

# Guidance for Schools

## Managing Sickness Absence in Schools

## Management Guidelines

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### Short Term Sickness Absence Procedure

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## 1. INTRODUCTION

- 1.1 The purpose of this advice is to enable you 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.
- 1.2 Schools should be committed to supporting achieving high levels of attendance for all employees. Establishing a procedure for promoting health and managing absence will ensure that high morale and standards of teaching and learning are maintained when the continued absence of a colleague is encountered. The procedure must be:
- fair to each employee absent for authorised or unavoidable reasons
  - fair to the interests of the school in terms of its overall effective performance, and
  - fair to all other staff within the school.
- 1.3 The LA recommends that the following sickness absence policy and procedures are adopted by the Governing Body. 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. (Statement of Intent and Procedure Factsheet can be used for issue to employees.)
- 1.4 It is important:
- that advice is taken from HR Consultancy for Schools at an early stage if a staff absence problem is developing
  - to keep comprehensive absence records
  - to make it standard practice to chat privately with staff on their return after any illness
  - to keep documentation/notes of meetings/telephone calls and keep the employee informed during their absence
  - to seek medical advice when appropriate to ensure decisions are based on informed decisions
- 1.5 Medical Advice can be obtained from one or a combination of the following:
- An Occupational Health provider as contracted by the school.
  - An employee's General Practitioner/specialist.

## 2. KEY PRINCIPLES

- Headteachers and Governing Bodies are entitled to expect a high level of attendance from all employees; it is the responsibility of everyone to share a commitment to the management of absence.
- Good attendance is valued and should be acknowledged. Management style/working environment should support this.
- Raising attendance issues with a member of staff does not imply mistrust.
- Absence issues should be handled promptly, sensitively and confidentially be aware of any embarrassment which employees suffering from certain conditions may feel.
- All staff should be treated fairly, consistently and in a non-discriminatory manner
- Preventative measures should be adopted where possible to promote health and minimise absence.
- Employees who become disabled during their employment should be given assistance to continue in their employment, in accordance with the Equality Act.
- Headteachers and Line Managers should be trained and updated regularly to manage health issues effectively and ensure compliance with policy and legislation.

## 3. ROLES AND RESPONSIBILITIES

### 3.1 The Governing Body has responsibility:

- for promoting an attendance culture within school
- legally, for establishing rules and procedures for dealing with ill-health incapability, performance, discipline and dismissal of staff and taking an overview of management practice.

If other options have been exhausted and dismissal is necessary, a panel of Governors\* may hear the case and reach a decision. Governors may also be required to hear an appeal against dismissal.

**Please note – In procedural terms, there are potential dangers of Governors becoming too involved in individual cases of sickness absence. Please ensure that Governors only get involved in absence management at the appropriate stage as outlined within this policy.**

### 3.2 The Headteacher/Line Manager has responsibility for managing attendance/absence including:

- establishing a healthy working environment
- raising/exploring work-related issues
- taking specialist advice and liaising with HR as necessary
- advising employees not to work and seek advice if appropriate
- accurately recording and monitoring absence
- managing absence problems
- maintaining regular contact with absent employees
- managing impact on team/service delivery.

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\* or those with delegated powers of dismissal – See Annex I, II and III

### 3.3 Employees have responsibility for:

- attending work, unless unfit to do so
- taking appropriate measures to maintain their own health and safety
- raising any concerns with their Headteacher/Line Manager, particularly if they believe any aspect of their work is contributing to their ill-health, so that appropriate support/action can be taken
- seeking advice as necessary
- arranging attendance of their TU representative/colleague at any meetings and advising their Headteacher/Line Manager in advance of their representation
- attending any Occupational Health/medical appointments
- being familiar and complying with school's sickness absence and reporting procedures
- keeping in touch with their Headteacher/Line Manager during absence
- avoiding any activities whilst off sick, including other paid work, which would be detrimental to their return to work.

### 3.4 Occupational Health Providers and General Practitioners:

- provide advice on fitness of employees and health risks
- support employees to regain health and return to work
- advise on return to work/adaptations
- advise on adjustments for employees with disabilities
- liaise with medical professionals as necessary.

### 3.5 Human Resources:

- provide support and guidance to Headteachers/Line Managers on dealing with absence problems
- advise Headteachers/Line Managers, employees and their representatives on policy, procedures and best practice
- liaise with Occupational Health/medical practitioners, as appropriate
- attend meetings as necessary
- can provide training for Headteachers/Line Managers on absence management.

### 3.6 Trade Union (TU) Representatives:

- provide representation, support and advice to members.

## 4. **PREVENTION**

- 4.1 It is possible 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 advice medical advice in a time appropriate fashion.

- 4.2 There may be occasions, due to deteriorating performance or uncharacteristic behaviour, when there are concerns about an individual's health (mental or physical) but they are still attending work. The Headteacher/Line Manager does not have to wait until someone is absent before seeking medical advice or referring them to the Occupational Health provider, although this should be discussed with the employee.
- 4.3 Employees should be encouraged to promote their own health/prevent illness. Employees can approach their Headteacher/Line Manager in confidence, who may then request a referral to the Occupational Health provider. For Occupational Health referrals this is done by contacting HR Consultancy for Schools. (See Appendix E)

## 5. COUNSELLING

- 5.1 A referral for counselling may be useful when an employee's psychological ill-health is impacting detrimentally on their ability to work effectively. If a school wishes to utilise counselling services this is done via a referral to the Occupational Health service. This can be arranged by contacting HR Consultancy for Schools. Please contact a Human Resources Adviser for further details of the services available and relevant charges.
- 5.2 Confidential counselling is also available for teachers from the Education Support Partnership (previously known as Teacher Support network) on its Employee Assistance Programme - 08000 562 561 (24 hours a day). ([www.educationsupportpartnership.org.uk/about-us](http://www.educationsupportpartnership.org.uk/about-us))

## 6. SITUATIONS TO NOTE

### 6.1 Stress

- 6.1.1 At some time most people will have work or other pressures and the body can adapt to cope with these short episodes. However, when there is prolonged and excessive work or other pressures the physiological changes can cause chronic ill health. This is known as stress and can manifest itself in mental and / or physical illness.
- 6.1.2 Headteachers/Line Managers have a duty to assess the risk of stress-related ill-health arising from work activities and take measures to control that risk. As an employer, you are entitled to assume that an employee is able to cope with the normal pressures of their role unless you are aware of something particular about their job or the individual which would lead you to consider there was a risk to their psychiatric health. Thus, it is important that risk assessments take place and risk factors are managed effectively. For further details please refer to guidance for schools on [Managing Work Related Stress](#).



6.1.3 Return to work meetings and, where necessary, sickness absence monitoring meetings should be used to discuss any concerns raised by the employee which may have their roots in work. Managers should try to identify if stress is an issue and then work with the employee to find ways to deal with this. Appropriate support for an employee who is suffering from work-related stress could include (the list is not exhaustive):

- temporary or permanent redefinition of work priorities and reallocation of duties
- temporary or permanent reduction/change of hours
- referral for counselling/other support as appropriate additional training
- providing additional supervisory support.

Managers may also wish to consider temporary/permanent adjustments where an employee is suffering from non work-related stress.

## **6.2 Pregnancy**

6.2.1 Pregnancy related sickness is defined as any illness that occurs as a result of a woman being pregnant, including post-natal depression. Pregnancy related sickness absence will be recorded in the normal manner.

6.2.2 Once notified that an employee is pregnant, the Headteacher/Line Manager should make the necessary arrangements to undertake a risk assessment and ensure any reasonable adjustments are made/alternative duties considered.

6.2.3 A return to work meeting should be carried out following all episodes of pregnancy related sickness absence, as with all absence.

6.2.4 Headteachers/Line Managers should note that employees must not be subjected to unfair treatment at work because of pregnancy and should obtain advice from HR Consultancy for Schools if necessary.

[Maternity Leave for Teachers](#)

[Paternity Leave, Paternity Leave \(Adoption\) and Maternity Support Leave](#)

## **6.3 Injury/Industrial Injury**

6.3.1 For every episode of sickness absence the employee must declare whether the absence was as a result of an industrial injury. If so, the Headteacher/Line Manager must ensure the Accident Book and RIDDOR form are completed. The episode should be recorded as an Industrial Injury rather than sickness absence.

6.3.2 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).

6.3.3 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 Headteacher/Line Manager should contact Payroll for further guidance. This is important as the Council/Governors can reclaim from the employee any sick pay paid during the absence for any successful claims. Employees should be advised by the Headteacher/Line Manager at the time to ensure that an element for loss of earnings is included in any claim.

## **6.4 Disability**

- 6.4.1 In accordance with the Equality Act 2010, an employer **must** make reasonable adjustments wherever possible of the working arrangements and environment to accommodate an employee who is/or becomes disabled. See [FAQs, Support for employees who have or have acquired a disability](#).
- 6.4.2 The Headteacher/Line Manager must be prepared to make all reasonable attempts to be flexible, particularly with regard to the content of the job and the working hours. In addition, the consideration of alternative employment may be appropriate.
- 6.4.3 Further advice may also be sought by the employee from local Access to Work Advisers, including assistance with equipment, training, financial support, etc. and from the Disability Employment Adviser (accessed through Job Centre where necessary).

## **6.5 Terminal Illness**

- 6.5.1 Such cases will be dealt with sensitively. Early consideration should 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.
- 6.5.2 Where the employee is a member of the Local Government/Teachers' Pension Scheme they should be advised to contact the Pensions Section to ensure they are fully aware of options available.

## **6.6 Cosmetic Surgery**

- 6.6.1 Time off to receive cosmetic surgery that relates to a medical condition and is supported by a medical certificate may be treated as sick leave, for example, to correct a disfigurement sustained in an accident or to have a growth removed. Any pre-appointments should be dealt with as other medical/dental appointments – see 11. MEDICAL/DENTAL APPOINTMENTS.
- 6.6.2 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).
- 6.6.3 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.

## **6.7 Headteacher Absences**

- 6.7.1 When a Headteacher is absent from work for medical reasons he/she should notify their workplace that they are unable to attend for duty due to illness.
- 6.7.2 In the case of Headteacher absences the Chair of Governors with the school's Improvement Adviser where appropriate, should carry out the return to work contact and agree the nature of the return to work arrangements.
- 6.7.3 Any action to be carried out relating to the sickness absence procedure will be undertaken following discussion between the Chair of Governors, a Human Resources Adviser and, where appropriate, the school's Improvement Adviser.

## 7. PATTERNS OF ABSENCE

**LONG TERM SICKNESS ABSENCE** typically of 4 weeks or more continuous absence related to an underlying cause or specific medical condition. For example, an operation, rest at home due to a back problem or stress.

**SHORT TERM SICKNESS ABSENCES** repeated absences of short duration (e.g. between 1 and 28 days) e.g. flu/sore throat/stomach disorder, etc. (N.B. There may be an underlying cause about which you are unaware.)

**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 may be taken into consideration under either procedure.

## 8. MONITORING SICKNESS ABSENCE

- 8.1 When dealing with absence a distinction should always be made between absences on grounds of medically certified illness, both physical and mental, and those which may call for disciplinary action. All unexplained absences should 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 with appropriate warnings.

When the absences are accepted as genuinely due to illness, it is important that the employee is told what improvement in attendance is expected and advised of the likely consequences if this does not happen.

### (i) Return to Work Interview and Self-Certification

It is important to meet with employees as early as possible when they return from any period of sickness absence. This might simply involve a brief meeting (with the Line Manager) to check that they are well and update them on anything that has happened in their absence. The employee will also be required to complete a self-certification form following each period of sickness absence (Appendix C). A return to work form should also be completed at this meeting. Where there are concerns because of an emerging pattern of absence a Sickness Absence Monitoring meeting should take place (see Short Term Sickness Absence Procedure).

In addition to completing the self-certification form any sickness absence lasting for more than 7 calendar days will require the submission of a medical certificate stating they are fit. **All sickness absence should be recorded, including part days (and notified to School Employee Services on weekly absence returns).** It is advised that records are kept on school personal files and used to check or confirm any patterns of absence which may require further discussion or investigation.

Remember, early intervention may prevent problems from arising or getting out of hand.

**Please note – it is essential that all employees are treated equally in requiring self-certification and return to work discussions to ensure that accurate records of all absences are kept, and more importantly, that there is no discrimination in treatment of staff.**

**(ii) Occupational Health/further medical advice**

A referral to your Occupational Health provider or further medical advice should be considered when dealing with any sickness absence. This may be of particular help when:

- sickness absence has exceeded one month
- when dealing with muscular-skeletal or stress related problems
- for recurrent short term sickness absence, or
- an unexplained change in behaviour or performance. Referrals can be made at any stage and are always advisable before taking formal action. Referrals are made through HR Consultancy for Schools. (See Appendix E.)

**9. FITNESS TO RETURN/MEDICAL SUSPENSION**

- 9.1 The Headteacher should always have sight of a medical certificate confirming that an employee is not required to see their GP again or that they are fit for work taking into account certain advice.
- 9.2 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 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.
- 9.3 In the circumstances described above, it is likely that the Headteacher would suggest the employee goes home and makes an appointment with their GP. However, 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 medically suspend the member of staff. (See Model Letter 12.) The same applies for employees who have remained at work but where similar concern exists. **In these circumstances HR Consultancy for Schools must be contacted for advice on the procedure to follow and, where appropriate an urgent appointment to be set up for the employee to see an Occupational Health Adviser/medical adviser.**
- 9.4 If an employee is suspended in these circumstances he or she will receive their full pay for the period of the suspension.
- 9.5 This will not be recorded as sick leave or count against their contractual sickness leave entitlement.
- 9.6 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.
- 9.7 The suspension may only be lifted by the Governing Body.

## **10. SICKNESS AND SUSPENSION FOR OTHER REASONS**

- 10.1 If an employee is on suspension during an investigation into allegations of misconduct and states that they are ill, they should be instructed to follow the normal sickness absence reporting procedures during their absence. (See Model Letter 13.) The formal investigations will continue and the employee referred to the Occupational Health Adviser for an assessment of their fitness and 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 investigation/formal procedures, it may be recommended for the investigation/procedures to progress to remove the cause of stress.
- 10.2 During the period of sickness absence the employee should be informed that this period will be recorded as sickness absence and they will be paid as per their contractual sick pay entitlement (Appendix F).
- 10.3 If during the period of sickness absence the employee's sick pay entitlement ends, but their absence continues, the employee should be informed of that and that the terms of their suspension may only recommence when they are declared fit to return to work.
- 10.4 Once an employee is declared fit to return to work in such circumstances, the Headteacher, in conjunction with Human Resources, should consider whether the employee's suspension should be resumed or whether the employee should be allowed to return to work. This decision should be confirmed in writing; if the decision is to resume the original suspension, the employee should be informed that during the suspension they will receive full pay.
- 10.5 Any delays to the normal disciplinary procedures caused by sickness absence should be communicated to all parties so that issues can be considered and interviews/hearings rearranged.

## **11. MEDICAL/DENTAL APPOINTMENTS**

- 11.1 As far as possible, routine appointments should be made outside normal working time, or outside core working time where covered by flexible working arrangements (e.g. before or after work, lunchtimes). Specialist, particularly hospital appointments may need to be an exception to this.
- 11.2 If it is necessary for an employee to take any time during normal working hours, it should be authorised by their Headteacher/Line Manager. (A copy of the appointment card/letter should be provided and sufficient notice given to arrange cover.) There should be agreement to make up the lost time where possible. If this is impracticable for operational reasons, such leave should be paid (normally up to 3 days). In any other circumstances time out will be unpaid. Absence for attending medical appointments will normally be recorded as such and not as sick leave.
- 11.3 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. If following the emergency the employee is unable to attend work due to sickness, the whole period, including treatment time, will be recorded as sickness absence and normal procedures apply.

- 11.4 If a member of staff has a disability, the frequency of necessary medical appointments may exceed the suggested maximum number of days. You should be aware that to refuse paid leave unreasonably in such circumstances could constitute discrimination under the Equality Act.
- 11.5 If it becomes necessary to attend regular routine appointments not linked to disability (as defined under the Equality Act), alternative working arrangements, either temporary or permanent, must be considered which enable such attendance outside normal working hours.
- 11.6 If a medical appointment is linked to a National Cancer 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.
- 11.7 Where an appointment is necessary for minor surgery or invasive investigations (non-elective) paid leave should be granted. If after such an appointment an employee is on sick leave, the whole period will be recorded as sickness absence and normal procedures apply.

## **12. ANNUAL LEAVE (NON TERM-TIME ONLY STAFF) AND SICKNESS**

- 12.1 Employees absent through sickness will continue to accrue annual leave entitlement during the leave year in question.
- 12.2 Employees who become ill during the course of annual leave are eligible to reclaim those days affected as long as they have followed the proper reporting procedures. The school may also request evidence such as a GP certificate. Any breach of these or doubts as to the validity or evidence of a pattern emerging should result in the request being declined and a decision made as to whether to undertake a formal conduct investigation.
- 12.3 Where an employee is absent due to sickness on a Bank Holiday, they will receive sick pay as normal, but no substitute days will be granted.
- 12.4 Employees who are absent through long term sickness may take annual leave while remaining absent from work. The employee should however follow normal procedures for requesting annual leave.
- 12.5 An employee who is absent for a whole year due to sickness may carry forward up to 4 weeks annual leave (pro rata for part-time staff). Where an employee is absent through sickness for part of the current leave year but their incapacity persists into the following leave year, the employee can only carry forward statutory annual leave entitlement accrued while they are absent from work. Any carry forward would include the 5 days maximum (pro rata for part-time staff) permitted in the Annual Leave guidance. Any excess annual leave entitlement under the Working Time Directive, i.e. the additional 1.6 weeks leave that an employee is entitled to under the Working Time Directive (Contractual Leave) cannot be carried forward.
- 12.6 In case of dismissal, the Headteacher/Line Manager should establish how much annual leave is outstanding and pay this. Any payment for outstanding leave for the current leave year will be based on the employee's contractual entitlement.

### **13. SICK PAY**

- 13.1 An employee's entitlement to contractual sick pay is as specified at Appendix F.

### **14. PENSION BENEFITS**

- 14.1 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.

### **15. RETENTION OF SICKNESS RECORDS/DATA PROTECTION**

- 15.1 All sickness records including self and medical certification, return to work discussions and Occupational Health/medical correspondence should be held and maintained on the employee's school personal file. This information should be managed in line with the Data Protection Act, further information on this Act can be obtained from Worcestershire County Council's Data Protection Information Access Officer.

## 16. SHORT TERM SICKNESS ABSENCE

- 16.1 Defined as a period of sickness absence which lasts for less than 4 weeks. Usually this type of absence is of short duration of up to 7 days. This could also be repeated cycles of long term sickness absence followed by either short term sickness absences or by several weeks'/months' full attendance.
- 16.2 As a guide, 5 episodes of sickness absence in a 12 month period or 2 to 3 absences in any one term should trigger a review of absence (as detailed in Section 16A).
- 16.3 Where a support member of staff is in their probationary period and absence is of a concern, this may be dealt with under the Probationary Procedure.

### 16.(A) INFORMAL PROCEDURE – SHORT TERM SICKNESS ABSENCE

Where there is concern over the level of an employee's sickness absence a **Sickness Absence Monitoring Meeting (STEP 1)** should be held. This is an informal meeting to express concern about the level of absence and to establish whether there is an underlying cause and where appropriate to outline the improvement needed. The employee should be given at least **2 working days'** notice of this meeting.

At this meeting the employee should be presented with a sympathetic approach but should be left in no doubt that levels of absence are causing concern, that the absences have an impact on the school, and that an improvement is being sought. A Sickness Absence Monitoring Checklist (Appendix H) can be used to focus discussion at this meeting and also as a record that a meeting has taken place. A note of any agreed course of action should be attached to this form using (Appendix I.)

Possible outcomes of such a meeting may be:

- (a) the Headteacher/Line Manager is satisfied with the employee's explanation and is confident that absence levels will improve; therefore decides to take no further action at this stage
- (b) the reasons for the absence are unclear **or** the Headteacher/Line Manager suspects that the employee may be suffering from an underlying condition which should be investigated with the employee's consent by seeking further medical information
- (i) if there is **an underlying medical problem**, appropriate support should be offered to the employee, such as counselling, specialist equipment, or professional support. The Headteacher/Line Manager should continue to monitor the employee's absence, and agree to formally review the situation at a pre-agreed date.
- (ii) If there is **no underlying medical problem** you will need to make it clear to the employee that their current levels of sickness absence are not acceptable, and agree a level for improvement.



- (c) there is good reason to believe the absence may represent a conduct issue, e.g. it is unauthorised; the employee has been undertaking activities inconsistent with their sickness absence; the employee has falsely certified themselves as sick, etc., and disciplinary action may be appropriate.
- (d) As part of the discussion it may become clear that the employee concerned is experiencing difficulties with their job or that their job is exacerbating another problem. This could be due to factors such as a particularly heavy workload, conflicting priorities or lack of support from others in the team and/or management. If this is the case discussions should take place as to what measures may need to be put in place.
- (e) Alternatively it may be appropriate, due to personal or domestic difficulties the employee may be experiencing, to consider compassionate or other leave provisions, or other temporary adjustments to working arrangement.

Following consideration of the above, if the Headteacher/Line Manager is not satisfied with the employee's explanation, **or** feels that the current level of absence is detrimental to the operation of the school and cannot be sustained, the employee should be clearly informed that absence levels will be monitored. A level for improvement should be agreed and date set to review the situation (e.g. half/one term), standards required should be clearly stated and possible support measures agreed.

**Review of Informal Stage (STEP 2)** at the end of the agreed time period the Headteacher/Line Manager will review the situation considering the absence record, any medical information and other relevant factors; this may involve a meeting with the employee and their representative if appropriate. This review will determine one of the following:

- (i) Extension of the informal stage
- (ii) Absence levels have reached the standards required and no further action is necessary
- (iii) Absence levels have failed to meet the standards required and it is necessary to call a meeting under **Stage One Formal Procedure Short Term Sickness Absence**.

In all appropriate cases the employee should be warned of the possibility of dismissal if the situation does not improve and account taken of the following:

- seeking further medical advice
- performance
- any underlying factors, e.g. domestic or work related problems
- the likelihood of improvement in attendance
- the availability of suitable alternative work
- the possibility and likely effect of any adjustments to the job
- and the effect on the organisation of past and future absences.

## **16.(B) FORMAL PROCEDURE – SHORT TERM SICKNESS ABSENCE**

Advice should be sought from HR Consultancy for Schools before formal action is considered under this procedure. A Human Resources Adviser may attend meetings where required.

At any meeting under this procedure, the Headteacher will share his/her concerns over the level and impact of the absence. The employee and/or his/her representative must have the opportunity to make representations.

The Headteacher/Line Manager (or the panel at Stage Three) will take into consideration the following in coming to a decision:

- the nature of the illness, including any underlying cause
- the likelihood of recurrence or of some other illness arising
- the length of and intervals between the various absences
- the need for the work to be done by that particular employee
- the impact of the absences on others who work with the employee
- the impact on the functioning of the school
- the possibility of temporary or permanent alternative employment
- the possibility of temporary or permanent reduced hours, including job-share, if appropriate
- all medical information and recommendations
- the representations made by the employee and their representatives
- the need to make reasonable adjustments in the light of any disability covered by the Equality Act
- the need to ensure that any levels of improvement set are personal and related to the individual circumstances of any particular case
- any other relevant substantial matter.

**Remember – medical advice may be sought at any stage of this procedure when it is deemed necessary, and should certainly be considered before the commencement of formal stages.**

Where an employee refuses to attend an Occupational Health/medical appointment, every effort should be made to understand the reasons and to resolve as far as possible. However, if the employee continues to refuse he/she should be informed that progression through the formal stages will continue with decisions based on information available at that time and this should be recorded.

### **(i) Stage One - First Formal Meeting (STEP 3)**

After review, if there has been little or no improvement in the level of absence a formal meeting should take place with the employee.

The employee must receive at least **5 working days'** written notice of this meeting (with copies of supporting documentation) and is entitled to be accompanied by a trade union representative or colleague at this meeting. (See attached Model Letter 1.)

At this meeting the employee should have an opportunity to explain their absences and any possible mitigating circumstances, as well as suggest/request any support or other measures which they think could help improve attendance.

After consideration of the above, the outcome should be confirmed in writing. If you believe that there is sufficient reason for on-going concern the letter issued (see Model Letter 2) should:

- (a) confirm that improvement is sought and any support that was agreed
- (b) indicate any further levels of improvement (to be set for a period of between 4 and 12 working weeks)
- (c) confirm that further action under this procedure up to and including dismissal, will be taken if there is insufficient improvement.

#### **Review (STEP 4)**

The Headteacher/Line Manager will review the case and should decide on one of the following outcomes and confirm this in writing:

- (a) Sufficient improvement so no further action will be taken under the formal stages of the procedure, however it may be appropriate to continue to monitor the situation and action may be resumed under Stage One if there is any further absence in the near future.
- (b) Extension of the review period (e.g. 4 to 12 working weeks) failure to improve would lead to progression to Stage Two.
- (c) Progression to Stage Two when the levels of improvement have not been achieved. This review may involve a meeting with the employee and their representative if appropriate.

#### **(ii) Stage Two - Second Formal Meeting (STEP 5)**

Where levels of improvement set at the First Formal Meeting are not being met during the period laid down, a Second Formal Meeting will be convened (**rather than holding a First Review meeting as detailed above**). It may also be beneficial to seek (further) medical advice at this stage either before or after the meeting.

The employee must receive at least **5 working days'** written notice of this meeting (with copies of any supporting documentation) and is entitled to be accompanied by a trade union representative or colleague at this meeting. (See attached Model Letter 3.)

At this meeting the employee should have an opportunity to explain/discuss their absences and any possible mitigating circumstances, as well as suggest/request any support or other measures which they think could help improve attendance.

If it is determined that there is still reasonable/sufficient cause for concern, a final letter will be issued. (See Model Letter 4.) This will:

- (a) confirm that improvement is still sought
- (b) indicate any further levels of improvement (to be set for a period of between 4 to 12 working weeks)
- (c) confirm that failure to achieve the level of improvement may result in dismissal.

### **(iii) Case Review (STEP 6)**

If the required levels of improvement **have not been met** further medical advice may be sought to ascertain the employee's ability to undertake his/her duties.

The Headteacher/Line Manager will review the case, including cumulative absence record and all medical advice to decide on one of the following outcomes. This decision should be confirmed in writing:

- (a) Sufficient improvement so no further action will be taken under the formal stages of the procedure, however the employee should be made aware that action may be resumed under Stage Two if sickness absence levels increase.
- (b) Extension of the review period (e.g. 4 to 12 working weeks) failure to improve would lead to progression to Stage Three.
- (c) Progression to Stage Three when the levels of improvement have not been achieved.

This review is not a formal meeting but may involve meeting with the employee and their representative if appropriate.

### **(iv) Stage Three - Panel Hearing (for Consideration of Dismissal) (STEP 7)**

If at the end of this review period the Headteacher/Line Manager considers dismissal may be appropriate, it will be necessary convene a hearing before a panel of Governors\* to consider the matter. (See Model Letter 6.) The procedure for this meeting is given at Annex I. This includes the presentation of a report from the Headteacher/Line Manager, including any medical information received, and an opportunity for the employee to make representations against dismissal. The employee must be given at least **10 working days' notice**, in writing with copies of any supporting documentation, including the Headteacher's/Line Manager's report. They will be entitled to be accompanied by a trade union representative or colleague at this meeting.

The panel of Governors\* hearing the case, having considered all relevant factors, must then determine whether in the light of the information presented/available, the employee should be dismissed\*\*. The employee will normally be informed of the panel's decision at the end of the hearing, but in any case the decision will be confirmed in writing within 5 working days of the hearing. (See Model Letter 7.)

Appeals against a decision to dismiss will be carried out in accordance with the procedure given at Annex II.

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\* or those with delegated powers of dismissal – See Annex III

\*\* Dismissal will normally be on the grounds of capability. HR Consultancy for Schools will advise.

## **17. LONG TERM SICKNESS ABSENCE**

17.1 Long term sickness is defined as a period of sickness absence which lasts 4 or more weeks. This could also be repeated cycles of long term sickness absence followed by either short term sickness absences or by several weeks'/months' full attendance.

17.2 Headteachers/Line Managers should review the situation once the employee has been off sick for one month and as appropriate thereafter. This may involve a discussion with the employee and/or taking advice from HR Consultancy for Schools.

### **(i) Keeping in Touch and Arranging Occupational Health/Medical Referral**

17.3 Keep in touch with the employee, whilst they are absent, not only to find out how they are, but to keep them updated with what is happening at school if they wish to know. You can also take the opportunity to explain what action you are taking in relation to their absence. This can be a very delicate balancing act, especially in cases of stress and depression which can be related to the workplace. If in doubt seek advice from HR Consultancy for Schools. Be sensitive to the fact that some employees will not welcome visits and telephone calls, and a letter every few weeks may be more appropriate. It may be useful to agree the frequency and method of contact with the employee.

17.4 Although there will be medical certificates from the employee's General Practitioner, where possible discuss the likely length of absence with the employee at the outset. If after 1 month's absence it is clear that the employee has an expected return date and that there will not be a recurring/subsequent problem, then it may be decided to do nothing further except keep in touch, e.g. absence for 6 weeks due to a broken arm, 3 months for a hysterectomy.

17.5 Alternatively, consider whether the employee or school would benefit from any of the following at this stage. This could include:

- a referral to the Occupational Health provider
- offering confidential counselling (see Section 5)
- arranging for support/specialist equipment
- support from HR Consultancy for Schools.

17.6 It is important to act reasonably in all the circumstances. It is also important that an individual who has been absent for a long period is offered support to help them to settle back into the school. (Avoid pressurising an employee to return to work too soon.)

17.7 In this case the Headteacher should explain to the employee that, although sympathetic to and supportive of the employee and their illness, the need to balance this against the operational requirements of the school and to obtain expert medical advice. (See Appendix E entitled Medical Referrals.) Such referrals must be arranged through HR Consultancy for Schools.

You should also consider further medical information if an employee wishes to return to work before their sick note runs out.

17.8 If long term sickness absence appears to have been triggered by the commencement of formal capability/conduct procedures, the school should obtain further medical information for an assessment of the employee's fitness.

17.9 Medical advice may state one of the following:

- (a) the employee is likely to return to work at a given date and is unlikely to need further time off
- (b) the employee is likely to return at a given date but is likely to have further absences related to their health problems
- (c) they are unable to predict at this time when the employee is likely to be fit enough to return
- (d) they recommend the employee returns either temporarily or permanently to work on reduced hours or to alternative lighter duties
- (e) the employee is permanently unfit to return to their current post and their contract should be terminated on ill-health grounds.

17.10 It is also possible that Occupational Health/medical practitioner may be able to make suggestions about the causes of the illness and possible solutions. They may recommend a referral to another specialist.

**(ii) Considering Medical Advice**

17.11 Once the medical opinion has been received, consideration will have to be given to the following:

- (a) The up-to-date medical position of the employee concerned.  
  
Is it appropriate to await further developments (e.g. referral for treatment)?  
Will future performance of duties by the employee be seriously impaired due to the nature of the illness?  
Is there a likelihood of return to work?  
Is there a safety risk if the employee returns to work?  
Is there any likelihood of a recurrence of the illness?
- (b) The implication of the absence upon the school.  
  
Can the absence be satisfactorily covered by temporary employees?  
What are the implications of efficiency and cost?  
What effect is the absence having on other employees?  
What reasonable adjustments can be made?  
Does the employee have a 'key' position in school?
- (c) What alternative courses of action exist?  
  
Is ill-health retirement an option?  
Has reasonable alternative employment been identified/offered?  
Can lighter duties be offered?  
Could duties/working hours be varied to facilitate a return?  
Have any external assessment/support processes been examined?  
What other reasonable adjustments could be made?  
Has special consideration been given for employees with illnesses with a known long term recovery period, e.g. ME/depression?  
Is it reasonable/appropriate to extend the sick pay period?

(d) Other factors:

The employee's own stated preferences.

The anticipated length of future employment.

Length of service of the employee.

Is it appropriate to await the outcome of an application to the Teachers Pensions Scheme to retire on the grounds of ill-health (in the case of teaching staff)?

Is the employee a member of the Local Government Pension Scheme (support staff)? - If so, is ill-health retirement a possible option?

Have appropriate risk assessments been carried out and action taken to reduce the likelihood of recurrence and minimise the effect on other employees?

Has appropriate training been undertaken by the individual?

(e) Has adequate consultation/contact been maintained with the employee (and their representative) throughout the absence?

17.12 It is quite possible that no firm decisions can be reached and a period of time will elapse, following which updated medical information may be required. The length of time between each review, and the number of reviews will depend on the individual circumstances of any one case. HR Consultancy for Schools will advise upon the above considerations.

**(iii) Case Review**

17.13 It may be useful to meet with the employee at certain stages during their absence to review the situation, their fitness for work and possible next steps. (See Model Letter 8.)

17.14 The case review is not a formal hearing, but is to consider the latest medical advice of and consider any other relevant factors, before deciding on an appropriate course of action. A meeting may also be called if there are any issues which would be most usefully addressed face to face.

17.15 This review may involve a meeting with the employee (who may be accompanied by a trade union representative or colleague). A Human Resources Adviser may also be present.

17.16 Possible outcomes of the review may include:

- the employee agreeing a return to work date
- agreement to put in place certain support measures to ease the employee's return to work
- any reasonable adjustments to be made by the employer
- consideration of alternative employment if available
- agreement about the details of any phased return to work
- acceptance of the on-going nature of the absence, and where appropriate re-referral or review medical information, possibly to examine further specific issues
- acknowledgement by the employee that ill-health retirement is the most appropriate course of action
- consideration of dismissal.

17.17 Remember, when someone has been absent for a long period they may need extra support to help them settle back into work. Try and be flexible about allowing a return to work initially on a reduced hours basis (known as a phased return to work) if appropriate. (See Appendix G.)

**(iv) Dismissal Decision Hearing**

17.18 If at the end of this review the Headteacher/Line Manager considers dismissal may be appropriate, it will be necessary to convene a hearing before a panel of Governors\* to consider the matter. Any such hearing is likely to take place within 12 months of the period of absence commencing. This includes the presentation of a report from the Headteacher, including any medical information received, and an opportunity for the employee to make representations against dismissal. Employees must be given at least 10 working days' notice of this hearing, in writing with copies of any supporting documentation, including the Headteacher's report. (See Model Letter 9. The procedure for this meeting is given at Annex I.) The employee has the right to be accompanied at the hearing by a colleague or Trade Union representative.

17.19 The panel of Governors\* hearing the case, having considered all relevant factors, must then determine whether, in the light of information presented/available, the employee should cease to work at the school\*\*.

If the panel decides on action short of dismissal, e.g. extension of time, additional support, alternative employment, it is recommended that any extension should be for a period of no longer than one term. The employee will normally be informed of the panel's decision at the end of the hearing, but in any case the decision will be confirmed in writing within 5 working days of the hearing. (See Model Letter 10.)

17.20 Any appeal against a decision to dismiss will be carried out in accordance with the procedure given at Annex II.

17.21 In the case of ill health retirement, under the LGPS regulations, employees must be dismissed. Where the medical evidence does not support permanent incapability (necessary to ensure release of pension benefits), premature retirement in the interests of the service may in certain circumstances be considered. Similarly for teachers whose applications to Teachers Pensions have been turned down, it may be worth discussing alternative approaches.

**N.B.** Where an employee has been certified permanently medically unfit to work, he or she may not wish to contest a recommendation to dismiss. However, for support staff it will still be necessary to hold a dismissal hearing. HR Consultancy for Schools will advise on the process.

**(v) Rehabilitation/Fit Notes and Return to Work**

17.22 Following an extended period of sickness absence an employee may request, or their doctor/Occupational Health may recommend, a return to work with certain considerations. The "fit notes" allow two options. The GP can either state that the employee is **not fit to work** or they can state that the employee **may be fit for work** taking account of advice on the note. The advice is likely to fall into the following categories:

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\* or those with delegated powers of dismissal – See Annex III

\*\* Dismissal will normally be on the grounds of capability. HR Consultancy for Schools will advise.



- **A phased return to work** (see Appendix G) i.e. a gradual increase in the intensity of duties or working hours. During a phased return, the employee is paid normal pay for when they are at work and sick pay (at the appropriate level – full/half/nil) for when they are not at work and you will need to ensure that SES (School's Employee Services) or your school's payroll provider are informed so that they can correctly record sick pay entitlements. The hours not worked should continue to be recorded as 'sickness absence' and the hours worked as 'phased return'.
- On average, the employee should work for at least half their contracted hours, although the pattern of attendance may vary/increase from week to week. The phased return should not normally exceed 4 weeks (or exceptionally up to 3 months). Where hours are required to be reduced in excess of this period, the employee's contract should be either temporarily or permanently amended to reflect the reduction of hours. Advice should be sought from Human Resources before such action is agreed.
- **Altered hours**, this could mean a change to start or finish times or flexibility to attend treatment during the school day, for example.
- **Amended duties**, for example reducing a physically demanding aspect or a particular stressful part of the role. Again, this can be for a fixed period of time.
- **Workplace adaptations**, e.g. reducing the need to go upstairs; providing a trolley for equipment, etc.

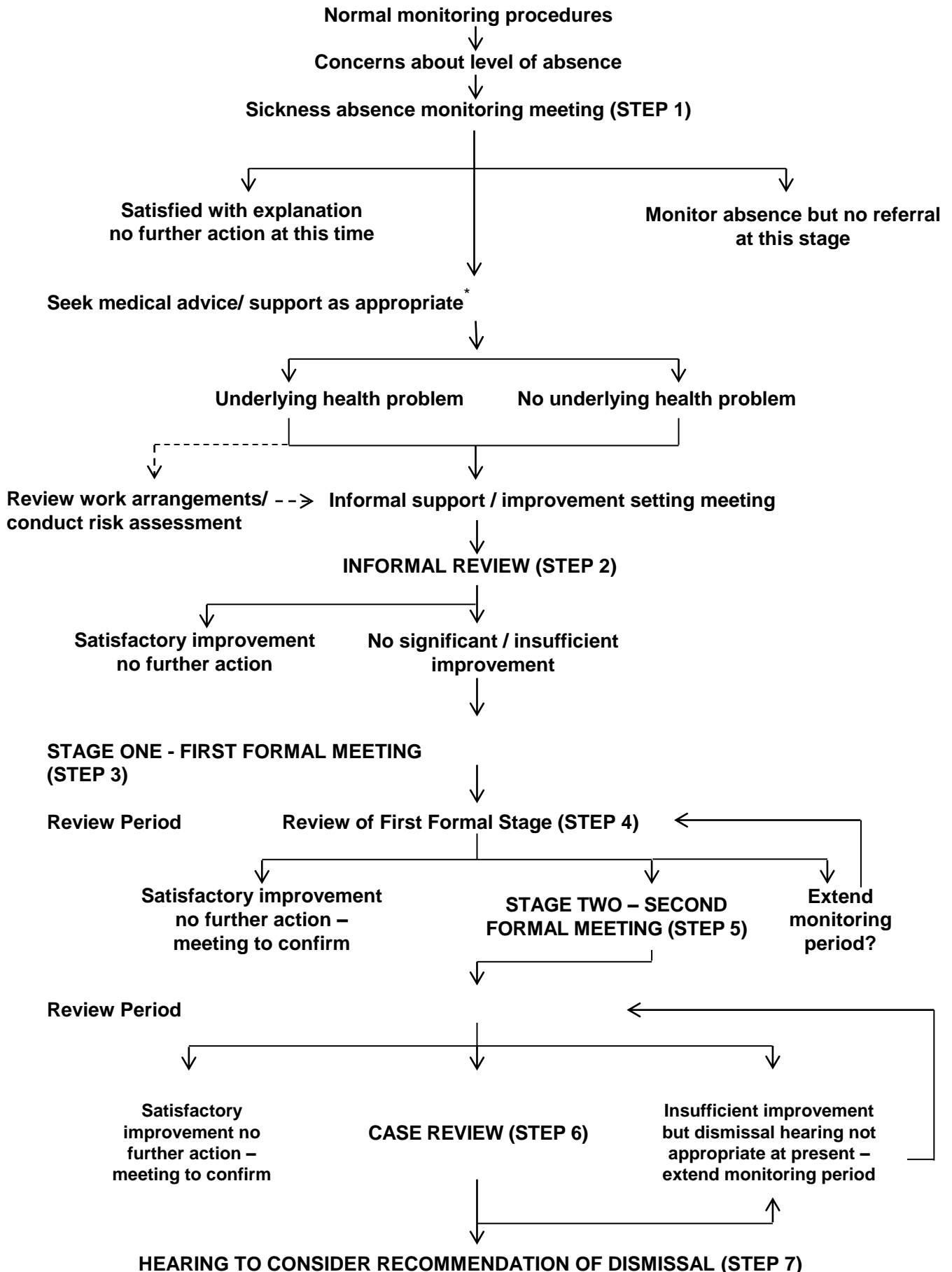
17.23 It is still possible to make such arrangements with an employee without formal advice from the GP. However if you have any concerns about fitness to work you should contact Human Resources for advice. It is hoped that the fit note provided by the GP will provide sufficient information but in some cases, HR may wish to seek further clarification from Occupational Health/doctor.

17.24 Any arrangements must be clear and should be confirmed in writing. Ensure that accurate records are kept of any risk assessments and return to work meetings.

17.25 If you would find it operationally impracticable to make the adjustments or you feel that it is not appropriate for your employee to return to work at that stage, then you need to explain the reasons to the employee and then treat the Statement as if it were a "Not fit for work" statement. The recommendations from a GP are not binding on employers.

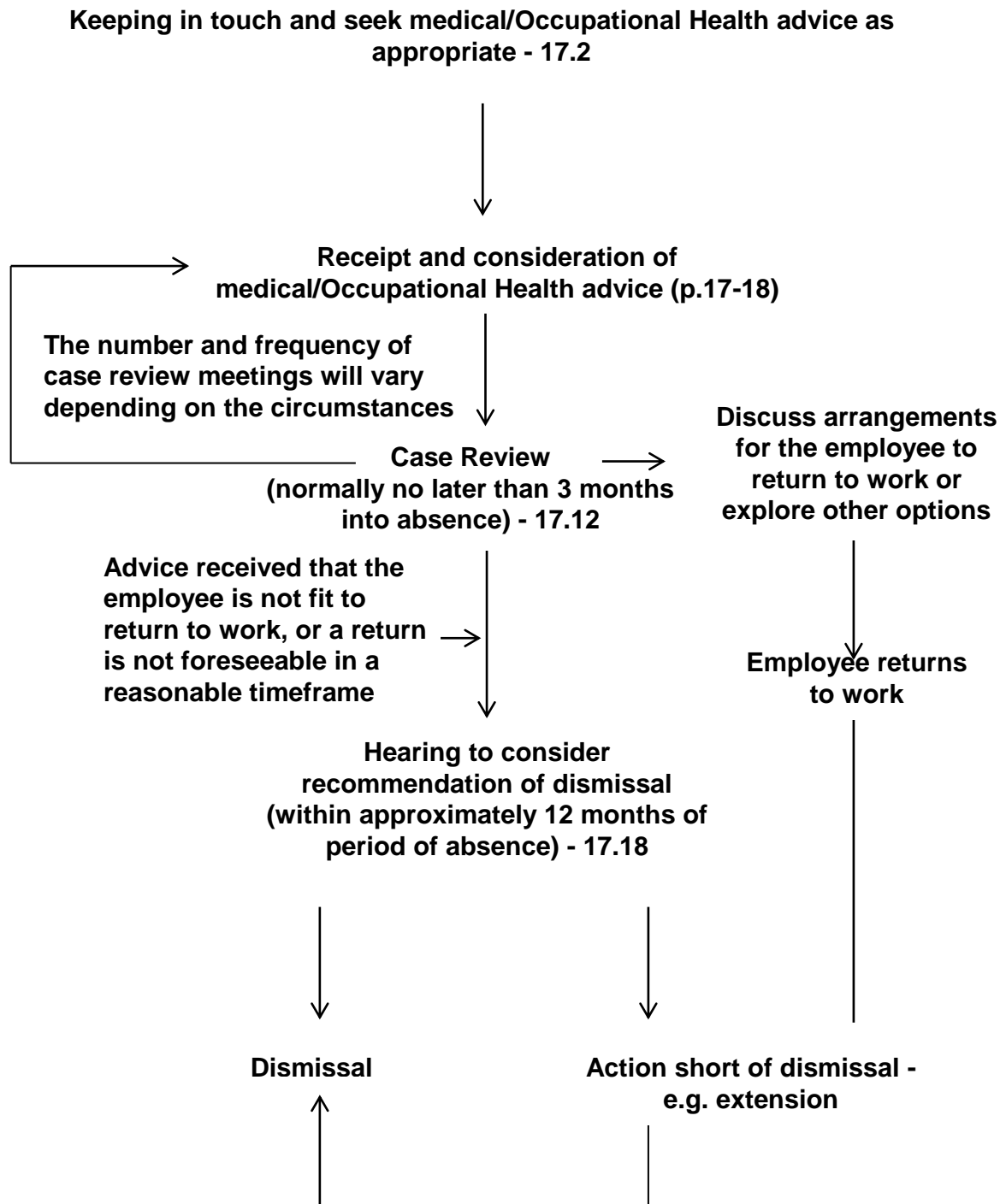
17.26 Where an employee is signed unfit to work, the GP will indicate whether or not they wish to assess the fitness again at the end of the period. If the GP does not wish to assess fitness again the employee may return at the end of the Statement period. If the employee regains fitness and wishes to return to work before the end of the Statement period they may do so if you agree that this is appropriate and practicable. In such circumstances the employee will not need to return to their GP to be 'signed fit'. Employees should not return earlier where the GP has indicated they need to assess fitness again.

**SHORT TERM SICKNESS ABSENCE FLOWCHART (Section 16, p.12)**



\* Occupational Health/medical advice may also be sought at successive stages of this procedure.

**LONG TERM SICKNESS ABSENCE FLOWCHART (Section 17, p.17)**



**SELF-CERTIFICATION**

**To be completed by an employee on their first day back to work following an episode of sickness absence and forwarded to their Headteacher/Line Manager.**

Please use **BLOCK LETTERS**

1. Full Name: \_\_\_\_\_ Job Title: \_\_\_\_\_  
Location: \_\_\_\_\_ Department: \_\_\_\_\_
2. The day\* and date you became unfit:  
The day and date you were first absent from work: \_\_\_\_\_
3. The day and date you were fit:  
The day and date of your return to work: \_\_\_\_\_
4. Was this episode of absence linked to an injury sustained at work? Yes  No   
(Note: If answered yes, then you must inform your Headteacher/Line Manager in order to complete the Accident Book and a RIDDOR.)
5. Was this episode of absence linked to an injury sustained outside of work in circumstances where you may have a claim for damages against someone else? Yes  No   
(Note: If answered yes, then you must inform your Headteacher/Line Manager as you will need to claim for Loss of Earnings.)
6. Details of Sickness/Injury. Please say briefly why you were unfit for work – give details of your sickness – words like 'unwell' or 'illness' are not enough.
7. Was this episode linked directly to a disability or pregnancy? Yes  No   
If yes, please give details: \_\_\_\_\_

**I declare the information I have provided above is complete and correct to the best of my knowledge and that I have submitted, as appropriate, all Medical Certificates to my Headteacher/Line Manager.**

**Signed:** ..... **Date:** .....  
**(Employee)**

Thank you for completing this form. The information provided will be entered into the Human Resources information database and retained on your personal file to assist with monitoring sickness records and to enable appropriate support to be provided quickly and efficiently. Non-personally identifiable data may be used for more general sickness absence monitoring. Any information provided will be treated in confidence.

**Signed** (as being seen): ..... **Date:** .....  
**(Headteacher/Line Manager)**

\* Please note half days and weekends if appropriate.

## RETURN TO WORK MEETINGS

1. **A Return To Work Meeting must take place following every sickness absence, regardless of the nature or length of absence.** Such early intervention may prevent problems from arising or getting out of hand. The nature of this meeting will vary depending on the circumstances. It may simply involve a brief discussion to check the employee is well and update them on anything that has happened in their absence, as well as asking them to complete a Self-Certification form (**Appendix C**).
2. When an employee returns to work after a sickness absence they should ensure that their Headteacher/Line Manager is aware of their return. If the absence is longer than a calendar week the employee will have to provide a medical certificate from their GP. The GP will indicate whether or not they need to assess fitness to work again before the employee returns and may also make suggestions about temporary adjustments or support measures which would allow the employee to return at an earlier stage.
3. Headteachers/Line Managers should normally conduct a Return to Work Meeting on the employee's first day back at work or as soon as possible, using the Return To Work Meeting pro forma and associated guidelines contained in this Appendix. However, where the Headteacher/Line Manager has concerns because of an emerging pattern of absence or a possible underlying health problem, they may also need to arrange a sickness monitoring meeting.
4. In exceptional cases (e.g. Cleaners) employees will not be working at the same time/location as their Headteacher/Line Manager and therefore a face-to-face meeting may prove operationally difficult. In these circumstances a Return To Work discussion may be carried out by telephone. The employee should still complete a Self-Certification form and should receive a copy of the completed Return To Work Form after the discussion has taken place.

If the employee is returning from Long Term sickness or formal action is required a face to face meeting is needed.

5. If an employee refuses to attend a Return To Work Meeting, the manager should discuss the reasons with the employee in order that the purpose of the meeting is clearly understood by the employee. Depending on the reason for refusal, the Headteacher/Line Manager may offer, where appropriate, the opportunity for another member of the management team to conduct the Return To Work Meeting with the employee instead. Where the employee still refuses the Headteacher/Line Manager should make a note on the Return To Work Form and contact HR Consultancy for Schools for further advice.

Employees should be advised that a persistent refusal to attend such a meeting may be treated as a disciplinary matter in itself and/or that management decisions will be taken based on the information available.

## RETURN TO WORK FORM

(to be completed for absences of more than one day)

All sections to be completed by the Headteacher/Line Manager and then signed by both the employee and Headteacher/Line Manager. Return to Work meetings should normally take place on the employee's first day back or as soon as possible.

Employee's Name: ..... Job Title: .....

Date of Meeting: ..... Others Present at Meeting: .....

Period of Absence From: ..... To: ..... Total Calendar Days Absent: .....

Reason(s) given by Employee for Absence:

Is the employee well enough to return to work in Headteacher/Line Manager's view? Yes  No

Has the employee submitted the necessary certification? Yes  No

Was the reason for absence linked to an injury at work? Yes  No

If yes, has the employee completed the accident book and a RIDDOR? Yes  No

Is this episode of sickness linked to an emerging pattern of sickness? Yes  No

Details of issues discussed:  
(see guidance\* overleaf)

Details of support offered to employee:  
(see guidance\*\* overleaf)

Actions agreed (including timescales):  
(see guidance\*\*\* overleaf)

**Signed:** ..... **Date:** .....  
(Employee)

**Signed:** ..... **Date:** .....  
(Headteacher/Line Manager)

## **Guidance and Other Notes**

**A copy of this form should be given to the employee and a copy retained in the employee's personal file. The purpose of the record will be to monitor the effectiveness of the school's/Council's Managing Sickness Absence Policy and to enable managers to monitor individual absence levels. All records are kept confidentially. An employee may view their individual absence records by request.**

**\* Issues to discuss should include:**

- welcoming the employee back
- updating on the work situation
- the reason for the employee's absence
- establishing, as far as possible, that employee is fit to resume duties
- completion/receipt of necessary documents: self-certificates, medical certificates, RIDDOR, etc.

**\* Other issues which may be discussed, as appropriate:**

- employee's management of own health (e.g. diet, nutrition, rest breaks, etc.)
- agreeing how return to work is treated by others – should team members know reason for absence or ask how they are
- general discussion on attendance record, any patterns of absence and future monitoring
- any underlying causes (e.g. domestic circumstances, work related problems, pregnancy, stress, etc.) and develop strategies.

**\*\* Support offered could include:**

- Occupational Health/medical referral
- training or development relating to any changes which have occurred during absence
- awareness of other leave policies, i.e. special/annual leave
- advice/support from Senior Management/Human Resources or Trade Union
- consideration of any preventative measures (e.g. flexible working, workplace adjustments, etc.).

**\*\*\* Action could include:**

- targets/timescales for improving attendance
- Occupational Health/medical referral
- investigation if reason for absence was work related
- a review of the risk assessment.

**All return to work meetings should be conducted confidentially and sensitively. Further advice should be sought from Human Resources throughout this process as appropriate, but definitely prior to embarking on any formal action.**

## MEDICAL REFERRALS TO OCCUPATIONAL HEALTH SERVICE

Please contact HR Consultancy for Schools to refer an employee to an Occupational Health Adviser. Please note that, depending of the circumstances, this may involve additional costs to the school, HR Consultancy for Schools will be able to advise you on the further detail.

The purpose of making a referral is to obtain an informed medical opinion about an employee's state of health in relation to their job and to ensure the working environment is safe and free from risks to health. Occupational Health works:

- proactively - giving advice on work place health, healthy lifestyles and a good work/life balance
- reactively – supporting employees who are experiencing ill-health, specifically looking at support mechanisms and interventions.

The following procedure will apply:

- (a) the employee will be requested to consent to a referral to Occupational Health which may include a medical report being sought from his/her General Practitioner or Specialist, where applicable, and supplied in confidence to Occupational Health;
- (b) if the employee refuses to give this consent they will be informed that it may be necessary to take decisions about their future employment without the benefit of expert medical opinion and that it is in their interests that all relevant information is available before a decision is reached.

The completed referral form sent by HR Consultancy for Schools to Occupational Health will give information about the length of the employee's absence, the nature of their illness, the effects on their work and details of what their job involves.

On receipt of the referral, Occupational Health will contact the employee for a telephone or face to face consultation. Following the consultation an Occupational Health report will be provided to Human Resources and the Headteacher.

If your school has a service level agreement with an alternative Occupational Health provider, or wishes to gather medical advice directly from the employee's GP or other medical practitioner, please contact HR Consultancy for Schools to discuss the process of this referral.

Please note that under the terms and conditions of employment employees are required to co-operate with their employer and if referred for further medical information, failure to support this process may lead to action being taken against them under the Disciplinary Procedure.



## 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.

## RETURNING TO WORK ON A REDUCED HOURS BASIS

### PHASED RETURN

Following an extended period of sickness absence an employee may request, or a doctor or the Occupational Health provider may recommend, a return to work on a temporarily reduced hours basis. When justified, sympathetic consideration of such requests may help the recovery process, encourage an early resumption of work and help the employee resume full normal duties as soon as possible.

This facility is not an entitlement and advice from the GP is not legally binding. Each case must be considered in the light of the individual circumstances.

1. Any phased return to work should have the agreement of both:
  - Occupational Health provider and/or the employee's general practitioner and
  - the Headteacher (in terms of the arrangement being workable).
2. There must be a comprehensive definition of the nature of the return to work. This will cover such issues as the hours to be worked, the nature of work to be carried out, and the period of time over which the temporary arrangements will last, prior to the employee resuming normal hours.
3. In terms of administering these arrangements, the school will record the employee on the weekly absence form as absent through illness for those parts of the week that the employee does not work. Normal pay will apply for normal hours worked and the 'sick' hours will be covered by statutory and/or contractual sick pay as appropriate.
4. All agreements reached to allow for an early return to work on a reduced hours basis should be for a limited period (normally for up to 4 weeks but exceptionally up to 3 months) and kept under review.

If a phased return to work is envisaged, a Human Resources Adviser can advise and seek the opinion/agreement of Occupational Health provider.

## CHECKLIST FOR A SICKNESS ABSENCE MONITORING INTERVIEW

### Attendance Review Meeting

This meeting will take place if there are concerns over an individual's level of sickness absence. The aim of the meeting is to establish any underlying causes and whether any assistance can be given. It is also to enable a monitoring period to be set up with attendance targets for the employee. If these targets are not met, and no underlying medical issue is identified, the process may move to the formal stages of the Sickness Absence Management Procedure.

### At the Meeting

1. You should have a copy of the sickness absence record available to give to and discuss with the employee.	
2. Ask the employee to explain the reasons for his/her absence.	
3. Convey your concerns about the employee's absence record.	
4. Determine whether there are any underlying factors at work or home that may be contributing to the absence.	
5. Determine what action, if any, can be taken to assist (if appropriate, identify whether there is support available).	
6. If the employee has identified an underlying medical health issue as a reason for absence, you must advise them that a referral to the Occupational Health provider/ will need to be made or further medical information sought from their medical practitioner	
<p>7. <b>Criteria:</b></p> <ul style="list-style-type: none"> <li>• 5 episodes of sickness absence in a 12 month period</li> <li>• 2 or 3 absences in any one term.</li> </ul> <p>These criteria are a guidance and do not signal that a manager must take action under the formal procedure if the parameters are breached, neither does it prevent a manager from taking action, if they are concerned about attendance or sickness absence records, prior to the parameters being breached. Keep in mind the Equality Act and take HR advice if needed before taking formal action.</p>	
8. You should keep a record of this discussion, noting the date and content of the discussion and the agreed action plan for future reference.	

### Possible Outcomes of Meeting

1. Manager is satisfied with employee's explanation and decides to take no further action at this stage.	
2. Refer the employee to Occupational Health provider/or seek further medical advice (if unclear as to the reasons for absence or where the employee may be suffering from an underlying condition).	
3. Manager is not satisfied with employee's explanation. Informs employee that absence levels will be monitored and agree a level of improvement and review date (usually half or one term).	
4. If it is likely that the absence may represent a conduct issue disciplinary action may be appropriate.	

## Monitoring and Review

1. During the review period, you should meet with the employee after any period of absence to establish the reasons for that absence, ensuring that these minutes are documented on a Return to Work Meeting form.	
2. If attendance improves to an acceptable level in line with the agreed targets set, no further action may be required.	
3. Acknowledge the improvement and stress that it should be maintained.	
4. If attendance does not improve to an acceptable level and there is no underlying medical condition, it may be appropriate to commence formal action as per for formal Sickness Absence Management procedure.	
5. It is likely that a medical referral will be made. In such circumstances this will need to be discussed with HR Consultancy for Schools.	

## IMPROVING ATTENDANCE ACTION PLAN

<b>Employee Name</b>	
<b>Headteacher / Manager</b>	
<b>Number of sickness occurrences in the last 12 months / term</b>	
<b>Number of sickness days in the last 12 months / term</b>	
<b>Summary of the absence problem(s)</b>	
<b>Actions taken to address absence levels</b>	
<b>Support to be provided to employee</b>	
<b>Half-way review meeting date</b>	
<b>Final review meeting date</b>	
<b>Attendance standard to be achieved</b>	
<b>Other considerations or actions to be taken</b>	
<b>Headteacher / Manager Signature</b>	
<b>Date</b>	
<b>Employee Signature</b>	
<b>Date</b>	

## PROCEDURE FOR A HEARING IN RELATION TO A PROPOSED DISMISSAL

Where the relevant procedure has been exhausted and the Headteacher believes dismissal is appropriate, he/she should arrange for a hearing to consider recommendations for dismissal. HR Consultancy for Schools has the right to be represented at this meeting as adviser to the decision makers\*. (A Human Resources Adviser will attend as adviser to the decision maker(s) on behalf of the HR Consultancy for Schools.)

The Headteacher/Line Manager ('Management') may be accompanied by a separate Human Resources Adviser, who may speak on his/her behalf.

Although the decision maker(s) will take notes of the proceedings, there is no obligation on them to make these available to the employee. The employee and/or his/her representative is at liberty to make their own notes during the proceedings. The use of tape recorders, cameras, etc. for this purpose is not allowed.

Copies of any information/papers which it is proposed to present at the hearing should be circulated 5 working days in advance. Material not previously circulated or referred to will only be admitted with the agreement of both parties.

Adjournments may take place at any stage of the hearing before a decision is given. An adjournment allows for proper consideration of all matters raised. Further checking may take place if necessary, where facts are in dispute. If new facts emerge, consideration should be given to whether the hearing needs to be reconvened following further investigation.

The employee and his/her representative shall be given not less than 10 working days<sup>\*\*\*</sup> notice of the date, time and place of the hearing<sup>\*\*\*</sup> which shall take place in accordance with the following procedure:

- (a) The decision maker(s) to introduce those present, explain the purpose of the hearing, outline the order of business and remind those present of the confidential nature at the proceedings.
- (b) The decision maker(s) to clarify that it is not intended to make available notes of the hearing. No unreasonable restrictions will be placed on the employee or their representative if they wish to make notes for their own use.
- (c) Management shall put the case in the presence of the employee and his/her representative, calling any witnesses as appropriate.
- (d) The employee (or his/her representative) shall have the opportunity to ask questions of management and witnesses.

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\* Depending on who has the delegated powers to dismiss, the decision maker(s) may be  
(a) nominated Governor (or Governors), and/or  
(b) the Headteacher – See Annex III.

\*\* Working days = days during which the school is open, including training days.

\*\*\* Where the chosen representative cannot attend on the date proposed, the employee can offer an alternative time and date so long as it is reasonable.

- (e) The decision maker(s) and officer adviser shall have the opportunity to ask questions of management and witnesses.
- (f) The employee (or his/her representative) shall put his/her case in the presence of the management, calling witnesses as appropriate.
- (g) The management shall have the opportunity to ask questions of the employee (or representative) and witnesses.
- (h) The decision maker(s) and officer adviser shall have the opportunity to ask questions of the employee (or representative) and witnesses.
- (i) The management and the employee (or his/her representative) shall have the opportunity to sum up their case in turn if they so wish, but must not introduce any new factors.
- (j) The management, his/her adviser, the employee and his/her representative shall all withdraw.
- (k) The decision maker(s) and the Human Resources Adviser representative shall deliberate in private, only recalling the management and the employee (and his/her representative) to clear points of uncertainty on information already given. If recall is necessary, both parties shall return even though only one is concerned with the point giving rise to doubt.
- (l) The decision maker(s) shall announce the decision to the management and the employee (and his/her representative) in person.

If the decision maker(s), after considering the information presented, determine that the employee should be dismissed, the employee shall be advised accordingly and the dismissal will take place with the notice prescribed by the employee's contract of employment.

The employee will be informed of their right of appeal against the decision to the Appeals Panel of the Governing Body. The decision of the panel will be notified to the employee in writing within 5 working days\*\* of the hearing.

A copy of the letter shall at the same time be sent to School Employee Services with a covering letter requesting that the employee be dismissed following appropriate notice.

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\*\* Working days = days during which the school is open, including training days.

## PROCEDURE FOR APPEALS

Where an employee wishes to appeal against the decision to dismiss he/she must:

- (a) lodge the appeal in writing;
- (b) state his/her reasons for wanting to appeal\*;
- (c) send this letter to the Clerk to the Governing Body within 10 working days\*\* of receipt of the decision to dismiss.

If the employee appeals against the decision of the dismissal hearing the matter shall be dealt with by the Appeals Panel of the Governing Body. HR Consultancy for Schools has the right to be represented at the meeting as adviser to the panel. (A Human Resources Adviser will normally attend as adviser to the panel on behalf of the HR Consultancy for Schools.)

The Headteacher/Line Manager ('Management') may be accompanied by a separate Human Resources Adviser, who may speak on his/her behalf where appropriate.

Although Governors will take notes of the proceedings, there is no obligation on the panel to make these available to the employee. Employees and/or their representative are at liberty to make their own notes during the proceedings. The use of tape recorders, cameras, etc. to record proceedings of the hearing is not allowed.

Adjournments may take place before a decision is given. An adjournment allows for proper consideration of all matters raised. Further checking may take place if necessary, where facts are in dispute, to decide which version is most probable. If new facts emerge, consideration should be given to whether the hearing needs to be reconvened following further investigation. Material not previously circulated or referred to will only be admitted with the agreement of both parties.

The employee and his/her representative shall be given not less than 10 working days\*\* notice of the date, time and place of the meeting of the Appeals Panel at which the appeal is to be heard. The panel shall hear the case in accordance with the following procedure:

- (a) Chair of the panel to introduce those present, explain the purpose of the meeting, including the confidential nature of proceedings, and outline the order of business.
- (b) Chair of Panel to clarify that it is not intended to make available notes of the meeting. No unreasonable restrictions will be placed on the employee or their representative if they wish to make notes for their own use.
- (c) The Appellant shall give a short simple statement without any elaboration or explanation of the remedy being sought (if this is not already included in written submission).
- (d) The Management shall put the case in the presence of the Appellant and his/her representative, calling witnesses as appropriate.

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\* Where the appeal is against an opinion of permanent medical unfitness the Appellant may wish to introduce further medical evidence. If so the Appellant must present this a minimum of 5 working days **in advance** of the appeal hearing so that further advice can be sought if required.

\*\* Working days = days during which the school is open, including training days.



- (e) The Appellant (or his/her representative) shall have the opportunity to ask questions of the Headteacher and witnesses on the information given by them.
- (f) The panel and officer adviser shall have the opportunity to ask questions of the Headteacher and witnesses.
- (g) The Appellant (or his/her representative) shall put his case in the presence of the Management, calling witnesses as appropriate.
- (h) The Management shall have the opportunity to ask questions of the Appellant (or representative) and witnesses.
- (i) The panel and officer adviser shall have the opportunity to ask questions of the Appellant (or representative) and witnesses.
- (j) The Management and the Appellant (or his/her representative) shall have the opportunity to sum up their cases in turn if they so wish, but must not introduce any new factors.
- (k) The Headteacher, his/her adviser and the Appellant and his/her representative shall all withdraw.
- (l) The panel and HR Consultancy for Schools (or representative) shall deliberate in private only recalling the Management and the Appellant (and his/her representative) to clear points of uncertainty on information already given. If recall is necessary, both parties shall return even though only one is concerned with the point giving rise to doubt.
- (m) The panel shall announce the decision to the Headteacher and the Appellant (and his/her representative) in person.

The decision of the Appeals Panel shall be notified in writing to the Appellant within 5 working days<sup>\*\*</sup>. There shall be no further right of appeal under this procedure. However, nothing in this procedure shall be construed to limit an employee's rights under the Employment Rights Act 1996 or any other enactment.

Where the appeal is upheld, a copy of the letter shall at the same time be sent to the Schools' Employee Services with a covering letter requesting that the employee be reinstated.

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<sup>\*\*</sup> Working days = days during which the school is open, including training days.

## DELEGATION OF AUTHORITY TO DISMISS

### Dismissal of Staff other than Headteacher

Under the School Staffing (England) Regulations 2009 the Governing Body may delegate its power to determine that any person employed or engaged by Worcestershire County Council to work at the school should cease to work there (Community, Voluntary Controlled, Community Special and Maintained Nursery) or to dismiss its staff (Foundation, Voluntary Aided, Foundation Special) to:

- (a) one or more Governors and the Headteacher (which may be called a Staff Dismissal Committee)
- (b) one or more Governors
- (c) the Headteacher.

For the purposes of Appeal rights, the Governing Body must appoint a Dismissal Appeal Panel. This should be a panel of three Governors, other than in exceptional circumstances. No Governor to whom the power to dismiss was delegated may sit on the Dismissal Appeal Panel. The Headteacher may not sit on the Dismissal Appeal Panel.

### Dismissal of the Headteacher

Under the School Staffing (England) Regulations 2009 the Governing Body may delegate its power to determine that the Headteacher should cease to work at the school or be dismissed to one or more Governors.

For the purposes of Appeal rights, the Governing Body must appoint a Dismissal Appeal Panel. This should be a panel of three Governors, other than in exceptional circumstances. No Governor to whom the power to dismiss was delegated may sit on the Dismissal Appeal Panel.

**For ease of understanding, those who have the delegated authority to dismiss will be referred to in these proceedings as 'Decision-Makers'.**

### Rights of Attendance/Advisory Rights

Where the Governing Body has delegated dismissal powers of staff other than the Headteacher to one or more Governors, the Headteacher has a right under the 2009 Regulations to attend at and give advice to all relevant meetings/hearings held by those Governors and they must consider that advice in coming to their decisions. That advice shall be given by the Headteacher in the course of the presentation of the case against the employee.

For community, voluntary controlled, community special and maintained nursery schools, Worcestershire County Council has a statutory entitlement to send a representative and offer advice to all proceedings relating to dismissal and those to whom the function has been delegated must consider that advice in coming to their decision.

**Note:** Reserves will only be used in emergencies and following consultation with HR Consultancy for Schools and the recognised unions. In the event of the Clerk to the Committee being unavailable a HR Adviser may act as Clerk at a particular meeting.

## MODEL LETTER 1

### LETTER TO EMPLOYEE FOR ATTENDANCE AT A MEETING WITH THE HEADTEACHER UNDER SHORT TERM SICKNESS ABSENCE FORMAL PROCEDURE - STAGE ONE

Dear

I am writing to advise you that you are required to attend a Formal Procedure Stage One meeting. A copy of this procedure is enclosed. **[Enclose procedure factsheet]**

This meeting has been convened under the provisions of the Procedure for Managing Sickness Absence, Short term Sickness Absence and is in relation to your current levels of sickness absence.

This meeting will be held at **[location]** on **[date]** at **[time]** and its purpose is to consider your current level of sickness absence. **[name]** will be chairing the meeting.

You have the right to be accompanied by a colleague or trade union representative to support or advise you and I enclose a copy of this letter which you may give to him/her. You also have the right to provide any evidence to support your case.

I should be grateful if you would let me know of any circumstances which will prevent you from attending this meeting or if you require any clarification with regards to this correspondence.

- \* If informal discussions have taken place previously, it would be appropriate to refer to them in this letter.
- \* Enclose any documentation that you may wish to refer to in the meeting, such as self-certification forms or correspondence from the Occupational Health provider or other medical advice, as appropriate.
- \* Indicate who, other than the Headteacher, will be present at the meeting, for example, an officer from HR Consultancy for Schools.

## MODEL LETTER 2

### LETTER ISSUED UNDER SHORT TERM SICKNESS ABSENCE FORMAL PROCEDURE - STAGE ONE FOLLOWING FIRST FORMAL MEETING

Dear

Thank you for attending the meeting on **[date of first formal meeting]** when we discussed your current level of sickness absence. Having reviewed the information available, I can confirm that the school requires an improvement in your level of sickness absence.

During the meetings we discussed my concerns and levels of improvement required. I confirm that I will be monitoring your absence over the next **[time period]** months.

**[Detail any specific levels of improvement set]**

At the end of this period I will review the situation, but confirm that further and more serious action, which may ultimately lead to your dismissal, under this procedure may be taken if there is insufficient improvement in your attendance.

We will support you and help you improve and maintain your attendance by:

**[Detail any supportive measures which have been offered, if appropriate]**

A copy of this letter has been sent to **[name of representative]** who accompanied you at the meeting.

I hope that your general health and wellbeing improves. If you have any queries regarding the information outlined in this letter please contact me.

## MODEL LETTER 3

### LETTER TO EMPLOYEE FOR ATTENDANCE AT A MEETING WITH THE HEADTEACHER UNDER SHORT TERM SICKNESS ABSENCE FORMAL PROCEDURE - STAGE TWO

Dear

I write to advise you that a second formal meeting under the provisions of the Procedure for Managing Sickness Absence in Schools, Short Term Sickness Absence - Formal Procedure Stage Two is necessary. A copy of this procedure is enclosed. **[Enclose procedure factsheet]**

This meeting will be held at **[location]** on **[date]** at **[time]** and its purpose is to consider your continued unsatisfactory level of sickness absence, following our meeting on **[date of first formal meeting]**.

You have the right to be accompanied by a colleague or trade union representative to support or advise you and I enclose a copy of this letter which you may give to him/her.

I should be grateful if you would let me know of any circumstances which will prevent you from attending this meeting or if there is anything in this letter which you do not understand.

- \* Indicate who, other than the Headteacher, will be present at the meeting, for example, an officer from HR Consultancy for Schools.

## MODEL LETTER 4

### LETTER ISSUED UNDER SHORT TERM SICKNESS ABSENCE FORMAL PROCEDURE - STAGE TWO FOLLOWING SECOND FORMAL MEETING

Dear

Thank you for attending the meeting on **[date of second formal meeting]** when we discussed your current level of sickness absence. Having considered the matter very carefully, I confirm that I am seeking an improvement in your level of sickness absence.

We have discussed levels of improvement and I confirm that I will be monitoring your absence over the next **[time period]** months.

**[Detail any specific levels of improvement set]**

At the end of this period I will review the situation, but confirm that further and more serious action, which may lead to dismissal, under this procedure may be taken if there is insufficient improvement.

**[Detail any supportive measures which have been offered, if appropriate]**

A copy of this letter has been sent to **[name of representative]** who accompanied you at the meeting.

## MODEL LETTER 5

### LETTER TO EMPLOYEE FOR ATTENDANCE AT A CASE REVIEW MEETING WITH THE HEADTEACHER UNDER SHORT TERM SICKNESS ABSENCE FORMAL PROCEDURE

Dear

I write to advise you that a meeting under the provisions of the Procedure for Managing Sickness Absence in Schools, Short Term Sickness Absence - Formal Procedure (case review) is necessary. A copy of this procedure is enclosed. **[Enclose procedure factsheet]**

This meeting will be held at **[location]** on **[date]** at **[time]** and its purpose is to consider your current level of sickness absence and your failure to satisfactorily meet the levels of improvement agreed under Stage Two of this procedure.

After this meeting a decision will be made as to whether to convene a hearing to consider options which may include your dismissal on ill-health grounds.

You have the right to be accompanied by a colleague or trade union representative to support or advise you and I enclose a copy of this letter which you may give to him/her.

I should be grateful if you would let me know of any circumstances which will prevent you from attending this meeting or if there is anything in this letter which you do not understand.

- \* Indicate who, other than the Headteacher, will be present at the meeting, for example, an officer from HR Consultancy for Schools.

## MODEL LETTER 6

### LETTER TO EMPLOYEE FOR ATTENDANCE AT A PANEL HEARING UNDER SHORT TERM SICKNESS ABSENCE FORMAL PROCEDURE - STAGE THREE

Dear

I write to ask you to attend a Hearing to be held before [ \* ] under the provisions of the Procedure for Managing Sickness Absence in Schools, Short Term Sickness Absence - Formal Procedure Stage Three is necessary. A copy of this procedure is enclosed.  
**[Enclose panel hearing procedure – Annex I]**

This meeting will be held at **[location]** on **[date]** at **[time]** and its purpose is to consider your continued unsatisfactory level of sickness absence. I enclose the following documents which will be considered at the Hearing:

**[List of documents]**

You should be aware that the purpose of the Hearing is to consider options which may include your dismissal.

You have the right to be accompanied by a colleague or trade union representative to support or advise you and I enclose a copy of this letter which you may give to him/her.

If either you or your colleague/representative are unclear about the procedures being followed please contact me as soon as possible.

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\* Those with the delegated power to dismiss – See Annex III.  
This may be:  
(a) a nominated Governor (or Governors); and/or  
(b) the Headteacher.



## MODEL LETTER 7

### LETTER ISSUED UNDER SHORT TERM SICKNESS ABSENCE PROCEDURE FOLLOWING PANEL HEARING – STAGE THREE

Dear

Following the Hearing held before [ \* ] at **[location]** on **[date]** at **[time]**, I have to inform you that having regard to all the circumstances, [ \* ] has decided that you should cease to be employed at **[name of school]**.

The reason for this determination is: **[insert details]**

You have the right to appeal against this determination and if you wish to do so must provide me with written notice within 10 working days of receipt of this letter **[if necessary give final date to appeal]**. You have the right to representation, including trade union representation at such an appeal and I enclose a copy of the relevant procedures. **[Enclose copy of the Appeals Procedure]** If you choose to appeal and your appeal is successful, you will be reinstated with effect from the date at dismissal.

\*\* { [ \* ] will inform the Local Authority of their decision that you should cease to work at the school, and the Local Authority as your employer, will then take the necessary steps to terminate your employment and notify you of your effective date of termination. }

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\* Those with the delegated power to dismiss – See Annex III.

This may be:

- (a) a nominated Governor (or Governors); and/or
- (b) the Headteacher.

\*\* Voluntary-Aided/Foundation Schools replace paragraph with:  
'As a result of this decision your employment with this school will terminate with effect from **[insert date based on notice entitlement - HR can advise]**.'

## MODEL LETTER 8

### LETTER TO EMPLOYEE FOR ATTENDANCE AT A CASE REVIEW MEETING WITH THE HEADTEACHER UNDER LONG TERM SICKNESS ABSENCE PROCEDURE

Dear

I write to advise you that a case review meeting under the provisions of the Procedure for Managing Sickness Absence in Schools, Long Term Sickness Absence is necessary. A copy of this procedure is enclosed. **[Enclose procedure factsheet]**

This meeting will be held at **[location]** on **[date]** at **[time]** and its purpose is to consider your current sickness absence.

You have the right to be accompanied by a colleague or trade union representative to support or advise you and I enclose a copy of this letter which you may give to him/her.

I would be grateful if you would let me know of any circumstances which will prevent you from attending this meeting or if there is anything in this letter which you do not understand.

- \* If informal discussions have taken place previously, it would be appropriate to refer to them in this letter.
- \* Enclose any documentation that you may wish to refer to in the meeting, such as self-certification forms or correspondence from the Occupational Health provider or other medical advice , as appropriate.
- \* Indicate who, other than the Headteacher, will be present at the meeting, for example, an officer from HR Consultancy for Schools.

## MODEL LETTER 9

### LETTER TO EMPLOYEE FOR ATTENDANCE AT A PANEL HEARING UNDER THE LONG TERM SICKNESS ABSENCE PROCEDURE

Dear

I write to ask you to attend a Hearing to be held before [ \* ] under the provisions of the Procedure for Managing Sickness Absence in Schools, Long Term Sickness Absence Procedure. A copy of this procedure is enclosed. **[Enclose panel hearing procedure]**

This meeting will be held at **[location]** on **[date]** at **[time]** and its purpose is to consider your continued sickness absence. I enclose the following documents which will be considered at the Hearing:

**[List of documents]**

You should be aware that the purpose of the Hearing is to consider options which may include your dismissal.

You have the right to be accompanied by a colleague or trade union representative to support or advise you and I enclose a copy of this letter which you may give to him/her.

If either you or your colleague/representative are unclear about the procedures being followed please contact me as soon as possible.

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\* Those with the delegated power to dismiss – See Annex III.  
This may be:  
(a) a nominated Governor (or Governors); and/or  
(b) the Headteacher.

## MODEL LETTER 10

### LETTER ISSUED UNDER LONG TERM SICKNESS ABSENCE PROCEDURE FOLLOWING PANEL HEARING

Dear

Following the Hearing held before [ \* ] at **[location]** on **[date]** at **[time]**, I have to inform you that having regard to all the circumstances, [ \* ] has decided that you should cease to be employed at **[name of school]**.

The reason for this determination is **[capability on grounds of ill-health]**.

You have the right to appeal against this determination and if you wish to do so must provide me with written notice within 10 working days of receipt of this letter **[if necessary give final date by which to appeal]**. You have the right to representation, including trade union representation at such an appeal and I enclose a copy of the relevant procedures. **[Enclose copy of Appeals Procedure]** If you choose to appeal and your appeal is successful, you will be reinstated with effect from the date at dismissal.

\*\* { [ \* ] will inform the Local Authority of their decision that you should cease to work at the school, and the Local Authority as your employer, will then take the necessary steps to terminate your employment and notify you of your effective date of termination. }

---

\* Those with the delegated power to dismiss – See Annex III.

This may be:

- (a) a nominated Governor (or Governors); and/or
- (b) the Headteacher.

\*\* Voluntary-Aided/Foundation Schools replace paragraph with:  
*'As a result of this decision your employment with this school will terminate with effect from [insert date based on notice entitlement - HR can advise].'*

## MODEL LETTER 11

### LETTER ISSUED FOLLOWING APPEALS UNDER SHORT AND LONG TERM SICKNESS ABSENCE PROCEDURES

Dear

**Meeting/Hearing held under [stage of relevant sickness absence procedure]**

Following your appeal against **[sanction]** on **[date]** at **[time]**, I have to inform you that having regard to all the circumstances the Appeals Panel has decided to:

(I)

allow your appeal. The action taken against you at the **[meeting/hearing]** held on **[date]** is therefore revoked and will cease to be effective.

(II)

allow your appeal in part. The action taken against you at the **[meeting/hearing]** held on **[date]** is therefore revoked and replaced by **[sanction]**.

(III)

dismiss your appeal. The action taken against you at the **[meeting/hearing]** held on **[date]** therefore stands and **[details of sanction]**.

In reaching their decision the Appeals Panel were particularly mindful of the following points: **[details]**

## MODEL LETTER 12

### LETTER ISSUED TO MEDICALLY SUSPEND AN EMPLOYEE

Dear

Further to our recent **[discussion/conversation]**, I am very concerned about your health and that you may not be fully fit to work.

I am writing, therefore, to advise you that you are hereby suspended from your position as **[job title]** at **[name of school]** as I am concerned about your health, until such time as an Occupational Health Adviser has confirmed your fitness to return/I have gained further medical advice from .....

Whilst you are suspended you will receive your full salary. [You will be asked to attend for an appointment with an Occupational Health Adviser during this time].

I hope to resolve the circumstances surrounding your suspension as soon as possible. The school is taking this action with your health in mind to ensure that you are fully fit to resume work. Also, to take into account any support/adjustments which may need to be made to assist on your return and to ensure the school takes into account any requirements under the Equality Act.

Suspension is not intended as a disciplinary measure and should not be seen as punitive or pre-judging any outcome.

## MODEL LETTER 13

### LETTER ISSUED TO AN EMPLOYEE WHO AFTER BEING SUSPENDED DUE TO ALLEGATIONS OF MISCONDUCT THEN STATES THEY ARE ILL

Dear

Further to **[our recent discussion and/or receipt of medical certification]**, you are now required to follow the school's Sickness Absence Reporting Procedures.

Please note that the formal investigation into allegations of **[misconduct]** will continue and that advice will be obtained from the Occupational Health provider/your medical practitioner, following an Occupational Health referral/receipt of further medical information, about whether you are fit to attend an interview or hearing as part of the investigation, although not fit for work.

You should also note that this episode of absence will be recorded as sickness absence and that you will be paid as per your contractual sick pay entitlement, information on which is also attached **(Appendix F)**.

If during this period of sickness absence your contractual sick pay entitlement ends, and you remain unfit to return to work, then your suspension will not resume until you are declared fit to return to work.

Once you are declared fit to return to work you are required to inform me immediately in order that we can consider whether to resume your suspension in order to allow the investigation to be completed or whether you should be allowed to return to work. You will be informed of this decision under separate cover and you should not return to work in the meantime.

If you have any queries relating to this letter or the actions taken to date please contact me on **[details]**. You will be contacted as soon as possible about your appointment with Occupational Health/about next steps.

## MODEL LETTER 14

### LETTER ISSUED TO AN EMPLOYEE FOLLOWING PANEL HEARING IHER

Dear

Following the Hearing held before the Decision Maker/s at **[name of school]** on **[date]** at **[time]**, I have to inform you that having regard to all the circumstances, the Decision Maker/s has/have decided that you should cease to be employed at **[name of school]** as **[Job Title]**.

The reason for this determination is capability on the grounds of ill health. This determination was made on the basis of a medical certificate signed by an Independent Registered Medical Practitioner (IRMP) stating that you are permanently unfit to carry out the duties for you which you were employed to do. This means that you are now eligible for immediate release of pension benefits at TIER (1,2,3)\*.

**\*TIER 1** – the member is unlikely to be capable of undertaking gainful employment before reaching normal pension age.

Members receive accrued pension rights plus an enhancement of membership of 100% of prospective benefits up to normal retirement age.

Please note there is no review of Tier 1 benefits.

**\*TIER 2** - the member is unlikely to be capable of undertaking any gainful employment within 3 years of leaving LG, but likely they would be able to do so before normal pension age.

Members receive accrued pension rights plus an enhancement of membership of 25% of prospective benefits up to normal retirement age. There is no review for this Tier.

Please note there is no review of Tier 2 benefits.

**\*TIER 3** – the member is likely to recover sufficiently from the incapacity to enable them to be capable of undertaking gainful employment within 3 years of leaving LG or before normal pension age if earlier.

Members receive accrued pension rights only with no enhancement, with award subject to review at 18 months after the date of the original determination.

As this decision affects your pension rights you have a right under the Local Government Pension Scheme Regulations to appeal against this decision. If you wish to appeal please complete the enclosed form and return it to Bridget Clark, HR Service Centre Manager (you will find the address on the attached form) who will be the Employer Adjudicator for your case. You must do this in writing, within six months from the date of this letter.



You are entitled to [ ] weeks' notice, \*\*at the end of this period your contract will terminate on health capability grounds / I have decided to pay in lieu of your notice entitlement **[number of weeks]** therefore your effective date of termination will be **[date]** and you will receive a lump sum payment equivalent to [ ] weeks' pay.

You also have the right to appeal against this determination to terminate your employment and if you wish to do so must provide me with written notice within 10 working days of receipt of this letter **[if necessary give final date by which to appeal]**. You have the right to representation, including trade union representation at such an appeal and I enclose a copy of the relevant procedures. **[Enclose copy of Appeals Procedure]** If you choose to appeal and your appeal is successful, you will be reinstated with effect from the date at dismissal.

*\* and \*\* delete as appropriate*

# **LOCAL GOVERNMENT PENSION SCHEME (LGPS) APPEAL PROCEDURE**

## **Decisions and Applications for Adjudication of Disagreements**

### **BACKGROUND**

This procedure is in accordance with The Local Government Pension Scheme Regulations 2013 (as amended) Part 2, Regulation 72 Decisions.

All pension schemes are required to have a formal Internal Disputes Resolution Procedure (IDRP) and ours is called LGPS Appeal Procedure (here within known as the appeal procedure).

This procedure provides a guide to how the appeal procedure operates within the Local Government Pension Scheme, and is provided for general information only. It does not cover every aspect of the Regulations. It is not an interpretation of the scheme regulations. In the event of any unintentional differences, the scheme regulations will prevail. This procedure does not confer any contractual or statutory rights.

### **FIRST INSTANCE DECISIONS**

From the day a person becomes a member of the LGPS, to the day when benefits or dependant's benefits are paid, the employer (known as the Scheme employer) and the Pension Fund (known as the administering authority) have to make decisions under the Pension Scheme rules that affect you (or your dependants).

The Administering Authority must decide any question concerning:

- (a) a person's previous service or employment;
- (b) the crediting of additional pension under regulation 16 (additional pension); and
- (c) the amount of any benefit, or return of contributions, a person is or may become entitled to out of a pension fund.

A person's Scheme employer must decide any question concerning any other matter relating to the person's rights or liabilities under the Scheme.

### **NOTIFICATION OF DECISIONS**

When you (this includes dependants) are notified of a decision you should check, as far as you can, that it is based on the correct details and that you agree with the decision.

The decision should be confirmed in writing to you as soon as is reasonably practicable. Where the decision is confirming that you are not entitled to a benefit the letter must contain the grounds for the decision. If the decision is about the amount of benefit it must contain a statement showing how it is calculated.

Every decision letter must provide:

1. contact details where further information about the decision can be obtained;
2. information about the appeal process;
3. time limits within which the member can appeal; and
4. the job title and address to whom appeals may be made.

## ENQUIRIES

If you have any queries about the content of a letter you have received, or you are not sure which pension benefits you are entitled to, or you have a problem with your pension benefits, please contact the person who has written to you, be that your employer or the Worcestershire Pension Fund\*. They will try to deal with the problem as quickly and efficiently as possible.

Many problems that members of the LGPS have are resolved in this way. They may be caused by misunderstandings or wrong information, which can be explained or put right easily. An informal enquiry of this kind may save you a lot of time and trouble.

## COMPLAINTS

If you are not satisfied with any decision affecting you, made in relation to the Pension Scheme, you have the right to ask for it to be looked at again under a formal appeal procedure. You should also use the appeal procedure if a decision should have been made by your employer or administering authority, but it hasn't been.

There are also a number of other regulatory bodies, such as The Pensions Advisory Service (TPAS), which may be able to help you. They are described in the "Additional Help" section below.

The appeal procedure has two stages. Many complaints are resolved at Stage One. Any complaint you make under this procedure will be treated seriously, and considered thoroughly and fairly.

You can ask someone to take your complaint forward on your behalf. This could be, for instance, a trade union official, your husband, wife or partner, or a friend.

No charge is made at any stage for investigating a complaint under the procedure however you are responsible for any expenses that you incur, e.g. your own (and/or your representative's) time, stationery, postage and where incurred, travel expenses.

Please remember that, before going to the trouble of submitting a formal appeal, your employer and/or Pension Fund welcomes the opportunity to try to resolve the matter about which you are dissatisfied in an informal way. It may be worth checking that they know you are concerned, and why.

## THE PROCEDURE

### ***Stage One***

If you need to make a formal complaint under this procedure, you should make it:

1. in writing, using the application form below; and
2. within 6 months of the date when you were told of the decision you want to appeal about.

Your complaint will be considered carefully by the person specified by the body that took the decision against which you wish to complain. This guide calls them the "adjudicator".

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\* The Worcestershire Pension Fund is the administering authority that looks after the pension fund.

The adjudicator is required to give you their decision in writing, within two months from when they received your complaint. If they are unable to respond within this timeframe the specified person can send you an interim reply setting out the reason(s) for the delay and an expected date to be able to give a decision.

You can refer your complaint for reconsideration to the administering authority adjudicator, i.e. the Worcestershire Pension Fund, in the following circumstances.

Please note the timeframes as these are important for the adjudicator to take into account in determining whether your request for reconsideration is received in time to be actioned:

1. you are not satisfied with the adjudicator's Stage One decision, and you are within six months from the date the decision letter (notice) was received; or
2. you have received an interim letter from the adjudicator, but no decision letter (notice) has been given, seven months from the expected decision date; or
3. you have not received a decision letter (notice) and no interim reply has been sent, nine months from the date on which your appeal was made.

### **Stage Two**

You can ask the pension scheme administering authority to take a fresh look at your complaint in the circumstances described above. This review would be undertaken by a person not involved in the original decision or the Stage One decision.

You will need to send the administering authority your appeal in writing. The time limits for requesting a reconsideration are provided above. The administering authority adjudicator will consider your complaint and give you their decision in writing, within two months from when they received your completed appeal form. If they are unable to respond within this timeframe the adjudicator can send you an interim reply setting out the reason(s) for the delay and an expected date to be able to give a decision.

If you are still unhappy following the administering authority's adjudicator's Stage Two decision, you can ask the Pensions Ombudsman to investigate and determine any complaint or dispute of fact or law in relation to the Scheme.

### **ADDITIONAL HELP**

**At any time** if you are having difficulties in sorting out your complaint you may wish to contact:

#### **The Pensions Advisory Service (TPAS)**

TPAS can provide free advice and information to explain your rights and responsibilities. To get information or guidance, you can look at the website on [www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk) or you can contact TPAS by phone or post.

The **Pensions Helpline phone number** is 0300 123 1047. Lines are manned Monday to Friday 9am to 5pm (excluding public holidays). Alternatively you can write to:

The Pensions Advisory Service (TPAS)  
11 Belgrave Road  
London  
SW1V 1RB

If you have received a Stage Two decision and are not satisfied with that decision, and still think your complaint is well-founded, TPAS may be able to help to resolve your pensions appeal, complaint or dispute. Before asking for TPAS' help you must have already tried to settle it using the LGPS appeal procedure described above.

A TPAS adviser cannot force a pension scheme to take a particular step but, if they think your complaint is justified, they will try to resolve the problem through conciliation and mediation. TPAS would need copies of all relevant documents, including the correspondence about your appeal and how it was dealt with.

### **The Pensions Ombudsman Service**

The Pensions Ombudsman Service investigates complaints and settles disputes about pension schemes. However, before contacting the Ombudsman, the Pensions Ombudsman Service would normally expect you to have:

- been given a Stage One and Two decision under the above procedure; and
- asked for the help of TPAS.

The Pensions Ombudsman Service is completely independent and acts as an impartial adjudicator. The Ombudsman role and powers have been decided by Parliament. There is no charge for using the Pensions Ombudsman Services.

The Ombudsman cannot investigate matters where legal proceedings have already started but, subject to that, the Ombudsman can settle disputes about matters of fact or law as they affect occupational pension schemes.

The Ombudsman can also investigate and decide any appeal, complaint or dispute about the maladministration of a pension scheme. "Maladministration" is about the way that a decision is taken, rather than about the merits of the decision. Examples of maladministration would be unreasonable delay, neglect, giving wrong information and discrimination.

The Ombudsman's decision is final and binding on all the parties, subject to any appeal made to the High Court on a point of law.

To get information or guidance, you can look at the website: [www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk). You can contact by telephone: 020 7630 2200 Monday to Friday (excluding public holidays) 9am to 5pm or email: [enquiries@pensions-ombudsman.org.uk](mailto:enquiries@pensions-ombudsman.org.uk)

The Ombudsman is at the same address as TPAS:

The Pensions Ombudsman Service  
11 Belgrave Road  
London  
SW1V 1RB

**Application under the Local Government Pension Scheme (LGPS)  
Appeal Procedure**

**I confirm that I have read the LGPS Appeal Procedure guidance notes and understand that this procedure is an application for adjudication of a disagreement (encompassing the Internal Disputes Resolution Procedure (IDRP)).**

You can use this form:

- to apply to the adjudicator at Stage One if you want them to investigate a complaint concerning your pension; and
- to apply to the administering authority if you want them to reconsider a decision made by the adjudicator.

**1. Member's details:**

If you are the member (the person who is or was in the Scheme), or a prospective member (a person who is eligible to be a member of the Scheme), please give your details in this box. You can then go straight to box 4.

If you are the member's dependant (for example, their husband, wife or child), please give the member's details in this section, and then go to box 2.

If you are representing the person with the complaint, please give the member's details in this section, and then go to box 3.

**Please write clearly in ink, and use capital letters in boxes 1, 2, 3 and 4.**

Full Name	Mr/Mrs/Miss/Other (please specify)
Postal Address including Post Code	
Telephone Number	
Date of Birth	
Employer	
National Insurance Number	

**2. Dependant's details:**

If you are the member's dependant and the complaint is about a benefit for you, please give **your** details in this box and then go to box 4.

If the complaint is about a benefit for a dependant and you are the dependant's representative, please give the dependant's details in this box and then go to box 3.

Full Name	Mr/Mrs/Miss/other (please specify)
Postal Address including Post Code	

Date of Birth	
Relationship to member	

**3. Representative's details:**

If you are the member's or dependant's representative, please give your details in this box.

Full Name	Mr/Mrs/Miss/Other (please specify)
Postal Address including Post Code	
Telephone Number	

**4. Correspondence:**

<p>Please confirm how you would prefer to receive correspondence:</p> <ul style="list-style-type: none"> <li>• via post *, or</li> <li>• via email to the following email address * (please write clearly):</li> </ul> <p>-----</p> <p><i>* delete as appropriate</i></p>
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**5. Your complaint:**

Please give full details of your complaint in this box. Please try to explain exactly why you are unhappy, giving dates or periods of Scheme membership that you think are relevant.

**If there is not enough space, please continue on to a separate sheet and attach it to this form.** Remember to write your name and national insurance number at the top of any separate sheet if you are a member. Or, if you are not a member, put the member's name and national insurance number at the top of any separate sheet.

Continued...

**5. Your signature:**

I would like my complaint to be considered and a decision to be made about it. I am a:

- scheme member/former member/prospective member \*
- dependant of a former member \*
- member's representative/dependant's representative \*

*\* delete as appropriate*

Signed:

Date:

**6. Supporting Documentation:**

Please enclose a copy of any notification of the decision you are complaining of which has been issued by the employer or administering authority. Also enclose all other letters or notification that relate to the case.

**Please send your completed form and supporting documentation to:  
Bridget Clark, HR Service Centre Manager, Worcestershire County Council,  
County Hall, Spetchley Road, Worcester, WR5 2NP**

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**For Office Use Only:**

COaCH/HR/BAC – November 2015