

Sickness Absence Policy



WATERGATE SCHOOL

'I Can, You Can, Together We Will'

Last reviewed: November 2021

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Sickness Absence Management Policy & Procedure

Purpose	To provide guidance for managers on managing sickness absence
As a Lewisham manager you are expected to	<p>Take responsibility for the health, safety and wellbeing of your staff whilst at work.</p> <p>Ensure that absence levels are monitored and appropriate action taken to reduce absence levels to ensure effective delivery of services.</p> <p>Ensure that the absence reporting procedure is followed and that sickness absence is recorded in a timely and accurate manner.</p> <p>Keep in touch with employees during absences on sick leave and ensure that they are updated on any school developments as appropriate.</p> <p>Ensure payroll are informed promptly of any leave taken during a period of long-term absence to ensure that employees are paid at full pay for any such leave.</p> <p>Conduct effective return to work meetings after every absence and record outcomes</p> <p>Seek advice from the Occupational Health Service and take action accordingly; consider making reasonable adjustments to working arrangements as appropriate and subject to service delivery needs, to ensure effective and sustained attendance at work.</p>
The policy, procedure and accompanying guidance will help you	Manage sickness absence, help improve well-being in the workplace and improve attendance
You can get further support	<p>From Schools HR</p> <p>From Occupational Health</p>

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Key Principles

- The school aims to encourage all employees to maximise attendance at work and will consider making reasonable adjustments to the workplace and/or working arrangements in order to facilitate this. It is the school's policy to support employees who are genuinely unwell, whilst maintaining service delivery.
- Absence from work is costly and has an adverse effect on the quality of the education that is delivered to the children. It is therefore vital that sickness absence is monitored and controlled.
- Absence control is primarily achieved by line managers through the sickness absence management procedures outlined in this document.
- Managers should make sure that they take a fair and consistent approach to absence management, ensuring that decisions are objective, legal and non-discriminatory.
- Managers have a duty of care in respect of both workplace stress and other related health factors and should undertake risk assessments where appropriate.

- Employees may be represented by a trade union representative or another employee at every stage of the formal absence procedure. The employee must make her/his own arrangements for this.
- Managers should seek advice from Schools HR before commencing formal action.
- Employees will be provided with written notification of the outcome of an Employment Review Hearing including appeal rights and reasons for dismissal where applicable.

Manager's responsibilities in relation to preventing and managing sickness absence

Managers should:

- Take responsibility for controlling and managing absence and, where necessary, reducing absence levels. Further advice and support can be provided by Schools HR and Occupational Health.
- Take responsibility for ensuring that the absence reporting procedure is adhered to.
- Take responsibility for recording the sickness absence of their employees, ensuring the information is entered onto the relevant system and payroll informed in a timely manner to avoid pay being incorrect.
- Take steps to minimise risks to health and identify any workplace stress factors
- Where employees are absent through sickness, maintain regular contact. This is particularly important for those staff on long term absence.
- Conduct a return to work meeting every time an employee returns from sickness absence; consider appropriate management action, and record outcomes.
- When recruiting new employees to the school, consider references before confirming an offer of employment to ensure that previous levels of sickness are satisfactory. Where the applicant's sickness is related to a disability this should be taken into consideration. Pregnancy related sickness should be discounted.
- Ensure that any new employees are advised of, and understand, the school's absence management policy; the procedures for reporting absence and the school's expectations about attendance.
- During a new employee's probationary period, any sickness absence must be considered at the relevant stages within the probationary period. Where attendance gives rise for concern, but an improvement is likely, an extension of the probationary period can be considered in line with the policy. High absence within the period could ultimately result in the employment being terminated under the probationary procedure.
- Where managers identify a pattern in sickness absence (such as regularly reporting sickness just before or after a school closure period or weekend, or on a particular day), managers should investigate the circumstances.
- When an abuse of the absence procedure has occurred, take appropriate disciplinary action with the advice of Schools HR.

Employee's responsibilities

Employees have a duty to ensure that they take reasonable care of their own health safety and well-being.

- Employees who are absent from work due to sickness have a responsibility to follow the Sickness Absence Reporting Procedure, to provide medical evidence as required and attend OH appointments as directed. Failure to comply may result in the period of absence being considered as unauthorised and may result in the withdrawal of pay and/or disciplinary action.
- Employees should take advantage of school initiatives, and/or Occupational Health/GP advice to promote good health and well-being where appropriate.

Sickness during annual leave or taking annual leave during periods of long-term absence

- Where an employee falls sick during a period of annual leave they may be regarded as being on sick leave provided that their absence has been reported promptly on the first day of absence and medical evidence has been provided. In these circumstances a doctor's certificate will be required from the first date of absence. The cost of any such certificate will be the responsibility of the employee.
- Employees on long term sickness should book leave in the usual way. Leave taken during a period of half or nil pay will be paid at full pay. Managers must ensure that payroll is advised of any leave taken during a period of half or nil pay.
- Taking leave during a period of sickness will not break the sickness absence record for statutory and occupational sick pay purposes and does not create a corresponding extension of sickness entitlement e.g. if an employee's half pay was due to expire on 31 July, taking two weeks annual leave in June does not mean that sick pay now expires on 14 August – it still expires on 31 July.
- The amount of annual leave that can be taken during sickness absence will be pro-rated to reflect the accrued annual leave entitlement at the date an employee wishes to take annual leave during sickness absence. This ensures that the employee will not be in debit.
- The right to take annual leave during sickness absence does not apply to employees absent on maternity, paternity or adoption leave.
- Untaken statutory leave which has not been taken by the end of the leave year as a result of long-term absence, can be carried over into the following leave year, but must be taken within 12 months of returning to work.
- Where an employee leaves without returning to work, they will be paid any outstanding statutory leave entitlement for the annual leave year in which they leave. They will also be paid for any outstanding statutory leave which has not been taken in the previous leave years where this is as a direct result of having been on long term sickness absence.

Trigger Points

An individual employee's sickness should be monitored and reviewed on a regular basis. Trigger points have been agreed to ensure consistency in the management of sickness absence. Managers should take appropriate action at any stage where they have concern over an employee's health or attendance. Where appropriate, this will include a referral to Occupational Health, when the following trigger points have been reached:

- 3 or more occurrences in 6 months
- 6 or more occasions in a 12-month period
- 15 continuous working days absence from work

Referral to Occupational Health

Managers should refer an employee for a medical assessment when:

- A trigger has been reached.
- There is concern about an employee's health in relation to their ability to carry out an aspect of their job.
- Following an accident that is or is likely to cause significant absence.
- When an employee is at work and is suspected of having an infectious or contagious disease advice can be provided by Occupational Health as necessary.
- Where it would be beneficial to the employee and their wellbeing.
- To review an on-going case or seek further information.
- Where retirement on ill health grounds may need to be considered.
- Where an employee reports that they are absent due to work related stress or where the manager considers that the employee may be affected by stress in the workplace.
- Where there is concern that alcohol or drugs may be affecting the employee's health or performance.
- Where a pattern of absence indicates an underlying health concern.

Process for referral

The manager should discuss the reasons for the referral with the employee.

- Where an employee is not contactable e.g. absent from work, then the manager should write to the employee confirming the reasons for the referral.
- The manager should complete the **on-line** medical referral form providing as much detail as possible including the sickness absence history, JD and the impact on service delivery. Further advice can be sought from Schools HR.
- The manager has the option of discussing individual cases with the OH Clinician immediately prior to the employee's appointment or immediately following the consultation. This enables the manager to provide the Clinician with background information in the first instance and following the OH consultation a further discussion can take place to brief the manager on the OH recommendations.
- Following the consultation, an e-mail will be sent to the referring manager advising them that the report has been uploaded on to the system and that they should log in to review the consultation report. Managers should consider the OH advice in determining what action should be taken. Further clarification from Occupational Health may sometimes be necessary.
- The manager should arrange to meet with the employee to discuss the advice received and the actions they are proposing to take. Where the employee is unable to attend the meeting due to continuing ill health a home visit should be considered. Alternatively, where it is not possible to meet with the employee the manager should write to them.

Possible outcome of OH Referral

- No underlying medical condition, the manager will need to consider appropriate action
- Adjusted duties (where the manager considers this to be reasonable or feasible)
- Phased return (where this can be reasonably accommodated)
- Medical redeployment
- Ill health retirement

This list is not exhaustive and the outcome will depend on the individual circumstance.

Phased return to work

- The purpose of a phased return to work is to enable the employee to return from a period of sickness absence to their full contractual hours where their medical condition, as confirmed by Occupational Health, prevents immediate return to normal working arrangements.
- A phased return to work will not be an automatic right, because it will be subject to:
- the school being able to accommodate the arrangements taking into account the employee's role and school needs
- time limits and taking into account any cover requirements
- taking into account medical advice received from the Occupational Health Service but the decision to allow a phased return will rest with management

Ill Health Retirement

An occupational health physician who is an independent doctor (OHP) is the only authorised person within the Council who can recommend to management that an employee's contract of employment should be terminated owing to permanent ill health. The actual *decision* on ill-health retirement will be taken by the appropriate line manager (normally 1st/2nd/3rd tier) in light of the *recommendation* from the OHP that the employee be retired on ill-health grounds. Where the OHP recommends that the employee is not permanently unfit, ill-health retirement will not be an option. In these circumstances the manager should seek advice from Schools HR on what further action should be taken.

Where a decision to retire an employee on ill-health grounds has been confirmed by the manager, Schools HR will write to the employee concerned outlining the process and their right of appeal. The Pensions section will provide advice on any pension benefits resulting from the ill-health retirement.

An employee may appeal against the recommendation made by the OHP on whether he/she should be retired on grounds of permanent ill-health. The appeal which should be supported by appropriate medical evidence should be submitted to Schools HR normally within 10 days of being notified of the OHP decision. HR will refer the case back to the OHP for review by another independent doctor. The decision reached by the independent doctor will be final and there will be no further right of appeal on the OHP's recommendation.

Differences of medical opinion

If there is a difference of medical opinion between OH and an employee's own doctor (e.g. whether the employee is fit to return to work or not).

- OH should be made aware of the difference of opinion
- OH and the employee's doctor may liaise with a view to resolving the difference
- In the event that there continues to be a difference, the manager may ask OH to seek a further medical opinion.

Medical suspension

- In exceptional circumstances, employees may be suspended for medical reasons while further information on the employee's fitness for work is obtained. Medical suspension must be reviewed as soon as medical information is available. Managers should always seek guidance from Schools HR and OH before medically suspending an employee.
- During medical suspension an employee will continue to receive their normal pay.
- Medical suspension should not be used as a means to circumvent normal sick pay. Neither should it be used while attempts are being made to redeploy an employee on health grounds.

Terminal illness

- If a line manager becomes aware that an employee's absence is due to terminal illness, advice should be sought from Schools HR.
- People are affected differently by the knowledge that they are terminally ill. Some may wish to continue working for as long as they are able while others may find it impossible to remain at work. Cases will be dealt with on an individual basis, giving the employee's interests serious consideration whilst balancing this with the needs of the school.
- The employee may not be aware that the illness is terminal if the medical practitioner has decided that it is not in the person's best interest to be informed of their condition. Where a manager is advised that this is the case, this must be respected.
- Where possible the school will aim to ensure the best financial position for the employee. Advice should be sought from the Pensions Team.

Procedure for Managing Absence (please refer to the Capability Procedure)

There are 3 stages that can be considered in managing absence. Different stages will apply in different circumstances. For example, where concerns relate to regular periods of absence, it is likely that all 3 Stages will apply. However, there may be circumstances (such as with long term absence) where it is more appropriate to proceed to Stage 2 or 3. The stages are not therefore consecutive in all circumstances.

