

# FREDERICK BREMER SCHOOL

# MANAGING SICKNESS POLICY



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# SECTION 1- OUTLINE OF POLICY

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## 1. INTRODUCTION

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

## 2. SICK LEAVE ENTITLEMENTS

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

## 3. LEGAL FRAMEWORK

In implementing this policy, governing bodies, Head teachers and senior leaders will give due consideration to statutory provisions and related legislation which include:

(A) Health & Safety at Work Act 1974;

<http://www.legislation.gov.uk/ukpga/1974/37/contents>

(b) The Management of Health & Safety at Work Regulations 1999:

<http://www.legislation.gov.uk/uksi/1999/3242/contents/made>

(c) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995;

<http://www.legislation.gov.uk/uksi/1995/3163/contents/made>

(d) Control of Substances Hazardous to Health Regulations 1999;

<http://www.legislation.gov.uk/uksi/2002/2677/made>

(e) Health & Safety – Display Screen Equipment Regulations 1992;

<http://www.legislation.gov.uk/uksi/1992/2792/made>



(f) Manual Handling Regulations 1992;

<http://www.legislation.gov.uk/uksi/1992/2793/made>

(g) Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

(h) The Employment Rights Act 1996:

<http://www.legislation.gov.uk/ukpga/1996/18/contents>

(i) The Access to Medical Reports Act 1988 <http://www.legislation.gov.uk/ukpga/1988/28/contents>

(j) The Access to Health Records Act 1990 <http://www.legislation.gov.uk/ukpga/1990/23/contents>

## 4. SCOPE

This policy applies to all school-based employees on permanent, temporary and fixed-term contracts.

For staff on probation, as well as this policy and procedure, the school's probationary guidelines should be used for support staff on NJC terms and conditions and the Statutory Induction Guidelines for Newly Qualified Teachers should be used where this relates to sickness absence.

## 5. AIMS OF THE POLICY

1. This policy and procedure aims to minimise the impact of sickness absence in schools on service delivery and to reduce the average number of working days taken as sick leave by school based employees.
2. An employee's absence must be handled with care and sensitivity. It is important to establish good communication during the absence and this process should not be seen as heavy handed or lacking in sensitivity.
3. All employees will be treated equally and consistently. This procedure will not be applied as a punitive measure but as a tool to improve attendance at work or to enable employees to maintain their attendance. Consideration will be given to any diversity issues that may also have an impact on sickness levels, e.g. harassment within the workplace. Head teacher/managers may also exercise discretion in certain circumstances with the agreement of the governing body e.g. major flu epidemic or where it affects a significant number of the school workforce.
4. The Head teacher will be responsible for ensuring that this policy is followed where there are concerns regarding an employee's level of sickness absence and may delegate responsibilities to other senior members of staff as appropriate.
5. Where the Head teacher's attendance is a matter of concern, the role of the Head teacher in relation to the management of the sickness absence will be undertaken by the Chair of Governors.

## 6. KEY PRINCIPLES

1. The following principles are designed to ensure that schools take proactive measures to effectively manage sickness absence whilst having regard to the need to support employees who are sick and treat them with sympathy and understanding.
2. For any school it is vital that staff attendance is managed properly as poor levels of attendance can lead to:



- a. Disruption to teaching and learning for pupils
  - b. Increased pressures on colleagues to cover workload
  - c. Reduction in the quality of service and support
  - d. Financial difficulties for the school due to increased cover costs
3. In practice, the Head teacher and/or designated line manager will among other actions be expected to:
- a. Take the appropriate action when an employee sickness level reaches a recommended trigger point;
    - i. Investigate and discuss every case in a timely and appropriate manner;
    - ii. Establish a clear plan of action with their employees by setting achievable attendance targets and devising local strategies for performance improvement;
    - iii. Liaise with the Occupational Health Service (OHS) in managing attendance;
  - b. Monitor employee attendance at work and introduce any appropriate measures to address the issues identified;
    - i. Monitor and manage any cases of long-term sickness absence;
    - ii. Actively seek to rehabilitate staff to enable a safe and planned return to work.
  - c. Consider reasonable adjustments to the workplace and/or working arrangements i.e. phased return to work, to achieve a return to work and regular attendance.
  - d. Be mindful of employees' disability when following this procedure Ensure that reasonable adjustments are considered when facilitating meetings, reviewing, working arrangements, the workplace and/or equipment.
4. Where sickness absence is prolonged or where there is a high incidence of separate periods of absence that have an impact on service delivery, it is important that the sickness management procedure is implemented.
5. When an employee is prevented from attending work because of contact with infectious disease they shall be entitled to receive normal pay. The period of absence on this account shall not form part of the employee's sickness entitlement.

## 7. ROLES AND RESPONSIBILITIES

### Employee Responsibilities

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

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

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



### **Management Responsibilities**

1. Headteacher/Managers are responsible for the following:
  - a. Staff must be made aware of the policy and procedures for reporting sickness absence.
  - b. Contacting employees who have not reported their absence as required;
2. Ensuring that employees are aware of the support provided through the Council's independent counselling service 'Workplace Options' and other support service e.g. Teacher Support Network;
3. Head teachers/managers are also responsible for ensuring that the Education (Teachers) Regulations are applied and that a teacher or other worker with children and young persons should not continue in their post if the person does not have the mental or physical capacity to perform the duties of the post.

### **Governing Body Responsibilities**

1. Monitor the Head teacher's absence and apply the appropriate procedures
2. Review sickness absence data and in liaison with the Head teacher review absence data, associated costs and strategic direction to help absence figures improve.

### **Human Resources (LBWF) Responsibilities**

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

### **Human Resources Service Provider Responsibilities**

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



## **8. ACCOMPANIMENT, REPRESENTATION AND REQUESTS FOR POSTPONEMENTS**

1. Employees have no automatic right to be accompanied at informal meetings. However, they may request representation at this stage.
2. Employees can be accompanied or represented at the First Formal meetings, final formal hearings and appeal hearings only by a trade union official, or a work colleague.
3. Where an employee is to be accompanied or represented, they should provide relevant details to the manager convening the meeting sufficiently in advance of the meeting.
4. If copy documentation is requested directly by their representative or companion, the manager should ensure that this has been done with the permission of the employee.
5. The manager and the employee's representative should agree a convenient time for a hearing in advance to avoid postponements.



# SECTION 2- Outline of the Procedure

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## 1. INTRODUCTION

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

## 2. USE OF TRIGGER POINTS

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

### Triggers for Action

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



Trigger Points	ACTION MANAGER IS TO TAKE
return to work after any sickness	return to work discussion
<p>8* working days or more of sickness absence in the preceding 12 month period, (this can be either 8 consecutive days or an accumulation of days)</p> <p>or</p> <p>3* or more absences of whatever length within the preceding 3 month period,</p> <p>or</p> <p>a pattern of sickness absence (for example: Any pattern of part day absences, absences on certain days (e.g. Mondays or Fridays) or known “busy” days; or Above average absence levels for the School; or No adequate reason given for the absence.</p>	<p>For continuous absence begin sympathetic and regular contact with the employee.</p> <p>Consider referral to occupational health service and other action to examine whether the employee can be helped/assisted to give regular and efficient service</p> <p>Decide on appropriate action if required e.g. informal or formal action.</p> <p>Headteachers can use the deferred option at this stage see section 2.6</p>
At end of review period:	<p>Head teacher/ manager to review action taken so far with employee</p> <p>Consider referral to occupational health service and other action to examine whether the employee can be helped/assisted to give regular and efficient service</p> <p>Decide on appropriate action if required e.g. informal or formal action</p> <p>Headteachers can use the deferred option at this stage see section 2.6</p>

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

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

**Target Setting**

- 1. The targets stated can be used throughout the 5 stages of the procedure.
- 2. However it would be usual for these targets to be lowered if, for example, a member of staff, at a final formal hearing, had mitigating reasons for their sickness absence and dismissal was not



pursued on this occasion, it might be appropriate, for example, to set a new target of no more than a total of 4 working days of sickness absence in a 6-month period.

3. For staff who have a disability, targets for improvement can still be set, however there may be a need to be more flexible when the absence relates to the disability and go above the recommended 4 days.
4. If any employee fails to meet the target that has been met for the monitoring stage then the Line Manager/Headteacher will need to determine whether they move to the next stage of the process or whether a further monitoring period is required.
5. Even if an employee is still off sick when triggers for action have been reached, it is still necessary to consider the situation proactively. Employees should still be invited to attend meetings under the procedure, and staff should be advised of this. If they are unable to attend, they can be represented or provide written statements/comments/ information about their illness, treatment and its affects, prognosis and likely date of return to work.

### Deferred Action

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

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

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

## 4. RECORDING SICKNESS ABSENCE

1. The Head teacher/manager will be required to maintain a sickness absence record upon which all sickness absence will be recorded. Following each period of sickness absence; following the



return to work meeting the sickness absence record must be updated, including recording the reason for the sickness absence and any other relevant information.

### Return to Work Meetings

When an employee returns to work after any period of sickness absence a ‘return to work’ discussion must take place with the relevant line manager. This may take the form of an informal discussion that may last a few minutes or be a structured meeting, depending on individual circumstances. A return to work form must be completed and signed and returned by email or hard copy to the HR manager. In recognising the governing body’s duty of care to employee, head teachers/managers are expected to address concerns as soon as they arise. Informal reviews, including home visits and referrals to OHS may therefore take place before the trigger points are reached.

Where a doctor has advised that an employee may be fit for work, they will include some comments on the employee’s condition and where, appropriate may recommend one or more of the actions identified in section 6 Referral to the Occupational Health Service.

- A. **Phased Return to Work:** The doctor may recommend this where they believe an employee will be able to return to work with a reduction in hours/tasks for a specific period.
- B. **Altered Hours:** The doctor may recommend this where they believe that an employee will benefit from the change to their normal working hours. This does not necessarily mean working fewer hours.
- C. **Amended Duties:** This may be recommended where an employee’s condition is to be taken into account.
- D. **Reasonable Adjustments:** This may be recommended where an employee’s condition is to be taken into account.

## 5. PROCESS

### Informal Stage

1. The informal stage should commence when the 1st trigger has been exceeded or where management have concerns about the amount of sickness absence or pattern of sickness. A useful Informal stage checklist has been provided (see appendix 2)
2. A meeting will take place to explore the following:
  - a) The reasons for sickness absence,
  - b) Any underlying work, welfare or domestic problems which may be contributing to the sickness absence.
  - c) Offer flexible arrangements to enable the employee to discuss sensitive medical issues. (for example, they may wish to talk to or be accompanied by someone of the same race or gender).
  - d) Raise any management concerns and explain the effect of absence on the work.
  - e) Set targets for attendance and arrange to monitor it.
  - f) Explain the school’s policies on sickness absence including the focus on whether the employee can give regular and efficient service.
  - g) Explore any other options which may permit the employee to improve attendance or return to work.
  - h) If necessary, tell the employee that the next stage would be to refer the employee to the OHS or to deal with the matter formally (or both).
  - i) Keep accurate records and notes of the matters discussed.
  - j) It should also be made clear at this meeting that sickness absence will continue to be reviewed and that regular review meetings i.e. Monthly will take place so that any concerns about the employee’s ability to meet targets set can be highlighted at the earliest possible moment.



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

Where possible it is expected that a review meeting would take place once the School is in receipt of the Occupational Health Report.

### **Formal Stage**

1. If the targets set at the informal stage are exceeded a first formal stage meeting should be arranged unless there are good reasons for remaining at the informal stage e.g. deferred action. A useful formal stage checklist has been provided (see appendix)
2. The manager/Headteacher will:
  - a) Consider the causes of the sickness absence and its effect on work, taking account of medical advice.
  - b) Explain school policy on sickness absence including the focus on whether the employee can give regular and efficient service.
  - c) Explore any work, welfare or domestic problems or other explanation offered.
  - d) Set meaningful targets for a return to work; consider options which would improve attendance or enable a return to work.
  - e) Issue any warning and determine a course of action which will take into account the needs of the school, and where possible, the interests of the employee.
  - f) Keep records and notes of the matters discussed.
3. There can be more than one first formal stage meeting particularly if specialist consultant's reports are awaited. After a first formal meeting sickness absence review meetings should take place, it is recommended that these take place on a monthly basis. If a member of staff is on long-term sickness absence it is essential to maintain contact.

### **Final Stage**

1. The final formal stage of the procedure must continue with the four key activities set out in paragraph 2.1 above and arrange for the Headteacher/Panel of Governors, with authority to dismiss, to hear the case in a final formal meeting.
2. The Headteacher/Panel of Governors will consider:
  - a) if the employee is capable of regular and efficient service after hearing from the manager and the employee.
  - b) if the employee's health needs are compatible with the School's need for work to be done.
  - c) any reasonable alternatives to dismissal including reasonable adjustments to the work or work place, redeployment, phased return, early retirement and so on.
  - d) whether the employee has been treated reasonably in all the circumstances and in line with the four key activities of the procedure
  - e) determine a course of action which will take into account the needs of the school, and, where possible, the interests of the employee.
  - f) recommendation for dismissal may be considered in the case of any employee who has unacceptable level of sickness absence.
  - g) where a decision is recommended for dismissal notice in line with the employee's contract must be paid.



## Appeal

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

## 6. REFERRAL TO THE OCCUPATIONAL HEALTH SERVICE

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

### a) Altered Hours

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

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

### b) Amended Duties

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

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



c) Workplace Adaptations (Reasonable Adjustments)

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

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

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

d) Phased Return to Work

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

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

Pay during phased return

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

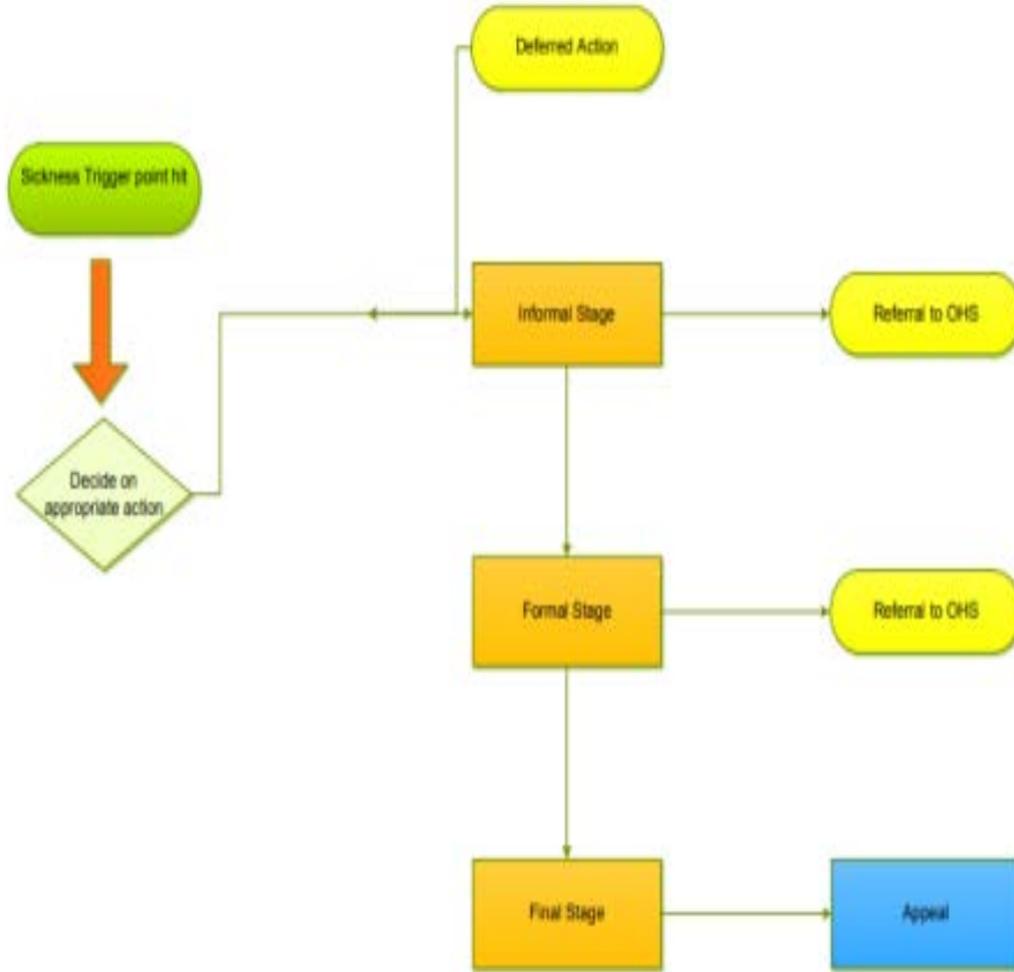
Employees are expected required to attend Occupational Health Service as requested.

If any employee should refuse to go the Occupational Health Service, The employee should be advised that being provided with the medical information may assist a return to work. In the absence of this information, decisions can be taken based on the information that is available, which could have implications for their continuing employment.

3. It is important for employees to attend the scheduled appointment. If due to unforeseen circumstances an employee is unable to attend the expectation is that they must provide the Occupational Health Service with 48 hours' notice in order to avoid cancellation charges.
4. If an employee fails to attend the appointment, without sufficient notice, Schools may require the employee to reimburse them for this expense if there is no sound reason; failing to attend the appointment is not acceptable.



### 7. OUTLINE OF PROCEDURES





# SECTION 3- FACTORS FOR CONSIDERATION

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## 1. MEDICAL REDEPLOYMENT

1. Where changes in working hours or working practices have been supported by medical recommendation, but are impractical or have been unsuccessful, it is necessary to consider alternative employment opportunities for the employee within the school. This process is termed medical redeployment.
2. The investigation of redeployment opportunities is also a requirement of the ill health retirement provisions of the Local Government and Teachers Pension Schemes, which states that the employer has to ensure that the employee cannot undertake any comparable employment. School's Traded HR provider advice should be sought where medical redeployment is recommended.

### Unsuccessful Redeployment

1. Where the redeployment period is coming to an end and / or where there are concerns, discussions will need to be on-going with HR regarding what further action or steps need to be taken in relation to the employee's employment. This could involve a further referral to Occupational Health to discuss the employee's return to their current role, early ill health retirement or a formal Sickness Review Meeting, where termination of services on the grounds of medical incapability will have to be considered.

## 2. ILL HEALTH

### Ill Health Retirement

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

## 3. TERMINAL ILLNESS

1. Dealing with employees suffering from terminal illness can be very difficult for all concerned. Under the Equality Act 2010, terminal illness is defined as those who are expected to die within the next 12 months.



2. Each case will need to be dealt with individually. However, a referral to Occupational Health for support and advice for the employee concerned and colleagues may be deemed appropriate to confirm diagnosis.
3. The governing body of the school may wish to consider the extension to the employees sick pay in these situations.

#### 4. ACCIDENT AT WORK

1. If an employee considers their absence to be caused by an injury at work, the employee must complete an Incident Report form and pass to their Head teacher. In the case of community and voluntary controlled schools this form should be forwarded to the LBWF Health and Safety Team. An employee who is absent from work due to an accident or injury at work should be treated in the same way as if their absence was due to sickness and therefore the Managing Attendance Policy should be followed.
2. The Headteacher in conjunction with advice from both Occupational Health and the Health & Safety Team, will determine if the employee's injury was caused at work.

When it has been accepted by the school that the employee's injury did occur at work the employee will receive the same entitlement as they would under contractual sick pay terms. But this period of pay would not count towards their contractual sick pay entitlement. In accordance with the Green Book, Support Employees will not have one off set against the other. In accordance with the Burgundy Book, Teachers will receive the first six months of absence at full pay, followed by their normal sick pay.

3. An employee who is absent from work as a result of an accident that took place outside work with a third party and if the employee is subsequently successful in their claim and receives reimbursement of salary from the third party's insurer, the school would need to be reimbursed from this sum.

#### 5. EXTENSION TO SICK PAY

1. An extension to sick pay may be appropriate in some limited circumstances. The Chair of Governors may consider an extension to sick pay in exceptional circumstances such as a terminal illness. The decision to extend sick pay will be made on an individual case by case basis. The following principles will apply:
  - a) For sick leave, the employee's full-pay period may be extended by a maximum of six months.
  - b) For industrial injury, the period on full-pay, including any extensions, will not exceed 12 months.
  - c) Where the full pay period is extended to cover the half pay period, the employee will normally be paid 1 month's half pay before moving to nil pay
  - d) Shorter periods of extension may be granted. Where more than one extension is given this will be subject to the maximum periods above.
  - e) Even when an extension is granted, it must be kept under review.

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

- a) It is likely to contribute to an earlier return to work by easing the
- b) employee's financial situation or domestic concerns.
- c) It will enable a reasonable period without financial pressure on the employee in which the prognosis of the illness can be established.



- d) It will bridge a short gap between the end of the sick pay and the time the employee is due to retire.
- e) It will enable the Governors/Head teacher to deal sympathetically with an employee who has a terminal illness.
- f) The reason for the absence qualifies as an industrial injury.
- g) The reason for the absence qualifies under the provisions of the personal injury scheme.

## 6. EQUALITY ACT 2010

1. The Equality Act 2010 replaced most of the Disability Discrimination Act (DDA). The Equality Act aims to protect disabled people and prevent disability discrimination and provides legal rights for employees. The Act also provides rights for people not to be directly discriminated against or harassed because they have an association with a disabled person. This can apply to a carer or parent of a disabled person. In addition, people must not be directly discriminated against or harassed because they are wrongly perceived to be disabled.
  - a) Under the Equality Act 2010, a person has a disability if:
    - i. they have a physical or mental impairment
    - ii. the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities

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

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

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

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



# Appendix

## Appendix 1: Sample Return to Work Document

# SICKNESS ABSENCE RETURN TO WORK FORM

**TO BE COMPLETED BY HEADTEACHER/ MANAGER:**

<b>Managers Checklist</b>	
<ul style="list-style-type: none"> <li>• Welcome employee back</li> <li>• Review of Self certificate/ medical statement/ fit note where appropriate provided by employee :</li> <li>• Confirm reason for absence:</li> <li>• Check employee is fully recovered and fit for work:</li> <li>• Discuss any support employee may require</li> <li>• Discuss how best to implement any adaptations/ support recommended by Occupational Health</li> <li>• Review attendance and whether triggers met</li> <li>• Discuss the impact of absence</li> <li>• Where appropriate outline expectations for improvement</li> <li>• Move on and update employee on work and team activities</li> </ul>	
<b>BRIEF NOTE OF DISCUSSION</b>	
<b>Employee's comments:</b>	
<b>Any Actions Arising (please tick)</b>	Informal Stage meeting required
Occupational Health Referral required	Formal Stage meeting required?
Trigger levels met?	Final Stage meeting required?

I certify that I completed this form in the presence of the employee concerned and we have discussed its content and any actions arising.

Headteacher/ Manager's name and signature		
Employee's name and signature		
Date		

Please attach the completed form and any medical statements/ fit notes to your attendance sheets and file in personnel file.



## Appendix 2: Informal Stage Meeting Checklist

This checklist should be followed when a manager has cause for concern in relation to an employee’s fitness to work and is considering a referral to Occupational Health. Manager/Headteacher should complete this form once they have met with the employee in question.

The trigger points for the Informal Procedure are:

- 8 working days of sickness absence in any 12 month period
- 3 periods of sickness absence in any 3 month period
- A pattern of sickness absence

(These amounts are pro rata for part-time staff)

This form can also be used when reviewing an employee with an unsatisfactory long term sickness/absence record

- development of a work related illness, mental health issues, a disability
- a review after a period of long term illness
- progression of an ill health retirement case

**Employee name:**

**School:**  **Manager/Headteacher:**

**Dates of absence:**  **Days’ absence:**

**Reasons given for absence:**

In the course of the meeting, the manager/Headteacher should cover the following areas:

- The manager/Headteacher’s concerns, particularly in terms of the effect of the employee’s absence on their ability to do their job and the effect on the team.
- Ways to address the problem. Has the employee been to see a doctor? (If there is any medical recommendation for future treatment, this should be discussed. The employee is however



entitled to withhold any medical reports or information). Are there any underlying reasons for the absence – (work / domestic)?

- What standards of attendance will be required over a fixed period and how attendance will be monitored?
- Should the employee fail to achieve the set targets, what the next step will be (referral to occupational health and/or proceeding to the formal stage). The manager should explain the sickness procedure and what could happen if the situation doesn't improve in the long term (withholding sick pay / redeployment / dismissal).

**Manager/Headteacher's meeting / discussion notes:**

**Monitoring period (weeks / months):**

**Target:**

**Signature of Head teacher/ Manager:**

**Date:**



### Appendix 3: Invite to Informal Stage Sickness Meeting

Head teacher/Managers can adjust letter as necessary to fit circumstances of the case.

*Private & Confidential*

Dear

RE: MANAGING SICKNESS - INFORMAL STAGE

The School aims to keep its sickness absence levels to a minimum so that its services to residents are delivered efficiently. As your manager I need to ensure that any issues you have that affect your attendance at work are addressed. The School's Managing Sickness procedures details triggers within the sickness policy that ensure I do this.

You are therefore required to attend a meeting with me to discuss:

- your unsatisfactory short or long term sickness/absence record
- the development of a work related illness, mental health issues, a disability
- a review after a period of long term illness
- progression of an ill health retirement case  
(delete as appropriate)

The meeting will take place at **(date and time of the meeting, and venue)**. **(Head teacher/Manager should give at least 5 days' notice of this meeting)**.

If for any reason you are unable to attend this meeting or you would prefer me to visit you at home, please let me know no later than **(specific date)**, by telephoning me on direct line number **(delete as appropriate)**.

The purpose of this meeting is to discuss your current situation and explore ways to support and help you to maintain an acceptable level of attendance, and to discuss any further action needed.

Please be advised you have been absent from work for **(number of working days)** in the last 12 months. **Please see attached** record of your sickness absence during the last 12 Months.

***Please be advised that, I am considering referring you to the school's Occupational Health Service. As I have of concerns over your ongoing sickness absence and wish to ensure that any reasonable adjustments I can make to assist your attendance at work are considered. (delete/ amend as appropriate)***

Enclosed is a copy of the School's Sickness Policy

Please confirm that you will attend this meeting, or advise me of any difficulties, by **(date)**.

This meeting will be held at the Informal Stage of our procedures and no decision regarding your future employment with the school will be made as a result of this meeting.

Yours sincerely

Head Teacher/ Manager

*Enc: Sickness Absence Management Policy & Procedure*



## Appendix 4: Sample Letter – Outcome Of Informal Stage Meeting

Dear

### **SICKNESS ABSENCE – INFORMAL STAGE MEETING**

I am writing to confirm our meeting held on XX to discuss your sickness absence and enclose a copy of the sickness absence review record for you to sign and return.

As you are aware the School's Sickness Absence Management Policy and Procedure states that the target for the average number of days of sickness per employee is x days as the School and Council needs its employees to give regular and efficient service.

You have previously been advised of the guidelines and procedures for the control of sickness absence and as you have now had XX days of sickness I must advise you that your sickness absence will continue to be monitored with a view to seeing an improvement.

At the meeting a target was agreed, with the aim of improving attendance, as recorded on the attached form.

If there is no improvement in your absence levels we will move to the formal stage of the procedure which has already been explained to you.

Hopefully it will not be necessary to move to this stage and I look forward to seeing an improvement in your sickness absence record. However, I do have to inform you that if your sickness absence record fails to improve, this could ultimately result in your dismissal.

Yours sincerely

Headteacher/ Manager



**Sickness Absence**

**Formal Stage Checklist**

<b>Date:</b>	
--------------	--

**When is the formal stage triggered?**

The formal stage of the sickness procedure should be used when the manager/Headteacher has met with the employee informally, the triggers set at the informal meeting have been passed and in most cases, when the employee has been referred to occupational health for evaluation. In some cases, a referral to occupational health may not be necessary, for example where current medical reports or sickness absence certificates give adequate information regarding the likelihood of the employee returning to work, an indication as to future fitness, and/or comments on adjustments which could be made to the employee’s working conditions to alleviate the problem.

**Who needs to attend the meeting?**

The meeting should be attended by:

- The manager/Headteacher
- A representative from HR
- The employee in question
- A trade union official or other colleague (if the employee makes a suitable request)

**What notice should be given to the employee?**

The employee should be given 5 working days written notice of a meeting (or less by mutual agreement).

The notice should specify the date of the meeting and the issues which will be discussed.

The notice should offer the employee the right to postpone the meeting to another date with 5 working days of the original date if their representative will not be available on the first chosen date (an adjournment may be increased in exceptional circumstances at the manager’s discretion or by mutual agreement)



**SECTION 1 : Pre-meeting preparation**

To assist the manager/Headteacher with the conduct of the formal hearing, it is advisable to prepare for the meeting beforehand. The following checkboxes should be completed prior to a formal hearing to ensure that all issues are covered and properly considered..

**Employee name:**

**Manager:**

	Dates	Reasons
<b>Dates / reasons given for absence:</b>	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>
	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>
	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>
	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>
	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>
	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>
	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>
	<input style="width: 100%; height: 25px;" type="text"/>	<input style="width: 100%; height: 25px;" type="text"/>

**Total days' absence in last 6/12 months:**

Are you aware of any personal / work / domestic circumstances which may be contributing to the employee's absence?      Yes       No

If 'yes', please give details:



Briefly summarise any medical information received as to the employee's health:

Nature of illness / injury:

Cause of illness / injury:

Likely timescale for return to work:

Impact on ability to perform current role:

Suggestions for ways to improve situation:

What is the effect of the employee's absence on his/her work (for example, poor standards of service delivery, increased burden on colleagues)? Give actual examples where possible.



What targets are you going to set for improvement? Please specify a suitable timeframe in weeks or months:

Timescale	Target

Given the type of illness / injury, and the sickness record of the employee concerned, are there any options for changing role / duties to improve attendance or facilitate an earlier return to work?

If yes, please give details:



## Section 2 – meeting agenda

To ensure that the meeting is conducted fairly, manager/Headteacher's may use the following meeting agenda.

### 1. Opening remarks

The manager/Headteacher should explain the purpose of the meeting – namely:

- to discuss the employee's absence record,
- to discuss the cause of the absence and any medical evidence available,
- its effect on the employee's work and the team,
- the likelihood of the employee returning to work,
- any change to working arrangements which may be possible, and
- any targets for improvement needed (a return to work date and/or reasonable standards for attendance).

The employee should also be warned that if standards do not improve, matters may progress to stage 2 – dismissal (although with a right to appeal).

The role of the representative should be explained, namely that they are present to assist the employee, but may not answer questions on his/her behalf.

### 2. Cause of absence

*Re-state the employee's absence record – giving examples and reasons for illness. Refer to any medical reports. Ask for an explanation for the causes of the illness / injury – whether there may be any underlying causes or reasons to be discussed.*

### 3. Effect on ability to perform role

*Highlight examples where service delivery / the team have been effected by the employee's absence.*

### 4. Adjustments

*Are there reasonable adjustments to the employee's role which could ensure a better sickness record / earlier return to work?*



**5. Targets / Actions**

*What targets must the employee reach in a given period – for example, no more than 2 days' sickness absence in the next 2 months, or a return to work by a given date. Are there other actions the employee could take to improve their situation – i.e. seek alternative treatment, see a specialist, use equipment / remedial devices (back supports etc).*

**6. AOB.**

*Set date of next meeting. Ask if the employee / representative has anything to add. Confirm that a letter will be sent within 5 working days recording the decisions / actions to be taken, and reconfirming the fact that the next stage could include a second formal hearing and dismissal if targets are not met.*



**SECTION 3 : Meeting transcript**

**Record of a Stage 1 Sickness Meeting**

**Location:**

**Time:**

**Date:**

**Present:**

**MANAGE/HEADTEACHER**

**EMPLOYEE NAME**

**OTHER PARTIES PRESENT**

---

**Documents supplied at / referred to at the Hearing:**

1. Medical certificates:
  
2. Occupational Health Reports:
  
3. Self-Certification Forms:
  
4. Notes from previous meetings:



**Notes:**

**Monitoring period (weeks / months):**

**Target:**

**Signature of manager:**



## Appendix 6: Invite to Formal Stage Sickness Meeting

Head teacher/Managers can adjust letter as necessary to fit circumstances of the case.

### **Private & Confidential**

Dear

### **RE: MANAGING SICKNESS - FORMAL STAGE**

To date your continued frequent sickness absence has been dealt with under the informal stages of the School's sickness absence procedure including an informal meeting on [DATE]. You were also advised that your attendance would continue to be monitored and that if there was no improvement, the matter would move to the formal stages of the procedure.

Our records show that your attendance at work has not achieved the required level of improvement. Since [DATE] you have been absent due to [REASON]. You are therefore required to attend a Formal Stage meeting. This will be held in [LOCATION] at on [DATE] at [TIME]. **{NB EMPLOYEE NEEDS TO BE GIVEN 5 WORKING DAYS NOTICE OF THE MEETING}**

The purpose of this meeting is to discuss the School's on-going concern at the level of your recorded absences, to give you a further opportunity to put forward an explanation for these absences and to discuss any further action needed which may include a written warning.

[NAME] and [Job Title] will also be attending the meeting. You may arrange to be accompanied by a Trade Union Representative, friend or colleague, but not a paid legal representative.

It would be appreciated if you could bring to this meeting any documentation that you think is appropriate.

Please confirm that you will attend this meeting, or advise me of any difficulties, by [DATE].

Yours sincerely

Head Teacher/ Manager

*Enc: Sickness Absence Management Policy & Procedure*



## Appendix 7: Formal Stage Outcome Letter

Dear

### MANGING SICKNESS ABSENCE MEETING – FORMAL STAGE

I am writing to confirm my decision following our meeting held on **XX** to discuss your sickness absence and enclose a copy of the absence review meeting record. As you are aware the School's Sickness Absence Management Policy and Procedure states that the target for the average number of days of sickness per employee is **x** days and you have previously been advised of the guidelines and procedures for the control of sickness absence.

As discussed, you have now had **XX** days of sickness over the past **XX** months and I must advise you that your sickness absence will continue to be monitored over the next **XX** months with a view to seeing a substantial improvement.

I am therefore setting the agreed targets as discussed as recorded in the notes attached.

If you are absent from work due to sickness, in excess of these targets, management may consider moving to the final formal stage. One option at the final stage may be that you will be dismissed from the School's service for failing to provide regular and efficient service.

Hopefully it will not be necessary to move to this stage and I look forward to seeing an improvement in your sickness absence record.

Yours sincerely

Head Teacher/ Manager



## Appendix 8: Final Stage Meeting Checklist

Sickness Absence

Final Stage Meeting Checklist

<b>Date:</b>	
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### When is the final stage triggered?

The final stage of the sickness procedure should be used when the employee has met with the employee informally, when the employee has been referred to occupational health for evaluation, and when a Formal Stage has already been conducted (and targets set have not been met, or sickness absence levels have not improved). In some cases, a referral to occupational health may not be necessary a second time, for example where current medical reports or sickness absence certificates give adequate information regarding the likelihood of the employee returning to work, an indication as to future fitness, and/or comments on adjustments which could be made to the employee’s working conditions to alleviate the problem.

### Who needs to attend the meeting?

The meeting should be attended by:

- Headteacher/Panel of Governors
- School Management to present School case
- A representative from HR
- The employee in question
- A trade union official or other colleague (if the employee makes a suitable request)

### What notice should be given to the employee?

The employee should be given 5 working days written notice of a meeting (or less by mutual agreement)

The notice should specify the date of the meeting and the issues, which will be discussed.

The notice should offer the employee the right to postpone the meeting to another date with 5 working days of the original date if their representative will not be available on the first chosen date (an adjournment may be increased in exceptional circumstances at the Headteacher/Chair of Panel’s discretion or by mutual agreement)



**SECTION 1: FINAL STAGE - pre-meeting preparation**

To assist the Headteacher/Chair of Panel with the conduct of the formal hearing, it is advisable to prepare for the meeting beforehand. The following checkboxes should be completed prior to a formal hearing to ensure that all issues are covered and properly considered.

**Employee name:**

**Headteacher/Chair :**

	Dates	Reasons
<b>Dates / reasons given for absence since Formal Stage 1:</b>		

**Total days' absence in last 6/12 months:**

Having reviewed the case notes and circumstances of the case, do you believe that the employee has been treated reasonably in all the circumstances? If no, please give reasons:

Given the type of illness / injury, and the sickness record of the employee concerned, are there any options for:



Making reasonable adaptations to the work, work place, or working arrangements.

Early Retirement

Redeployment search for a reasonable period

Termination of the employment contract

Please give your reasoning for accepting or rejecting **all** of the above options:

Reasonable Adaptations:
Early Retirement:
Redeployment search:
Termination of contract:



## Section 2: Meeting Agenda

To ensure that the meeting is conducted fairly, Headteacher/Chair may use the following meeting agenda.

### 7. Opening remarks

The Headteacher/Chair should explain the purpose of the meeting – namely:

- to discuss the employee's continuing absence record,
- to discuss the cause of the absence and any medical evidence available,
- its effect on the employee's work and the team,
- the likelihood of the employee returning to work,
- any change to working arrangements which may be possible or other course of action (see list in pre-meeting preparation above). Ensure that dismissal is mentioned as a possible outcome – although with a right of appeal against the decision.

The role of the representative should be explained, namely that they are present to assist the employee, but may not answer questions on his/her behalf.

### 8. Cause of absence

*Re-state the employee's absence record – giving examples and reasons for illness. Refer to any medical reports. Ask for an explanation for the causes of the illness / injury – whether there may be any underlying causes or reasons to be discussed.*

### 9. Effect on ability to perform role

*Highlight examples where service delivery / the team have been effected by the employee's absence.*

### 10. Adjustments

*Are there reasonable adjustments to the employee's role which could ensure a better sickness record / earlier return to work? Give list of alternatives to the employee (reasonable adaptations to work, work place or working arrangements, compulsory transfer, redeployment, demotion, termination of contract), listen to their suggestions for alternatives to dismissal*

### 11. Actions

*Chair of Panel should give their decision as to the course of action to be taken, or if necessary, confirm that the decision will be sent to the employee within 5 working days of the meeting (including a summary of the issues considered and the right of appeal)*

### 12. AOB.



**SECTION 3 : Meeting transcript**

**Record of a Final Stage Sickness Hearing**

**Location:**

**Time:**

**Date:**

**Present:**

**HEADTEACHER/CHAIR**

**EMPLOYEE NAME**

**OTHER PARTIES PRESENT**

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**Documents supplied at / referred to at the Hearing:**

1. Medical certificates:
  
2. Occupational Health Reports:
  
3. Self-Certification Forms:
  
4. Notes from previous meetings:



**Notes:**

A large, empty rectangular box with a black border, intended for handwritten notes.



**Decision and supporting reasons**

**Signature of manager:**



## Appendix 9: Final Stage Hearing Invite letter

Name

Address – this should be sent to home address or hand delivered unless employee has said that it is okay to send via email

Dear xxxx

**Re: Notice of Final Stage Hearing**

Further to your meeting with xxxx on xxxx, I am writing to advise you that I am arranging a final stage formal sickness hearing under the School's managing sickness procedure.

I will chair this meeting and Name will support me. You have the right to be accompanied by a trade union or another person (but not a paid legal representative)

Name will be presenting the management case and will be supported by Name and Job Title. Please find enclosed the documents that will be presented by management at the hearing.

After your last meeting with your manager/Headteacher, you were advised that they would be moving this matter onto the next stage if your attendance did not improve. It follows that, although the chair will take into account your interests and all the options available, her/his chief concern must be the service needs of the School. The possible outcomes of this meeting may be, as a last resort, a final written warning, redeployment, or dismissal from the School's service.

The hearing will take place on xxxx at xxx. Please report to xxxx on arrival.

It is up to you to prepare your case and arrange:

1. To be represented at the hearing at the set time
2. For any documents you wish to submit as evidence to be in my office at least 3 working days before the hearing.

In the event that you are unable to attend this hearing you may be granted a single postponement (subject to the reason given) however it will be rearranged within 5 working days of the original date. Further failure to attend will result in matters being considered in your absence on the evidence available. You may send a representative and/or provide a written submission to the chair of the panel hearing the case

Yours sincerely

Name

Job Title



## Appendix 10: Final Stage report Template

**Strictly Confidential**

**(employee name)**

### **Final Stage Sickness Hearing Report**

**(month) (year)**  
**(name of school)**

**Manager/Headteacher:** (name)

**HR Consultant:** (name)



## Appendices

**No.      Content**

### Background

Details of current/previous post

State when the employee commenced employment with Waltham Forest, state what role and give a brief description of the duties.

State any specifics regarding the role which may have an impact on the hearing i.e. does it involve a lot of walking? Is it sedentary? Is the work outside?

State whether the employee is employed on a full time or part time basis giving hours worked per week and if necessary a work schedule.

### Sickness Record to Date (see appendix x)

#### Schedule of Sickness (12 month period)

<b>Dates of Sickness Absence</b>	<b>Number of Days Lost</b>	<b>Nature of Sickness</b>	<b>Self Certificate/Medical note</b>

### Chronology of Events

Outline the schedule of events that led up to arranging a final formal hearing e.g.

Date:

Event:

31.03.2012

Absence for 100 days due to operation on foot.

### Management of Absence

Detail of sickness absence during the specified period. Detail what was said, detail reasons for absence. Detail any meetings, informal meetings, occupational health referrals and reports received. Detail any targets set, and any redeployment opportunities offered/pursued. Present information in chronological order starting from when the absence became a concern.

This section should leave the Hearing Officer in no doubt as to why the matter has been brought to a final formal hearing, and all relevant information, and any information used in the presenting manager’s pack should be referenced in this section.

### Current Medical Opinion

Summarise the latest medical opinion regarding Employee A’s health. What is the prognosis? Is the employee likely to be able to give regular and efficient service in the near future? What (if any)



specialist advice has been sought? Does the employee's condition fall within the definition of a disability provided by the Disability Discrimination Act 1995? Is the employee able to return to work with reasonable adjustments?

**Effect of Sickness Absence on the Service/Conclusion**

Detail the effect of sickness absence on service delivery. What affect has Employee A's absence had on the rest of the team? Has a temporary employee been hired to cover the work? Is the rest of the team covering this work?

**Recommendation**

Offer a very brief summary of the information above presented in chronological order starting with the beginning of the absence, Occupational Health advice, reasonable adjustments considered, medical retirement (as necessary) or redeployment options. Offer a view regarding prognosis and the likelihood of being able to give regular and efficient service in the future

**End of Report**



## Appendix 11: Final Stage Outcome Letter

*This letter should be sent to an employee advising them of the outcome of the final formal stage sickness hearing. This letter is based on a decision to dismiss. The letter will need to be adapted for an outcome other than dismissal. The letter should be posted to the employee's home address.*

Dear (Employee Name)

### **Re: Managing Sickness procedure - Final Stage**

I am writing to advise you of my/panel's decision following the above meeting/hearing, at which you were represented by (name of rep). Management's case was presented by (name, position of manager), supported by (HR Consultant). I/We was advised by (HR Consultant).

### ***If heard by panel of governors please insert below\****

\*I was accompanied by fellow Governors xx and xx.

The purpose of the hearing was to consider your sickness absence record and your ability to deliver regular and efficient service under your contract of employment with the School. At the hearing, your attendance record was considered and this showed that in the (state period) you were absent on (state number) of occasions, totalling (state number) of days.

I/We have given very careful consideration to all of the evidence put forward to me at the hearing. I have concluded that your record of sickness absence is unacceptable and demonstrates that you are unable to provide regular and efficient service to the School. Therefore my decision is that you should be dismissed from the School's service.

In reaching my decision I took into account the following factors:

(list issues considered e.g. the support given to the employee, any reasonable adjustments made to facilitate a return, the OH prognosis – ensure that any key points raised by the employee are addressed)

*As stated above my decision is that you should be given notice of termination of your employment with the School. This will be with effect from (date of decision). You are entitled to (state number of weeks) notice and your last day of service will therefore be (state date). You are required to continue to provide Fit Notes to cover your absence up to this date.*

Or

*In accordance with your contract of employment you are entitled to x weeks. This will be paid to you as pay in lieu of notice and your last day of service will therefore be (date of decision).*

*You are required to return your ID card (and any other personal equipment). Arrangements can be made for you to return these items and collect any personal belongings you may have in your workplace please contact (manager) who will make arrangements for you to do this.*

A copy of the notes of the meeting will be sent to you shortly for reference.



You have the right to appeal against my decision. If you wish to do so you should complete the appeal form enclosed with this letter and return this to; Chair of Governors, School Address within 10 working days of the date of this letter.

Yours sincerely

Chair of Panel/Headteacher

cc. Headteacher  
Representative



## Appendix 12: Sickness Appeal Meeting Checklist

Sickness Absence

Date:

Appeal Stage Checklist

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### When is the appeal stage triggered?

The appeal stage of the sickness procedure should be used when the employer has met with the employee at the final stage and the employee lodges an appeal against the decision made by the Headteacher/Chair.

An employee has 10 days following the final stage hearing to appeal. Paperwork should be supplied to all parties at least 5 days prior to the hearing.

### Who needs to attend the meeting?

The meeting should be attended by:

- The Headteacher/Chair of original panel at the final stage hearing.
- A representative from HR
- The employee in question
- A trade union official or other colleague (if the employee makes a suitable request)

### What notice should be given to the employee?

The employee should be given 5 working days written notice of a meeting (or less by mutual agreement).

The notice should specify the date of the meeting and the issues which will be discussed.

The notice should offer the employee the right to postpone the meeting to another date with 5 working days of the original date if their representative will not be available on the first chosen date (an adjournment may be increased in exceptional circumstances at the Panel’s discretion or by mutual agreement).



**SECTION 1: Stage 2 Appeal Hearing - pre-meeting preparation**

To assist the Chair with the conduct of the appeal hearing, it is advisable to prepare for the meeting beforehand. The following checkboxes should be completed prior to the appeal hearing to ensure that all issues are covered and properly considered.

**Employee name:**

**Chair of the Panel:**

	Dates	Reasons
<b>Dates / reasons given for absence since Formal Stage 1:</b>		

**Total days' absence in last 6/12 months:**

Having reviewed the case notes and circumstances of the case, do you believe that the employee has been treated reasonably in all the circumstances? If no, please give reasons:



Given the type of illness / injury, and the sickness record of the employee concerned, have the following options been considered?

Making reasonable adaptations to the work, work place, or working arrangements (following the Council’s standards on managing change and job evaluation)

Ill Health Retirement

Redeployment search for a reasonable period

Termination of the employment contract subject to the provisions of a relevant Council scheme

Please give your reasoning for accepting or rejecting **all** of the above options:

Reasonable Adaptations:
Ill Health Retirement:
Redeployment search:
Termination of contract:



## Section 2 – Appeal Meeting Agenda

To ensure that the meeting is conducted fairly, Chairs may use the following meeting agenda.

### 13. Opening remarks

The Chair should explain the purpose of the meeting – namely:

- To discuss the employee’s appeal and the reasons for the appeal against the decision made at the final stage formal meeting.
- Discuss any disputes about the procedure followed.
- To discuss the order of the appeal hearing, and set ground rules for the hearing.
- Explain that there is no further right of appeal.

The role of the representative should be explained, namely that they are present to assist the employee, but may not answer questions on his/her behalf.

### 14. Employee to explain the reason for appealing the final stage meeting decision

*The employee should state their case offering the reasons for the appeal, why they consider the decision at the final formal meeting to be unfair, and any other information relevant to the appeal hearing.*

### 15. Chair’s response

The Chair should respond to the issues raised by the employee in terms of why they consider the original decision is justified. The Headteacher/Chair of original panel should in their presentation direct the Chair of the Appeal Hearing to the following issues:

Effect on ability to perform the role - Highlight examples where service delivery / the team have been affected by the employee’s absence.

*Reasonable Adjustments considered: Are there reasonable adjustments to the employee’s role which could ensure a better sickness record / earlier return to work?*

### 16. Summaries

Both parties given opportunity to sum up their arguments.

### 17. Outcome

*The Chair of the appeal hearing should give their decision as to whether to dismiss or uphold the appeal. If the decision is to uphold the email confirm any further actions necessary e.g. return to work, reasonable adjustments, redeployment search etc. If the appeal is dismissed, ensure that this decision is given to the employee in writing within 5 days of the appeal hearing.*

### 18. AOB.



**SECTION 3: Meeting transcript**

**Record of an Appeal Sickness Hearing**

**Location:**

**Time:**

**Date:**

**Present:**

**MANAGER**

**EMPLOYEE NAME**

**OTHER PARTIES PRESENT**

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**Documents supplied at / referred to at the Hearing:**

1. Medical certificates:
  
2. Occupational Health Reports:
  
3. Self-Certification Forms:
  
4. Notes from previous meetings:



**Notes:**

A large, empty rectangular box with a black border, intended for handwritten notes.



**Decision and supporting reasons**

**Signature of manager:**



## Appendix 13 – Invite to Sickness Appeal Meeting

Dear **XXXX**

**Re: Managing Sickness Appeal**

I am writing to confirm that your appeal hearing has been arranged for:

**Date:** **XXXX**

**Time:** **XXXX**

**Venue:** **XXXX**

The Appeal Panel will be **NAME & TITLE** who will be supported by **NAME & TITLE**. **NAME & TITLE** will present the case for management who will be supported by **NAME & TITLE**.

You have the right to be accompanied at the hearing by a Trade Union representative or a colleague but not a paid legal representative.

In the event that you are unable to attend this appeal hearing you may be granted a single postponement (subject to the reason given) however it will be rearranged within 5 working days of the original date. Further failure to attend will result in matters being considered in your absence on the evidence available. You may send a representative and/or provide a written submission to the manager hearing the case.

Please can you confirm your attendance and the name of your representative no later than **DATE**

Yours sincerely

**NAME**

**TITLE**



## Appendix 14 – Appeal Outcome Letter

This letter should be sent to an employee advising of the outcome of the appeal hearing. This letter applies to situations where the appeal is not upheld – it will need to be amended if the appeal is upheld. This letter should be posted to the employee’s home address.

Dear (Employee Name)

**Re: Managing Sickness Appeal Hearing – (date)**

I am writing to advise you of my decision following your appeal hearing held on the above date. I chaired the hearing and was advised by (HR Consultant). Management’s case was presented by (name) who was supported by (HR Advisor). You were represented by (representative’s name).

The grounds of your appeal were as follows:

(list grounds e.g. that no reasonable adjustments had been made or considered to assist you to return to work)

In response, the management case was:

(set out management position e.g. that discussions had taken place with you regarding a phased return to work, consideration had been given to redeploying you to an alternative post).

It is my view that management have demonstrated that reasonable adjustments were made e.g. consideration of alternative employment (add any other considerations).

Having carefully considered all of the evidence presented to me, I find that the decision made at the original hearing that you should be dismissed from the School’s service was correct and therefore your appeal is dismissed.

I have to advise you that this concludes the internal process.

Yours sincerely

Chair of Appeal Panel

cc. Headteacher

Representative