Managing Sickness Absence
BASE Academy Trust

01 February 2022

Version Control

Current version	Previous version	Summary of changes made
01 Feb 22	01 Apr 13	Updated references to Occupation Health provider Heath Management Ltd throughout. Links to policies and appendices amended. Formatting of paragraphs, headings and appendices standardised.

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Links
Employee Statement Sickness Absence (PU29)

1 Introduction

1.1 BASE Academy Trust is committed to achieving high levels of attendance. Effective organisations require high levels of attendance to ensure maximum performance in order that the workforce provides services in a cost effective way.

2 Roles and responsibilities in managing sickness absence

2.1 In order to manage sickness absence effectively there are a number of key stakeholders;

- The Executive Head Teacher is responsible for the effective management of sickness absence in the school supported by their School's HR Adviser. The Executive Head Teacher is responsible for fostering a culture of trust and openness and creating a positive working environment. In order to do this the Executive Head Teacher will need to understand the school's Managing Sickness Absence Policy and its links with other HR policies and procedures.
- The School's HR Adviser is responsible for providing support, advice and guidance to the Head Teacher to help them manage sickness absence, in their areas of responsibility, including the provision of accurate, timely sickness absence monitoring data as well as working with the school's occupation health provider Health Management Ltd ('OH'), to develop and support initiatives aimed at employee well-being and reducing the levels and cost of sickness absence as appropriate.
- OH are responsible for supporting the Head Teacher in managing attendance and play a pro-active role in helping to keep employees in work wherever possible and return to work as expediently as possible consistent with the welfare of the employee concerned.
- The Trades Unions are responsible for advising their members to abide by the school's Managing Sickness Absence Policy and supporting its application, including acting as a point of liaison between an employee and their Head Teacher.
- Employees are responsible for ensuring absence levels are kept to the minimum having regard to their particular circumstances, and that they are familiar with the school's Managing Sickness Absence Policy and for complying with the school's sickness absence reporting procedure. Employees must also be willing to discuss concerns or problems in relation to their work with their Head Teacher and or School's HR Adviser, and Occupational Health as appropriate.

3 Attendance

3.1 There can be many reasons why employees may not be at work on any given day. Holidays, maternity leave, study leave, jury service and many other forms of authorised absence all reduce the working year before we consider working time lost through sickness absence and unauthorised absence.

3.2 Exact calculations of the financial cost of non-attendance are difficult to make, but the costs are considerable. They arise from a number of different sources;

- disruption caused by absence has an impact on output and productivity and it particularly puts additional burdens on colleagues
- targets may have to be met by overtime working at premium rates of pay
- staff may need to be recruited on a fixed term contract basis

3.3 All of these costs are in addition to the actual costs of paying employees who are absent from work via sickness pay schemes.

3.4 There will always be genuine sickness absence and the Governors would not wish employees who are ill to come to work. Experience has shown, however, that non-attendance can be managed more effectively.

3.5 The Managing Sickness Absence Policy encompasses a number of inter-related policies and procedures aimed to assist the Executive Head Teacher when dealing with cases of sickness absence i.e.;

- Workplace Stress Policy
- Alcohol and Drug Policy
- Occupational Health Referral Guidance
- Flexible Working Policy
- Managing Capability Policies
- Disciplinary and Dismissal Policy
- Grievance Policy
- Domestic Violence Policy
- Probationary Period Policy

3.6 Model letters and pro-formas have been developed to assist the Executive Head Teacher/Heads of School/Managers/Supervisors and departmental HR Teams to ensure consistency, these are attached as Appendix H.

3.7 Copies of the HR Policies and Procedures detailed in Paragraph 3.5 above are available from Departmental HR Teams and the intranet. Departmental HR Teams are always available for advice and support.

3.8 The Executive Head Teacher/Heads of School/Managers/Supervisors must familiarise themselves with the HR Policies and Procedures and must attend the appropriate training and development activities provided.

3.9 There are many factors which can affect the level of absenteeism, including whether employees feel their absence will remain unchallenged or indeed matters to anyone. It seems reasonable to assume, therefore, that reductions in absence can be achieved by a number of means including;

- Operating effective monitoring and control procedures.
- Raising awareness that high attendance levels are essential to the school
- Case conferences with OH.
- Considering alternative return to work options for employees who are not fit to return to their substantive role but are fit to undertake alternative duties or return to work on a phased basis. A Fit Note provides an indication of the employee's

ability to return to work and the restrictions that might apply, with additional advice and guidance from OH and appropriate risk assessments.

4 Employee rights

4.1 The Executive Head Teacher is responsible for fostering a culture of trust and openness and creating a positive working environment. In order to do this the Head Teacher will need to understand the school's Managing Sickness Absence Policy and its links with other HR policies.

4.2 Managing attendance is not just about ensuring employees do not take time off work unless they have a genuine reason to do so.

4.3 With employees spending so much of their time at the workplace it is worth considering;

- Is there anything about the workplace, or work processes which detracts from health and could actually cause ill health?
- What steps need to be taken within the workplace to promote good health?

4.4 Conditions in the workplace and activities undertaken by employees are governed by comprehensive health and safety regulations to try and avoid injury and ill-health. Risk assessment and control is key to this, and the Executive Headteacher/Heads of School/Managers/Supervisors should ensure such risk assessments are in place in their areas of responsibility. Additionally certain activities require employees to have active health surveillance eg: when working with certain substances, as required by the Control of Substances Hazardous to Health, (COSHH), Regulations.

4.5 Additionally certain activities require employees to have active health surveillance e.g. when working with certain substances, as required by the Control of Substances Hazardous to Health Regulations 2002.

4.6 The school is keen to promote the health and wellbeing of staff and has access to a comprehensive Occupational Health Service provided by Health Management Ltd, which provides advice on employee health related matters and access to a range of services, including; medical advice, general health advice, vaccination and immunisation programmes, (where appropriate), and psychological wellbeing services including counselling, CBT and psychological and psychiatric services.

4.7 Advice on specific health and safety matters is available from the Health and Safety team.

5 Monitoring of sickness absence

5.1 Accurate records and monitoring of attendance levels are the foundation to an effective policy of attendance management. It is important to record and analyse the right information.

5.2 The aim of monitoring sickness absence is to;

- Develop and apply a consistent policy and procedure throughout the school.

- Ensure that action is taken promptly where any employee has a poor attendance record.
- Ensure that all employees are treated fairly and consistently.
- Ensure that employees who have health problems receive the appropriate support and guidance.

5.3 The range of information that needs to be recorded is shown at Appendix A and Appendix B. Monitoring information will be gathered in accordance with the following guidelines;

- Accurate recording of absence on an individual employee basis is fundamental. It is important to have records which show the pattern of absences as well as the cumulative number of days lost. A high level of absence as a result of one long spell of illness is obviously different from a similar level of absence caused by separate, shorter absences. Also any patterns of absence need to be identified e.g. a higher incidence of sickness on Mondays or Fridays or during or after holiday periods.
- An indication of the cause of each spell of absence is required. The categories of Sickness Absence are;

  i. Chest, Respiratory
  ii. Eye, Ear, Nose or Mouth, Dental
  iii. Genito-urinary or Gynaecological
  iv. Headaches or Migraines
  v. Heart, Blood Pressure or Circulation
  vi. Musculoskeletal, Neck or Back
  vii. Pregnancy Related
  viii. Stomach, Liver, Kidney, Digestion
  ix. Stress, Depression, Mental Health
  x. Viral Infection
  xi. Other

- Clear differentiation must be made between long term (20+ days continuous absence) and short term absences.
- Monitoring data will be examined over a rolling twelve month period in order to assess whether attendance levels are rising or falling and the extent of annual, seasonal or weekly trends.
- Comparing information for specific working groups will be undertaken to identify whether particular areas are more affected than others. It may be that a particular shift system is more prone to absenteeism.
- The School's HR Adviser is able to provide a range of monitoring data to assist the Executive Head Teacher to monitor levels of absence in their respective work areas.

5.4 It is the Head Teacher's responsibility to ensure that the documentation attached at Appendix A, and a PU29 is completed for all staff. Advice and guidance is available from the School's HR Adviser.

6 Sickness absence reporting procedure

6.1 Regular supervision is important to let employees know what is expected of them, how well they are achieving their objectives and to discuss and resolve any workplace issues as they arise.

6.2 The Head Teacher will need to be aware of any work difficulties employees may be experiencing. In addition they will also be responsible for identifying any additional support mechanisms that may be required to support an employee who may be experiencing work or health problems.

6.3 There are a number of HR policies in place, as outlined in Section 3 above, and OH are also available, to support an employee to remain in work through personal difficulties or to support them on their return to work.

6.4 All new employees will receive a copy of the Sickness Absence Reporting Procedure at Appendix C when they commence employment. It is important to ensure that the procedure is consistently adhered to on every occasion of absence, and during the first seven days of absence an employee must contact the Head Teacher regularly, normally every day. In exceptional circumstances e.g. if an employee is hospitalised, then a relative or friend could ring on the employees behalf.

6.5 The Head Teacher is responsible for ensuring that all staff under their supervision are fully aware of the requirements of the Sickness Absence Reporting Procedure and for ensuring that Exchequer Services are notified of employees absent due to sickness.

6.6 The Head Teacher requires information on when, and the reasons why, staff are off sick for two primary reasons. Firstly, to make appropriate arrangements to ensure the service provided is covered and secondly to enquire about the welfare of an employee and take appropriate measures to support an employee back to work and if this is not possible to explore alternative options.

6.7 The Head Teacher will be able to request that a Fit Note from the GP is provided for every subsequent period of absence once an employee has had three periods of absence, the cost will be borne by the school.

6.8 It is good practice for the Head Teacher to maintain contact with an employee when they are off sick. It is important this two way dialogue is maintained to ensure the issue of absence is recognised as being important and to address issues of employee welfare at the earliest opportunity.

6.9 Following each period of absence, the Head Teacher must meet with the employee to carry out a thorough and supportive Return to Work meeting to explore preventative measures and to help identify ways in which attendance can be improved. A PU29 (self-certificate of sickness form) must be completed at the meeting. This provides details of dates, duration of and the reason for absence. A discussion around the reason for absence will inform whether any further action is necessary e.g. referral to OH.

6.10 The PU29 must then be forwarded to Exchequer Services. The PU29 will provide a useful tool for the Head Teacher to monitor sickness absence.

6.11 Where an employee has had three periods of absence in a six month period the Return to Work interview should normally be conducted by the Head Teacher and an Attendance Improvement Action Plan developed. There may be exceptions to this for example when the reason for the absence relates to particular circumstances that are understood and it is clear that an Attendance Improvement Action Plan would be inappropriate.

7 The role of the occupational health provider in managing attendance

7.1 The school's occupation health provider ('OH') has an integral role in supporting the Executive Head Teacher in managing attendance and wellbeing, but it is important that a referral to OH is regarded as part of an overall strategy for the pro-active management of sickness absence.

7.2 OH adopts a pro-active approach to assist the Executive Head Teacher to keep employees in work wherever possible. Early intervention and support via can prevent periods of sickness absence.

7.3 Where an employee does suffer from periods of sickness absence, be it frequent, short term or long term, OH can assist the Executive Head Teacher in implementing certain HR polices as identified in Section 3.

7.4 Early referral to OH by the Head Teacher is essential, as well as good communication between the School's HR Adviser, OH and the employee. Case conferences with OH can be requested by the Head Teacher in order to discuss complex cases and keep up-to-date on progress as well as working in partnership on case management.

7.5 Sickness absence due to the following reasons must always be referred to OH by the Head Teacher;

- Stress Related – referrals to OH should be made within three weeks of an employee indicating the reason for absence is due to stress, post-traumatic stress disorder, panic attacks, anxiety or depression, general debility, irritability, fatigue, or mental ill-health.
- Muscular Skeletal Disorders – OH advise that a referral is made within three weeks of an employee indicating this reason for absence, including neck and back pain, as if not addressed at the onset, it can become a chronic condition.
- Occupational Disease – OH advise that a referral is made within three weeks of any employee being issued with a medical certificate indicating one of the occupational diseases listed in Appendix F.

7.6 OH will provide a medical opinion on an employee's fitness to work, time-scales for returning to work, the prognosis for future sustained attendance and recommended interventions, in liaison with an employee's GP or specialist as appropriate.

7.7 OH will offer advice on the appropriateness of an employee returning to work on a temporary basis in an alternative role until they are fit to undertake the range of duties in their substantive role e.g., an employee who is required to drive at work may not be fit to drive but may be fit to undertake work which is sedentary and office based.

7.8 OH will also liaise with an employee's GP to assess whether it is appropriate for an employee to return to work on a phased basis in order to enable them to gradually return to the work place on their contractual hours. OH can provide a GP with information about the occupational context in which the employee works and provide an OH medical opinion on the appropriateness of a phased return to work along with details of the support that can be provided to the employee returning to work after a period of sickness absence.

7.9 OH will arrange for, and support an employee through interventions available.

8 Management response to managing sickness absence

Dealing with frequent short term absence

8.1 Monitoring information will enable the Head Teacher to identify any patterns of absence e.g. every Friday, following or before annual leave, during school holidays etc. Three or more occasions of absence in a six month period or four or more occasions in a rolling twelve month period, is a minimum starting point, or trigger, to consider if there is a potential short term absence issue. It should be noted, however, that these are not the only level of repeat absence that might require further consideration e.g. two absences every three months leading to eight absences per year.

8.2 It must be recognised that whilst HR are able to provide advice, guidance and counselling, the onus for managing sickness absence lies with the Head Teacher.

Informal stage: interview or counselling

8.3 If the Head Teacher is concerned about an employee's standard of attendance due to short term absence the following process must be followed;

i. It is important to draw an employee's attention to issues as they arise but if this does not appear to be resolving the problem or the matter is more complex – then an initial investigation and appraisal of an employee's attendance and ill health problem should be undertaken, so that the issue can be clearly identified.
ii. The Head Teacher should then undertake a counselling interview with the employee, highlighting areas where attendance is not considered to be satisfactory, listen to any explanation or statements made and be prepared to adjourn the meeting, if necessary, to investigate any points raised by the employee.
iii. The Head Teacher should make it clear to the employee that informal counselling about attendance problems is an attempt to understand the reason for and hopefully resolve such problems.
iv. It is important that informal counselling encourages an employee to explain problems. If it is considered appropriate, an employee can be referred to OH and medical advice can be sought at this stage or other appropriate support may be offered e.g. health rehabilitation.
v. At the end of the meeting, the Head Teacher will confirm with the employee what has been discussed and agreed, ensure that the standard of attendance required

has been clearly explained, confirm the support available and confirm that attendance will be monitored over a specified period.

vi. It is important that the Head Teacher keeps accurate notes of the interview and their conclusions, shares these with the employee, and ensures that the employee is aware that failure to improve attendance could result in the matter being dealt with on a formal basis. If further action is required, agree an Attendance Improvement Action Plan with a target for improvement.

vii. If at the end of the interview it becomes apparent the absence pattern has been a one off, the Head Teacher must also make notes of the meeting, and the conclusions reached and share them with the employee.

Formal procedure: Stage 1

8.4 If the problem continues, or is of a more serious nature, for example the report from OH states that an employee is not permanently unfit but there is a pattern of continued repeated absence the Head Teacher should move to the Formal Stage of the Medical Incapacity procedure. This involves arranging to meet with the employee, giving at least 48 hours' notice, and advising the employee of their right to be accompanied by a Trade Union representative or colleague. The Head Teacher will need to confirm, in writing, the issues to be discussed at the meeting.

8.5 The Head Teacher will need to note anything that may be affecting an employee's attendance, e.g. health issues or domestic circumstances, and should begin the meeting by outlining the problem reminding the employee of the standards of attendance required and seek to confirm, with the employee's agreement, that their attendance record is unsatisfactory.

8.6 The Head Teacher must listen to any reasons given or statements made by the employee regarding their absence and be prepared to adjourn the meeting, if necessary, to investigate any points raised. It is important that the employee is given the opportunity to explain anything that may be affecting their attendance. At the end of the meeting the Head Teacher must;

- Confirm the discussion and conclusions reached, in writing, together with any action points identified.
- Set up an Attendance Improvement Action Plan with the employee with a timetable for improvement. It is important that attendance is monitored against the Attendance Improvement Action Plan on a regular (at least monthly) basis in order to;

  i. provide support and guidance to the employee to assist them to improve their attendance
  ii. be aware of and document problem areas for further discussion

- Should a further opinion be needed from OH the Head Teacher should also confirm this in writing to the employee. It is important that OH are provided with a thorough and accurate account of the issues.
- OH can also be used to provide support for an employee to help them achieve targets within any Attendance Improvement Action Plan.
- The Head Teacher will issue a Formal Written Warning, if appropriate; to the employee confirming that their attendance is below standard and that failure to

improve attendance could lead to further action which could ultimately result in dismissal should they continue to fail to meet the standard required.

- An employee will have the right to appeal against a Formal Written Warning. This should be done within ten working days of receipt of the letter. Any appeal should be made in writing to the Chair of Governors. At appeal an employee has the right to be represented by their Trade Union representative or colleague.
- If at month 6, or earlier if the level of absence makes it appropriate (after a Formal Written Warning has been issued), an employee's attendance level has not improved as agreed, the monitor (and warning), could be extended to reflect this by the Head Teacher.

8.7 It is important to remember that advice from a School's HR Adviser is available at every stage of the procedure.

Formal procedure: Stage 2

8.8 If an employee's attendance continues to remain below the standard required, the Head Teacher will advise the employee, normally with at least 48 hours' notice, that a meeting will be held to discuss their continued unsatisfactory attendance record. The issues to be addressed should be outlined and the employee advised of their right to be represented at the meeting by a Trade Union representative or colleague.

8.9 The Head Teacher will state the problem to the employee and remind them of the levels of attendance required and listen to what the employee has to say, (again it is important that due account is taken of any medical information which the employee has provided and a further referral made to OH, if appropriate), and be prepared to adjourn the meeting, if necessary, to investigate any points raised by the employee.

8.10 At the end of the meeting the Head Teacher will need to;

- Confirm the discussion and conclusions reached, in writing, and any action points identified.
- Set up a Final Attendance Improvement Action Plan with the employee, with a timetable set for improvement.
- Issue a Final Written Warning to the employee explaining what will happen if they continue to fail to meet the standard required.
- An employee has the right to appeal against a Final Written Warning issued. This should be done within ten working days of receipt of the letter. Any appeal should be made in writing to the Chair of Governors. At appeal an employee has the right to be represented by their Trade Union representative or colleague;
- If during the period of the Attendance Improvement Action Plan, (after the Final Written Warning has been issued), an employee has not reached the agreed level of attendance, or will not be able to reach the agreed level of attendance, as set out in the Attendance Improvement Action Plan, the Head Teacher will re-assess the situation and examine the reasons for the failure to improve attendance. The Head Teacher should consider whether it is appropriate to extend the period of the Attendance Improvement Action Plan, or move to Stage 3 of the procedure. Advice from a School's HR Adviser is available.

8.11 Where at the completion of the final period allowed for improvement there has not been acceptable progress, then the Head Teacher will confirm in writing to the employee, the intention to convene a Formal Medical Incapacity Hearing.

Formal procedure: Stage 3

8.12 An employee will be advised, in writing, of the arrangements for a Formal Medical Incapacity Hearing, at least ten working days' notice will be provided. The notification letter will outline the purpose of the meeting, include copies of any written evidence to be submitted at the hearing, copies of relevant documents to be referred to, and details of any witnesses to be called. The letter will also confirm the intention to recommend termination of employment on the grounds of Medical Incapacity. An employee will be advised of the right to be accompanied by their Trade Union representative or colleague at the hearing.

8.13 The panel for the hearing will consist of;

- Three Governors (one of whom will act as Chair).
- A School's HR adviser.

8.14 The hearing will be conducted in accordance with the procedure outlined in Appendix E.

8.15 The panel considering a Medical Incapacity case will need to consider;

- An outline of the employee's role within the school, including commencement date of employment and current job description and person specification.
- If an employee has been sufficiently consulted about their ill health with regard to both their needs and the school's interests and needs.
- The Management Report from OH detailing the medical opinion and any restrictions or interventions and the employee's future ability to provide a sustained level of attendance, and if appropriate consent has been given by the employee, the Doctor's or Consultant's report (if appropriate).
- Details of the steps the Head Teacher has taken to improve the employee's attendance, including dates and times of meetings with copies of letters sent and notes of meetings held.
- The school's response to any explanations given by the employee.
- Details of any attendance standards required by the service and the reasons for setting these standards, including the impact on service provision. The continuous standards may, for example, be the pre-set limits set for sickness absence. Consideration will also be given to the targets set in the Attendance Improvement Action Plan.
- Details of the employee's sickness absence record.
- Whether all aspects of the case regarding the potential dismissal have been investigated and considered, i.e. nature of the illness, the likelihood or re-occurrence or some other secondary illness arising, the length of the absences and the periods of good health between them, the school's needs, the impact on service delivery on and other employees of the absence.
- Whether it is reasonable for the school to be expected to wait any longer for an employee's level of attendance to improve, having given due consideration to the

needs and interests of the school, as well as the employee's position and the need to be fair and consistent.

8.16 The panel may determine:

- The need to refer back to the Head Teacher seeking further information or advice as to how the matter should be dealt with.
- There is a further opportunity to improve attendance, together with specific recommendations.
- That the Contract of Employment is terminated with the required period of notice.

8.17 An employee will be advised of the right of appeal against the decision to terminate their employment with the school and the decision will be conveyed in writing, normally, within five working days.

8.18 Any appeal must be registered in writing with the Clerk to the Governors (c/o the school) within ten working days of receipt of the letter confirming the outcome.

8.19 Dismissal on the grounds of 'some other substantial reason' arising from medical incapacity does not release pension rights they are frozen until an employee reaches normal retirement age.

8.20 Should a dismissed employee's medical condition change so as to permanently prevent them from returning to a similar post, they can apply for retrospective ill-health retirement. Any application should be made to the Pensions Manager, Exchequer Services, 3rd Floor Paderborn House, Bolton; who will liaise with OH. Objective medical advice will need to be provided by the employee to support the application, which will be considered by an independent Occupational Health Physician. If the criteria for ill-health retirement are met, the pension can be released early.

8.21 If an employee is dismissed and they have twelve months continuous service, they have the right to appeal against dismissal to an Employment Tribunal for unfair dismissal.

Dealing with long term absence

8.22 Long term absence is classified as a period of continuous absence of four weeks or more (20+ working days). It is important that the Head Teacher keep in regular contact with an employee off on long term sick, unless advised by OH, and for an employee to keep their Head Teacher informed of the nature and possible length of their absence. Employees who are union members are advised by their Trade Union to contact them for further help and advice during any period of long term absence.

8.23 A referral to Health Management Ltd (‘OH’) will be made by the Head Teacher. OH has an online referral form which details the dates of absence, and nature of absence. The information on the referral will be shared with an employee to ensure that all information recorded on the document is factual, relevant and up to date. Following an appointment with OH a report will be forwarded to the Head Teacher who will share the outcome with the employee. The report will provide an indication of whether an employee is fit to return to work, a timescale as to when their return is likely and what measures may be needed either to facilitate a return to work, which may be on a

phased return basis, or if that is not possible advice on alternative employment options. Further information is available in the Occupational Health Referral Guidance.

8.24 The alternative employment options could include a phased return to work, return to the substantive post with appropriate temporary or long-term adjustments, alternative work on a temporary basis with adjustments if necessary, health related redeployment, or in extreme cases ill-health retirement. Case conferences with OH can provide a useful way forward.

8.25 The Head Teacher should work with their School's HR Adviser to arrange to meet with an employee on long term sick on a regular basis. Such meetings will allow working relationships to be maintained, provide support for the employee and provide a forum to discuss the way forward. It may be appropriate, depending on the individual circumstances, for the Head Teacher to issue a written warning (First or Final) to highlight that the level of attendance is unacceptable and provide advance warning that continued absence could result in the termination of employment.

Phased return to work

8.26 OH or a GP (via a Fit Note) may suggest a phased return to work or alternative employment in another role, particularly after a long period of absence, to enable an employee to build their self-up to undertake the full range of duties or their normal hours of work for an agreed period of time. The time plan is to be agreed by the Head Teacher, following discussions with the employee and their representative, and depends on the circumstances of each individual case. A request for a period of (up to) four weeks is reasonable. A School's HR Adviser will advise the Head Teacher on whether this is appropriate.

Health related redeployment

8.27 If an employee is fit to return to work but not to their substantive post, health-related redeployment within the school may be advised following consultation with OH and the Head Teacher. The Bolton Council redeployment procedure does not apply to school staff.

Ill-health retirement

8.28 The ill-health retirement ('IHR'), process is coordinated by OH for employees and by the Pensions Manager for ex-employees in liaison with OH. Whilst the final decision to terminate an employee on the grounds of IHR remains with the school, it is an independent, approved Occupational Health Physician, ('OHP'), that determines whether the medical criteria as laid down by the Greater Manchester Pension Fund are met, based on objective medical evidence. OH has to be satisfied that the employee is permanently incapable of performing the full duties of their post or any actual, available, comparable post within the school, or at least until the age of 65. OH will advise whether IHR should be considered and will ensure that a case is fully prepared prior to submission to the independent OHP.

Medical incapacity

8.29 Once all of the above has been explored and the medical opinion clearly states that an employee is not fit to return to work, then a case for Medical Incapacity will be

considered. If a Medical Incapacity Hearing is to be convened it will be held undertaken in accordance with the procedure outlined above.

Sickness and annual leave

8.30 Employees who fall sick during annual leave may be able to reclaim all or part of this annual leave to be taken at a later date. Employees must have followed the reporting procedures outlined in this policy in order to qualify for the reinstatement of this leave. Similarly employees who have been unable to take annual leave due to long term sickness may be permitted to carry this leave over into the following leave year. The amount of leave to be reinstated will vary depending on individual circumstances and the Head Teacher should consult a School's HR Adviser for advice.

APPENDIX A

Employee attendance record

Bolton Council

Employee details		
Name	**School**	**Assignment Number**
Date employment commenced	**Annual leave entitlement for the year**	**Date of Birth**

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Absence Summary									
																																A	B	D	F	H	J	L	S	SF	T
Apr																																									
May																																									
Jun																																									
Jul																																									
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Feb																																									
Mar																																									
																															Annual Totals										

Key			
A	Accident at work	**J**	Jury Duty
B	Leave of absence without pay	**L**	Leave of absence with pay
D	Death in family	**S**	Personal sickness
F	Absent without permission	**SF**	Sickness in family
H	Holiday	**T**	Territorial Army

APPENDIX B

Sickness absence monitoring information

School sickness absence monitoring information

Month	Number of Employees	Possible Number of Working Days	Working Days Lost (Long Term)	Working Days Lost - Short Term		Total Number of Days Lost	Cost of Sickness Long Term	Cost of Sickness - Short Term		Total Cost of Sickness	Number of Employees Absent on More Than 3 Occasions Within Last 3 Months	Completed by
	a	b	c	Certified d	Uncertified e	c+d+e	f	Certified g	Uncertified h	f+g+h	i	
Apr												
May												
Jun												
Jul												
Aug												
Sep												
Oct												
Nov												
Dec												
Jan												
Feb												
Mar												

Employee sickness absence monitoring information

Employee details		
Name	**School**	**Assignment Number**
Date employment commenced	**Annual leave entitlement for the year**	**Date of Birth**

Dates of sickness	**Number of days**	**Total number of cumulative days**	**Date PU29 and Return to Work Interview completed**	**Reason for intervention**			**Outcome Options**					
				3 or more days in a 3 month period	3 occasions in previous 3 months	Long term sickness absence	Referral to OH	Informal Interview with Head Teacher	Medical certificate required for future sickness absences	Medical Incapacity Stage 1	Medical Incapacity Stage 2	Medical Incapacity Stage 3

APPENDIX C

Sickness absence reporting procedure

Bolton Council

Day One

An employee must inform the Head Teacher of their absence, the reason for the absence and an indication of when they may be back in work. If the absence continues for more than one day an employee will need to contact the Head Teacher regularly, normally every day, if these are scheduled working days, until the seventh day of absence. If the absence falls on a non-working day then an employee must inform the Head Teacher on the next working day.

Failure to report sickness absence could result in loss of occupational sick pay.

Day Eight

If the absence continues an employee will need to obtain a Fit Note from their GP. This will advise if the employee is unfit for work or may be fit for work and provide information on the condition affecting their work and what should be considered to enable a return to work. The GP will then provide a timeframe or date when the employee should be able to return to their full duties.

A return to work certificate is no longer required. If you are concerned about an employee's health and their ability to return to work without restrictions you should make a referral to Occupational Health in the usual way.

Exclusion or exhaustion of statutory sick pay

The Exchequer Services will notify an employee if they are not entitled to, or have exhausted entitlement to Statutory Sick Pay ('SSP'), however the employee must continue to submit Fit Notes.

Return to work

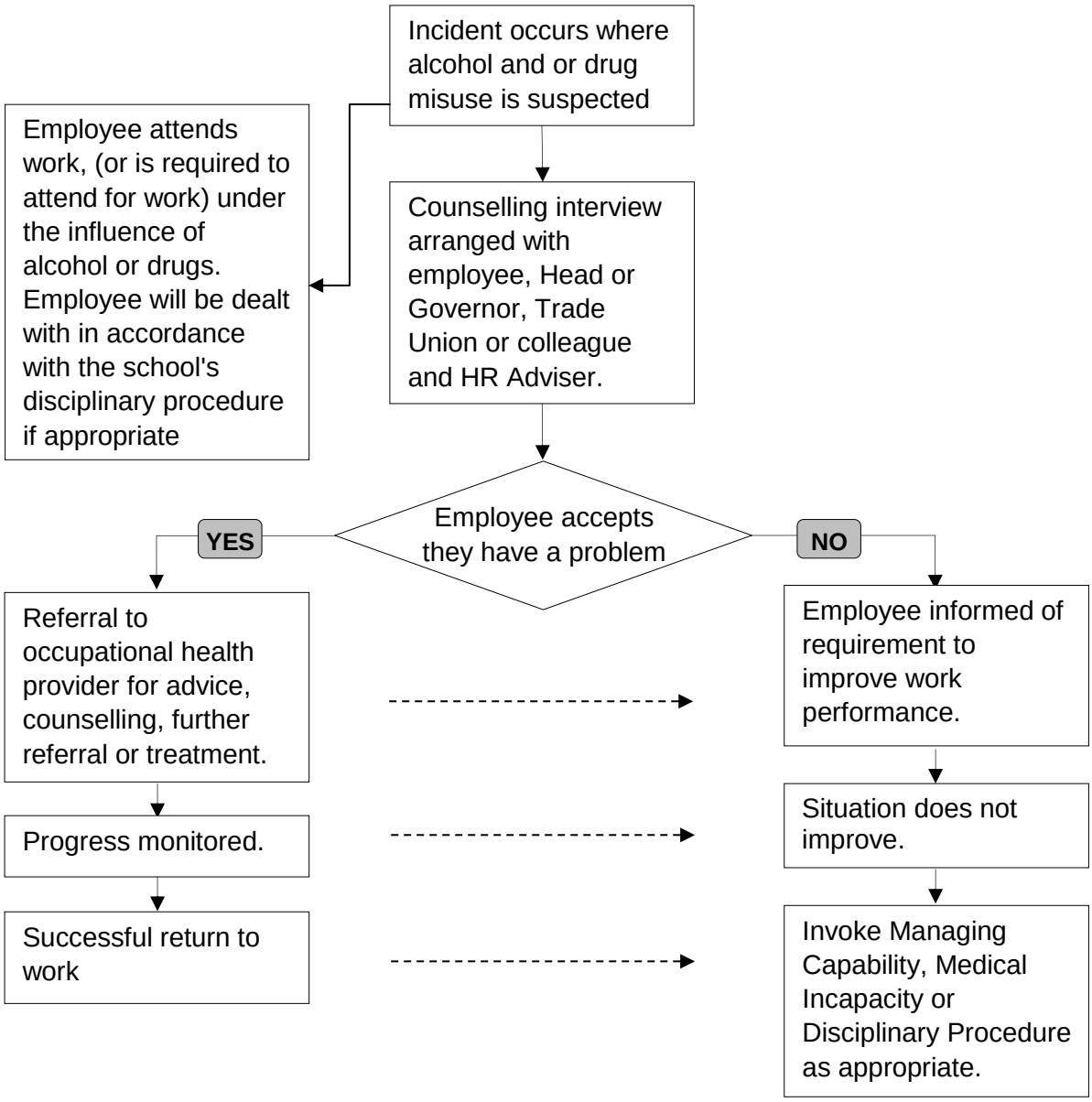
Following any period of absence an employee will be required to complete an Employee Statement Sickness Absence (PU29) covering the whole period of absence, including Saturdays, Sundays, Bank Holiday's etc. Following any period of absence an employee will be required to attend a Return to Work interview with the Head Teacher. The purpose of this meeting is to allow for discussion on the reason for absence and to determine whether any further action is necessary e.g. referral to OH.

There may be occasions where it is more appropriate for the referral to Occupational Health to be made before the employee returns to work. Advice can be obtained from you're a School's HR Adviser.

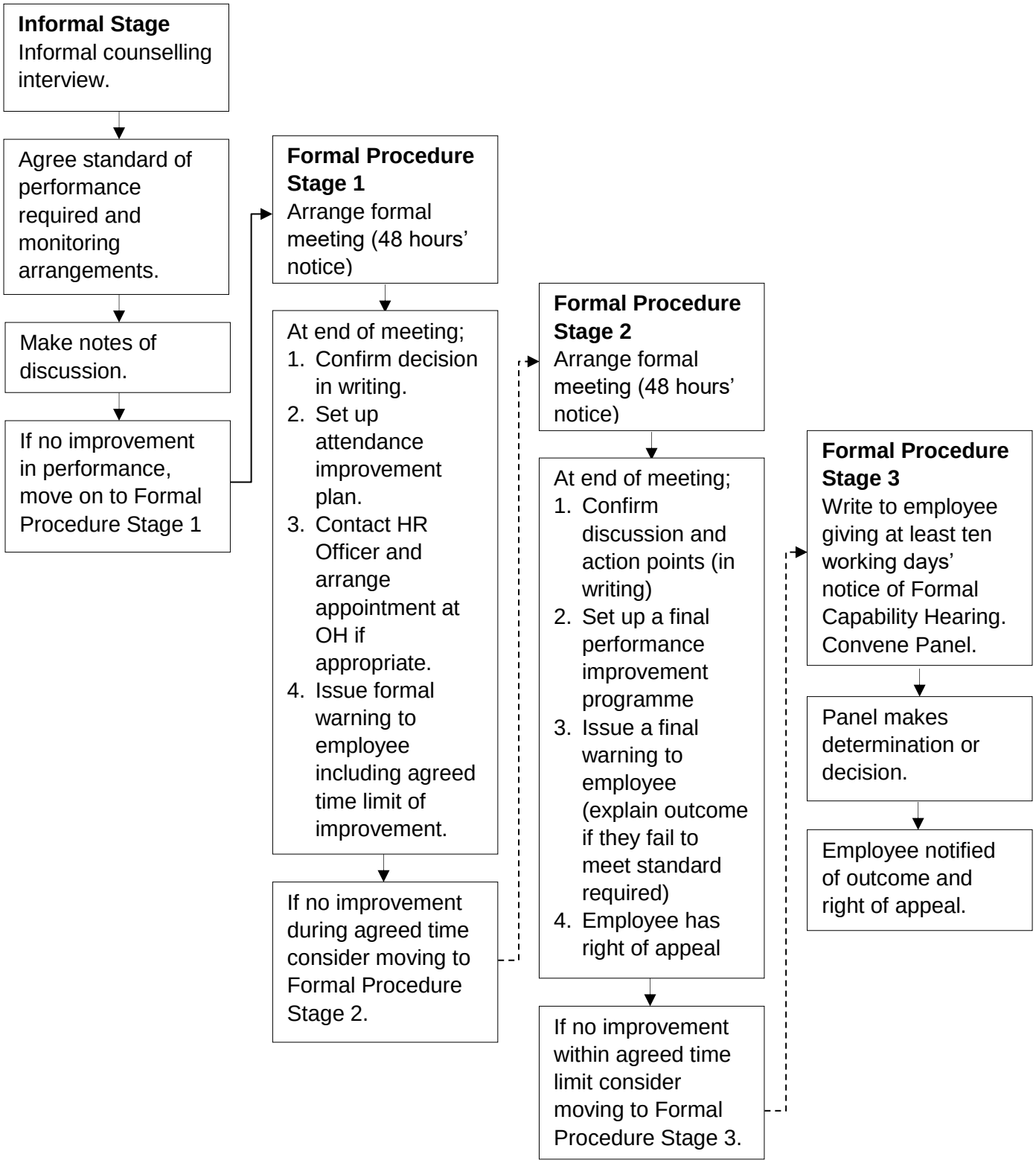
APPENDIX D

Managing absence process maps

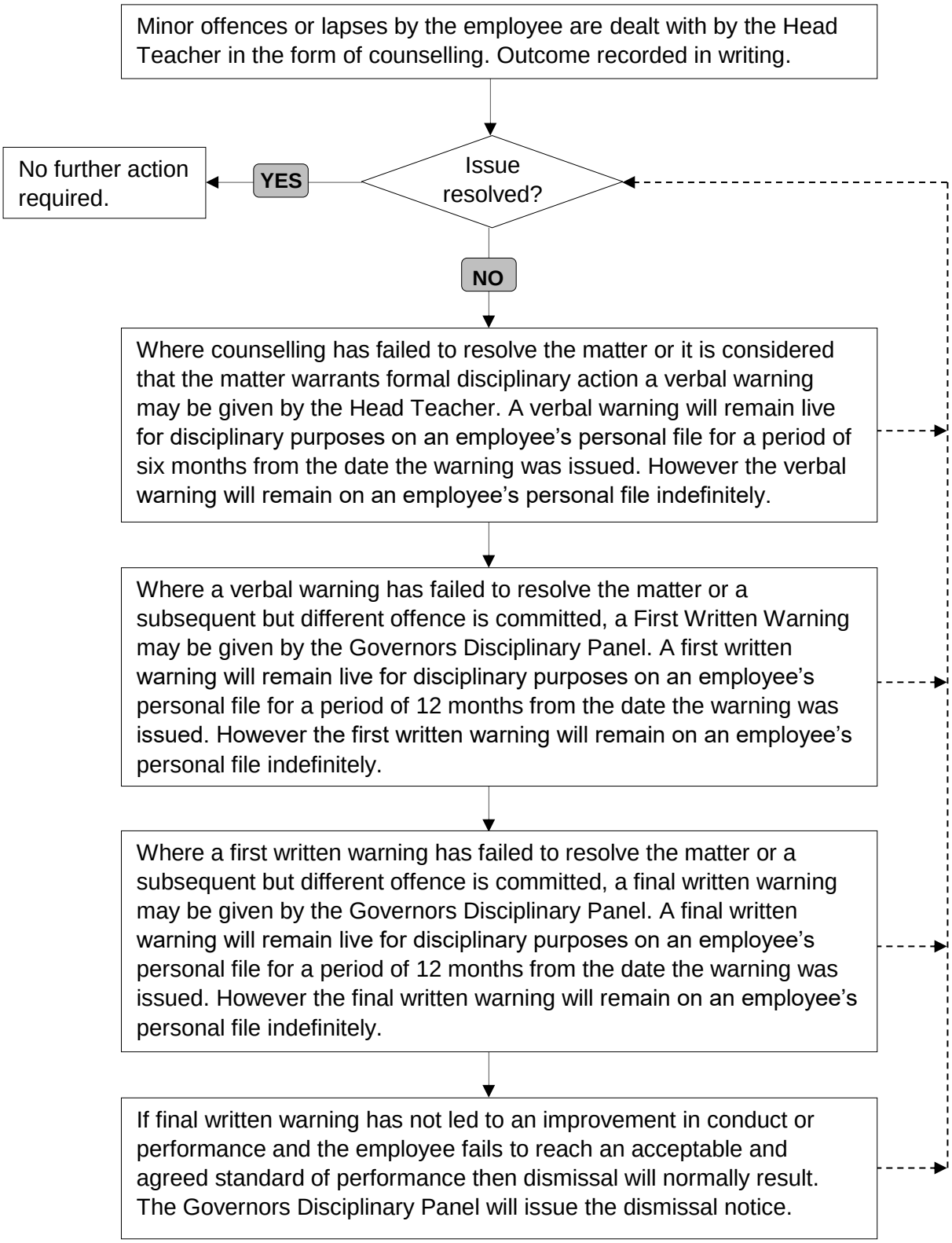
Alcohol and Drug Policy



Managing Capability Policy

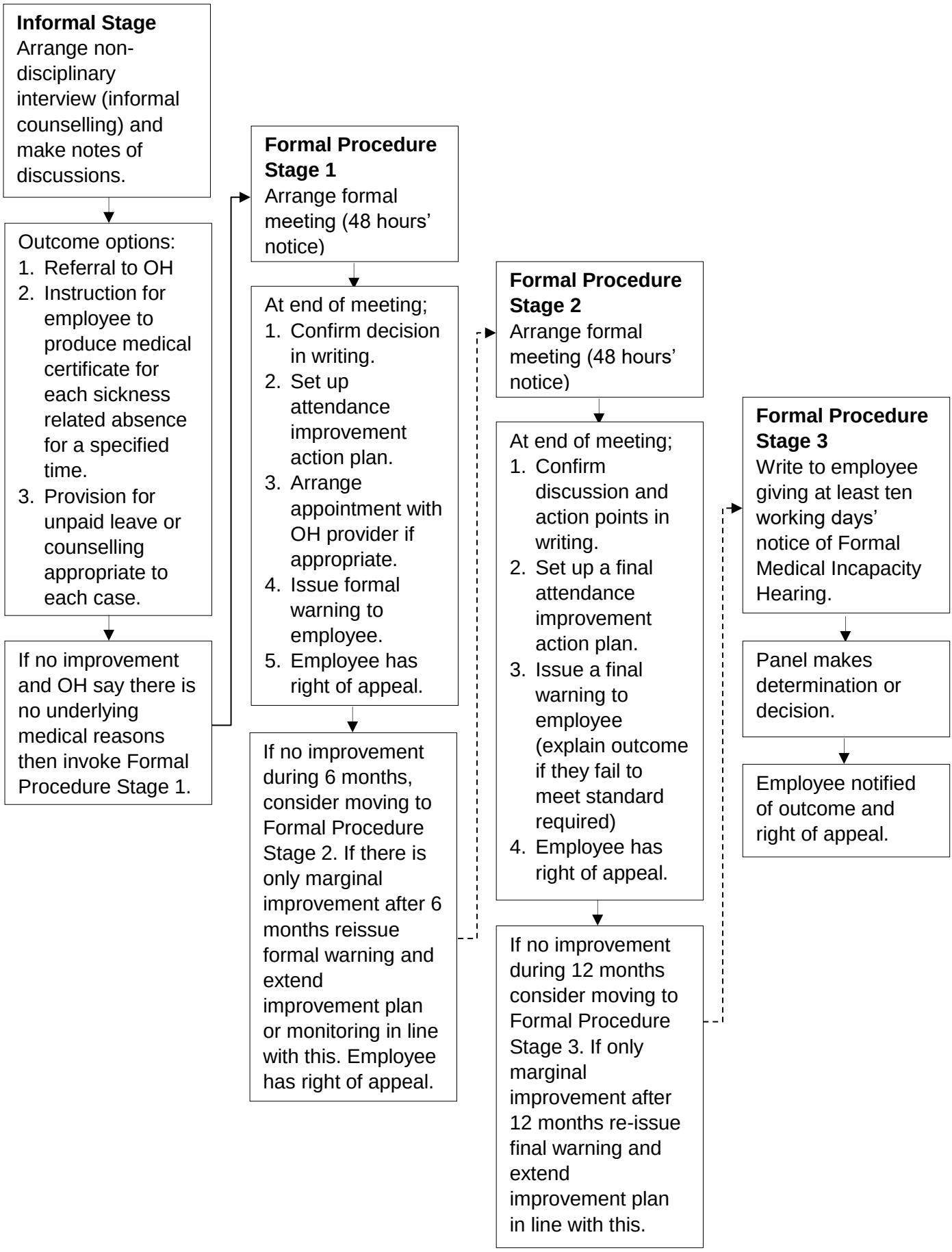


Disciplinary and Dismissal Policy



Medical Incapacity Procedure

Frequent short term absence



Long term absence

Head Teacher to maintain regular contact with employee (home visits or interview).

↓

Contact should be made within a maximum of a month of first day of sickness absence and at regular intervals thereafter (depending on circumstances).

↓

Make assessment of the impact on service delivery of continued absence, and consider reasonable adjustments, bearing in mind the employee's medical practitioner, specialist or OH advice.

↓

Explore possibility of employee returning to work or being redeployed to suitable alternative work or ill-health retirement referral.

↓

If appropriate depending on circumstances a first or final warning could be given by a supervisor to highlight that the level of attendance is unacceptable and provide advance warning that continued absence could result in termination of employment.

↓

If appropriate depending on circumstances, a medical incapacity hearing may be called to determine the individual's employment with the school.

APPENDIX E

Procedure to be followed at a formal medical incapacity hearing

The procedure to be followed at a formal Medical Incapacity Hearing is as follows;

- The management representative shall put the case, in the presence of the employee and their representative and may call any necessary witnesses to give evidence.
- The employee or their representative will then have the opportunity to ask questions of the management representative on the evidence given by them and any witnesses whom they have called.
- The members of the panel may ask questions of the management representative and witnesses.
- The employee or their representative puts their case in the presence of the management representative and calls such witnesses as they wish.
- The Management representative has the opportunity to ask questions of the employee and their witnesses.
- The panel may ask questions of the employee and their witnesses.
- The management representative and the employee or their representative has the opportunity to sum up their case if they so wish.

No new evidence may be introduced at this stage.

- The management representative and the employee and their representative, together with any witnesses, will then withdraw.
- The panel will then consider their decision. If it is necessary to recall one or other of the parties to clarify a piece of evidence already given, both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.
- The panel will announce their decision either orally on the day or in writing as may be determined. The decision, including an oral decision, will be confirmed in writing within 5 working days of the hearing. The employee will be advised of their right of appeal against the decision. Any appeal must be registered in writing with the Chair of Governors.
- The appeal procedure will be as stated in the Disciplinary and Dismissal Policy.

The chair of the panel may adjourn the proceedings at any stage if this appears necessary or desirable. If the adjournment is for the purpose of enabling further information to be obtained or clarity of information is required from witnesses the chair will specify the nature of the information required. Any adjournment will be for a stated period determined by the panel.

APPENDIX F

List of occupational diseases

Bolton Council

- Inflammation, ulceration or malignant disease of the skin due to ionising radiation
- Malignant disease of the bones due to ionising radiation
- Blood dyscrasia due to ionising radiation
- Cataract due to lectromagnetic radiation
- Decompression illness
- Barotrauma resulting in lung or other organ damage
- Dysbaric osteonecrosis
- Cramp of the hand or forearm due to repetitive movements
- Subcutaneous cellulitis of the hand (beat hand).
- Bursitis or subcutaneous cellulites arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (beat knee)
- Bursitis or subcutaneous cellulites arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow (beat elbow)
- Traumatic inflammation of the tendons of the hand or forearm or of the associated tendon sheaths
- Carpal tunnel syndrome
- Hand-arm vibration syndrome
- Anthrax
- Brucellosis
- Avian chlamydiosis
- Ovine chlamydiosis
- Hepatitis
- Legionellosis
- Leptospirosis
- Lyme disease
- Q fever
- Rabies
- Streptococcus suis
- Tetanus
- Tuberculosis
- Any infection reliably attributable to the performance of the work specified in the entry opposite hereto
- Poisonings by any of the following;

  i. acrylamide monomer
  ii. arsenic or one of its compounds
  iii. benzene or a homologue of benzene
  iv. beryllium or one of its compounds
  v. cadmium or one of its compounds;
  vi. carbon disulphide
  vii. diethylene dioxide (dioxan)
  viii. ethylene oxide
  ix. lead or one of its compounds
  x. manganese or one of its compounds
  xi. mercury or one of its compounds
  xii. methyl bromide
  xiii. nitrochlorobenzene, or a nitrooramino- or chloro-derivative of benzene or of a homologue of benzene
  xiv. oxides of nitrogen
  xv. phosphorus or one of its compounds

- Cancer of a bronchus or lung
- Primary carcinoma of the lung where there is accompanying evidence of silicosis
- Cancer of the urinary tract
- Bladder cancer
- Angiosarcoma of the liver
- Peripheral neuropathy
- Chrome ulceration of the nose or throat, or the skin of the hands or forearm
- Folliculitis
- Acne
- Skin cancer
- Pneumoconiosis (excluding asbestosis).
- Byssinosis
- Mesothelioma
- Lung cancer
- Asbestosis
- Cancer of the nasal cavity or associated air sinuses
- Occupational dermatitis
- Extrinsic alveolitis(including farmer’s lung)
- Occupational asthma

Further advice about these diseases is available from OH.

APPENDIX G

Health and wellbeing

The school recognises that a combination of features such as the organisational culture, policies, procedures and workplace environment together with employee personal lifestyle choices play a key role in the health and wellbeing of our workforce. The school has in place a number of mechanisms to support the health and wellbeing of our employees;

Support and assistance from Occupational Health and Health and Safety

- Workplace Health/Risk Assessments
- Medicals
- Health Assessments
- Health Screening and Surveillance

  i. Lung Function tests
  ii. Noise/Audiometry tests
  iii. Eye (keystone) tests
  iv. Blood pressure
  v. Weight & BMI checks
  vi. Dermatological
  vii. Kinetics
  viii. Urinalysis
  ix. Hand Arm Vibration Syndrome assessments

- Vaccine and Immunisation programmes
- Staff Wellbeing Support programme
- Physiotherapy
- Psychological Wellbeing Service

  i. Stress Management Therapy (individual)
  ii. Counselling
  iii. Cognitive Behaviour Therapy (CBT)
  iv. Psychology
  v. Psychiatry
  vi. Critical Incident response/Trauma Support

Employee Benefits

Employees also have access to a range of benefits to assist in health and welfare provision for employees and their families. A number of contribution based benefits available from payroll include;

- UK Healthcare Plan – Cash grants for a range of everyday medical expenses.
- Dencare – Health plan for dental expenses
- Personal Accident insurance
- Critical Illness Plan – lump sum benefits if diagnosed with a critical illness.

Bolton Council employees can also use their ID card to obtain discounted leisure activities at a number of facilities within the borough.

APPENDIX H

Model letters and forms

1. Short-term sickness intermittent persistent absence

REQUEST TO ATTEND INTERVIEW: SICKNESS RECORD

Dear

INTERVIEW: SICKNESS RECORD

I am writing to inform you that you are required to attend an interview with …….. on …….……..……at …… a.m./p.m., which will be held at ……

The purpose of this interview will be to further consider your sickness record which is still considered to be unsatisfactory and to discuss ways in which this can be improved.

This is a formal interview in accordance with the School's approved Managing Sickness Absence Framework.

You are entitled, to be accompanied at the meeting by either a Trade Union representative or Work Colleague. If you choose to be accompanied at the meeting you must make the appropriate arrangements.

Yours sincerely
HEAD TEACHER

2. Short-term sickness intermittent persistent absence

CONFIRMATION OF AGREEMENTS ARISING FROM INTERVIEW: SICKNESS RECORD

Dear

INTERVIEW: SICKNESS RECORD

I am writing with reference to the interview on…… where details of your sickness record over the past …… months were discussed. You were accompanied at the meeting by …… The purpose of the interview was to further consider your sickness record and to look at ways in which this could be improved. I explained to you the importance of your attendance at work and that your recent sickness record was still considered to be unsatisfactory.

OPTION 1:
As agreed, I have made arrangements for you to be referred to the Occupational Health to see if there is an underlying medical reason for your poor attendance, or any limitations on the duties you undertake. You will receive confirmation of an appointment within the next few days.

OPTION 2:
As agreed, I have/will be making arrangements for your work area/situation to be assessed.

OPTION 3:
As agreed, I have made arrangements for you to talk to a HR Adviser who will be contacting you shortly.

OPTIONS 1 & 2 ONLY:
I will arrange a further meeting with you as soon as I have received the …… report and, in the meantime, will continue to monitor your sickness record.

OPTIONS 1, 2 & 3 ONLY:
In any event, I must advise you that I require from you an immediate and sustained improvement in your attendance and that your sickness record will be closely monitored over the next …… months. If this amounts to more than …… days or …… separate occasions of sickness absence the circumstances will be further investigated and a Medical Incapacity Hearing before the …… (Chair of Governors his/her senior nominated representative) …… will be arranged in accordance with the School's Managing Sickness Absence Framework and procedure. You were advised at the interview that your employment would be seriously at risk unless there was a sustained improvement in your level of attendance. You should be aware, therefore, that this Hearing may result in your dismissal from the service of the school.

OPTION 4:
As discussed during the interview, I am not satisfied with the explanations you have given me for your absences and will be making arrangements for a formal investigatory interview in accordance with the School's Disciplinary Procedure.

You are entitled, to be accompanied at the meeting by either a Trade Union representative or a Work Colleague. If you choose to be accompanied at the meeting you must make the appropriate arrangements. Please acknowledge receipt of this letter by signing the attached copy.

Yours sincerely
HEAD TEACHER

I acknowledge receipt of an exact copy of this letter.
Signature: ……..….. Date: …….

3. Short-term sickness intermittent persistent absence

CONFIRMATION OF THE OUTCOME OF THE FORMAL PROCEDURE STAGE 1: FIRST WRITTEN WARNING

Dear

FIRST WRITTEN WARNING

Further to the interview you attended on …… at which you were accompanied by ……

The meeting was held to consider your continued sickness absence for the period …….. to ……...

I informed you at your previous interview on …….. that unless there was a sustained improvement in your level of attendance you could be issued with a First Written Warning.

A First Written Warning will remain live on your personal file for a period of twelve months from the date the warning was issued. However, the First Written Warning will remain on your personal file indefinitely. During this period your attendance will be closely monitored, and you will be required to attend a monthly meeting with the Head Teacher to discuss your progress.

Optional

The date and times of these meetings are: ……

I must re-iterate that an immediate and sustained improvement in your attendance is required and that failure to meet the levels set may result in further action being taken under the Medical Incapacity Procedure.

You have the right to appeal against this decision. Any appeal should be submitted in writing to …….. (Chair of Governors) within ten working days of receipt of this letter. You have the right to be represented at any appeal by your Trade Union representative or Work Colleague.

Yours sincerely
HEAD TEACHER

4. Short-term sickness intermittent persistent absence

CONFIRMATION OF THE OUTCOME OF THE FORMAL PROCEDURE STAGE 2: FINAL WRITTEN WARNING

Dear

FINAL WRITTEN WARNING

Further to the interview you attended on …… at which you were accompanied by ……..

The interview was held to consider your continued sickness absence for the period …….. to ……...

I informed you at the previous interview on ……., when you were issued with a First Written Warning and a Monthly Monitor, that unless there was an immediate and sustained improvement in your attendance further action may result.

Your monitoring reports show that over the past …… months your attendance has failed to meet the required standards.

A Final Written Warning will remain live on your personal file for a period of twelve months from the date the warning was issued. However, the Final Written Warning will remain on your personal file indefinitely. Your attendance will also be monitored for a period of twelve months and you will be required to attend monthly meetings with the Head Teacher to discuss your progress.

You have the right to appeal against this decision. Any appeal should be submitted in writing to …….. (Chair of Governors) within ten working days of receipt of this letter. You have the right to be represented at any appeal by your Trade Union representative or Work Colleague.

Optional

The date and times of these meetings are: ……

I must re-iterate that an immediate and sustained improvement in your attendance is required, and that failure to meet the levels set will place your continued employment with School at risk.

Yours sincerely
HEAD TEACHER

5. Medical incapacity hearing

ARRANGE MEDICAL INCAPACITY HEARING CONFIRMING INTENTION TO RECOMMEND TERMINATION OF EMPLOYMENT ON THE GROUNDS OF MEDICAL INCAPACITY: FOLLOWING FORMAL INTERVIEW

Dear

MEDICAL INCAPACITY HEARING

Following the further interview of …… to consider your sickness record, your level of sickness absence has continued to be closely monitored. You were advised at the last interview and in my previous letter of …….. that your employment with the School would be seriously at risk unless there was a sustained improvement in your level of attendance.

Your sickness record is still considered to be unsatisfactory and the matter will now be referred to a Medical Incapacity Hearing in accordance with the School's Managing Absence Framework.

Having taken advice from Occupational Health, considered reasonable adjustment(s) in accordance with the Equality Act and the possibility of suitable alternative employment, the demands and needs of the service, and having taken account all relevant factors including your views, I regretfully advise you that I propose to recommend to the Panel that your employment be terminated on the grounds that, in the light of your sickness record, I do not consider that you are able to give a regular, reliable or sustained level of attendance to the School.

Your case will be considered at a Medical Incapacity Hearing by ……. on …….. at …… a.m./p.m., at ……

You are entitled, if you wish to be accompanied by either a Trade Union representative or Work Colleague.

Please sign the enclosed duplicate of this letter indicating your views and whether you wish to attend in person, be represented at the hearing, or to submit your views in writing.

Non-attendance will not affect your right of appeal against any decision made by the chair of the panel.

Yours sincerely
HEAD TEACHER

Encl.

Name: ……..…….

Section: …….

I acknowledge receipt of an exact copy of this letter. My intentions are as follows:

1. I do/do not wish to attend the Medical Incapacity Hearing on …… My reason for this decision is
……
……
……

2. I do/do not wish* to send a Trade Union representative or Work Colleague to attend the hearing in my place.

3. I do/do not accept* the recommendation of my Head Teacher that I am no longer ‘employable’ due to medical incapacity, without prejudice to the outcome of any Medical Incapacity Hearing.

I reserve the right to change my mind, and to exercise my right of appeal against a decision to terminate my employment at the Medical Incapacity Hearing within ten days of the notification of the decision taken at the Hearing.

Signature: …….. Date: …….

* Delete if alternative employment and/or reasonable adjustment was not recommended or was not appropriate.

6. MEDICAL INCAPACITY HEARING

Date of Hearing: …… Time: …….. Venue: ……..……..

Employee: ……. Designation: ……

Department: …….

<u>Persons Attending:</u>

Panel: ……

Mgt. Reps: ……

T.U. Reps: ……

<u>Employee Details:</u>

Age: …….. Date of Birth: ……..

Address: ……

……..

Date of Commencement of Employment: …….. Payroll Ref:

<u>Background Information:</u>

Dates of Head Teacher Interviews: …….

Dates of Departmental HR interviews……

Dates of O.H. Appointments: ……

Dates of Sickness Absence from Work: From ……...… To: …….…….

Length of Absence(s): …….…....……..……..……

Nature of Incapacity for each occasion: ……

Other Information:
……

……

<u>Medical Advice:</u>

Attach copy of OH Report: ……

Consideration of Alternative Employment:

Departmentally (give dates, posts considered and any action taken):

……

……

Corporately (give dates, posts considered and any action taken):

……

……

Demands and Needs of Service Considerations:

……

……

Details of Consultation with Employee:

(Dates/Outcomes):

……

……

Employees Views (as understood by Head Teacher):

……

……

Further Information:

……

……

Decision of the Panel:

……

……

Signed: …….….. Date: …….

Chair of Medical Incapacity Panel

7. Short-term intermittent or persistent sickness absence

LETTER TO CONFIRM THE OUTCOME OF THE MEDICAL INCAPACITY HEARING

Dear

MEDICAL INCAPACITY HEARING

OPTION 1
I am writing to you in connection with the Medical Incapacity Hearing which took place on …… at which you were accompanied by ……. to consider the recommendation that your employment be terminated on the grounds that, in the light of your sickness record, you are not able to give a regular, reliable or sustained level of attendance to the School.

I confirm the decision which was given to you at the Medical Incapacity Hearing held on …….. that, in view of the available evidence and the medical advice, your employment with the School will be/is terminated on the grounds of Medical Incapacity with effect from ……

Any outstanding monies owed to you as at ……. (Date of Dismissal), including payment for any accrued annual leave, will be forwarded to you, together with your P45.

I must advise you that you have the right of appeal against your dismissal. If you wish to exercise this right you must submit your notice of Appeal, in writing detailing the reason for appeal, to the Chair of Governors, within ten working days of receipt of this letter. You have the right to be represented at the Appeal by a Trade Union representative or colleague. If you have twelve months continuous service you also have the right to appeal against dismissal to an Employment Tribunal for unfair dismissal.

OPTION 2
I am writing to you in connection with the Medical Incapacity Hearing which took place on …… at which you were accompanied by ……

The Panel have decided in this instance that your monitor be extended for a further ……. months. The Final Written Warning will also be extended for the same period. You are expected to co-operate with Management to facilitate the continued improvement in your attendance record. However, you must be aware that any further absences could render you liable to further action being taken under the Medical Incapacity Procedure, which could lead to the termination of your employment.

A Final Written Warning will remain live on your personal file for a period of twelve months from the date the warning was extended. However, the Final Written Warning will remain on your personal file indefinitely. Your attendance will also be monitored for a period of twelve months and you will be required to attend monthly meetings with the Head Teacher to discuss your progress.
You have the right to appeal against this decision. Any appeal should be submitted in writing to …….. (Chair of Governors) within ten working days of receipt of this letter. You have the right to be represented at any appeal by your Trade Union representative or Work Colleague.

I would be grateful if you would sign the enclosed duplicate of this letter and return it to me as soon as possible.

Yours sincerely
HEAD TEACHER

I acknowledge receipt of an exact copy of this letter.
Signature: …….….. Date: …….

8. Temporary incapacity long term absence

LETTER TO CONFIRM THE OUTCOME OF THE MEDICAL INCAPACITY HEARING

Dear

MEDICAL INCAPACITY HEARING

I am writing to you in connection with the Medical Incapacity Hearing which took place on …….. at which you were accompanied by …….. to consider the recommendation that your employment be terminated on the grounds that, in the light of your continuous sickness record you are not able to give a regular, reliable or sustained level of attendance to the School.

I confirm the decision which was given at the Hearing held on …… that, in view of the available evidence and the medical advice, your employment with the School will be/is terminated on the grounds of Medical Incapacity with effect from ……

Whilst you are entitled to a period of notice in accordance with your Contract of Employment, the School wishes to terminate this contract sooner. As a consequence, you will receive a payment in lieu of notice equal to …… weeks.

Any outstanding monies owed to you as at ……. (date of dismissal) including payment for any accrued leave will be forwarded to you, together with your P45.

I must advise you that you have the right to appeal against your dismissal. If you wish to exercise this right you must submit your notice of Appeal, in writing, to the Chair of Governors, within ten working days of receipt of this letter. You have the right to be represented at the Appeal, within ten working days of receipt of this letter. You have the right to be represented at the Appeal by a Trade Union representative or accompanied by Work Colleague. If you have twelve months continuous service you also have the right to appeal against dismissal to an Employment Tribunal for unfair dismissal.

I would be grateful if you would sign the enclosed duplicate of this letter and return it to me as soon as possible.

OPTIONAL
On behalf of the school, I wish to express my sincere appreciation for the services you have rendered and wish you well for the future.

Yours sincerely

HEAD TEACHER

I acknowledge receipt of an exact copy of this letter.
Signature: …….. Date: ……