Blakehill Primary School has adopted the PACT HR recommended model procedure as agreed by Trade Unions.

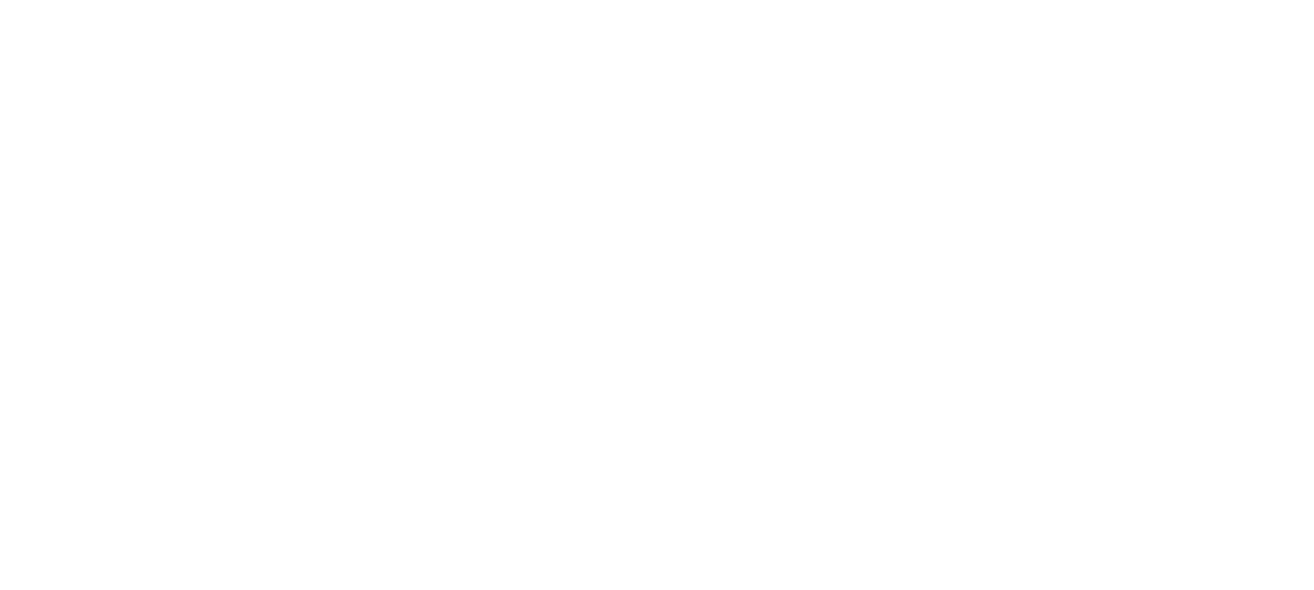
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| Approved by the governing body on: | March 2024 |
| To be reviewed on: | March 2025 |
| Signed on behalf of the governing body: | Phil Cavalier-Lumley |

Reviewer: Lisa Keighley, Headteacher

NB. This guidance will be retained for a period of 7 years from replacement.

Version Number 8 / June 2022

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Sickness Absence

Management Policy



Version

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June 2022

**Policy Details**

Blakehill Primary School has adopted the PACT HR recommended model procedure as agreed by the following Trade Unions;

* Unison
* GMB
* NASUWT
* NEU
* NAHT

NB. This policy/guidance will be retained for a period of 7 years from replacement.

**Summary of Key Changes**

1. Reference to the “Fit for Work” Service has been removed as this no longer exists.

1. Issuing Formal Warnings for sickness absence have been removed.

1. Setting targets that are harder to achieve than the existing triggers has been removed.

1. Costs incurred for non-attendance at EH&WU may be recharged to employees if a reasonable explanation for non-attendance isn’t communicated to both EH&WU and the School in advance of the appointment.

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# Sickness Absence Management Policy Statement

## 1.1 The Principles of the Policy

As a responsible employer Blakehill Primary School is committed to maintaining the health, safety and welfare of our staff, providing a positive and healthy working environment and recognising the value of their work/life balance. Regular attendance at work is part of every employee's contract of employment and it is the expectation of the management at Blakehill Primary School that all our staff will maintain good attendance. However, it is also recognised that, occasionally, employees will have genuine health reasons that result in them being absent from work. On those occasions we will offer support to the employee during their absence with the aim of facilitating their return to work at the earliest opportunity.

The overall aim of the Sickness Absence Management Policy is to minimise sickness absence in the workplace and to advise both management and employees on how staff may be supported when they are unable to attend work due to ill health and the possible implications of poor attendance. This policy also provides a fair and consistent framework for managing staff absence and includes information that details responsibilities in relation to attendance.

There is no right in law to be made aware of the reason for an employee’s absence nor the content of any medical report from either the GP or the Employee Health and Wellbeing Unit without the express consent of the employee.

## 1.2 The School’s Responsibilities

* To ensure employees are aware of the sickness absence management policy including the conditions of the sick pay scheme and where the relevant documents can be accessed.

* To keep records of all sickness absence including the reasons for the absence where it has been declared.

* To maintain reasonable contact with employees, including meeting them during their absence and on their return to work regardless of the duration of the period of absence.

* To regularly monitor and review sickness absence across the workplace.

* To determine the appropriate course of action with an employee when their sickness absence has reached an unacceptable level.

* To seek medical advice where appropriate from the relevant services, including the Employee Health and Wellbeing Unit and/or any other medical professionals.

## 1.3 Employee’s Responsibilities

* To attend work when fit to do so.

* To comply with the School's procedure for reporting sickness absence.

* To submit statements of fitness for work in a timely fashion.

* To maintain reasonable contact with the School and to attend meetings when required during and/or following periods of absence.

* In exceptional circumstances, if not well enough to maintain contact with School, to ensure another person maintains contact on their behalf.

* To attend any appointments with the Employee Health and Wellbeing Unit when requested to do so by the School.

* To take all reasonable action to enable a return to work and avoid any activity that could exacerbate their ill health.

* To read and understand the contents of the Sickness Absence Management Policy in conjunction with the School's related policies and procedures.

# Informal Sickness Absence Management Procedure

## 2.1 Reporting Sickness Absence

A clear reporting process is key to helping the School make the necessary arrangements to cover staff sickness absence. This could be short term supply cover or longer term arrangements if an employee is absent for a longer period.

The management of the School has a reporting procedure which must be followed by all staff in the event that they are absent due to sickness. Failure to follow this procedure may result in sick pay being with-held and/or the absence being treated as unauthorised in accordance with the Disciplinary Procedure.

* On the first day of sickness absence the employee must telephone the school office on 01274 414355 by no later than 8:00am or as soon as reasonably practicable given your hours of work.

* If the sickness absence occurs during the school holidays and there are no staff in school, the employee should contact PACT HR directly on 01274

436644. PACT HR will record details of the absence on behalf of the School.

* When notifying either School or PACT HR of the absence the employee must inform them of the absence and give a reasonable estimate of how long they may be absent for.

* The employee has a duty to maintain contact with their employers or PACT HR, if in the holidays, for the duration of their absence. If the absence persists for longer than seven consecutive days’ the employee must submit a doctors fit note and then continue doing so until the absence ceases.

## 2.2 Occupational Sick Pay (OSP)

The entitlement to OSP is based on an employee’s length of service. For Teachers this is aggregated service as a teacher within any Local Education Authority and may also include service with Academies or other educational establishments. For all other staff it is continuous service with any public authority to which the Redundancy Payments Modification Order 1999 applies. Full details of sick pay entitlements may be found in the Teachers’ Local Conditions of Service (Burgundy Book) and the Officers Terms and Conditions of Service (Green Book).

If management are concerned that the reason(s) given for an employee’s absence may not be genuine, then this would be considered a conduct issue and action may be taken in line with the School's Disciplinary Procedure.

The employer reserves the right to withhold or suspend OSP in circumstances where the employee fails to comply with the attendance management policy; these circumstances may include but are not limited to:

* Failure to report absence from work in the correct manner

* Failure to attend absence meetings and/or EHWU appointments as arranged by the School

* Failure to maintain reasonable contact with the school during the period of absence

* If it is deemed that the employee is undertaking activities that could hinder their recovery and delay their return to work.

Where an employee who sustains an injury outside of work is off sick as a result of this and makes a claim against a third party for loss of earnings they must inform their employer. This is so that the School can recoup the sick pay as otherwise the employee potentially receives payment for loss of earnings twice. The **Please select from the list**. may also withhold or suspend a member of support staff’s occupational sick pay where the absence is caused by an accident due to active participation in professional sport, where contributable negligence is proven or caused by the individual’s own misconduct sustained in leisure time. Repeated abuse will be dealt under the School's Disciplinary Procedure.

Staff who are absent from work due to sickness should not participate in any other form of work (paid or unpaid) during their normal working hours without the prior written authorisation of the School, and on medical advice. Failure to notify the employer may result in sick pay being withheld. It is the responsibility of the employee to notify the School if they are undertaking therapeutic work whilst off sick. The member of staff should consult with Employee Health and Wellbeing as to the advisability of working whilst sick.

It is possible for a member of staff to have two (or more) jobs (with differing working hours) at the start of the sickness and be unable to attend one due to illness but able to continue to work in another.

Periods of sickness absence which are fewer than 8 weeks apart are called linked absences. This is because they are linked as one period of incapacity for work (PIW) for payment of Statutory Sick Pay (SSP) purposes. This means that, if an employee is sick for a second time during an eight-week period, and the total absence is 4 days or more, SSP should be paid from the first day of the second absence. Odd days of sickness do not form a PIW and cannot link.

## 2.3 Statutory Sick Pay (SSP)

In order to qualify for SSP an employee must:

* Be sick for at least 4 or more consecutive days (including weekends and bank holidays) as SSP is not payable for the first 3 days of any period of absence (unless it is a linked absence) and

* Earn an average of not less than the current lower earnings limit for National Insurance Contributions (NIC).

SSP is paid to the employee by the employer for up to a maximum of 28 weeks.

## 2.4 Surgery Not for Medical Reasons

If a member of staff elects to have surgery that is not medically necessary, time off may be paid or unpaid at the discretion of management. However, School Management may choose not to grant time off for elective surgery as there is no automatic entitlement to paid or unpaid leave in these circumstances.

## 2.5 Employee Health and Wellbeing Unit (EHWU)

The School may refer the employee to the EHWU who can advise on matters such as:

* When the employee may be fit to return to their role.

* The employee’s ability to carry out their role.

* Whether the employee would be considered disabled under the Equality Act (2010) and whether any adjustments or modifications should be considered that may assist the employee in carrying out their role for example a higher trigger point or target.

* If the employee is (or will soon be) unable to carry out their role whether they may be able to carry out alternative duties either within the School, and if any adjustments or modifications should be considered to assist the employee in carrying out alternative duties.

The School has a duty of care to its employees to consider all appropriate support options including reasonable adjustments or phased returns to work.

It is recommended by EHWU that for employees experiencing stress, anxiety or depression or a neck, shoulder or back condition, an immediate referral is made.

Where employees’ fail to attend or fail to notify EHWU that they will not be attending within two days of the scheduled appointment, the School will be liable for the full cost of the appointment and this will be recharged to employees where a reasonable explanation for non-attendance is not provided.

***NB:*** *Where employees fall under the Equality Act 2010, employers have a duty to make reasonable adjustments where appropriate. Time off to attend medical appointments could be considered a reasonable adjustment. What is reasonable for the employer to do will depend on the circumstances of the particular case and the needs of the School. Advice should be sought from the School’s HR Business Partner.*

## 2.6 Medical Suspension

There are a number of circumstances where it may be necessary to suspend an employee on medical grounds. If a situation arises where this is being considered, advice should be sought from the school’s HR Business Partner immediately.

Reasons for a decision to medically suspend may include protection of the person’s own health and wellbeing, as well as the health and welfare of other staff and pupils who may be put at risk by the medical condition of an employee. EHWU may recommend medical suspension to management, via the HR Business Partner. Medical suspension is on full pay and the School must give consideration to the appropriate next steps to be taken once an employee is medically suspended. The next steps will be informed by the medical evidence available and the suspension should be reviewed on a regular basis.

## 2.7 Return to Work

A fit note from the GP should state the period (or dates) that the employee will be unfit andwhether they will need to assess the employee again. If the GP has not advised that they need to see the employee again, then the employee should return to work on expiry of the fit note. However, there may be occasions where school management may ask the employee to get further advice from their GP regarding returning to work or make a referral to EHWU for advice. The employee may return prior to the expiry of a fit note if both the employee and employer are happy that they are well enough to do so.

It is important that a meeting takes place as soon as possible upon an employee’s return to work to discuss any adjustments suggested by their GP or EHWU. Employees should inform their employer of the date they intend to return to work as soon as they are able to do so.

If a member of staff becomes fit to return to work during a school holiday and there is no-one in school to advise, they should contact the PACT HR helpdesk on 01274 436644, or their payroll provider.

If school has doubts on the authenticity of a fit note or suspects the member of staff has changed any of the information contained within it this may be deemed as fraud and may result in disciplinary action being taken.

Return to work interviews should be held with all employees following every absence from work due to sickness. This should take place on the employee’s first day back at work or no later than 3 days after their return to work. The Headteacher should nominate who they want to undertake the return to work interviews for all employees’ but ideally this will be with the direct line manager.

The purpose of the interview is to:

* Welcome the employee back to work.

* Ensure they are completely fit for work or whether they need extra support for a period of time.

* Consider a referral to EHWU.

* Make them aware if they are near to or have exceeded the trigger points (outlined in Section 3 below) or, if their absence is generally a cause for concern and the possible implications of this. The discussion that takes place will depend on their absence history.

* If appropriate, advise the employee of the next stage in the process which may include a period of informal monitoring with an attendance target or a move to the Formal Sickness Absence Management Procedure below.

A record of the interview must be made and should be signed by the manager and the employee with a copy given to the member of staff and one placed on their file.

Failure to attend the return to work meeting may result in action being taken in line with the School’s Disciplinary Procedure.

# Formal Sickness Absence Management Procedure

## 3.1 Requirements of Formal Meetings

An employee has the right to be accompanied at any formal sickness absence management meeting by a trade union representative or a work colleague only.

This does not apply to a return to work interview as this is still at an informal stage.

The companion should be allowed to address the meeting to put forward and sum up the member of staff’s case, talk things through at the meeting and confer with the member of staff.

The companion does not, however, have the right to answer questions on the member of staff’s behalf, address the meeting if the member of staff does not wish it or prevent the School from explaining the management case.

It is the responsibility of the member of staff concerned to arrange their own support, provide them with copies of any paperwork and inform the relevant person conducting the meeting who this will be.

The trigger points in the policy should not be used as an automatic mechanism for taking action, any further action will depend on the actual reasons for the absence/s. All individual circumstances should be carefully considered in order to treat all employees fairly and consistently.

Employees should be given 5 working days’ notice of any formal meeting and 10 working days’ notice of a formal hearing and the outcome of the meeting and/or hearing should be confirmed in writing to the employee and a copy put on their file.

## 3.2 Trigger Points

To manage sickness absence effectively it should be regularly and consistently reviewed. There are pre-determined trigger points which will identify when an employee’s absence has reached a point where it may be a cause for concern. These are:

* 3 or more occurrences of sickness absence in any 6 month period.
* 7 or more days’ sickness absence in any 12 month period (pro-rata for part time staff eg. 3.5 days for 18.5 hours per week staff).
* 4 weeks’ continuous sickness absence.
* If a particular pattern of absences seems to be developing eg. every Monday before school closures or either side of training.

## 3.3 Who Reviews Attendance

The Headteacher should nominate individuals to deal with return to work interviews and these should ideally be the line manager as they are in the better position to understand the needs of the employee. The formal process should then have different managers at different levels of the process.

The table below is an example of who is responsible for what when dealing with sickness absence but the Headteacher may decide to make changes to this to meet the individual needs of the School.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Employee**  **Level** | **Return to**  **Work**  **Interview** | **Formal Stage**  **1 & 2**  **Meetings** | **Formal Stage**  **3 Hearing** | **Stage 4**  **Appeal** |
| Head Teacher | Chair or nonstaff Governor | Different Chair or nonstaff Governor | Governors  Staffing  Committee | Governors  Appeal  Committee |
| Leadership | Head Teacher | Head Teacher | Governors  Staffing  Committee | Governors  Appeal  Committee |
| Teachers | Line Manager or Leadership | Head Teacher | Governors  Staffing  Committee | Governors  Appeal  Committee |
| Other Support  Staff | Line Manager or School Business  Manager | Leadership or  Head Teacher | Governors  Staffing  Committee | Governors  Appeal  Committee |

The information below refers to the word “manager” throughout – this means the individuals outlined in the table above.

## 3.4 Stage 1 – Formal Meeting

In appropriate circumstances, where an employee activates any of the triggers or fails to return as anticipated after longer term certified absence, the manager will conduct a Stage 1 Formal Meeting.

In the meeting the following will be discussed:

* **Short Term Absence** Actions to address and improve sickness absence will be identified, recorded and implemented and appropriate support discussed to assist the employee in achieving regular attendance at work.

* **Long Term Absence** Actions and support will be identified, recorded and implemented and a target date set for a return to work based on the individual case.

The outcomes of the meeting should be confirmed in writing to the employee and a copy put on their file.

## 3.5 Stage 2 – Formal Meeting

If there is no improvement in short term absence or a return to work by the target date has not been achieved in the case of long term absence then the employee will be invited to a Stage 2 – Formal Meeting.

In exceptional circumstances, Stage 1 may be extended by the nominated manager if some improvement or a change of circumstances is present.

If not, the employee will be invited to a Stage 2 – Formal Meeting where further support will be considered and implemented and a date set for improvement or a return to work.

**It is imperative at this stage that the employee is informed that if triggers are hit or a return to work is not achieved they may be invited to a Stage 3 Formal Hearing whereby the Governors/Trust Staffing Committee will be asked to consider dismissal on health grounds.**

## 3.6 Stage 3 – Formal Hearing

Where the employee’s absence levels due to sickness have not improved or a return to work has not been achieved despite Stage 1 and 2 of this process, the employee will be invited to a Stage 3 Formal Hearing.

This will be considered where an employee is unable to sustain satisfactory levels of overall attendance during their employment, or where they are unable to undertake the requirements of the post due to continuing and/or longer term absences. The purpose of the hearing is to consider whether there are any further actions which the School can take to support the employee in improving attendance/returning to work or whether their employment should be terminated.

The panel must consider the following at a Stage 3 Formal Hearing:

* The overall sickness absence record
* Any records of discussion between the staff and managers and whether the procedure has been followed.
* Any up to date medical evidence and whether there is a likelihood of change in the future.
* The availability of suitable alternative work within the School and whether the employee could sustain regular attendance in any other role.
* Where reasonable adjustments have been made or could be made moving forward which would enable the employee to sustain regular attendance/ return to work.
* The degree of disruption to the management of the School caused by the absence.

## 3.7 Stage 4 Appeal

If the employee is dismissed on health grounds at the Stage 3 Formal Hearing they do have the right to appeal. Any appeal should be lodged within 5 working days of receiving written confirmation of the dismissal. If they do appeal then this will be heard by the Board of Governors and the decision of this committee is then final.

The employee must state the reasons for their appeal and the Board of Governors does have the right to reject the appeal if they believe the reasons are not acceptable.

## 3.8 Serious Illness/Ill Health Retirement

Where an employee has a serious enough illness and medical advice that states they will be either unfit to work for the foreseeable future or ill health retirement is an option, it may be appropriate to move directly to Stage 3 of the procedure.

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