



## 08.1 (a) – Sickness Absence Management Policy

### For Schools

(Policy Agreed with All Recognised Trade Unions)

HR Consultancy

April 2021

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# Sickness Absence Management Policy

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## 1. Introduction

- 1.1 The school is committed to supporting achieving high levels of attendance for all employees and will establish effective procedures for promoting health and managing absence.
- 1.2 It is understood that there will be occasions where staff are unable to attend work due to illness and in these circumstances, appropriate support will be provided to staff. There is no expectation that employees will attend work when unfit to do so. However, there is a reasonable expectation that staff will provide regular and reliable service.
- 1.3 This Policy is based upon the ACAS code of practice, incorporates relevant legislation and should be read in conjunction with the Sickness Absence Management Procedure and Guidance documents. It has been agreed following consultation with recognised trade unions and has been adopted by the Governing Body. The Policy is non-contractual and provides a framework for dealing with issues when circumstances arise.

## 2. Purpose

- 2.1 The purpose of this Policy is for the school to create a supportive environment for maintaining employees' well-being and managing sickness absence in the fairest way; to ensure consistency of treatment and compliance with relevant legislation such as the Equality Act, and to help minimise problems and concerns which may arise, both for the school and employees.
- 2.2 It is important to ensure that **all staff** (teaching and support) are aware of the policy and procedures and that they are covered in the induction of new employees.

## 3. Scope

- 3.1 This Policy and corresponding Procedure will be applied taking account of all available information.
- 3.2 This Policy and Procedure applies to all **<Name of school>** employees, except for non-teaching staff in their probation period.
- 3.3 Please refer to the Probation Policy and Procedure and Sickness Absence Management Guidance for staff in their probation period.

## 4. Equality and Diversity

- 4.1 Equality and diversity underpin all of the school policies and practices and absence will be managed in accordance with the Equality Act 2010. The school promotes

equality of opportunity and values diversity among its employees. The potential equality impact of this Policy has been assessed.

## 5. Responsibilities

- 5.1 In summary, school leaders will be responsible for promoting an attendance culture and healthy working environment within school and for managing absence fairly and consistently, establishing appropriate procedures and practices.
- 5.2 Employees have responsibility to:
- attend work if fit to do so;
  - raise any concerns in a timely manner;
  - attend meetings and medical/OH appointments as required;
  - comply with notification procedures and conditions of the sick-pay scheme;
  - take appropriate steps to maintain their health and well-being; and
  - keep in touch with the school, providing timely updates.
- 5.3 HR advice can be sought when necessary at any stage, as early as possible. Medical advice will be sought when appropriate to ensure decisions are based on informed decisions either from an Occupational Health provider and/or an employee's General Practitioner/specialist.

For detailed list of responsibilities for all parties please see Procedure.

## 6. Definitions

- 6.1 **Long-term sickness absence:** typically, of 4 weeks or more continuous absence related to an underlying cause or specific medical condition, which may fall under the Equality Act.
- 6.2 **Short-term sickness absence:** repeated absences of short duration (i.e. between 1 and 28 days), often self-limited illnesses and not necessarily related causes. Please note there may be an underlying cause and the absences may be linked to disability.
- 6.3 **Reoccurring sickness absences:** a repeated cycle of long-term sickness absence followed by either short-term sickness absences or by several weeks/months full attendance, this and the overall level of absence may be taken into consideration under either procedure.
- 6.4 **Pregnancy-related sickness absence:** any illness that occurs as a result of a woman being pregnant, including post-natal depression.
- 6.5 **Work-related stress:** prolonged and excessive pressures attributed to work. Stress is not an illness in itself, although it can manifest itself in mental and/or physical illness.

## **7. Key Principles**

- 7.1 Headteachers and Governing Bodies are entitled to expect a high level of attendance from all employees.
- 7.2 Good attendance is valued and should be acknowledged; management style/working environment should support this.
- 7.3 Raising attendance issues with a member of staff does not imply mistrust.
- 7.4 Fairness is ensured to each employee absent for authorised or unavoidable reasons, to the interests of the school in terms of its overall effective performance and to all other staff within the school.
- 7.5 Absence issues should be handled promptly, sensitively and confidentially. It is recognised that information relating to an employee's health is personal and must be treated as confidential. Discussing an employee's attendance with HR or OH does not constitute a breach of this confidentiality.
- 7.6 All staff should be treated fairly, consistently and in a non-discriminatory manner.
- 7.7 Preventative measures should be adopted where possible to promote health and minimise absence – see section 8.
- 7.8 In cases of recurrent absence, either short or long-term, the overall level of absence will be taken into account and prompt action is likely to be taken under the relevant procedure. Employees will be reminded of this.
- 7.9 Employees who become disabled during their employment should be given assistance to continue in their employment, in accordance with the Equality Act.
- 7.10 Headteachers and Line Managers should be trained and updated regularly to manage health issues effectively and ensure compliance with policy and legislation.

## **8. Prevention**

- 8.1 The school will aim to reduce the level of sickness absence through a combination of preventative measures, early intervention and proactive management and support, for example:
  - effective recruitment and monitoring during induction periods;
  - access to counselling services if appropriate;
  - family friendly policies and flexible work patterns;
  - risk assessments to identify workplace health hazards;
  - monitoring absence;
  - health promotion/work-life balance initiatives;
  - seeking timely medical advice.

For further reference, see the Guidance and School's Well-being Policy and guidance.

- 8.2 When there are genuine concerns about an individual's health (mental or physical) but they are still attending work, medical advice can be sought, although this should be discussed with the employee.
- 8.3 Employees should be encouraged to promote their own health/prevent illness. Employees can approach their Headteacher/line manager in confidence, who may consider an OH referral.

## 9. Situations to Note

### 9.1 Stress

The school recognises its duty to assess the risk of stress-related ill-health arising from work activities and take measures to control that risk. For further details please refer to the Stress Management Policy and guidance for schools on [Managing Work Related Stress](#).

### 9.2 Pregnancy

- 9.2.1 The school recognises that staff must not be subjected to unfair treatment at work because of pregnancy, including management of any pregnancy-related sickness absence and should obtain advice from HR Consultancy for Schools if necessary.
- 9.2.2 Once notified that an employee is pregnant, the school will undertake a risk assessment and consider any adjustments/alternative duties. Return to work discussions will be carried out, as with all staff, following any periods of pregnancy related sickness absence.

### 9.3 Injury/Industrial Injury

- 9.3.1 Where sickness absence is as a result of an industrial injury, it should be recorded as such.
- 9.3.2 Sick pay entitlement where absence is due to industrial injury is subject to the provisions of the relevant Conditions of Service (Burgundy and Green Books).
- 9.3.3 Where the absence is linked to an injury sustained outside work in circumstances where the employee may have a claim for damages against a third party, the school will seek to reclaim any sick pay monies from successful claims. Employees will be advised to ensure that an element for loss of earnings is included in any claim.

### 9.4 Disability

In accordance with the Equality Act 2010, the school will make **reasonable** adjustments wherever possible of the working arrangements and environment to accommodate an employee who is/or becomes disabled. For example, considerations of reduced hours, flexible working, phased returns and raising trigger points/discounting some disability related absence. See Guidance.

### 9.5 Terminal Illness

- 9.5.1 The school will deal with terminal illness sensitively. Early consideration will be given to undertaking a workplace risk assessment to ensure all reasonable adjustments, including alternative duties, are explored to allow the employee to continue at work if appropriate.

9.5.2 Where the employee is a member of the Local Government/Teachers' Pension Scheme they should be advised to contact Pensions to ensure they are fully aware of options available.

## 9.6 **Medical Appointments**

9.6.1 As far as possible, it is expected that routine appointments should be made outside normal working time, or outside core working time where covered by flexible working arrangements. Specialist, particularly hospital appointments may need to be an exception to this.

9.6.2 If absence is necessary during normal working hours, it should be authorised by their Headteacher/line manager ahead of the appointment time, with sufficient notice to arrange cover. There should be agreement to make up the lost time where possible and where not, leave should be paid (normally **up to 3 days** per school year). Otherwise, time out will be unpaid. Absence for attending medical appointments will be recorded as such and not as sick leave.

9.6.3 In cases of medical/dental emergency, the employee should contact their Headteacher/line manager as soon as possible and will be allowed sufficient paid leave to receive appropriate treatment.

9.6.4 If a member of staff has a disability, the frequency of necessary medical appointments may exceed the suggested maximum number of days. The school recognises its responsibilities under the Equality Act and the need to consider paid leave where appropriate.

9.6.5 If it becomes necessary to attend regular routine appointments not linked to disability, alternative working arrangements, either temporary or permanent, must be considered which enable such attendance outside normal working hours.

9.6.6 Pregnant employees have the right to take time off for appointments made on the advice of GP/midwife for the purpose of ante-natal care. See also 'Leave of Absence and Special Leave Guidance' regarding rights for time-off for partners attending ante-natal appointments.

9.6.7 If a medical appointment is linked to a national screening programme or Occupational Health referral or required because of service needs (for example Hepatitis B vaccination in high risk jobs) paid leave may be granted for an appointment during working hours.

9.6.8 Where an appointment is necessary for minor surgery or invasive investigations (non-elective) paid leave should be granted.

9.6.9 If following medical appointments an employee is unable to attend work due to sickness, the whole period will be recorded as sickness absence and normal procedures apply.

## 9.7 **Cosmetic Surgery**

9.7.1 Time off to receive cosmetic surgery that relates to a medical condition and is supported by a medical certificate will be treated as sick leave. Any



pre-appointments should be dealt with as other medical/dental appointments – see 11.

9.7.2 However, if the employee elects to have cosmetic surgery for other reasons, for example, a face-lift, this should take place during school holidays (term-time only staff) or as unpaid or annual leave (non-term-time only staff).

9.7.3 In the event that such treatment results in the employee becoming unfit for work, the usual sickness absence provisions apply, including the procedure for certification.

#### 9.8 **IVF treatment**

Reasonable time off will be considered for employees undertaking fertility treatment. This may include time off for tests, appointments and operations. There is no requirement for such time off to be paid; agreement should be reached between the school and employee on how absence will be managed. If an employee becomes ill following IVF treatment, normal sickness absence rules will apply. For any subsequent pregnancy-related absence see 9.2.

#### 9.9 **Headteacher Absences**

When a Headteacher is absent from work for medical reasons he/she should notify their workplace and Chair of Governors that they are unable to attend for duty due to illness. The Chair of Governors should manage the absence and agree contact/return to work arrangements.

### 10. **Notification and Certification of Absence**

10.1 All employees must notify the school of their sickness absence, the reason and the likely duration, as soon as possible, in accordance with the Sickness Absence Management Procedure and any local school's notification procedures.

10.2 If an employee fails to notify the school without good reason, this may result in disciplinary action and/or loss of sick pay.

10.3 Both the school and employee should maintain contact during absence. It is expected that the employee will keep the school updated on the nature and duration of their absence and provide timely certification as necessary.

10.4 Employees must provide appropriate certification of absence. Self-certificate from day one up to 7 calendar days of absence. A medical certificate 'fit note' is required for absences of 8 calendar days or more.

10.5 Failure to produce a 'fit note' within one week of this being due without good reason may result in a loss of sick pay. Where such action is being considered, employees will be notified prior to any pay being withheld.

### 11. **Monitoring of Absence**

11.1 When dealing with absence, the school will make a distinction between absences on grounds of medically certified illness, both physical and mental, and those which

may call for disciplinary action. All unexplained absences will be investigated promptly and the employee asked to give an explanation. If, after investigation, it appears that there were no acceptable reasons for the absence the matter should be treated as a conduct issue and be dealt with under the disciplinary procedure.

- 11.2 When the absences are accepted as genuinely due to illness, the employee will be made aware of the expected improvement in attendance and advised of the likely consequences if this does not happen.

**11.3 Return to Work Discussion**

The school will aim to hold a Return to Work discussion with all employees as early as possible when they return from any period of sickness absence, regardless of the duration or nature of absence. This brief meeting (with the line manager) is to check that they are well, update them on anything that has happened in their absence, offer any support and clarify expectations. <Refer to Guidance>

**11.4 Occupational Health/further medical advice**

A referral to Occupational Health or further medical advice will be considered when dealing with any sickness absence/concerns; this will be for the school to arrange if they determine a referral is appropriate.

**12. Conduct During Absence**

- 12.1 If an employee is absent due to sickness, the expectation is that the employee will not engage in any activities which will not support their recovery. Employees should take steps to ensure they recover fitness and return to work as quickly as possible. This includes following medical advice.

- 12.2 Where an employee is off sick, they should not undertake any other private work without the express prior written agreement of the school and subject to appropriate medical advice (*reference Code of Conduct section 5*). Failure to do so may result in disciplinary action. Such work should not hinder the recovery of the employee for their work at school.

- 12.3 If an employee behaves in a manner inconsistent with the nature of their reported absence, such conduct may be challenged and further action may be necessary, such as seeking medical advice or consideration of disciplinary action.

- 12.4 Employees absent due to sickness are strongly discouraged from posting information about their social activities on social networking sites. They should be aware of the <insert name of school's Social networking policy> and mindful of the impact of any postings on their colleagues.

**13. Fitness to Return/Medical Suspension**

- 13.1 Following absences of more than a week, a medical certificate should be provided and should confirm that an employee is not required to see their GP again or that they are fit for work, taking into account certain advice.

- 13.2 If a member of staff intends to return to work following a period of sickness absence, having been assessed as fit by their own GP or not and the Headteacher has concerns that they are not yet fully fit, a second opinion from the Occupational Health provider or employee's GP can be sought.
- 13.3 In such circumstances the employee is likely to be encouraged to go home and make an appointment with their GP. If the employee refuses and there is such concern about their health that it is considered that they or the health, safety, welfare or education of others may be at risk, the Headteacher can **take emergency action** and consider medically suspending the member of staff. The same applies for employees who have remained at work but where similar concern exists. **In these circumstances HR Consultancy for Schools should be contacted for advice. Where appropriate an urgent appointment will be arranged for the employee to see an Occupational Health Adviser/medical adviser.**
- 13.4 If an employee is suspended in these circumstances, he or she will receive their full pay for the period of the suspension. This period will not be recorded as sick leave or count against their contractual sickness leave entitlement. The suspension may only be lifted by the Governing Body.
- 13.5 On receipt of medical advice, if the employee is fit to return the suspension should end immediately with the employee's agreed return to work date. If unfit to work, suspension should end and the whole period recorded as sickness absence which will then count against the employee's contractual sickness entitlement.

## 14. Link to other Policies and Procedures

### 14.1 Sickness and Disciplinary

- 14.1.1 Any formal disciplinary investigations will continue and the employee referred to the Occupational Health Adviser for advice about whether the employee, although not fit for work, is fit to attend an interview/hearing. If necessary, the formal procedures may be suspended with the agreement of all parties. However, where the employee is absent due to stress triggered by the disciplinary procedures, it may be recommended for the procedures to progress to remove the cause of stress.
- 14.1.2 Any delays to the normal disciplinary procedures caused by sickness absence should be communicated to all parties and interviews/hearings rearranged if necessary.
- 14.1.3 If an employee has been suspended during a disciplinary process and informs the school that they are ill, they should follow the normal sickness absence reporting procedures during their absence. Absence will be recorded as such and the employee will be paid as per their contractual sick pay entitlement until they are fit to return (regardless of whether their entitlement to sick pay has ended or not).
- 14.1.4 When an employee is declared fit to return to work (and not before), the Headteacher should consider whether the employee's suspension should be resumed or whether the employee should be allowed to return to work and should

be confirmed in writing. If the decision is to resume the original suspension, the employee will receive full pay for the ongoing period of suspension.

**14.2 Sickness and Annual Leave (non-term-time-only staff)**

Employees absent through sickness will continue to accrue annual leave entitlement during the leave year in question. Employees who are absent through long-term sickness may take annual leave while remaining absent from work and follow normal procedures for requesting annual leave. See Procedure for further details.

**14.3 Other Policies which may be linked** and should be referenced in conjunction with the Sickness Absence Management Policy:

- Stress Management and Well-being;
- Alcohol, Drugs and Substance Misuse;
- Capability;
- Probation;
- Leave of Absence;
- Maternity, Paternity and Maternity Support; and
- Flexible Working.

**15. Sick Pay**

15.1 Employees who are absent due to sickness are entitled to receive payment according to the relevant sick pay scheme for teachers or support staff. An employee's entitlement to contractual sick pay is as specified in **Appendix 1**.

**16. Pension Benefits**

16.1 If an employee is either a member of the Teachers' Pension Scheme or the Local Government Pension Scheme, they can obtain information about ill-health retirement and possible enhancements to pension benefits from the School Employee Services team who can also provide, at an employee's request, a confidential estimate of their pension benefits. The school will support applications as far as possible.

**17. Sickness Records/Data Protection**

17.1 All absences should be accurately recorded and reported to payroll providers promptly. All sickness records should be maintained on the employee's school personal file and held in accordance with data protection statutory compliance.

**18. Termination of Employment**

18.1 The school is committed to ensuring that all reasonable efforts are made to retain employees, however there are occasions where this may have been exhausted and the Headteacher/Governors must consider dismissal. This may occur where:

- the employee is permanently unfit to undertake the duties of their post or another suitable post;

- the employee is medically incapable of undertaking their duties and redeployment opportunities cannot be secured;
- the employee is unable to provide regular and reliable service and is unable to attend work sufficiently to fulfil their contract.

18.2 Where there is an underlying medical reason, dismissal will normally be for reasons of medical incapability. Notice on full pay will be issued where there is a decision to dismiss an employee for that reason.

## **19. Policy Review**

19.1 This Policy will be reviewed and adopted by Governors **<annually>**; next review due **<date>**.

## Appendix 1

### SICKNESS ALLOWANCES

Subject to the provisions of the relevant Conditions of Service, i.e. the Burgundy and Green Books, employees are entitled to receive contractual sick pay in any 12-month period on the following basis:

#### SUPPORT STAFF

- During 1st year of service - 1 month's full pay and after completing 4 months service 2 months half pay;
- during 2nd year of service - 2 months full pay and 2 months half pay;
- during 3rd year of service - 4 months full pay and 4 months half pay;
- during 4th and 5th years of service - 5 months full pay and 5 months half pay;
- after 5 years' service - 6 months full pay and 6 months half pay.

#### TEACHING STAFF

- During 1st year of service - full pay for 25 working days and, after completing 4 months' service, half pay for 50 working days;
- during 2nd year of service - full pay for 50 working days and half pay for 50 working days;
- during 3rd year of service - full pay for 75 working days and half pay for 75 working days;
- during 4th and successive years - full pay for 100 working days and half pay for 100 working days.

For the purposes of calculating allowances payable for teaching staff, the year will begin on 1st April and end on 31st March the following year.

- *Contractual sick pay irrespective of whether it is at full or half pay will be calculated to include actual salary and all contractual payments and allowances.*
- *Contractual sick pay for casual workers will be calculated the same as other school/ council employees using the average number of hours worked for the 13 weeks prior to the sickness episode start date as its basis.*

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