case law, staff who are long-term sick have the right to receive at least their statutory entitlement to annual leave (less accrued bank holidays) if their sickness continues into a new leave year (and not be enhanced to the full contractual occupational leave). Managers should therefore make arrangements for the balance of any outstanding statutory entitlement (less accrued bank holidays) to be carried over in to the new leave year. This may also be used to support a graduated/phased return to work. This carried forward leave must be used within 18 months. This also applies to staff that leave following a long period of sickness absence or dismissed due to ill health incapability.

8. Employees Who Fall Sick Abroad

The following outlines the policy and procedure for managing situations where employees are taken ill whilst abroad:

- The employee must provide their line manager and Human Resources with a contactable address, telephone number, e-mail address or telex point through which communications can be directed.
- Statements to verify a certifiable period of illness should be obtained from a recognised medical practitioner or hospital consultant in the country in which the illness has occurred and this should be sent to the employee's line manager or the Human Resources department by the eighth day of absence and at regular intervals thereafter. A statement of fitness to work on the termination of the illness should also be obtained if the employee is still abroad at that time.
- If an employee returns to this country whilst still ill, s/he should immediately see his/her GP or hospital consultant for treatment and obtain another statement to verify the illness.
- In both cases mentioned above, KINGSHILL requires any medical reports made by the medical Human Resources in the country concerned, for inspection by the GP or hospital consultant.
- Where leave without pay is taken for holidays abroad, with or without the addition of paid annual leave, contracts of employment will be suspended for any illness occurring during the period of unpaid absence which will result in only entitlement to statutory sick pay scheme

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Appendix 3 – Five Point Plan – Return to Work

Guidance for conducting a return to work discussion - Five-point plan

1. Welcoming Back

- Welcome the employee back to work.
- Re-emphasise to the employee that their contribution is valued by the School.
- Remind the employee that a return to work discussion is standard practice after any sickness period. **2.**

Enquire about Health

In a supportive manner, the Designated Person should engage the employee in a two-way conversation

about their absence to ascertain if the employee is fit to return to work. You may wish to consider:

- Exploring the reason for absence/any underlying issues.
- Is the reason for absence covered by the Equality Act?
- Has the employee visited their GP and followed the advice given?
- Is any further support required i.e. counselling or referral to Occupational Health? **3.**

Consequences and Observations

Designated Person should discuss the consequences of an employee's absence on their work, their colleagues and the service provision. Employees should be reminded of the necessity for full attendance wherever possible and attention drawn to their attendance during the previous six months (or a longer period if appropriate); this may relate to the number of separate absences during a specified period of time, the total amount of absence or characteristics of absence that emerge as a pattern or may indicate an underlying condition or possible contributing factor(s).

It may also be necessary to inform the employee that their absence rate now represents a concern and explain the improvements required.

If the reason for the absence is likely to affect the employee's ability to do their work and is long term, i.e. has lasted at least 12 months, or is likely to be so, you should discuss with the employee any reasonable adjustments, which may help to reduce the employee's sickness absence levels.

Where frequent/long-term absence has occurred over a 12-month period, the Designated Person should update the employee of the effect on their current entitlement to Occupational Sick Pay.

It must be pointed out that the School takes non-attendance very seriously and that it could lead to action being taken under the procedure for poor job performance, if improvement is not achieved. In the majority of ill health, related discussions there will be no recourse to the disciplinary procedure and the Designated Person should take care to ensure that employees understand that measures to improve attendance are not intended as a disciplinary or punitive issue. The Designated Person should however be mindful that the disciplinary procedure might apply for conduct related issues such as failure to notify absence, unauthorised/uncertified absence or abuse of the sick pay scheme.

4. Completion of Formalities

It is only after this discussion has taken place that the return to work form must be completed with the employee along with any additional notes, which will be shared with the employee.

5. Future Action

Before ending the interview, it must be made very clear to the employee what is expected of them in the future and what actions the School may be required to take next time they are absent from work as a result of sickness.

The outcome of the meeting should be confirmed to the employee in writing, providing timescales for the next meeting/review, or to confirm that the process has terminated, where appropriate.

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If reasonable adjustments have been discussed as a result of the illness being covered by the Equality Act, you should agree a date to review progress towards making the adjustments and/or to assess the impact of the adjustments. These details should also be confirmed in the outcome letter.

Appendix 4 – Equality Act 2010 and Reasonable Adjustments

The Equality Act 2010 has replaced the Employees with a Disability and their Sickness Absence - Disability Discrimination Act 1995 and 2005 and the Race Relations Act 1976 and is in place to eliminate all types of discrimination against employees in the workplace. The purpose of this guide is to outline the provisions in place to protect disabled employees during the management of sickness absence. This is

supported by an Employment Statutory Code of Practice, 2011.
<http://www.equalityhumanrights.com/publication/employment-statutory-code-practice>

The School must clarify, via Occupational Health, whether the ill health of the employee comes under the definition of disability as defined in the Equality Act 2010 and related Regulations. There are over 9 million people with a disability in the UK, which makes up 18% of the population – a significant minority group.

The Equality Act has made it easier for a person to show that they are disabled and protected from a disability. A person has a disability, for the purposes of the Act, if they have:

“A physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities.” Long term means that the condition must last, or be likely to last, for more than 12 months. The applicant’s ability to carry out normal day-to-day activities can be adversely affected in one or more of the following ways:

- Mobility
- Manual dexterity
- Physical co-ordination.
- Ability to lift or otherwise move everyday objects
- Speech, hearing or eyesight
- Memory or ability to concentrate, learn or understand
- Understanding the risk of physical danger

The Act makes it unlawful for an employer to discriminate against an employed disabled person:

- In the terms and conditions of employment afforded
- In the opportunities for promotion, transfer, training or receiving any other benefit
- Refusing to afford or deliberately not affording any such opportunity
- By dismissal or subjecting the employee to any other detriment (unless dismissal can be justified)
- Failing to provide reasonable adjustments for disabled employees and applicants
- Subjecting a disabled person to harassment or victimisation
- Undertaking disability related discrimination

As with the previous Acts, the Equality Act 2010 puts a duty on the employer to make reasonable adjustments for their staff to help them overcome disadvantage resulting from an impairment (e.g. by providing assistive technologies to help visually impaired staff use computers effectively).

The Act includes a new protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim.

Additionally, indirect discrimination now covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement you have in place disadvantages people with the same disability. Unless you could justify this, it would be unlawful.

The Equality Act also includes a new provision, which makes it unlawful, except in certain circumstances, for employers to ask about a candidate’s health before offering them work. The exception would be where positive action can be given to assist a candidate with a positive disclosure, during the recruitment procedures.

Where it is determined that an employee has a recognised disability (as defined by the Act) an employer has a significant responsibility to consider any reasonable adjustment which would ensure that the employee does not suffer any detriment in comparison to another employee who does not have a recognised disability. Where Managing Absence is concerned, this includes provisions to assist the

employee in improving their attendance record and ultimately in retaining their employment with the School as far as reasonably practicable.

Below are a few examples of adjustments that may be considered:

- Adjustments to premises
- Allocating some of the disabled person's duties to another person
- Altering their working hours
- Transferring them to an existing vacancy/new post
- Giving or arranging specific training for them
- Acquiring or modifying equipment
- Modifying instructions or reference manuals
- Modifying procedures for testing or assessment
- Providing a reader or interpreter
- Providing supervision
- Adjusting target attendance levels beyond the normal target
- Ensuring that absence to attend regular rehabilitation or treatment directly related to the disability is reported separately to sickness absence. Although this time is still logged as absence it should not disadvantage the employee in relation to the application of internal policy
- Assigning them to a different place of work
- Where it is not possible for appointments to be made outside of working hours, to allow him/her to be absent during working hours for rehabilitation, assessment or treatment.

The most important principle is to discuss any special needs in full with the employee.

In all circumstances relating to employees who have a disability, the Designated Person should seek advice from The School's Human Resources department.

Appendix 5 - Roles and Responsibilities

Designated Person Responsibilities

Designated Persons have a duty of care for the health, safety and welfare of their staff members and they are responsible for ensuring that every effort is made to achieve the highest level of attendance. The role of the Designated Person is crucial to the success of the process and they are responsible for ensuring the monitoring of sickness absence and that this procedure is applied correctly and consistently.

The relevant Designated Person should, as part of their day-to-day responsibilities, ensure that:

- All employees have a clear understanding of the sickness absence reporting procedures. This must include whom they report to and the time by which sickness must be reported to the nominated person prior to their commencement time. These responsibilities must be communicated to all new employees as part of their induction.
- When reporting sickness absence, employees need to give the reason for their absence, the likely duration and any work commitments that need addressing. If the employee has not reported prior to commencement time, Designated Persons should make general enquiries about the welfare of the individual – always the prime consideration. If the absence remains un-notified or is late, it could result in either the non-payment or incorrect calculation of the employee's sick pay.
- The appropriate documentation giving details of absence is completed in a timely manner.
- Absence patterns and trends of employee absence are monitored monthly. Such monitoring will indicate the need for an employee to have a formal return to work interview and determine whether any further actions are needed, e.g. referral to Occupational Health.
- An informal discussion, where appropriate, is held by a relevant manager with the employee on their return to work and that a record of the discussion is made on the agreed pro forma.

- The employee is referred to Occupational Health for medical advice at an appropriate stage – this could also take place prior to any absence, with the employee's agreement, as a preventative measure.
- All actions and decisions made at informal meetings, review meetings or capability meetings are monitored and recorded, and appropriate letters and forms are satisfactorily completed.
- In cases of long-term sickness, with the support of Occupational Health and advice from the School's Central Human Resources team, maintain regular contact with the employee to demonstrate concern for their welfare and offer reasonable support. Designated Persons may also consider and discuss with HR, alternative options which may facilitate an earlier return to work.
- At all stages of sickness, the School must be in receipt of the relevant GP certificates and that, where a sick note has expired, employees should be reminded that this is the case and asked to send a certificate in by a given date. The Designated Person should also ensure that employees do not return to work unless they are fit enough to do so.
- If an employee is failing to comply with their responsibilities under the sickness procedure (i.e. failing to report sick, failing to provide a reason or sickness certificate), this is explored with the employee and it is pointed out that continued non-compliance may result in deduction of salary and/or action being taken under the Disciplinary Procedure.

Employee's Responsibilities

All employees have an obligation to attend work during the agreed hours, except in cases of authorised absence. When an employee is absent due to sickness, they must:

- Report the sickness to the nominated person at work by the quickest practical means within one hour prior to their commencement time, giving the reason, likely timescale for absence and any work

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commitments, which may need addressing. Employees must also advise the Line Manager of any changes to these details. Late notification may result in either the non-payment or incorrect calculation of sick pay.

- Follow reporting and certification processes as outlined in the Policy.
- For periods of sickness from one to seven days, complete a self-certification form on return to work. For periods of sickness exceeding seven days, a medical certificate signed by a registered medical practitioner must be obtained and forwarded to the School accordingly.
- Not to return to work after a period of absence unless fit to do so. As much notice as possible must be given of the expected date of return so that the Line Manager can ensure the necessary arrangements are in place to support the employee on their return.
- If certified sick by a medical practitioner, not to attend work except as a process of re-entry, to maintain contact with work colleagues or to attend review meetings as part of a mutually agreed return to work plan.
- Not undertake other paid or unpaid activities which might delay the return to work or be detrimental to their health and recovery. If in doubt, the employee should seek to discuss with the Designated Person.
- Visit Occupational Health (as identified by the School) prior to returning to work, if requested by the Designated Person. Employees are contractually obliged to attend such appointments where reasonably requested, to enable appropriate management of their absence.
- On returning to work, employees must, as soon as reasonably possible, report to the Designated

Person in order that the return to work discussion can take place.

- Employees are responsible for their health and wellbeing and have an obligation to minimise their absence from work. Employees must adhere to the requirements stated within this process, particularly in terms of sickness notification, providing Statements and keeping in regular contact during longer-term absence.

Human Resources Responsibilities

Human Resources will at all times assist Headteacher/Designated Persons/ Governing Board Members in carrying out their role by:

- Providing information and advice on the monitoring of absence levels.
- Providing specialist advice and support to managers in dealing with absence issues, providing information and guidance on policies and procedures relating to absence and on possible options to consider which would facilitate an earlier return to work.
- Liaising on long-term sickness absence/erratic attendance cases. In exceptional circumstances a member of the HR Team may accompany and when meeting employees.
- Providing guidance in all aspects of managing sickness absence to include making OH referrals, preparing a return to work and implementing reasonable adjustments.
- Attending interview meetings where formal action is required, e.g. capability ill health review meetings and hearings.
- Advising on implications of the Equalities Act 2010, based on current case precedents, e.g. reasonable adjustments required.
- Providing advice regarding changes in legislation and best practice through the review of absence procedures.

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Occupational Health Responsibilities

KINGSHILL has engaged the services of an independent Occupational Health Provider to support and raise awareness of health issues with staff and to undertake reviews and provide professional advice on health issues relating to work; and to provide health assessments to:

- Advise on fitness for work with a view to supporting staff to continue at work;
- Advise on reasonable adjustments;
- Facilitate rehabilitation for staffing returning to work following a period of ill health; and - Advise on capability issues.
- If the School is concerned about an employee's sickness absence, a referral will be made to an OH adviser for a medical assessment to seek advice on reducing sickness absence and/or facilitating a return to work where this is possible. OH, will arrange an appointment to see an employee as quickly as possible after referral is made.
- Provide relevant medical information in regard to an employee's condition and circumstances to allow the Designated Person to be able to take informed management decisions about a particular employee's likely return to work, ability to contribute to the work of the School and, where necessary, the long-term prognosis regarding the employee's overall health.
- OH will endeavour to deal with employees in a referral process professionally and sympathetically.
- Provide a copy of the medical report to the employee for review in advance of sending to the School so that a follow up meeting to discuss the findings can be arranged.

- Periodically provide a wide range of practical advice and guidance on health and wellbeing issues, which the School will circulate across the organisation for information.

Union/Workplace Representative Responsibilities

Representatives are responsible for:

- Providing appropriate and timely advice and support to their members through their absence management in order to seek an appropriate resolution.
- Ensuring that they make themselves available to attend designated meetings in the formal procedures or to provide alternative dates for a meeting, which is within five working days from the date proposed by the School in line with the employment legislation and to avoid delaying proceedings by non-availability without good reason.
- Supporting the implementation of the policy fairly and sensitively for their member and advise that their member acts appropriately in accordance with the spirit of the policy.

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Appendix 6 - Guidelines On Referrals To Occupational Health Advisory Service (OHA)

1. Before referring an employee to the OHA, the line manager or HR should explain to the employee the reasons within the context of KINGSHILL's Management of Absence Procedures.
2. The line manager should request that Central HR refer the matter for an Occupational Health Assessment who will draft a letter to the OHA requesting a report, setting out in as much detail as possible information about:
 - The employee's name, address & home telephone number (so the OHA can make an appointment direct with the employee).
 - The reasons for the referral.
 - The employee's length of service with the organisation and attendance record. • The employee's job as it actually is (as opposed to what may be set out in the job description). • The demands of the job on the employee and whether these are likely to increase or decrease in future.
 - Possible presence of workload stress.
 - Possibility of any work related factors including working conditions, relations with other staff or managers, health and safety issues or other issues associated with the working environment. • The effect of the employee's absence(s) on the work of his/her department or function. • Any information provided by the employee about the reasons for the absence(s) and the possibility of improvement in the future.
 - The availability (or lack of it) of alternative employment for the employee (including whether part time and/or light duties are available).

The referral letter will normally ask for the following information from OHA:

1. Confirmation in general terms of the nature of the problem.
2. In your opinion, is **employee name** fit to attend regularly and to carry out her/his duties at present?
3. If **employee** is not fit to attend regularly at present, when do you think **she/he** will be fit to attend regularly to carry out **his/her** duties?
4. If employee is considered unfit to do all **her/his** duties at present, what, if anything is **she/he** able to do in the meantime?
5. In your view does **employee** have a condition recognised as a disability in terms of the Equality Act 2010?

6. Are there any reasonable adjustments or support measures that the employer could consider to enable **employee** to attend regularly to carry out **his/her** duties?
 7. Would **employee** be fit to attend any formal or informal meeting that is required in line with our Sickness & Attendance or other procedures?
 8. If not what reasonable adjustments could we make to meet or consult with them under our procedures, e.g. holding the meeting at their own home?
3. Where an employee is unable to attend an appointment made for them, they must be able to provide good reasons, with evidence, for inability to attend, and a further appointment will be made and notified to the employee.
 4. An employee who fails to attend appointments made, or refuses to give consent to the OHA to obtain Medical Reports/Records should be interviewed by the line manager and his/her reasons explored. If the individual persists in the failure to attend or refusal of consent, the line manager must point out that KINGSHILL would prefer to base its decision on up-to-date medical evidence but that, if relevant appointments are not attended or consent for access to Medical Reports/Records is withheld, a decision on their future employment will be made on the basis of such information as is

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available at the time. Where an employee fails to attend an appointment they agreed to and another appointment is made the employee may be charged for the additional cost if they could have reasonably attend the missed appointment.

5. Upon receipt of the OHA's report, the designated person will be responsible for taking further action – taking account of the OHA's advice and recommendations - in accordance with KINGSHILL's Sickness & Attendance Procedures. This will include a meeting with the employee to discuss the content of the report, whether there is an underlying medical condition, which may include a disability and what if any reasonable adjustments can be put in place to support the employee in the workplace and improve attendance.

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Appendix 7 - Flow Charts on Using the Sickness Absence Policy &

Procedure Frequent Intermittent Absence

Stage 1 and 2

	review or within 6	Manager or SLT)
No underlying medical condition or adjustment no action		Stage 1 Formal Meeting (Headteacher or Designated Leader)
Trigger 10 days or 3 spells in 6 months	months of a stage Does not trigger again within 6 months of review meeting (process starts again at Stage 1)	
	Met Expectations (NFA)	Stage 2 Formal Meeting (Headteacher or Designated Leader)
Triggered either during Stage1		

Stage 2 Review Meeting
(Headteacher or

Referral to OHA, if required and set
further review
periods, and/or issue final warning

Designated Leader)
review report or
highlight if
approaching trigger or refer to stage 1
if

Not Met Expectations

If triggers anew within 6 months
of Review Meeting, process starts
again at Stage 2

Meeting
(ACEO/ Headteacher or Designated
Leader)

1. Redeploy
2. Further Review
Period
3. Dismissal on ground
of incapability

Return to work meeting
Underlying medical
conditions/s refer to
OHA. Hold meeting to

within 3 days of return (Line

OHA Referral followed by Stage 3

Options

Using the Sickness Absence Policy & Procedure Long-Term Absence Levels 1 & 2

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ACEO/Headteacher /Equivalent leader)

Trigger

4 continuous
weeks absence

Employee returns before

Review Date (ie during review period), consider review period under relevant level of short term procedure to review if improvements can be sustained. Employee also needs to be informed of 3 month follow up period

based on medical



Review Date

Employee does not return by the Review Date

OHA

OHA Referral followed by Stage 1 (or 2 or 3 is relevant) Meeting – at home if Employee too unwell to attend site (Line Manager/SLT/

Referral followed by Stage 2 (or stage 3 if relevant) Meeting (ACEO/ Headteacher/Equivalent Leader if Level 3)

Consider return to work measures; set reasonable

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Levels 2 & 3
(Headteacher or

date for review

Set a further Review Period

No return by the Stage 1 Review

Consider return to

If no improvement or likelihood of any Equivalent)

improvement within a reasonable period refer to stage 3

Employee returns before

Review Date

Stage 2 Meeting

Review Date

date for review

(i.e. during review period)

work measures; set reasonable

Level 3 Formal Absence Hearing for Ill health
capability (ACEO/

Employee does not return
by the Review Date

OHA
Referral

Options

1. Redeploy
Headteacher)
2. Further
Review
Period
3.
Dismissal on grounds of incapability

