



GENESIS
EDUCATION TRUST

SICKNESS ABSENCE MANAGEMENT

(For School-Based Employees)

Written by: FGB/ Local Authority

Reviewed by the Governing Body: Spring 2016

To be reviewed: Annually

Next Review: Spring 2017

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SECTION 1 OUTLINE OF POLICY

1. INTRODUCTION

- 1.1 This policy has been developed to assist governing bodies, Executive Head/ Head of School and managers to manage sickness absence from the first day an employee is absent from work.
- 1.2 It is designed to assist in the monitoring and management of sickness absence levels within the school(s) indicating when appropriate action should be implemented when trigger points are reached and / or where there are concerns about an employee's absence levels and welfare.
- 1.3 As well as improving service quality, effective sickness absence processes can ensure that any issues of concern are identified early on, leading to support for the employee and appropriate action by the School.
- 1.5 Where sickness absence is prolonged or where there is a high incidence of separate periods of absence that have an impact on achieving the best outcomes for pupils the sickness management procedure must be implemented and may lead through the various warning stages to dismissal.
- 1.6 This policy covers managing absence from work due to sickness. There is a separate policy and procedure *Schools Leave of Absence Model Policy and Procedure* that covers other absences from work, eg leave for public duties, personal and domestic reasons.

2. SICK LEAVE ENTITLEMENTS

The arrangements and conditions for sick pay entitlements are set out in both teachers (Burgundy Book) and support staff (NJC-National agreement on conditions of service).

3. LEGAL FRAMEWORK

- 3.1 In implementing this policy, governing bodies, Executive Head/ Head of School and senior leaders will give due consideration to statutory provisions and related legislation which include:
 - (a) Health & Safety at Work Act 1974;
<http://www.legislation.gov.uk/ukpga/1974/37/contents>
 - (b) The Management of Health & Safety at Work Regulations 1999:
<http://www.legislation.gov.uk/uksi/1999/3242/contents/made>

- (c) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995;
<http://www.legislation.gov.uk/uksi/1995/3163/contents/made>
- (d) Control of Substances Hazardous to Health Regulations 1999;
<http://www.legislation.gov.uk/uksi/2002/2677/made>
- (e) Health & Safety – Display Screen Equipment Regulations 1992;
<http://www.legislation.gov.uk/uksi/1992/2792/made>
- (f) Manual Handling Regulations 1992;
<http://www.legislation.gov.uk/uksi/1992/2793/made>
- (g) Equality Act 2010
<http://www.legislation.gov.uk/ukpga/2010/15/section/149>
- (h) The Employment Rights Act 1996:
<http://www.legislation.gov.uk/ukpga/1996/18/contents>
- (i) The Access to Medical Reports Act 1988
<http://www.legislation.gov.uk/ukpga/1988/28/contents>
- (j) The Access to Health Records Act 1990
<http://www.legislation.gov.uk/ukpga/1990/23/contents>

4. SCOPE

- 4.1 This policy applies to all school-based employees on permanent, temporary and fixed-term contracts.
- 4.2 For staff on probation, as well as this policy and procedure, the school's probationary guidelines should be used for support staff on NJC terms and conditions and the Statutory Induction Guidelines for Newly Qualified Teachers should be used where this relates to sickness absence.

5. AIMS OF THE POLICY

- 5.1 This policy and procedure aims to minimise the impact of sickness absence in schools on service delivery and to reduce the average number of working days taken as sick leave by school based employees.
- 5.2 An employee's absence must be handled with care and sensitivity. It is important to establish good communication during the absence and this process should not be seen as heavy handed or lacking in sensitivity.
- 5.3 All employees will be treated equally and consistently. This procedure will not be applied as a punitive measure but as a tool to improve attendance at work or to enable employees to maintain their attendance. Consideration will be given to any diversity issues that may also have an impact on sickness levels, e.g. harassment within the workplace. Executive Head/ Head of School and managers may also exercise discretion in certain circumstances with the agreement of the governing body e.g. major flu epidemic or where it affects a significant number of the school workforce.

- 5.4 The Executive Head / Head of School will be responsible for ensuring that this policy is followed where there are concerns regarding an employee's level of sickness absence and may delegate responsibilities to other senior members of staff as appropriate.
- 5.5 Where the Executive Head's attendance is a matter of concern, the role to the Executive Head in relation to the management of the sickness absence will be undertaken by the Chair of Governors. In the case of the Head of School this would be undertaken by Executive Head.

6. KEY PRINCIPLES

- 6.1 The following principles are designed to ensure that schools take proactive measures to effectively manage sickness absence whilst having regard to the need to support employees who are sick and treat them with sympathy and understanding.
- 6.2 For any school it is vital that staff attendance is managed properly as poor levels of attendance can lead to:
- a) Disruption to teaching and learning for pupils
 - b) Increased pressures on colleagues to cover workload
 - c) Reduction in the quality of service and support
 - d) Financial difficulties for the school due to increased cover costs
- 6.3 In practice, the Executive Head/ Head of School and/or designated line manager will among other actions be expected to:
- 6.3.1 Take the appropriate action when an employee sickness level reaches a recommended trigger point;
 - 6.3.2 Investigate and discuss every case in a timely and appropriate manner;
 - 6.3.3 Establish a clear plan of action with their employees by setting achievable attendance targets and devising local strategies for performance improvement;
 - 6.3.4 Liaise with the Occupational Health Service (OHS) in managing attendance;
 - 6.3.5 Monitor employee attendance at work and introduce any appropriate measures to address the issues identified;
 - 6.3.6 Monitor and manage any cases of long-term sickness absence;
 - 6.3.7 Actively seek to rehabilitate staff to enable a safe and planned return to work.
 - 6.3.8 Consider reasonable adjustments to the workplace and/or working arrangements i.e. phased return to work, to achieve a return to work and regular attendance.

- 6.3.9 Be mindful of employees' disability when following this procedure. Ensure that reasonable adjustments are considered when facilitating meetings, reviewing working arrangements, the workplace and/or equipment.
- 6.4 Where sickness absence is prolonged or where there is a high incidence of separate periods of absence that have an impact on service delivery, it is important that the sickness management procedure is implemented.
- 6.5 When an employee who is prevented from attending work because of contact with infectious disease they shall be entitled to receive normal pay. The period of absence on this account shall not form part of the employee's sickness entitlement.

7. ROLES AND RESPONSIBILITIES

7.1 Employee Responsibilities

To understand the importance of good attendance at work and the impact absence has on service delivery and the additional strain put on colleagues.

- a) To be committed to having good attendance at work.
- b) To comply with the sickness and absence reporting procedures in place.

Notify the Executive Head / Head of School or manager if an infectious disease occurs in the home where the employee is living and await advice from the Executive Head/ Head of School as to whether they should refrain from school duties (following advice from OHS). The employee would usually expect to continue school duties pending receipt of instructions from the OHS except in the event of a notifiable disease. If the employee is required to refrain from school they will be required to follow the normal sickness reporting procedures.

7.2 Management Responsibilities

Executive Head/ Head of School or Managers are responsible for the following:

- 7.2.1 Staff must be made aware of the policy and procedures for reporting sickness absence.
- 7.2.2 Contacting employees who have not reported their absence as required;
- 7.2.3 Ensuring that employees are aware of the support provided through the Council's independent counselling service 'Workplace Options' and other support service e.g. Teacher Support Network;
- 7.2.4 Executive Head/ Head of School and managers are also responsible for ensuring that the Education (Teachers) Regulations are applied and that a teacher or other worker with children and young persons should not continue

in their post if the person does not have the mental or physical capacity to perform the duties of the post.

7.3 Governing Body Responsibilities

- 7.3.1 Monitor the Executive Head's absence and apply the appropriate procedures
- 7.3.2 Review sickness absence data and in liaison with the Executive Head/ Head of School review absence data, associated costs and strategic direction to help absence figures improve.

7.4 Human Resources (LBWF) Responsibilities

- 7.4.1 Ensure that sickness absence information is regularly monitored and utilised in developing health & safety policies which improve attendance.

7.5 Human Resources Service Provider Responsibilities

- 7.5.1 Provide advice and assistance on individual cases as requested including, where appropriate, referral to the OHS so that an employee's medical condition can be confirmed.
- 7.5.2 Provide support to the Executive Head/ Head of School or governing body by attending return to work discussions (where appropriate) absence review meetings and hearings.
- 7.5.3 Ensure that the management of sickness is given a high priority and Executive Head/ Head of School are given appropriate support on the action they need to take.
- 7.5.4 Provide training to Executive Head/ Head of School on the policy and reviewing the policies implementation jointly with the unions.

8 ACCOMPANIMENT, REPRESENTATION AND REQUESTS FOR POSTPONEMENTS

- 8.1 Employees have no automatic right to be accompanied at informal meetings. It would not be unreasonable for an employee to request representation at this stage.
- 8.2 Employees can be accompanied or represented at the First Formal meetings, final formal hearings and appeal hearings only by a trade union official, or a work colleague.
- 8.3 Where an employee is to be accompanied or represented, they should provide relevant details to the manager convening the meeting sufficiently in advance of the meeting.

- 8.4 If copy documentation is requested directly by their representative or companion, the manager should ensure that this has been done with the permission of the employee.
- 8.5 The manager and the employee's representative should agree a convenient time for a hearing in advance to avoid postponements.

SECTION 2	Outline of the Procedure
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1 INTRODUCTION

- 1.1 This procedure explains what employees must do when absent from work due to sickness, and what procedures will be followed when absence occurs.
- 1.2 Many employees take little or no sickness absence during a year. However, where there is high or under-managed sickness absence, it does have a direct impact on the cost and quality of the school services, as well as an effect on the staff who do attend regularly.
- 1.3 Regular and prompt attendance is a contractual condition for all employees. The governing body is committed to maintaining good attendance levels. The governing body will also manage sickness with sensitivity bearing in mind the occupational sick pay entitlement. However, nothing in this policy and procedure will prevent or restrict the governing body's right to terminate employment before entitlement to sick pay is exhausted.
- 1.4 Employees who abuse this procedure or the provisions of the sick pay scheme may have their occupational sick pay withheld and/or be subject to disciplinary action. Examples of abuse include: not reporting sickness or providing medical statement of fitness for work (fit note) as required; unreasonably failing to attend meetings with management or the OHS and engaging in activities which are inconsistent with the reported illness or which may aggravate the illness or delay recovery (such as undertaking employment).

2 USE OF TRIGGER POINTS

- 2.1 Early involvement by managers can play an important part in reducing sickness absence. Trigger points for sickness absence, can help managers to formally manage an employee's sickness absence. However, trigger points are only a guide to assist managers and may not automatically be applied in all cases. Consideration can be given to taking action at an earlier or later stage depending on the circumstances. The school's traded HR provider can provide advice to ensure that any action is consistent with other decisions in similar circumstances across the school.

2.2 Triggers for Action

Discretion, sensitivity and good practice are vital in handling individual cases.

Trigger Points	ACTION MANAGER IS TO TAKE
return to work after any sickness	return to work discussion
<ul style="list-style-type: none"> • 8* working days of sickness absence in any 12 month period, (this can be either 8 consecutive days or an accumulation of days) <p>or</p> <ul style="list-style-type: none"> • 3* periods of sickness absence in any 3 month period, <p>or</p> <ul style="list-style-type: none"> • a pattern of sickness absence 	<p>For continuous absence begin sympathetic and regular contact with the employee.</p> <p>Consider referral to occupational health service and other action to examine whether the employee can be helped/assisted to give regular and efficient service</p> <p>Decide on appropriate action if required e.g. informal or formal action.</p> <p>Executive Head/ Head of School can use the deferred option at this stage see section 2.6</p>
When a 2 nd trigger is reached	<p>Executive Head/ Head of School or manager to review action taken so far</p> <p>Consider referral to occupational health service and other action to examine whether the employee can be helped/assisted to give regular and efficient service</p> <p>Decide on appropriate action if required e.g. informal or formal action</p> <p>Executive Head/ Head of School can use the deferred option at this stage see section 2.6</p>

* the actual number of working days to be agreed by the governing body/ this number will be pro-rata for part-time staff.

2.3 There are four key aims at all stages of the procedure:

- a) Investigating the absence to understand its causes and the effect it will have on the employee's work. This should be a joint investigation with the employee.
- b) Taking all reasonable steps to collaborate with staff in tackling health, work or welfare issues- including work-related stress.
- c) An employee must be informed immediately of any possibility that their job may be at risk.
- d) Exploring any options with the employee, which may permit them to improve their attendance or enable them to return to work.

2.4 Target Setting

2.4.1 The targets stated can be used throughout the 5 stages of the procedure. However it would be usual for these targets to be lowered if, for example, a member of staff, at a final formal hearing, had mitigating reasons for their sickness absence and dismissal was not pursued on this occasion, it might be appropriate, for example, to set a new target of no more than a total of 4 working days of sickness absence in a 6-month period.

2.4.2 For staff who have a disability, targets for improvement can still be set, however there may be a need to be more flexible when the absence relates to the disability and go above the recommended 4 days.

2.4.3 If any employee fails to meet the target that has been met for the monitoring stage then the Line Manager/Executive Head, Head of School will need to determine whether they move to the next stage of the process or whether a further monitoring period is required.

2.4.4 Even if an employee is still off sick when triggers for action have been reached, it is still necessary to consider the situation proactively. Employees should still be invited to attend meetings under the procedure, and you should ensure you advise employees of this. If they are unable to attend, they can be represented or provide written statements/comments/ information about their illness, treatment and its affects, prognosis and likely date of return to work.

2.5 Deferred Action

2.5.1 If an employee hits the triggers for action a meeting should take place to explore the reasons for the sickness and normally you would progress through the procedure. However in certain circumstances such as an employee having routine surgery with a set period of recovery it may be appropriate to defer action being taken. The Executive Head/ Head of School will decide and agree any "deferred action" or another manager will make a recommendation to the Executive Head/ Head of School to "defer action".

- 2.5.2 Clearly if an employee is still absent this must be handled with care and sensitivity. If you have already established good communication during the absence this process should not be seen as heavy handed or lacking in sensitivity.

3. MEDICAL STATEMENT OF FITNESS FOR WORK (FIT NOTE)

- 3.1 Periods of sickness absence in excess of seven continuous days (this includes weekends) must be covered by a medical 'fit note'. Medical statement / FIT note must be obtained from the general practitioner and submitted without delay to the Executive Head/ Head of School or manager.
- 3.1.2 The requirement to self-certify sickness absence differs for teachers and support staff:
- a) Teachers will verbally self-certify for the first 3 days, from day 4 and up to 7 days they will self-certify using the appropriate form;
 - b) Support staff must self-certify any sickness absence up to 7 days and then supply a GP FIT note on the 8th calendar day of absence.
- 3.2 For support staff who work all year round (52 weeks) medical statement / FIT notes from their general practitioners or hospital should indicate to the effect that employees are fit or unfit to attend work in the following situations:
- a) where sickness absence falls within a period of annual leave and the employee wishes to reclaim the annual leave they are required to provide their manager with a fit note covering the period;
 - b) during a period of notice;
 - c) on the day either side of a school closure period if they are absent employees must provide a certificate.

4. RECORDING SICKNESS ABSENCE

- 4.1 The Executive Head/ Head of School or manager will be required to maintain a sickness absence record upon which all sickness absence will be recorded. Following each period of sickness absence; following the return to work meeting the sickness absence record must be updated, including recording the reason for the sickness absence and any other relevant information.
- 4.2 **Return to Work Meetings**

Return to work discussion

Managers will, in an informal return to work discussion, offer flexible arrangements to enable the employee to discuss sensitive medical issues that may affect their attendance or work performance. This conversation must be confidential.

5.0 PROCESS

5.1 Informal Stage

5.1.1 The informal stage should commence when the 1st trigger has been exceeded or where management have concerns about the amount of sickness absence or pattern of sickness. A useful Informal stage checklist has been provided (see appendix 2).

5.1.2 A meeting will take place to explore the following:

- a) the reasons for sickness absence,
- b) any underlying work, welfare or domestic problems which may be contributing to the sickness absence.
- c) offer flexible arrangements to enable the employee to discuss sensitive medical issues. (For example, they may wish to talk to or be accompanied by someone of the same race or gender).
- d) raise any management concerns and explain the effect of absence on the work.
- e) set targets for attendance and arrange to monitor it.
- f) explain the School's policies on sickness absence including the focus on whether the employee can give regular and efficient service.
- g) explore any other options which may permit the employee to improve attendance or return to work.
- h) if necessary, tell the employee that the next stage would be to refer the employee to the OHS or to deal with the matter formally (or both).
- i) keep accurate records and notes of the matters discussed.
- j) it should also be made clear at this meeting that sickness absence will continue to be reviewed and that regular review meetings i.e. monthly will take place so that any concerns about the employee's ability to meet targets set can be highlighted at the earliest possible moment.

5.1.3 It is useful at this stage to consider a referral to Occupational Health to see if there are any underlying health problems (see 5 below).

5.1.4 Where possible we would expect a review meeting to take place once the School are in receipt of the Occupational Health report prior to moving on to the next stage. There may be certain circumstances where this may not be possible and we would advise that you take advice from your Traded HR provider.

5.2 Formal Stage

5.2.1 If the targets set at the informal stage are exceeded a first formal stage meeting should be arranged unless there are good reasons for remaining at the informal stage e.g. deferred action. A useful formal stage checklist has been provided (see appendix 5).

5.2.2 The Executive Head/ Head of School or manager will, in formal meetings and discussions, continue with the four key activities set out at 5.2 above and if necessary arrange for another manager to hear the case.

5.2.3 The Executive Head/ Head of School or manager will:

- a) consider the causes of the sickness absence and its effect on work, taking account of medical advice.
- b) explain School policy on sickness absence including the focus on whether the employee can give regular and efficient service.
- c) explore any work, welfare or domestic problems or other explanation offered.
- d) set meaningful targets for a return to work; consider options which would improve attendance or enable a return to work.
- e) issue any warning and determine a course of action which will take into account the needs of the School, and where possible, the interests of the employee.
- f) keep records and notes of the matters discussed.

5.2.4 There can be more than one first formal stage meeting particularly if specialist consultant's reports are awaited. After a first formal meeting sickness absence review meetings should take place, it is recommended that these take place on a monthly basis. If a member of staff is on long-term sickness absence it is essential to maintain contact.

5.3 Final Stage

5.3.1 The final formal stage of the procedure must continue with the four key activities set out in paragraph 2.1 above and arrange for the Executive Head / Panel of Governors, with authority to dismiss, to hear the case in a final formal meeting. A useful final stage checklist has been provided (see appendix 8).

5.3.2 The Executive Head / Panel of Governors will consider:

- a) if the employee is capable of regular and efficient service after hearing from the manager and the employee.
- b) if the employee's health needs are compatible with the School's need for work to be done.
- c) any reasonable alternatives to dismissal including reasonable adjustments to the work or work place, redeployment, phased return, early retirement and so on.
- d) whether the employee has been treated reasonably in all the circumstances and in line with the four key activities of the procedure
- e) determine a course of action which will take into account the needs of the school, and, where possible, the interests of the employee.
- f) recommendation for dismissal may be considered in the case of any employee who has unacceptable level of sickness absence.
- g) where a decision is recommended for dismissal notice in line with the employee's contract must be paid.

5.4 Appeal

- 5.4.1 Employees should be advised that any appeal against dismissal must be lodged in writing with the Chair of Governors within 10 working days of receipt of the written decision.
- 5.4.2 It is important that an up to date Occupational Health report (no longer than a month old) is obtained prior to the final stage meeting to ensure recent medical advice is available to the panel.
- 5.4.3 In recognising the governing body's duty of care to employees, Executive Heads/ Heads of School and managers are expected to address concerns as soon as they arise. Informal reviews, and a referral to the OHS, may therefore take place before the trigger points are reached.
- 5.4.4 Where stress or depression is given as a reason for sickness, employees should be referred to the OHS so that early interventions can take place to address any underlying work-related issues.

6. REFERRAL TO THE OCCUPATIONAL HEALTH SERVICE

- 6.1 An Executive Head/ Head of School or manager might have enough information from discussions with the employee to be able to deal with sickness absence effectively. However, often some further medical advice and guidance is required and the employee may need to be referred to the Independent Occupational Health Service. Employees may be asked to attend Occupational Health if it is considered necessary as there may be an underlying medical condition and never just because a trigger has been reached.
- 6.2 Once the Occupational Health Service has the necessary information, they will write to the referring manager with a summary of the effects and implications of any medical condition. This may not include full details, as medical information must be treated confidentially. Depending on the information provided, action may or may not be needed. The Occupational Health Service will give guidance and advice on possible next steps which may include phased return or, altered hours. It is highly recommended that the advice given by the Occupational Health Physician should be carefully considered, especially with regard to enabling people to return to work and any disability issues. It is the Executive Head/ Head of School/ manager's responsibility to make the decisions.
 - a) Altered Hours

The doctor may recommend this where they believe that an employee will benefit from a change to their normal working hours. This does not necessarily mean working fewer hours e.g.:

- i) start and/or leave later could support someone who is unable to drive and struggles with rush hour public transport
- ii) agree more flexible hours to allow attendance for treatment sessions during working hours.

b) Amended Duties

This may be recommended where an employee's condition is to be taken into account e.g.:

- i) removing part of their duties i.e. heavy lifting for someone who has a back injury.
- ii) reducing or removing more pressured part of a job role (such as dealing with complaints), could help someone with stress

c) Workplace Adaptations (Reasonable Adjustments)

This may be recommended where an employee's condition needs to be taken into account e.g.:

- i) a ground floor workstation for someone who has difficulty in going up and down stairs (i.e. cases of arthritis or joint pain)
- ii) parking space provision near entrance could help someone with mobility post-surgery return to work.

A risk assessment of the workplace may be required to determine what action management needs to take following a fit note recommendation.

d) Phased Return to Work

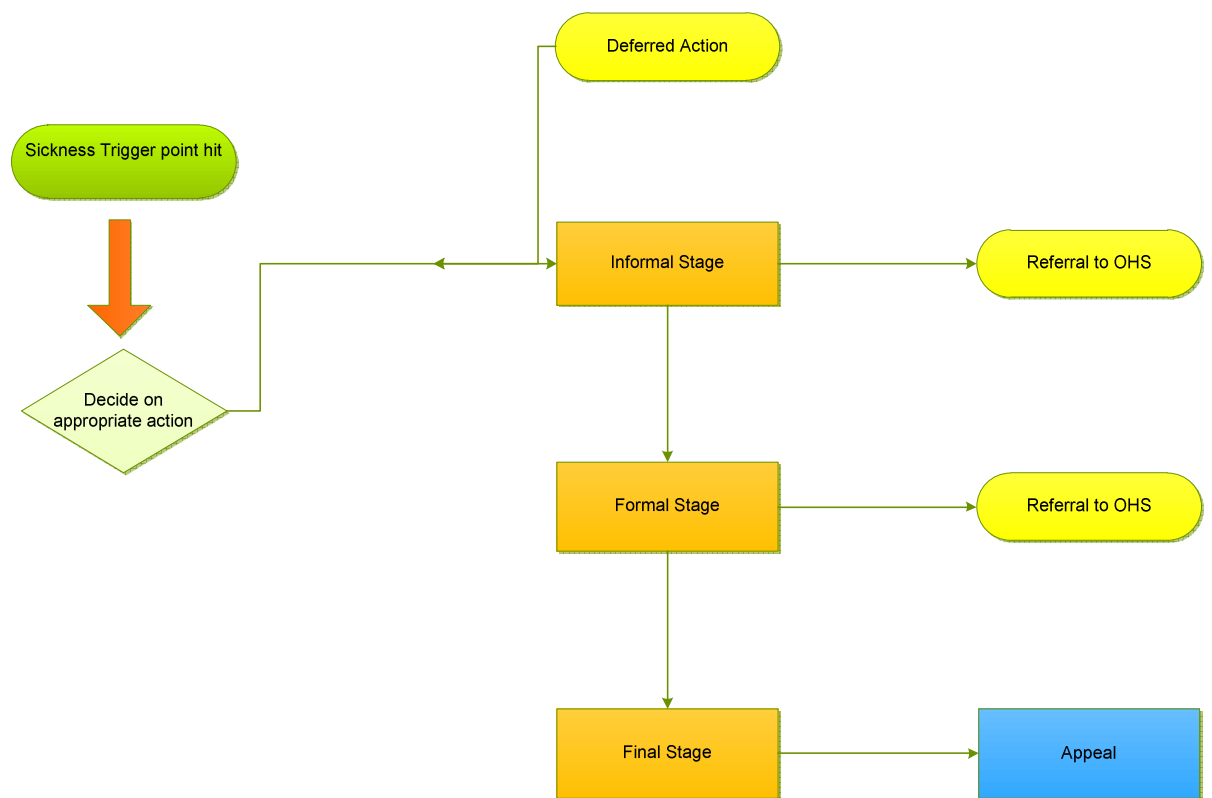
There may be circumstance where it's recommended that an employee phase their return to work over a pre-agreed defined period of time. A phased return is to assist the employee to acclimatise themselves back into a work routine / tasks, e.g.

- i) following an operation, an employee could return to work on reduced hours, gradually increasing to their normal hours over an agreed period of time; or
- ii) an employee whose job involves lifting, gradually increases the quantity or intensity of their work following a back or shoulder problem.

A phased return schedule of more than four weeks would be unusual. However should there be a need for a longer period, the employee will receive full pay for the first four weeks only and then only receive pay for the hours or days they work for any period above 4 weeks.

- 6.3 Employees are expected to attend Occupational Health Service as requested. If any employee should refuse to go the Occupational Health Service, The employee should be advised that being provided with the medical information may assist a return to work. In the absence of this information, decisions can be taken based on the information that is available, which could have implications for their continuing employment.
- 6.4 It is important for employees to attend the scheduled appointment. If due to unforeseen circumstances an employee is unable to attend the expectation is that they must provide the Occupational Health Service with 48 hours' notice in order to avoid cancellation charges.
- 6.5 If an employee fails to attend the appointment, without sufficient notice, Schools may require the employee to reimburse them for this expense if there is no sound reason; failing to attend the appointment is not acceptable.

7. OUTLINE OF PROCEDURES



SECTION 3 FACTORS FOR CONSIDERATION

1. MEDICAL REDEPLOYMENT

- 1.1 Where changes in working hours or working practices have been supported by medical recommendation, but are impractical or have been unsuccessful, it is necessary to consider alternative employment opportunities for the employee within the school. This process is termed medical redeployment.
- 1.2 The investigation of redeployment opportunities is also a requirement of the ill health retirement provisions of the Local Government and Teachers Pension Schemes, which states that the employer has to ensure that the employee cannot undertake any comparable employment. School's Traded HR provider advice should be sought where medical redeployment is recommended.
- 1.3 **Unsuccessful Redeployment**
 - 1.3.1 Where the redeployment period is coming to an end and / or where there are concerns, discussions will need to be on-going with HR regarding what further action or steps need to be taken in relation to the employee's employment. This could involve a further referral to Occupational Health to discuss the employee's return to their current role, early ill health retirement or a formal Sickness Review Meeting, where termination of services on the grounds of medical incapability will have to be considered.

2. ILL HEALTH

2.1 Ill Health Retirement

- 2.1.1 This can only be certified by an independent Occupational Health Physician and refers to permanent ill health following extensive medical reviews. Where the employee is incapable of performing efficiently the duties of their current employment or any other comparable employment with their current employer because of ill health or infirmity of mind or body ill health retirement may be recommended.
- 2.1.2 There are different tiers of ill-health retirement for members of both the Local Government and Teachers Pensions Schemes. This is dependent on whether the employee is judged to be permanently incapable of their current job but is judged capable of obtaining gainful employment before retirement age. Partial ill-health benefits can be granted which would cease to be payable upon the employee obtaining 'gainful' employment. Advice should be sought from HR on the process for ill-health or partial ill-health retirement.

3. TERMINAL ILLNESS

- 3.1 Dealing with employees suffering from terminal illness can be very difficult for all concerned. Under the Equality Act 2010, terminal illness is defined as those who are expected to die within the next 12 months.
- 3.2 Each case will need to be dealt with individually. However, a referral to Occupational Health for support and advice for the employee concerned and colleagues may be deemed appropriate to confirm diagnosis.
- 3.3 The governing body of the school may wish to consider the extension to the employees sick pay in these situations.

4. ACCIDENT AT WORK

- 4.1 If an employee considers their absence to be caused by an injury at work, the employee must complete an Incident Report form and pass to the Executive Head/ Head of School. In the case of community and voluntary controlled schools this form should be forwarded to the LBWF Health and Safety Team. An employee who is absent from work due to an accident or injury at work should be treated in the same way as if their absence was due to sickness and therefore the Managing Attendance Policy should be followed.
- 4.2 The Executive Head/ Head of School in conjunction with advice from both Occupational Health and the Health & Safety Team, will determine if the employee's injury was caused at work.
- 4.3 When it has been accepted by the school that the employee's injury did occur at work the employee will receive the same entitlement as they would under contractual sick pay terms. But this period of pay would not count towards their contractual sick pay entitlement. In accordance with the Green Book, Support Employees will not have one off set against the other. In accordance with the Burgundy Book, Teachers will receive the first six months of absence at full pay, followed by their normal sick pay.
- 4.4 An employee who is absent from work as a result of an accident that took place outside work with a third party and if the employee is subsequently successful in their claim and receives reimbursement of salary from the third party's insurer, the school would need to be reimbursed from this sum.

5. EXTENSION TO SICK PAY

- 5.1 An extension to sick pay may be appropriate in some limited circumstances. The Chair of Governors may consider an extension to sick pay in exceptional circumstances such as a terminal illness. The decision to extend sick pay will

be made on an individual case by case basis. The following principles will apply:

- a) For sick leave, the employee's full-pay period may be extended by a maximum of six months.
- b) For industrial injury, the period on full-pay, including any extensions, will not exceed 12 months.
- c) Where the full pay period is extended to cover the half pay period, the employee will normally be paid 1 month's half pay before moving to nil pay
- d) Shorter periods of extension may be granted. Where more than one extension is given this will be subject to the maximum periods above.
- e) Even when an extension is granted, it must be kept under review.

5.3 The reason for the extension must be one of the following:

- a) It is likely to contribute to an earlier return to work by easing the employee's financial situation or domestic concerns.
- b) It will enable a reasonable period without financial pressure on the employee in which the prognosis of the illness can be established.
- c) It will bridge a short gap between the end of the sick pay and the time the employee is due to retire.
- d) It will enable the Governors/Executive Head/ Head of School to deal sympathetically with an employee who has a terminal illness.
- e) The reason for the absence qualifies as an industrial injury.
- f) The reason for the absence qualifies under the provisions of the personal injury scheme.

6. EQUALITY ACT 2010

6.1 The Equality Act 2010 replaced most of the Disability Discrimination Act (DDA). However, the Disability Equality Duty in the DDA continues to apply. The Equality Act aims to protect disabled people and prevent disability discrimination and provides legal rights for employees. The Act also provides rights for people not to be directly discriminated against or harassed because they have an association with a disabled person. This can apply to a carer or parent of a disabled person. In addition, people must not be directly discriminated against or harassed because they are wrongly perceived to be disabled.

6.1.1 Under the Equality Act 2010, a person has a disability if:

- a) they have a physical or mental impairment
- b) the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities

For the purposes of the Act, these words have the following meanings:

- a) 'substantial' means more than minor or trivial

- b) 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- c) 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping

People who have had a disability in the past that meets this definition are also protected by the Act.

- 6.1.2 **Progressive conditions considered to be a disability:** There are additional provisions relating to people with progressive conditions. People with HIV, cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairments are automatically deemed to be disabled.
- 6.2 A referral to Occupational Health is appropriate to establish what measures, support and adjustments to the work environment need to be considered over the course of the employee's employment.
- 6.2.1 If an employee has a medical condition that falls under the Equality Act 2010 Schools are still able to apply the processes within this policy. The management of sickness absence is not to define the sincerity of the illness but to manage the impact that the employee's absence is having on the service provision within the school. When invoking stages within the policy Senior Leaders should consider all aspects of duty of care and reasonable adjustments. If you have an employee that falls under the Equality Act 2010 you should seek advice from your Trader HR Provider. This policy is not designed to be discriminative or punitive to employees.