



# Managing Sickness Absence Policy

01 September 2022

## Version Control

<b>Current version</b>	<b>Previous version</b>	<b>Summary of changes made</b>
01 Sep 22	01 Aug 2017	Removed references to specific Occupational Health provider throughout and description of OH Services available. Removal of model letters. Update of terminology and clarification on processes throughout. Removal of flowcharts not relevant to this policy. Insertion of appeal procedure.
01 Aug 2017	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 {School Name} ('the school') 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 Head Teacher is responsible for the effective management of sickness absence in the school supported by their School's HR Adviser. The 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 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, to develop and support initiatives aimed at employee well-being and reducing the levels and cost of sickness absence as appropriate.
  - Occupational Health 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 Head Teacher when dealing with cases of sickness absence i.e.
- [Workplace Stress Policy](#)
  - [Alcohol and Drug Policy](#)
  - [Flexible Working Policy](#)
  - [Managing Capability Policies](#)
  - [Disciplinary and Dismissal Policy](#)
  - [Grievance Policy](#)
  - [Domestic Violence Policy](#)
  - [Probationary Period Policy](#)
- 3.6 Model letters and forms are available from your School's HR Adviser
- 3.7 Copies of model HR policies detailed above are available from the [Extranet](#). School's HR Advisers are always available for advice and support.
- 3.8 The Head Teacher must familiarise themselves with HR policies and should attend the appropriate training and development activities.
- 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 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. The Head Teacher should ensure such risk assessments are in place in their areas of responsibility.
- 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 which provides advice on employee health related matters and access to a range of services,
- 4.7 Advice on specific health and safety matters may be 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](#). 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 Team is able to provide a range of monitoring data to assist the 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. Appendix A should be sent to Exchequer services (payroll) by the 22<sup>nd</sup> of each month. The PU29 should be retained on the employee's personal file. 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 It is recommended that new employees will receive a copy of the Sickness Absence Reporting Procedure at Appendix B 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 employee's 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 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.
- 6.8 Following each period of absence, the Head Teacher or their nominee 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.
- 6.9 Where an employee has hit one of the short-term sickness absence triggers the Return to Work interview should normally be conducted by the Head Teacher and a sickness review meeting will usually take place – see section 8.

## **7 The role of the occupational health provider in managing attendance**

- 7.1 The school's occupational health provider has an integral role in supporting the 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 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 Head Teacher in implementing certain HR policies 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 workplace 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 rolling 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: Sickness Review Meeting**

- 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 assessment 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 sickness review meeting 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 consider any points raised by the employee.
  - iii. The Head Teacher should make it clear to the employee that the meeting about attendance problems is an attempt to understand the reason for and hopefully resolve such problems.
  - iv. It is important that the meeting 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 must:
    - Confirm the discussion and conclusions reached in writing, together with any action points identified
    - If appropriate, set up an Attendance Improvement Action Plan with the employee with a timetable for improvement.
    - Confirm any support available
    - Ensure that the employee is aware that failure to improve attendance could result in the matter being dealt with on a formal basis.
  - vi. If at the end of the meeting it becomes apparent the absence pattern has been a one off, and it is clear that an Attendance Improvement Action Plan would be inappropriate, 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, 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 consider 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 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 accompanied by their Trades Union representative or colleague.
  - The Head Teacher should consider whether it is appropriate to extend the period of the Attendance Improvement Action Plan or move to Stage 2 of the procedure. Advice from a School's HR Adviser is available.

## **Formal procedure: Stage 2**

- 8.7 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.
- 8.8 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 consider any points raised by the employee.

8.9 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 accompanied by their Trades 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.

8.10 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**

8.11 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, 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.

8.12 The panel for the hearing will consist of;

- Three Governors (one of whom will act as Chair).
- Who will be advised by a School's HR adviser.

8.13 The hearing will be conducted in accordance with the procedure outlined in Appendix D.

8.14 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).
- Steps that the Head Teacher has taken to inform the employee of their concerns and support the employee to improve their 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 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.

8.15 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.

8.16 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.

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

8.18 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.

8.19 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.

- 8.20 If an employee is dismissed and they have two years continuous service, they have the right to appeal against dismissal to an Employment Tribunal for unfair dismissal.

## **Dealing with long term absence**

- 8.21 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 Trades Union to contact them for further help and advice during any period of long term absence.
- 8.22 A referral to the school's Occupational Health provider ('OH') may be made by the Head Teacher. OH has an online referral form which details the dates of absence, and nature of absence. 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.
- 8.23 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.
- 8.24 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**

- 8.25 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 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**

- 8.26 If an employee is fit to return to work, but is unable to carry out their substantive post, Occupational Health may recommend redeployment. However, any redeployment would only take place within the school where there is a suitable vacant post available, and the Head Teacher is in agreement

8.27 The Bolton Council redeployment procedure, which permits redeployment across the council 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 or the Teacher's Pension 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 normal retirement age. 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 in Appendix D

### **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.





# Sickness absence reporting procedure

## 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.

## Return to work

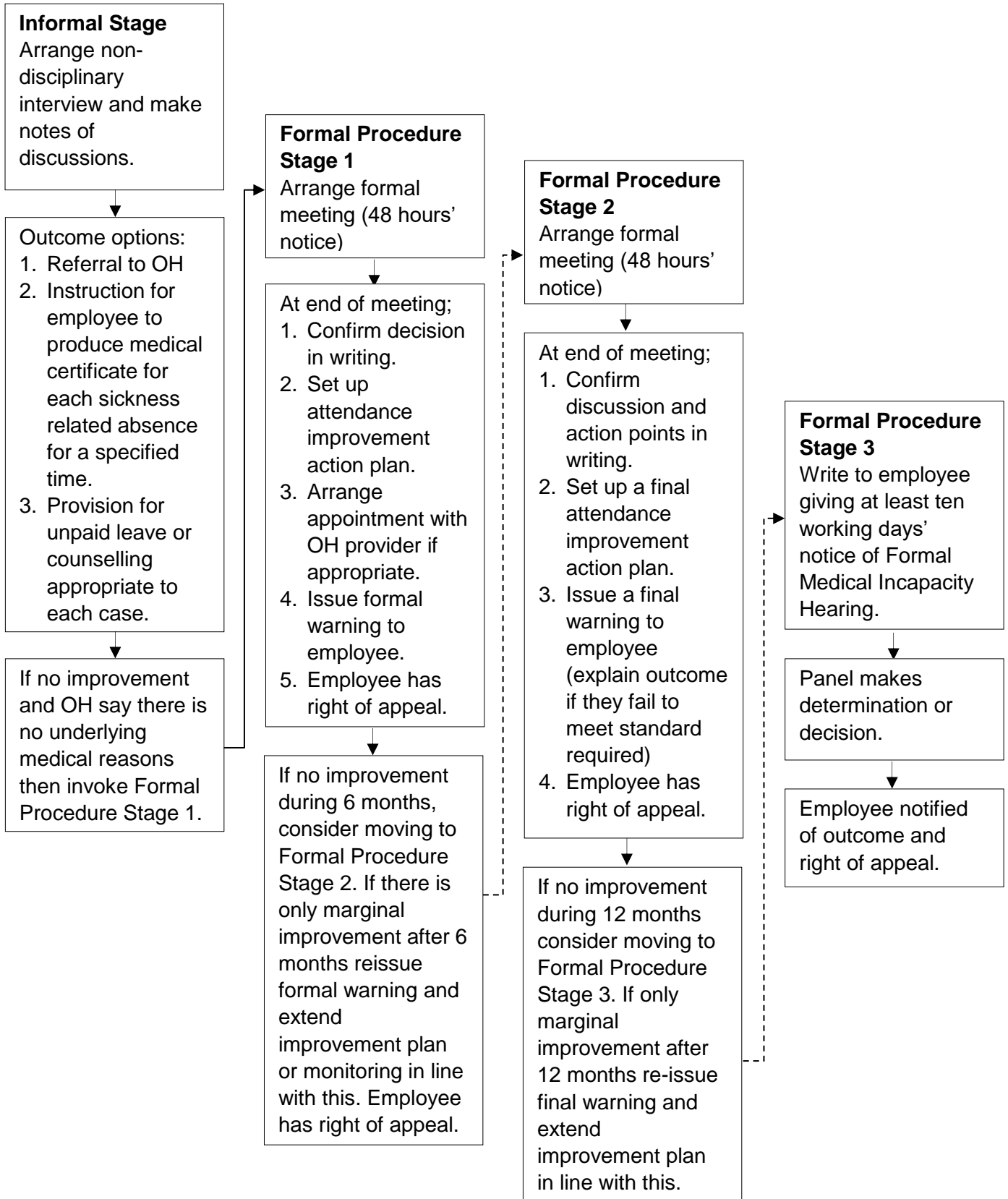
Following any period of absence an employee will be required to complete an [Employee Statement Sickness Absence \(PU29\)](#) covering the whole period of absence, including Saturdays, Sundays, Bank Holiday's etc. Following any period of absence an employee will be required to attend a Return to Work interview with the Head Teacher or their representative. 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.

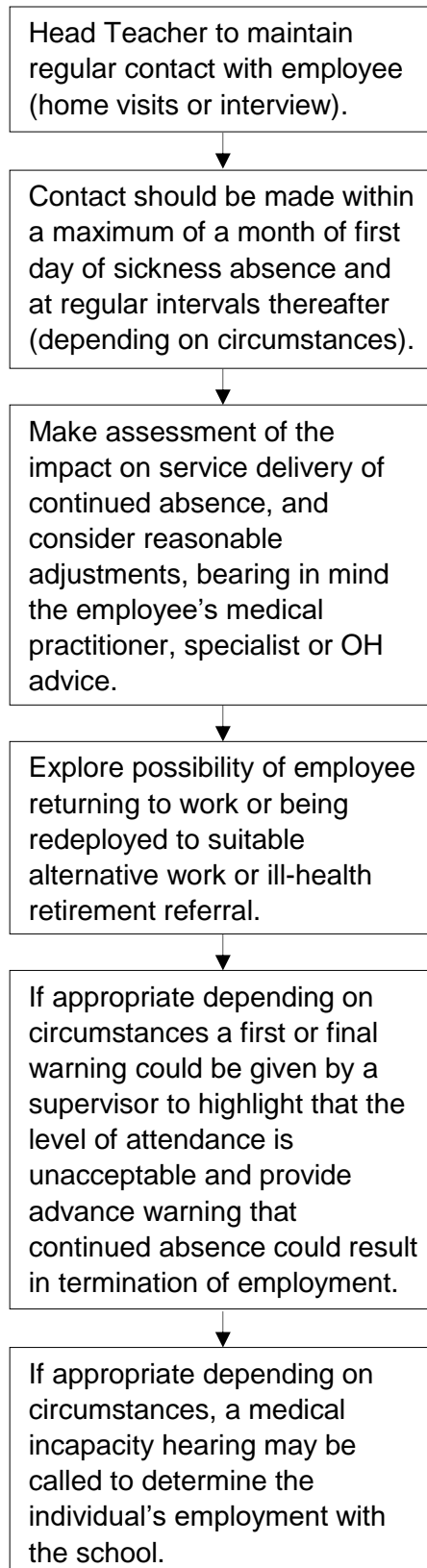
# Managing absence process maps

## Medical Incapacity Procedure

### Frequent short term absence



## Long term absence



## APPENDIX D

# 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 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.

# Procedure to be followed at a formal medical incapacity appeal hearing.

1. Chair facilitates introductions and explains procedure
2. The employee or their representative presents their case in the presence of the management representative and calls such witnesses as they feel appropriate.
3. The management representative may ask questions of the witnesses.
4. The members of the panel may then ask questions of the witnesses.
5. When the employee has presented their case, the management representative may ask questions of the employee on the evidence given.
6. The panel may ask questions of the employee.
7. The management representative presents their case in the presence of the employee and their representative and calls any witnesses to give evidence.
8. The employee or their representative may ask questions of the witnesses.
9. The members of the panel may then ask questions of the witnesses.
10. When management have presented their case, the employee or representative may ask questions of the management representative on the evidence given.
11. The members of the panel may ask questions of the Management representative.
12. The employee or their representative then sums up their case.
13. The management representative then sums up their case.

## **NO NEW EVIDENCE MAY BE INTRODUCED AT THIS STAGE**

14. The management representative, and employee (and representative) leave the room.
15. The panel consider their decision. If it is necessary to recall a party to clarify evidence given, both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.
16. The panel will announce their decision orally on the day or in writing as may be determined.
17. The decision must then be confirmed in writing within five working days of the hearing.

**Notes:** The Chair may adjourn proceedings at any stage if appropriate. If the adjournment is to enable further information to be obtained or clarify information from witnesses, the Chair will specify the nature of the information required. Any adjournment will be for a stated period determined by the panel. Witnesses will be required to be on-call throughout proceedings but will not be present for all the hearing.

# List of occupational diseases

- 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.

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
- 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. Details are available on the Extranet