

# **Larkmead School - Procedure for Managing Sickness Absence of School Employees**

## **Introduction**

1. Oxfordshire County Council and the Governing Body of this school are committed to providing the highest possible quality of education. In order to help achieve this it is essential that both employees and managers maintain acceptable levels of attendance.
2. Oxfordshire County Council and the Governing Body of this school are also committed to providing and maintaining a safe and healthy working environment where the health of employees is protected and employees are encouraged and supported in maintaining a healthy lifestyle.
3. This sickness absence management policy aims to provide a fair and consistent framework for handling employee sickness absence and related health issues, which is sensitive, supportive and prompt. It has been drawn up in compliance with legal requirements and it is designed to complement the existing conditions of service, policies and procedures and does not replace them.

## **The Role of the County Council**

4. The County Council is responsible for ensuring that teachers are fit to carry out their duties and the Director for Children, Education and Families may therefore take appropriate action where this appears necessary. However, this will always be in consultation with the Headteacher and/or the governing body and will follow existing procedures. The Director for Children, Education and Families will discharge his/her responsibilities via the Schools' Human Resources Team in Customer Services, referred to in this document as 'the Schools' HR Team'.
5. Whilst the County Council has overall responsibility for the promotion of good health amongst all its employees, for school employees this will be exercised in practice through the governing body and the Headteacher.

## **The Role of the Governing Body and Headteacher**

6. With the assistance of the Schools' HR Team, the Governing Body and Headteacher will take day-to-day responsibility for the proper management of sickness absence amongst the employees in the school and will work in partnership with the staff to provide a supportive environment when an employee's health affects their work or vice versa. They will act positively by encouraging attendance, identifying any underlying issues and looking for solutions. Systems of work will be developed which will help to minimise ill health and consequent sickness absence, these will include: the identification of areas of high absence; well-designed jobs; risk assessments; appropriate workloads; good health and safety standards; proper

recruitment, induction and training of employees; effective communication with employees; and a reasonable working environment. An introduction to this policy will be part of employees' induction and line managers' training. Copies of the policy will be made available to all employees.

7. Employees' sickness will always be dealt with in a confidential and sensitive manner.
8. Headteachers and governing bodies will ensure that any decision regarding action in individual cases is made on an entirely objective basis. In order to ensure consistency, this procedure sets out levels of absence which will automatically trigger consideration of further action, however, individual circumstances will be taken into account before any such action is taken.
9. Where medical advice would be beneficial, an employee who is unable to perform his/her full duties due to illness may be referred to the Occupational Health Service (see Annex 1 for the referral form) for a medical report at any time and particularly where persistent short-term or longer-term health problems have been identified, where an employee is absent for a continuous period of one month or upon the expiry of sick pay. Full discussions will take place with the employee before the referral. Such referrals are intended to inform both the employee and the school of the best way to promote a return to good health and fitness for work, as far as is reasonably practicable.
10. In any case where an employee cites work as the cause of ill health such as work-related stress or injury at work, to comply with the employer's duty of care and other health and safety responsibilities, early discussions will take place with the employee. A referral to Occupational Health (see Annex 1 for the referral form) must be made as soon as the manager is made aware of the reason for the absence.
11. An individual employee can contact the Occupational Health Service direct for advice (on 01865 815421). Any such self-referrals will be dealt with in total confidence.

### **The Role of the Employee**

12. Each employee has a responsibility to attend work every working day unless s/he is prevented from doing so by illness. Absence from work gives rise to reduced standards of service and operational difficulties. It can also put additional pressure on colleagues.
13. When an employee is prevented from attending work due to illness he/she must notify his/her manager or other nominated person by telephone as soon as possible, in accordance with the school's agreed procedure.

### **Abuse of the Sickness Absence Scheme**

14. If there is evidence of any abuse of the sickness absence scheme at any point by any employee, the matter will be dealt with under the school's Disciplinary Procedure.

## **Sickness during Disciplinary/Capability Procedures**

15. If an employee subject to the Disciplinary or Professional Capability Procedure, becomes ill once action has been initiated, action will be temporarily postponed, if the sickness absence is supported by a medical certificate. If it appears that the absence is likely to continue for more than a week or occurs more than once, consideration should be given to referring the employee to the Occupational Health Service for further advice to all parties. It is possible that professional capability proceedings could be continued if they have reached a stage where the absence of the employee would not significantly affect the outcome. However, in most cases, monitoring and assessment under the capability procedure needs to be based on evidence of performance at work, which clearly requires the employee to be back at work.

## **Raising Concerns and Seeking Advice**

16. If an employee feels s/he has been treated unfairly in respect of sickness monitoring and management procedures, s/he is entitled to raise the matter under the school's agreed Grievance Procedure. Where disciplinary action has been taken against an employee as a result of sickness absence monitoring and management, the employee has the normal right of appeal against this action as set out in the disciplinary procedure.

## **Headteachers**

17. The procedure may be adapted to apply to the Headteacher, by substituting "the Chair of governors, or other designated governor" for "the Headteacher", throughout.

## **The Procedure**

18. **Throughout the procedure, the Director for Children, Education and Families will discharge his/her responsibilities via the Schools' Human Resources Team in Customer Services, referred to in this document as 'the Schools' HR Team'.**
19. **This procedure will be operated in accordance with the employment provisions of the Equality Act 2010. If it is apparent that the sickness absence in question may result from a disability which falls within the terms of that Act, the Headteacher will seek advice from the Schools' HR Team before deciding whether to request a report from the Occupational Health Service.**

## **Notification of Absence**

20. When an employee is unable to attend work because of sickness s/he will notify the school in accordance with the school's agreed procedure (Annex 2).
21. If an employee does not attend for work and if the school has not heard from him/her or someone on his/her behalf, attempts should be made to contact the employee to ascertain his/her safety.

22. The school will operate an accurate and confidential system for recording all sickness absences, in accordance with County Council and legal requirements and will notify the payroll team of the start and end dates of all absences.
23. If the absence is due to an accident at work or work-related ill health, this must be clearly indicated on the sickness/absence notification form. If the absence is due to an accident at work an accident report form, AR1 must also be completed as soon as is practicable and sent to the Health & Safety Section in Customer Services.

### **Contact during Sickness Absence**

24. During any period of sickness absence the employee's manager should maintain regular contact with the employee to enable him/her to keep in touch with the school. The method, amount and frequency of contact will depend upon the circumstances of the absence. Managers should always be sensitive to the wishes of the employee.
25. The employee also has a responsibility to keep his/her manager informed and to provide medical certificates in accordance with the school's agreed procedure.

### **Return to Work**

26. When an employee returns from any period of sickness absence, his/her manager will contact the employee promptly to welcome him/her back to work and give him/her the opportunity to discuss any personal or health issues which may impact on his/her work. The manager and the employee should consider any issues which may have longer-term implications. Notification of the return to work will be sent to the payroll team as soon as possible.
27. When an employee returns to work after a long absence due to sickness, it will be necessary to discuss with the employee whether any special support measures are needed. The Occupational Health Service will advise on and monitor any such arrangements.
28. Where the Occupational Health Service advises that a phased return to work would be helpful to the employee, or the employee requests it, the school will give this sympathetic consideration, taking into account whether it would be practicable and affordable. If a phased return is agreed, the timescale for a return to full duties will be planned in advance. In most cases, a phased return to full duties will be agreed for a 4-6 week maximum period without normal full pay being affected. Alternatively, a temporary reduction in working time may be agreed to allow a longer period to be used to aid a return to full duties. If a temporary reduction is agreed, salary will only be paid for the actual time worked.

## Frequent Short-Term Absences Causing Concern

29. Further measures will be considered when the following levels of absence are reached:

In any rolling 12 month period:

either 5 or more separate periods of sickness absence,  
or a total of 10 working days' sickness absence

Note: if the employee works part time the total number of days' sickness absence should be adjusted to reflect the number of actual days normally worked in the period.

30. Where one of these levels has been reached, the Headteacher or other senior manager will meet with the employee and her/his representative if desired, to consider the circumstances of the case, as follows:

- whether any aspect of the job may be affecting the employee's health
- the frequency and duration of the absences
- the reasons for absence
- the total amount of absence
- the nature of duties undertaken
- the effects of the absence on service provision
- the outcome of any previous reviews and any previous action taken
- any other relevant considerations, particularly those put forward by the employee

31. The Headteacher or senior manager will discuss with the employee what help might be appropriate and available to assist with a return to full health and fitness and to improve the level of attendance. A note of the discussion will be kept on file and a copy sent to the employee.

32. The Headteacher or senior manager will refer the employee to the Occupational Health Service (see Annex 1 for the form) if the absence record appears to indicate an underlying medical problem and will send a copy of the referral to the Schools' HR Team for information. The Occupational Health Service will be asked to give advice on any measures which may be taken by the school to help the employee maintain reasonable attendance.

33. In all cases where referral to the Occupational Health Service is not indicated, the employee will be informed in writing that his/her level of absence is considered to be unsatisfactory, that further monitoring of absence levels will take place over a specified period and that further action may result.

34. In all cases covered by paragraphs 32 and 33 above, the employee will be notified that they have entered **Stage 1** of the formal absence policy (see paragraph 36 below). Progressive review meetings will be held and the employee's attendance record will be considered at each stage. If this record has improved sufficiently, at any stage, the employee will be informed that no further action will be taken at this time.

35. If the employee's attendance record continues to cause concern and the **Stage 3 Review Meeting** is reached (see paragraph 36 below), the meeting will be conducted by the Headteacher in accordance with the sub-paragraph beginning 'End of Stage 3'.

### Long-term Sickness Absence

36. Note: Where medical advice would be beneficial an employee may be referred to the Occupational Health Service (see Annex 1 for the form) for a medical report at **any** time. Action should be taken in line with medical advice from the Occupational Health Service. The timings below provide a series of deadlines by which action should be taken.

#### From 1<sup>st</sup> day of absence

As soon as possible after Day 1

Where the Sickness Notification Form shows that the absence is due to a work related illness such as work-related stress or injury at work the Headteacher or other senior manager will refer the employee to the Occupational Health Service, in accordance with paragraph 10. The Headteacher or other senior manager will send a copy of the referral to the Schools' HR Team for information.

1 month Where the Sickness Notification Form shows that the absence is due to stress, anxiety or depression the Headteacher or other senior manager will write to the employee advising that s/he contact the Occupational Health Service, and his/her trade union. The Headteacher or other senior manager will send a copy of the letter to the Schools' HR Team for information.

2 months In all other cases, the Headteacher or other senior manager will write to the employee, advising that s/he contact the Occupational Health Service and his/her trade union. The Headteacher or other senior manager will send a copy of the letter to the Schools' HR Team for information.

3 months If the Headteacher or other senior manager has not already done so s/he will make contact with the employee to discuss the situation and will refer the employee to the Occupational Health Service (see Annex 1 for the form) and send a copy of the referral to the Schools' HR Team for information. The Headteacher or other senior manager will write to the employee to confirm the outcomes and that s/he has entered **Stage 1** of the formal absence procedure.

5 months **End of Stage 1.** The position will be reviewed by the school with the employee taking into account the most recent medical advice from the Occupational Health Service. A decision will be taken in accordance with one or more of the following options:

- ◆ to embark on a phased return to work

- ◆ no further action is needed as the employee is returning to work
- ◆ to adapt the job in accordance with the Equality Act
- ◆ to notify the employee that, as s/he is still absent, **Stage 2** of the formal absence procedure has been entered.

7 months **End of Stage 2.** The position is reviewed by the school.

If the employee is still absent, the Headteacher or other senior manager will write to notify him/her that a review will take place in five working days' time and ask the employee to attend or to give her/his views in writing. In particular, the employee will be asked what support would be needed to enable him/her to make a successful return to work.

In reviewing the position the employee's views will be considered and a decision will be taken in accordance with one or more of the following options:

- ◆ to embark on a phased return to work
- ◆ no further action is needed as the employee is returning to work
- ◆ to adapt the job in accordance with the Equality Act
- ◆ If the review concludes that a return to work is not possible at this point, the employee will be notified that s/he has entered the **Stage 3 Review** period.
- ◆ Whether further advice is needed from the Occupational Health Service

9 months **End of Stage 3.** A Review Meeting will be conducted by the Headteacher or other senior manager with the employee and/or her/his representative. The Headteacher or other senior manager will write to notify the employee that a review will take place and invite him/her to attend. At least five working days' notice will be given.

In most cases a recent report from the Occupational Health Service will be needed and should be requested in good time for the review meeting, see paragraphs 37-39. After considering any advice from the Occupational Health Service or other health professionals, along with the discussion at the meeting, a decision will be taken as follows:

either to extend the review period  
or to embark on a phased return to work  
or that no further action is needed as the employee is returning to work  
or to consider redeployment within the school  
or to adapt the job in accordance with the Equality Act  
or some other appropriate action  
or to recommend that the employee should be dismissed with notice in accordance with procedures (see Important Note (i) below) set out in 'Dismissal Procedure' in this document.

Important Notes

- (i) Where dismissal is likely to be considered, advice must be sought from the Schools' HR Team.
- (ii) If the employee has fewer than 200 working days' entitlement to paid sickness leave in the case of a teacher and one year in the case of a member of the support staff, the Stage 3 Review and subsequent action may be brought forward.
- (iii) Throughout this procedure, reference to "a month" means a calendar month, eg 3 April to 3 May.

37. If it appears likely that the employee is unable to perform his/her duties for the foreseeable future (normally regarded as three months) because of ill health, the employee will be referred by the Headteacher or other senior manager to the Occupational Health Service. A copy of the referral will be sent to the Schools' HR Team for information. The Occupational Health Service will be asked for a report on the likelihood of the employee being fit to return to his/her duties within the next three months; or whether any adaptations should be considered to support a return to work; or whether redeployment should be considered; or whether consideration for early retirement on the grounds of ill health is appropriate.

38. If the advice is to consider making adaptations or to redeploy this will be discussed with the employee. If this would involve redeployment to another school, the Schools' HR Team will consider making a recommendation to the Governing Body and the employee will be referred to the Job Finders service

39. Where an employee is confirmed by the Occupational Health Service or his/her doctor as not likely to be fit to satisfactorily perform the duties of his/her current post within three months, or if early retirement on the grounds of ill health is recommended, advice should be sought from the Schools' HR Team.

### **III Health Retirement**

#### Members of the Teachers' Pension Scheme

40. If the employee is a member of the Teachers' Pension Scheme and applies with the support of the Occupational Health Service to the pension scheme for early retirement on grounds of ill health then, following discussion, this process will usually be considered first and other action held until the outcome of the application is known. If the application is successful the effective date of early retirement will be agreed with the teacher and employment will end. This is deemed to be a resignation.

41. If a teacher's application for early retirement on the grounds of ill-health is not successful then other options including dismissal on the grounds of incapability through ill health will be considered and the procedure set out below will be followed.

#### Members of the Local Government Pension Scheme

42. If the employee is a member of the Local Government Pension Scheme and ill health retirement is recommended by the Occupational Health Service, a decision to accept the recommendation for the Ill Health pension to be paid; and to end employment on the grounds of ill health must be made.

43. It is recommended that the Governing Body delegates the decision to dismiss to the Headteacher in the event that an Ill Health Retirement recommendation certificate is received. The Headteacher can then conduct a formal meeting with the advice of the Schools' HR team at which the recommendation for Ill Health Retirement from the Local Government Pension Scheme and dismissal can be considered. The member of the support staff will have a right of appeal against any decision taken at this meeting.
44. If a member of the support staff holds more than one post either within one school or in more than one school a separate recommendation and decision will need to be reached for each post.
45. If early retirement on the grounds of ill health is not recommended then other options including dismissal on the grounds of incapability through ill health will be considered and the procedure set out below will be followed.

### **Dismissal Procedure**

46. Any proposal to dismiss a teacher on grounds of incapability through ill health must involve the Director in accordance with Section 7 of the Education (Teachers Qualifications and Health Standards) Regulations for school-based teachers
47. Any decision for any member of staff will always be made in consultation between the relevant Governing Body and the Director's representative (the Schools' HR Team) and any decision to dismiss will be made by a panel of the Governing Body; except in the case of support staff in the Local Government Pension Scheme where a decision has been made by the Governing body to delegate the decision. (see para 43)
48. The employee will be invited to a formal meeting. A member of the Schools' HR Team will attend the meeting to advise. The employee will be given at least five working days' written notice of the meeting, the intention being to agree a mutually convenient date. The employee will be notified of his/her entitlement to be accompanied by a trade union representative or friend, who will usually be a colleague, at the meeting, or to present a written submission if s/he does not wish to attend in person. If the employee has special needs regarding transport or location these will be given favourable consideration.
49. Prior to the meeting the employee and members of the panel will be given copies of any relevant written information that will be used to consider the decision. This will normally include:
  - A report summarising the ill health record and the sequence of events leading up to the decision to convene the formal meeting
  - A chronology of key issues/events relating to the health of the employee
  - Details of any adaptations or support with relevant dates
  - Referrals to the Occupational Health Service
  - Advice received from the Occupational Health Service
  - Notes of any meetings that have been held with the employee
  - Details of any consideration given to redeployment including outcomes
  - Summary of the impact of the absence on the school
  - Copy of this procedure
50. The employee will also be advised that s/he can submit additional medical

evidence and/or be accompanied by a medical practitioner if s/he gives sufficient advance notice.

51. The employee (and/or his/her representative) and the Headteacher will be given the opportunity to put forward their case, and to question each other. See Annex 2
52. A decision on the appropriate action to take as a result of the meeting will be taken with advice from the Schools' HR Team.
53. The outcome of the meeting will be confirmed in writing within five working days of the meeting, giving detailed reasons and reminding the employee that s/he has a right to appeal. If the decision is to dismiss formal notice of the dismissal will be given in accordance with the employee's contract of employment.
54. An employee who has been dismissed under this procedure has the right to appeal against the decision to an appeal panel of the governing body. S/he should give written notification of his/her intention to appeal within ten working days of the receipt of the written notification of dismissal.
55. Nothing in this procedure detracts from an individual's right to make a complaint to an Employment Tribunal under current legislation.

### **Review of the Procedure**

This Procedure will be reviewed three years from the date of its adoption.

### **Other Relevant Policies and Policy Statements**

Aids and Employment: Policy Statement  
Alcohol and Other Drugs  
Assaults on Staff  
Dignity at Work  
Disciplinary Procedure  
Emergency and Special Leave  
Stress at Work

Revised January 2015

## Referrals to Occupational Health Service or Staff Care Service

Referral Type	Tick box (or mark Y)	Date of referral	OFFICE USE ONLY	
			Appointment date	Entered on database
Occupational Health - 01865 815421				
Staff Care – 01865 815505				

Referred employee details OR self-referral details		
Surname	Forename(s)	
Job title	Gender	Date of birth
Directorate	Service	Team
Home address	Work address	
Personal email address (not work).	Private mobile number (preferably) or home number	<i>We <b>must</b> have a private number to contact the employee directly and a personal email address for confidentiality of appointments and reports.</i>
	Can we leave a message on this number?  YES / NO	

Staff Care referrals – how soon do you need to be seen?
<input type="checkbox"/> 1. Critical incident - within 3 working days <input type="checkbox"/> 2. High – within 5 working days <input type="checkbox"/> 3. Medium – within 12 working days <input type="checkbox"/> 4. Low – within a month

Please provide as much information as possible outlining the reason for the Staff Care referral

Referrer / manager details (If you are referring yourself leave this blank)		
<b>Managers only: what date was the referral discussed with the employee?</b> <b>Please note that we cannot contact the employee until they are aware of the referral.</b>		
Surname	Forename(s)	
Job title	Phone number	
Directorate	Service	Team
Postal address		
<b>All reports will be emailed to the referring manager (unless notified) and appropriate HR team</b>		

**Background information for Occupational Health referrals only**

Is the employee currently on sick leave, if so how long and for what reason?

Please state any specific questions you would like addressed in the occupational health report returned to the referring manager

Any other information –

**For Occupational Health referrals the employee must fill in the consent form**

**Occupational Health Referral Employee Consent Form**

**1. I understand and fully consent to the reason for my referral to Occupational Health.**

**2. I understand that I will be contacted directly to make the appointment by my preferred method of contact which is:**      Email       Phone

Date	Signature – (email is acceptable, if sent by post a signature is required)
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**Once you have completed the referral please email to:**

[Occupational.health@oxfordshire.gov.uk](mailto:Occupational.health@oxfordshire.gov.uk) or [staffsupport@oxfordshire.gov.uk](mailto:staffsupport@oxfordshire.gov.uk)

**Parking and travel to the Occupational Health Service**

Due to parking restrictions at County Council locations in central Oxford we advise you to walk, cycle or use the park and ride or train. However, if you have mobility problems please do not hesitate to contact us and we will do our best to accommodate you.

Useful web links for travel into Oxford – [www.parkandride.net/oxford](http://www.parkandride.net/oxford) or [www.oxfordcity.guide.com](http://www.oxfordcity.guide.com)

**Cancellation Policy**

For both Occupational Health and Staff Care we aim to give an efficient, prompt and sensitive service. In order to do this it is important that you attend your appointment on the day and the time notified to you.

**Occupational Health only**

If you cannot attend the appointment then you need to contact Occupational Health as soon as possible. The full cost of the appointment will be payable in the event of non-attendance unless exceptional circumstances apply. An invoice will be raised, or a recharge will be made against the relevant cost centre for the referring directorate / school / organisation as appropriate. For non attendance your manager will be notified and will consider what further action should be taken. A management referral to Occupational Health is in line with National Terms and Conditions of Service and the Council’s HR policies.

We look forward to meeting you.

**If you wish to speak to an Occupational Health advisor please ring 01865 815421 to arrange.**

## **Larkmead School Procedures for Notification of Absence**

- On the first day of sickness the employee is to notify their line manager<sup>1</sup> as early as possible that they are unable to attend work on health grounds and, if possible, give an indication of the likely duration and nature of their sickness. A telephone call from the employee, or a relative or friend will be sufficient. If they are likely to be sick for more than 3 calendar days the employee is to request an OCC 'self-certificate' from the School Office. This form is an OCC form (coloured pink) and replaces those available from doctors' surgeries.
- Once aware of the employee's absence due to sickness, the employee's line manager is to notify the school Finance Manager of the absence and anticipated date of return to work, which will in turn be entered into the confidential system for recording all sickness absences, in accordance with County Council and legal requirements.
- If the employee is unable to return to work on the 4<sup>th</sup> calendar day they are to notify their line manager again, and complete and return the OCC 'self-certificate' to their line manager, who is to note the detail and pass the 'self-certificate' to the Finance Manager. The 'self-certificate' is to arrive with the Finance Manager no later than the 8<sup>th</sup> calendar day of sickness.
- If the employee is sick for more than 7 calendar days, they are to visit their doctor and obtain a doctor's statement. This is to be sent to the employee's line manager as soon as possible. The employee is to ensure that they are covered by doctors' statements for the full duration of their sickness beyond 7 days.
- If the absence is due to an accident at work or work-related ill health, this must be clearly indicated on the sickness/absence notification. An accident report form, AR1 must be completed as soon as is practicable and sent to the Health & Safety Section of the Learning & Culture Directorate.

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<sup>1</sup> For teaching staff, the cover manager is deemed to be the line manager for the initial reporting of sickness. Should the line manager not be contactable then a message is to be left with the school requesting that the employee's line manager be informed at the earliest opportunity.