



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

# Sickness Absence Policy – School Staff

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# Policy

## 1. Introduction

High levels of attendance are vital to achieving the effective and efficient provision of a quality education service.

Absence is detrimental to the efficient provision of services and may have a negative impact on staff moral and overall costs. Absence also impacts on Performance Indicator (PI) Figures, which provide valuable information when analysing sickness absence within the Council.

Effective monitoring and management of attendance will help to:

- **Improve the health and morale of the workforce**
- **Enhance the quality of service provision**
- **Identify and address factors in the workplace, which may be affecting employee attendance**
- **Reduce costs**

The Governing Board is committed to establishing a culture of high attendance through the development of a number of Human Resources strategies.

The Sickness Absence Policy is part of an overall approach within Stockport Council which includes medical checks and references confirming a potential employee's overall health record prior to appointment, referrals to the Occupational Health Service to ensure people are selected for the appropriate jobs and that necessary adjustments are identified in line with the Disability Discrimination legislation in addition to the provision of counselling, welfare advice, physiotherapy and other support.

## 2. Scope of the policy

The procedure applies to all employees within the school (apart from the exceptions set out below).

**The term Headteacher in this document refers to the Headteacher or other manager with delegated responsibility acting on behalf of the Headteacher.**

The procedure does not apply to management of attendance during an employee's probationary period of service and/or during the induction year as a Newly Qualified

Teacher, whether or not extended beyond its originally specified duration (separate arrangements apply). In this case, employees' sickness absence will be managed in line with the principles of the procedure but with more appropriate timescales. The procedure also does not apply to Supply Teachers. Please contact Stockport Human Resources for further advice on managing sickness absence during the probationary period or about concerns regarding the attendance of Supply Teachers.

### **3. Policy statement**

The prime duty of the Governing Board is to ensure the smooth running of schools. Employees are the most important resource within Schools. It is important that employees are able to attend work regularly and that they are able to contribute effectively.

The Governing Board is committed to the health and welfare of all employees and to ensuring a consistent approach to managing attendance and sickness absence is adopted. The Governing Board will respond sympathetically and supportively to employees during their time away from work, assisting them to recover and return to work more speedily.

The objectives of the Sickness Absence Policy are to:

- Provide clear guidance to managers and employees.
- Ensure sickness absence is managed fairly and consistently.
- Ensure employees whose sickness absence has become unsatisfactory are dealt with in a supportive and compassionate way.
- Assist managers in handling short and long term sickness absence.
- Ensure employees understand their responsibilities in regard to attendance at work and the effects and consequences of poor attendance.
- Comply with all relevant legislation.
- Encourage a culture of good attendance

## **4. Roles and Responsibilities**

### **4.1 The Governing Board**

The main responsibilities of the Chair of Governors are:

- To ensure that the sickness absence policy is agreed by the Governing Board.
- To ensure that there is a system in place for Headteacher absences lasting longer than a week to be notified to the Head of Service, School Support Services (part of the Children and Young People's Directorate) in order that support to the Headteacher can be offered if required.
- To maintain contact with the Headteacher on at least a monthly basis during any period of extended sickness absence and to ask the Local Authority via School Support Services to arrange any available support as agreed during the contact.

- To contact the Local Authority if there are any concerns about the sickness absence of the Headteacher and if necessary to work in conjunction with the Local Authority via School Support Services to support the Headteacher to improve their attendance.

To ensure there are appropriate arrangements in place for covering the work of the Headteacher and that discussions ensue with School Support Services/School Improvement Services so they are aware of the identified person and that due thought has been given to the effect on general workloads and specific needs of the school

## **4.2 Senior Managers (Headteacher or equivalent)**

- Seek advice from Stockport Human Resources where any concerns regarding previous levels of attendance arise during a recruitment process.
- Inform employees of the importance of maintaining regular attendance.
- Monitor attendance closely during a new employee's probationary period and manage any issues in line with the Probationary Period Procedure/Induction Period.
- Ensure employees understand their responsibilities in terms of the sickness absence notification procedure and required certification as detailed in the Sickness Absence Procedure.
- Maintain contact with employees who are absent (see section 6 and Appendices C and D).
- Conduct Return to Work Meetings with all employees following sickness absence.
- Monitor and take action to address unacceptable levels of sickness absence.
- Ensure sickness absence meetings are held in line with the short term and long-term sickness absence review process.
- Inform employees of the right to be accompanied at all formal meetings.
- Apply the Sickness Absence Procedure fairly and consistently.
- Acknowledge good attendance where appropriate.
- Offer appropriate support to employees during and following a period of sickness absence, offering advice on alternative sources of help such as physiotherapy and counselling.

- Refer employees to Occupational Health in line with the Sickness Absence Procedure and, where possible, action any recommendations made.
- Ensure sickness returns are completed and medical certificates forwarded to Payroll so that all employees are paid their correct pay for any period of sickness absence.
- To ensure there are appropriate arrangements in place for the completion of sickness returns in the event of the Headteacher being absent on sickness grounds.

### **4.3 Employees**

The main responsibilities of the employee are to:

- Make every effort to maintain a high level of attendance at work.
- Follow the notification procedure when reporting sickness absence.
- Ensure the timely provision of certification to cover sickness absence.
- Regularly update their Headteacher, manager or other agreed person (following prior agreement) with regards to their absence.
- Co-operate with management attempts to keep in touch during periods of sickness absence.
- Attend Occupational Health appointments as required.
- Attend meetings with Headteachers and Human Resources as required with appropriate representation at all formal stages of the procedure.

### **4.4 Human Resources**

The main responsibilities of Human Resources are the provision of:

- Management information on sickness absence.
- Advise on Occupational Health referral process
- Health and Safety advice.
- Advice and support, where appropriate, to managers regarding the management of sickness absence.
- To attend sickness absence meetings with managers in the dismissal stages of the procedure or when managing particularly complex cases.

However, the actual level of advice and support from Human Resources will depend on the Service Level Agreement (SLA) applicable at the time. Where a specified Human Resources activity is not covered by the SLA, the Headteacher will be responsible for making alternative arrangements.

#### **4.5 Employee's representative**

The main role of the representative is to provide timely support and representation to employees at all formal sickness absence meetings within the Sickness Absence Procedure.

#### **4.6 Occupational Health**

The main responsibilities of the Occupational Health Service are to:

- Advise on the suitability of an individual for a specific post prior to appointment through the pre-employment medical check.
- Assess the health of employees including regular checks for specified occupations, and make recommendations to enable Headteachers and managers to make informed decisions.
- Advise on the suitability of the employee's substantive post and alternative posts.
- Provide advice on alternative options such as a phased return to work, redeployment and ill health retirement.

### **5. Links with other policies and procedures**

Alcohol & Drug Policy (SMBC)  
Capability Policy  
Disciplinary Policy  
Managing Stress Policy  
Leave of Absence Policy

## 6. Sickness Absence Procedures

It is important that employees notify their Headteacher as soon as possible of their absence and its anticipated duration, where known. This enables the Headteacher to rearrange the work and / or arrange alternative cover where necessary, ensuring service delivery is not affected.

Under normal circumstances, employees must notify their Headteacher of their absence by the start of their normal working day, in accordance with local arrangements. Messages should only be left if the Headteacher cannot be contacted. Where messages are left, the Headteacher may return the call at a later time. Only in exceptional circumstances where it is not possible for employees to contact their Headteacher should another person phone on their behalf.

The following information should be provided:

- Name
- Reason for absence
- Likely date of return

If the duration of the absence is not known, it is the employee's responsibility to keep in regular contact with their Headteacher to provide regular updates on the duration of their absence.

All absences of 7 calendar days or less must be covered by a self-certificate. The self-certification form is combined with the Return to Work Meeting form and must be retained by the Headteacher; absences over 7 calendar days must be covered by a Statement of Fitness to Work issued by a doctor. This should be forwarded to the Headteacher at the earliest opportunity and, at the latest, within 7 days of the start of their sickness absence / expiry of their current Statement. See Appendix A. See also section 17 on Phased Returns for information relating to the 'may be fit to return' option on the Statement.

In the event that an employee is unable to comply with the absence notification procedure without proper justification, occupational sick pay may be withheld and action may be taken under the disciplinary procedure.

### 6.1 Maintaining Contact During Sickness Absence

It is acknowledged that many employees will keep in contact with work colleagues and friends during their absence from work but Headteachers have a responsibility to maintain contact with them also. In all cases, employees should be treated with support and sensitivity by the Headteacher.



Employees are required to co-operate with all reasonable attempts to remain in contact with the School during periods of sickness absence.

This is in order for Headteachers to provide employees with the appropriate support and make plans for covering the absence. This may involve contact over the telephone, by e-mail or by a home visit.

In most cases, contact will be between employees and their Headteacher, however, in some circumstances, alternative contacts may be considered appropriate.

Unless other arrangements have been previously agreed, employees can expect to be contacted by telephone (wherever possible) by their Headteacher during their period of sickness absence to enquire as to their well-being and appropriate support and to assist the management of their work during their absence.

Unless other arrangements have been previously agreed, where employees have been absent for 10 working days, they can expect to be contacted by their Headteacher. At this stage, a personal visit is encouraged wherever practical. If the absence is continuing, arrangements for further contact can be made at that time.

Visits by Headteachers must be by arrangement and consent and with respect for the employee's privacy. While it is expected that employees co-operate fully in maintaining contact, the particular medical and personal needs of the individual should be considered. If necessary, special arrangements for keeping in contact may be appropriate. Visits may also be conducted at mutually agreed locations outside the home where this is preferable. Employees will be given the opportunity to agree a contact plan with their Headteacher detailing the frequency and method of contact during their sickness absence, although if no other arrangements have been previously agreed, an initial meeting should take place after approximately 20 working days and subsequent meetings should take place at intervals of around 20 working days.

In a small number of cases, employees may wish to be accompanied or have their trade union representative present during contact visits. This is to be allowed.

Contact made with the employee during their sickness absence should be recorded on the appropriate form and kept by the Headteacher. This should be stored confidentially and shared with the employee on their return to work. See Appendix B.

## **7. Sickness Absence Recording**

Headteachers should ensure that all sickness absence is recorded on the Sickness Return Forms and forwarded to Payroll on a weekly basis. Nil returns are also required.

This information is essential to produce accurate management information in addition to ensuring the correct calculation of sick pay entitlement.

Details of working patterns during the sickness absence are required in order to ensure the sickness absence is accurately recorded as one continuous/multiple period/s of sickness absence. In addition, the number of sick hours, contracted hours and the reason for the sickness absence are required, as detailed on the Sickness Return Form.

## **8. Return to Work Meeting**

All employees must have a Return to Work Meeting with their Headteacher following any period of sickness absence. This should be conducted at the earliest opportunity in a private location.

Where, unusually, the Headteacher will not have the opportunity to conduct the Return to Work Meeting in person, it is acceptable to hold the interview by telephone subject to the completion of the return to work form. However, it is important that this does not become normal practise, particularly where there are concerns about the employee's attendance.

The standard Return to Work Meeting/Self Certification Form should be completed and retained by the Headteacher in a secure, confidential place for future reference. See Appendix A.

The purpose of the Return to Work Meeting is to confirm the reason for the absence and identify any support that can be provided to prevent a recurrence, where possible.

The meeting should also provide an opportunity to acknowledge good attendance where appropriate or emphasise the importance of good attendance. Any concerns about an individual's level of attendance should be highlighted during the meeting and the employee should be reminded of the Council's trigger points for the formal stages of the Sickness Absence Procedure. See section 9,10 and 13.

Please seek further advice on any specific cases from Human Resources.

If an employee requests that their Stage 1 sickness absence hearing is held as part of the Return to Work Meeting (either in advance of the meeting or during the meeting) then this is allowable providing the employee is reminded that a separate meeting would enable them to be accompanied by a trade union representative. If the employee wishes to proceed without representation the advice and discussion should be recorded on the return to work interview form and also in the letter confirming the Stage 1 meeting. It would not be appropriate for Stage 2 or 3 meetings or a Stage 4 hearing to be held as part of the Return to Work Meeting.

## 9. Sickness Absence Review Process

Headteachers are responsible for reviewing employee's sickness absence in relation to the trigger points defined within the Sickness Absence Procedure and initiating the formal stages of the review process where appropriate. An employee's previous attendance record should be taken into consideration. Any cases where an employee has reached the trigger points yet it is not felt appropriate to initiate the formal stages of the Sickness Absence Procedure should be discussed with Human Resources to ensure consistency.

The employee will be entitled to representation at the sickness absence meetings by a trade union representative, colleague or friend.

The employee should be given a minimum of five working days notice of the sickness absence meeting and told the purpose of it. This should be confirmed in writing or by e mail where appropriate.

Please check with Human Resources for guidance from relevant Council policies (where applicable) covering any specific illnesses, such as the Drug and Alcohol Policy.

## 10. Short Term Sickness Absence Review Process

### 10.1 Stage One Sickness Absence Meeting

Apart from those cases where it is not felt appropriate to initiate the formal stages of the procedure, a stage 1 sickness absence meeting should be arranged between the employee and the Headteacher in the event of an employee being absent from work for either:

- 10 working days within a rolling 12 month period or
- 5 instances of absence within a rolling 12 month period.

The purpose of the meeting will be to:

- a) Discuss the reasons for the absences.
- b) Identify any underlying cause for the absences.
- c) Discuss with the employee the need / benefit of referring him / her to the Occupational Health Service to assess for any long-term condition. See section 12.1.
- d) Explain to the employee in a sensitive manner the effect that the absence has upon the service in terms of:
  - Service delivery.
  - Implications for colleagues' work load and morale.

- e) Explore what support / assistance can be offered to the individual to help improve their attendance.
- f) Where the absences are related to a disability, as defined by the Equality Act, it may be appropriate to explore the option of redeployment to a suitable alternative post, subject to a medical recommendation from the Occupational Health Service. The provisions of the Council's Redeployment Policy will apply in such cases.
- g) As part of the sickness absence meeting, the circumstances around the sickness absence should be taken into consideration. In exceptional cases, managers may take the decision not to proceed with the formal sickness absence review process but will be expected to review this in the light of further sickness absence. This decision should be discussed with Stockport Human Resources to ensure consistency.
- h) If no extenuating circumstances are revealed regarding the sickness absence and the decision is therefore taken to proceed with the formal sickness absence review process, the trigger points outlined in **section 10.3** should be explained and a review period, normally of 6 months, should be established.

The consequences of further sickness absence should be formally explained to the employee i.e. that the employee would move to stage 2 of the procedure if the trigger points were reached. This information should be confirmed in writing.

- i) If the trigger points are not reached during the review period, a meeting may be held (but is not a requirement of the policy) to confirm the successful completion of the 6-month review period and no further action will be taken. Further sickness absence will continue to be managed in line with the Sickness Absence Procedure.
- j) Please refer to **section 16** 'Disability Discrimination' with regards to trigger points for employees who are absent due to a disability.

## 10.2 Stage Two Sickness Absence Meeting

In normal circumstances, a stage 2 sickness absence meeting should be arranged between the employee and the manager if during the 6 month review period the following trigger points have been reached:

- 5 working days absence or
- 3 instances of absence

The stage 2 sickness absence meeting will be held as soon as possible after the trigger points are reached.

The content of the stage 2 sickness absence meeting will be as detailed under "First Stage Sickness Absence Meeting". A representative from Stockport Human Resources will usually be present at this and subsequent

stages of the process (subject to the SLA).

The trigger points outlined above should be explained and a review period, normally of 6 months, should be established.

The employee should be formally warned about the consequences of further sickness absence i.e. that the employee would move to stage 3 of the procedure if the trigger points were reached. This information should be confirmed in writing. The level of seriousness of this stage of the procedure should be clearly explained i.e. that a failure to improve their attendance would trigger the third stage sickness absence meeting and that a subsequent failure to improve their attendance at this stage, may ultimately lead to their dismissal.

If the trigger points are not reached during the review period, a meeting may be held (but is not a requirement of this policy) to confirm the successful completion of the 6-month review period and no further action will be taken. Further sickness absence will continue to be managed in line with the Sickness Absence Procedure.

Please refer to **section 16** 'Disability Discrimination' with regards to trigger points for employees who are absent due to a disability.

### **10.3 Stage Three Sickness Absence Meeting**

In normal circumstances, a stage 3 sickness absence meeting should be arranged between the employee and the manager if during the 6 month review period the following trigger points have been reached:

- 5 working days absence or
- 3 instances of absence

The stage 3 sickness absence meeting will be held as soon as the trigger points are reached.

The content of the stage 3 sickness absence meeting will be as detailed under "First Stage Sickness Absence Meeting".

The trigger points outlined in **section 10.14** should be explained and a review period, normally of 6 months, should be established.

The employee should be formally advised that a failure to improve their attendance could lead to their dismissal at the next stage of the policy. This information should be confirmed in writing.

If the trigger points are not reached during the review period, a meeting may be held (but is not a requirement of the policy) to confirm the successful completion of the 6-month review period and no further action will be taken.

Further sickness absence will continue to be managed in line with the Sickness Absence Procedure.

Please refer to **section 16** 'Disability Discrimination' with regards to trigger points for employees who are absent due to a disability

## 10.4 Stage Four - Sickness Absence Hearing

In normal circumstances, a sickness absence hearing should be arranged between the employee and the manager if during the 6-month review period the following trigger points have been reached:

- 5 working days absence or
- 3 instances of absence

The sickness absence hearing will be arranged and held as soon as possible after the trigger points are reached.

Arrangements and notification periods for the hearing and any subsequent appeal will be the same as those within the Schools Disciplinary Procedure. The Headteacher (or delegated manager) who conducted the formal sickness meetings with the employee will not be a member of the panel but will be asked to present the facts surrounding the case. The employee will be entitled to give any explanation he or she wishes.

The School reserves the right to terminate employment before the expiry of contractual occupational sick pay, where an employee's attendance levels have triggered the short term fourth stage of the sickness absence policy.

Where the absences are related to a disability, as defined by the Equality Act, the option of redeployment to a suitable alternative vacancy within the school and within the Council will be explored prior to arranging the hearing, subject to a medical recommendation from the Occupational Health Service. The provisions of the Council Redeployment Policy (if appropriate) will apply in such cases. However, the hearing will not be unduly delayed as redeployment can continue to be sought throughout the period whilst arrangements are made and, if dismissal is confirmed, throughout any notice period.

## 11. Part Time Employees

The trigger points detailed in **section 10** are based on full time employees working 5 days per week.

The trigger point of 10 working days is equivalent to 74 hours or 2 calendar weeks for support employees, and 65 hours or 2 calendar weeks for teachers. The trigger points for part time employees are as follows:

The number of days sickness absence specified for full time employees should be reduced pro rata to hours worked.

For employees working compressed hours (i.e. full time hours over a reduced working week), the trigger point for full time employees detailed in **section 10** should be converted into hours.

The number of instances of sickness absence specified for full time employees should be reduced pro rata to days worked, on the following basis.

### **Employee working 4 days per week**

Trigger points for Short Term Stage 1 Sickness Absence Meeting:

- 4 instances or 8 days of absence within a rolling 12 month period.

Trigger points for Short Term Stage 2, 3 and 4 Sickness Absence Meeting:

- 3 instances or 4 days of absence during the 6 month review period.

### **Employees working 3 days per week**

Trigger points for Short Term Stage 1 Sickness Absence Meeting:

- 3 instances or 6 days of absence within a rolling 12 month period.

Trigger points for Short Term Stage 2, 3 and 4 Sickness Absence Meeting:

- 2 instances or 3 days of absence during the 6 month review period.

Note: For employees working less than 3 days per week, the trigger points in terms of instances of absence will be as detailed above for an employee working 3 days per week.

## **12. General Notes**

- 12.1 At each sickness absence meeting, management should reassess if recurring instances of absence are indicative of a long-term medical condition or disability and therefore being managed appropriately. Please see section 16 on Disability Discrimination. Further advice can be obtained from Human Resources.
- 12.2 The trigger points for each subsequent stage in the procedure should apply from the date the individual returns to work, having triggered the first / second / third stage of the procedure.
- 12.3 Should an employee commence a period of leave of absence for any reason during the 6 month review period, the procedure will be resumed at the same

stage following their return to work and the employee will be expected to complete the remainder of the review period.

- 12.4 An employee will be entitled to appeal against any formal advice/information that they have reached Stage 1/2/3 or 4 of the policy. This appeal will normally be to the Headteacher or a member of the school's management team other than the Headteacher/delegated manager who chaired the most recent sickness absence hearing. Any appeal to a panel of governors will be reserved for an appeal against dismissal. The purpose of the appeal process is to review the fairness of the original decision in all the circumstances. In order to appeal, the employee should write to the Headteacher stating the reason for the appeal. NB: The genuine nature of the sickness absence will not normally be considered grounds for appeal.
- 12.5 The short and long-term sickness absence review processes are parallel processes and employees at any particular stage of either review process can transfer/progress to the same/next stage of the procedure, as appropriate, under either review process, according to the nature of their sickness absence. However, it should always be made clear to the employee which review process their sickness absence is being managed under and which stage they are on.
- 12.6 Employees who are not subject to school holidays have the right to request periods of paid annual leave during a period of sickness absence. Any such annual leave will not count as sickness absence but the period of sickness before and after will constitute one period of continuous sickness absence.
- 12.7 Employees are required to be available for contact meetings/discussions (other than in exceptional circumstances) during periods of sickness absence. Employees who wish to go on holiday during a period of sickness absence must inform their manager and request annual leave or should have the agreement of occupational health that the holiday would be beneficial to their recovery. Occupational sick pay may be withheld, and/or the disciplinary procedure invoked, if an employee's behaviour/activities are inconsistent with the stated reason for sickness absence or are clearly detrimental to their recovery.
- 12.8 Applications for unpaid leave during a period of sickness absence will, where possible, be considered favourably. Where approval is given, the period of unpaid leave will be disregarded for the purposes of the sickness absence review process, so that the period before and after will be seen as a continuous time period.
- 12.9 Medical and dental appointments (particularly routine appointments) should normally be arranged outside of school or contracted hours. Further advice is available from Human Resources and within the Schools Leave of Absence Policy.



## 13. Long Term Sickness Absence Review Process

Long term absence is continuous sickness absence, which exceeds 6 weeks. During the period of sickness absence, managers should maintain regular contact with employees on an informal basis in addition to the formal process outlined below.

The purpose of the contact is to ensure employees feel supported and are offered all appropriate assistance.

After 6 weeks absence (or earlier if it is known beforehand that the absence will last 6 weeks), employees should be referred to the Occupational Health Service. Individuals may be referred at an earlier stage, where appropriate, following consultation with Stockport Human Resources. The employee must be informed in advance by their line manager that they are being referred to Occupational Health.

In exceptional cases, for example, where employees' sickness absence is known to be terminal, it may not be appropriate to arrange a referral to Occupational Health. Any exceptions should be determined by line managers in consultation with Stockport Human Resources.

### 13.1 Stage One Sickness Absence Meeting

On receipt of the occupational health report, a stage 1 sickness absence meeting should be arranged between the employee and the manager.

The purpose of the meeting will be to:

- (a) Discuss the reason for the absence and the occupational health report.
- (b) Establish a likely return to work date, if possible.
- (c) Identify any work-related issues that may be associated with the sickness absence and how these can be effectively addressed.
- (d) Discuss whether any support can be offered to enable the employee to return to work.
- (e) Explain to the employee in a sensitive manner the effect that the absence has upon the service in terms of:
  - Service delivery.
  - Implications for colleagues' work load and morale.
- (f) At the meeting the following options may be considered, subject to a medical recommendation by the Occupational Health Service:
  - Phased Return to Work – see **section 17** on phased returns.
  - Redeployment within the school or in accordance with the Council's Redeployment Policy (if appropriate). Employees who

are redeployed will be paid in accordance with the salary for the new post.

- Ill Health Retirement – see paragraph 13.4.

Note: Redeployment and Ill Health Retirement should only be considered where Occupational Health advises that the individual is unable to return to their substantive post.

It should be explained to the employee that should their absence continue they will progress to the second stage of the procedure. This information should be confirmed in writing.

## **13.2 Stage Two Sickness Absence Meeting**

A stage 2 sickness absence meeting will normally be arranged two months after the first stage sickness absence meeting.

The content of the meeting will be as described above under “Stage One Sickness Absence Meeting”. A representative from Human Resources should be present at this and subsequent stages of the process (subject to SLA).

The employee should be advised of the possible consequences of their continuing absence. This information should be confirmed in writing and should include advising the employee that if they reach the third stage sickness absence meeting and remain unable to return to work or unable to provide a return to work date within a reasonable time scale, and if none of the previous options discussed are appropriate, a sickness absence hearing will be arranged to consider their continuing employment on the grounds of incapability due to ill health.

## **13.3 Stage Three Sickness Absence Meeting**

A stage 3 sickness absence meeting will normally be arranged two months after the second stage sickness absence meeting.

At this stage of the procedure, if the employee remains unable to return to work and there is no return to work foreseeable within a reasonable time scale, nor are the previous options discussed appropriate, a sickness absence hearing will be arranged to consider their continuing employment on the grounds of incapability due to ill health.

## **13.4 Stage Four – Sickness Absence Hearing**

To support employees, where considering continuation of employment, the provisions of the Local Government Pension Fund regarding ill health retirements should be noted and followed.

In particular it should be noted that it is a condition of the Local Government Pension Fund that where a decision to terminate employment on health grounds is possible and the employee is a member of the Local Government Pension Fund (LGPF), the case should first be referred to an independent doctor in order to be assessed for ill health retirement. This will be arranged where requested via the occupational health referral.

For teachers the provisions of the Teachers' Pension Scheme regarding ill health retirements should be noted and followed.

Arrangements and notification periods for a hearing under Stage Four and any subsequent appeal will be the same as those within the School's Employment Relations or Disciplinary Procedure. The Headteacher or delegated manager who conducted the most recent formal sickness meeting with the employee will not be a member of the panel but will be asked to present the facts surrounding the case. The employee will be entitled to give any explanation he or she wishes.

Where there is medical evidence that an employee is no longer fit to fulfil the requirements of the job within a reasonable timescale, the authority reserves the right to terminate employment before the expiry of contractual occupational sick pay, in accordance with the procedure for dealing with ill health.

## **14. General Notes**

- 14.1 If an employee is unable to attend a formal sickness absence meeting due to ill health, despite an offer to delay the meeting, or is unwilling to attend the meeting, the meeting should take place in their absence and the employee should be informed in writing of the outcome. A representative may attend if the employee wishes and / or the employee may provide a written statement. Failure to notify their manager of their inability to attend or to provide adequate justification may result in occupational sick pay being withheld.
- 14.2 Should an employee return to work after a sickness absence meeting has been arranged but before it actually takes place, the meeting should still be held. Similarly, if an employee returns to work before the referral to occupational health has been made or before the employee has attended their appointment, the sickness absence meeting should still take place so that the employee can be informed of whether they are at a particular stage of the sickness absence policy.
- 14.3 Should an employee attend a sickness absence meeting and subsequently return to work but is unable to maintain a reasonable level of attendance during the following 12 months the procedure would be resumed at the same/next stage of the procedure, as appropriate.
- 14.4 An employee will be entitled to appeal against any formal advice/information that they have reached Stage 1/2/3 or 4 of the policy. This appeal will normally be to the Headteacher or a member of the school's management team other than the Headteacher/delegated manager who chaired the most recent sickness absence hearing, and wherever possible will be heard at a more senior

level than the manager who chaired that meeting. Any appeal to a panel of governors will be reserved for an appeal against dismissal. The purpose of the appeal process is to review the fairness of the original decision in all the circumstances. In order to appeal, the employee should write to the Headteacher stating the reason for the appeal. NB: The genuine nature of the sickness absence will not normally be considered grounds for appeal.

- 14.5 The short and long term sickness absence review processes are parallel processes and employees at any particular stage of either review process can transfer to the same/next stage, as appropriate, of the procedure under either review process, according to the nature of their sickness absence. However, it should always be made clear to the employee which review process their sickness absence is being managed under and which stage they are on.

## **15. Absence due to Industrial Injury**

Where an employee is absent from work due to industrial injury, their sickness absence should be managed through the Short Term and Long Term Sickness Absence Review Process detailed above.

Managers should ensure the reason for the absence i.e. industrial injury is properly recorded on the Sickness Return Form for Payroll to ensure the correct payment scheme is used and occupational sick pay entitlement is correctly calculated.

## **16. Disability Discrimination**

- 16.1 The Equality Act (previously the Disability Discrimination Act) makes it unlawful to unjustifiably discriminate against a person with a disability. Discrimination occurs when a disabled person is treated less favourably than someone else on the basis of his or her disability.
- 16.2 The Act defines disability as a 'physical or mental impairment which has a substantial and long term adverse effect on his / her ability to carry out normal day to day activities.'
- 16.3 Managers should therefore ascertain if the employee is classed as disabled as defined by the Act through consultation with Stockport Human Resources and the Occupational Health Provider.

The Act requires an employer to make reasonable adjustments to accommodate a disabled employee. Reasonable adjustments may include:

- Seeking to redeploy to an alternative post.
- Job redesign (including hours and / or working pattern) either on a temporary or permanent basis.
- Adaptation of the working environment.
- Agreement to a higher level of sickness absence (which may involve adjustment of the trigger points in this procedure).

An assessment must be made about whether the adjustment is 'reasonable' and will take account of the following:

- Practicality / cost of the adjustment.
- Disruption to the service provision.
- Size and resources available to the employer.
- Impact on work colleagues.

Managers should always seek advice from both Human Resources and the Occupational Health Provider in cases involving disability.

## 17. Phased Return to Work

- 17.1 A phased return to work after a long term period of sickness absence can be beneficial for both the organisation and the employee. The purpose of this approach is to facilitate an earlier return to work than may otherwise be possible. The term phased return covers either a period of time of reduced working hours and/or a period of restricted duties.
- 17.2 Some conditions will inhibit employees attending their place of work but not from carrying out their duties. In these circumstances, it may be reasonable for alternative arrangements to be made with the agreement of the Headteacher/manager. Payment will be made accordingly.
- 17.3 The following conditions should apply to any phased return to work:
- a) A phased return to work should be recommended or approved by the Council's Occupational Health Provider (bearing in mind the temporarily reduced hours and, if appropriate, duties).
  - b) It will usually be for a period of up to four weeks, during which time the employee will receive full pay for a maximum of four weeks.
  - c) The employee must be signed off by his or her GP as fit to work or his or her latest Statement of Fitness to Work must have expired prior to the return to work. Alternatively the Statement should indicate that the employee may be fit to work, with the comments/suggestions of the GP in accordance with the views of the Occupational Health Provider, or easily implemented with a view to full duties/hours within the four week period.
  - d) The pattern of attendance on reduced hours and/or reduced duties and responsibilities should be agreed in advance with the employee. However, it is expected that the employee will increase their working hours and/or duties during the phased return with a view to resuming their full contractual hours and duties at the end of the four week period. If the employee is unable to return to their full contractual hours and/or duties after four weeks, a referral to Occupational Health will be made.

- e) Where Occupational Health recommends, or a GP seeks, a longer phased return to work then this approach is unlikely to be practicable. If the employee cannot return to normal working within four weeks then he or she would need to remain off work for a further period. However, each case will need to be considered on its merits and other solutions may be more suitable. Where the GP has indicated that an employee may be fit to return to work, it should be noted any suggestion made by the GP is only advisory as the GP does not have knowledge of the workplace or details of the employee's duties. If it is not possible or practical to implement the advice then the 'may be fit for work' option can be interpreted as 'not fit for work'. There is no need for the employee to return to the GP for a new statement for this to be confirmed. A new certificate will only be needed if the certificate expires (referred to as the "end of the statement period") and the employee is still unable to return.
- f) Where the employee seeks to extend the phased return to work beyond four weeks, or asks for a longer arrangement from the start, it is open to the Headteacher to cover the shortfall in contractual hours (where applicable) by annual leave, TOIL, or, exceptionally, unpaid leave of absence, subject to the employee's agreement.
- g) You may need to revise the workplace risk assessment applicable to the employee to facilitate a return to work, and it may need to be kept under review.
- h) On occasion, Occupational Health or another medical agency may seek a very restricted return to work e.g. two hours per day, for therapeutic purposes. Full consideration should be given to such requests but clear medical guidance should be obtained in advance on what the employee can do and what degree of support should be provided in the workplace.

In such cases the employee would remain on sick pay but should be advised to check with the relevant government agency on any implications for the employee's statutory benefits.

- i) These arrangements are aimed at helping an employee return to his or her own job. They are not likely to be suitable for employees involved in redeployment or rehabilitative processes, which would require, and should receive, other considerations.

**RETURN TO WORK MEETING FORM/SELF CERTIFICATION FORM**

Please refer to guidance notes

<b>A</b>	<b>Name of employee</b>	<b>Job title</b>		
<b>B</b>	<b>Name of manager</b>			
<b>C</b>	<b>Date of meeting</b>	<b>Date of first day of sickness</b>	<b>Number of working days sickness</b>	
<b>D</b>	<b>Date of return</b>			
<b>E</b>	<b>Reason for sickness absence (please specify if this is an industrial injury / disability related absence)</b>			
<b>F</b>	<b>Discuss total sickness absence in the last 12 months (including current / most recent sickness absence)</b>			
	Number of instances:		Number of working days sickness:	
<b>G</b>	<b>Discuss whether referral to Occupational Health is required</b>			
	<b>Reason for referring / not referring:</b>			
	<b>(If referral is required, please complete the 'Referral to Occupational Health' form and forward to Stockport Human Resources)</b>			
<b>H</b>	<b>Discuss whether there is anything further that we can do to assist the employee and to reduce their sickness absence. Discuss whether any reasonable adjustments are required to the post /duties.</b>			
	<b>Please specify any agreed actions.</b>			
<b>I</b>	<b>Confirm with the employee whether a formal sickness meeting is necessary. (See guidance notes on reverse of form.) Explain the Council's trigger points for the formal stages of the sickness procedure. Where sickness absence record is good, acknowledge this.</b>			
	Not Triggered	Triggered but no formal action to be taken	Stage 1	Stage 2
	Stage 3	Stage 4		
	(please circle)			
<b>J</b>	<b>Employee's comments</b>			
<b>K</b>	<b>Declaration by the Employee: I confirm that the information given above is correct to the best of my knowledge</b>			
	<b>Employee's signature:</b>	<b>Date:</b>		
	<b>NB: You are reminded that making a false declaration is a very serious disciplinary matter, which could result in dismissal.</b>			
<b>L</b>	<b>Headteacher's/Manager's signature</b>			<b>Date:</b>

## Guidance Notes for Headteachers/Managers - Return to Work Meetings

### Please read this guidance in conjunction with the Sickness Absence Policy and Procedure

The Return to Work Meeting should be conducted at the earliest opportunity in a private location. The attached form should be completed. Telephone Return to Work Meetings can be conducted provided there are no concerns regarding the employee's attendance and the form is completed for self-certification reasons as soon as practicable (see Section 8 of Sickness Absence policy).

#### Sections:

#### A to F: Please complete

- G. Discuss whether referral to Occupational Health is required. Input from the Occupational Health Service should not be seen as a punishment or sanction. There are many reasons why a referral to Occupational Health may be appropriate where absences are due to the same and / or similar medical reasons, where it is possible that an occurrence may lead to further problems (e.g. back pain) or where medical advice on the undertaking of particular tasks would be helpful. If the decision is taken not to make a referral to occupational health, the employee should be in full agreement with this decision and this should be documented.
- H. Discuss whether there is anything further we can do to assist the employee to reduce their sickness absence. Discuss with the employee whether they require any reasonable adjustments to be made to the post, which may include job redesign or adaptation of the working environment. Please note any comments or agreed actions.
- I. Confirm with the employee whether a formal sickness meeting is necessary. The trigger points for the formal stages of the procedure should be explained to the employee. See notes below.

**If the employee has reached the trigger points** of 10 working days or 5 instances of sickness absence in the previous 12 month period, a short term sickness absence meeting (first stage of the formal process) will normally be held. A separate meeting needs to be arranged at which the employee will have the right to be accompanied. See **section 9 and 10** in the Sickness Absence Procedure.

Further short term sickness meetings at the second / third / fourth stage will normally be held if trigger points set in a previous sickness meeting have been reached. If stage 2, 3 or 4, please discuss with Stockport Human Resources (subject to SLA).



**If the individual is nearing the trigger points** of 5 instances or 10 working days sickness absence in a rolling 12 month period, the employee's sickness absence record in relation to the Council's trigger points should be highlighted during the Return to Work Interview. There should be a discussion about their previous attendance record and the reasons for their absences. Explain to the employee in a sensitive manner the effect that the absence has upon the service in terms of service delivery and the implications for colleagues' work load and morale. Where sickness absence record is good, acknowledge this.

J. and K: Please ask the employee to complete.

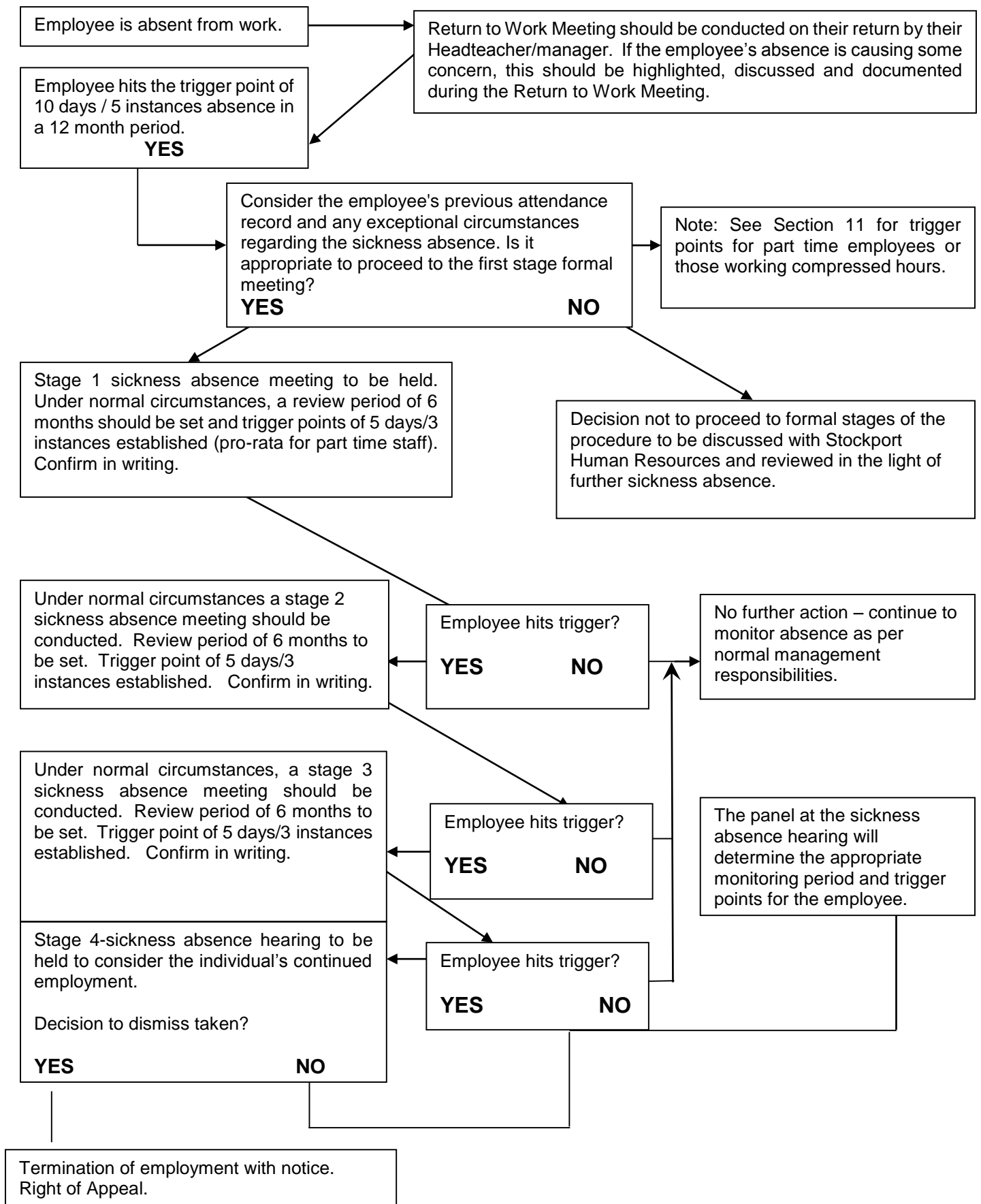
L. Please sign and date.

**Please contact Stockport Human Resources if any further advice or guidance is needed.**

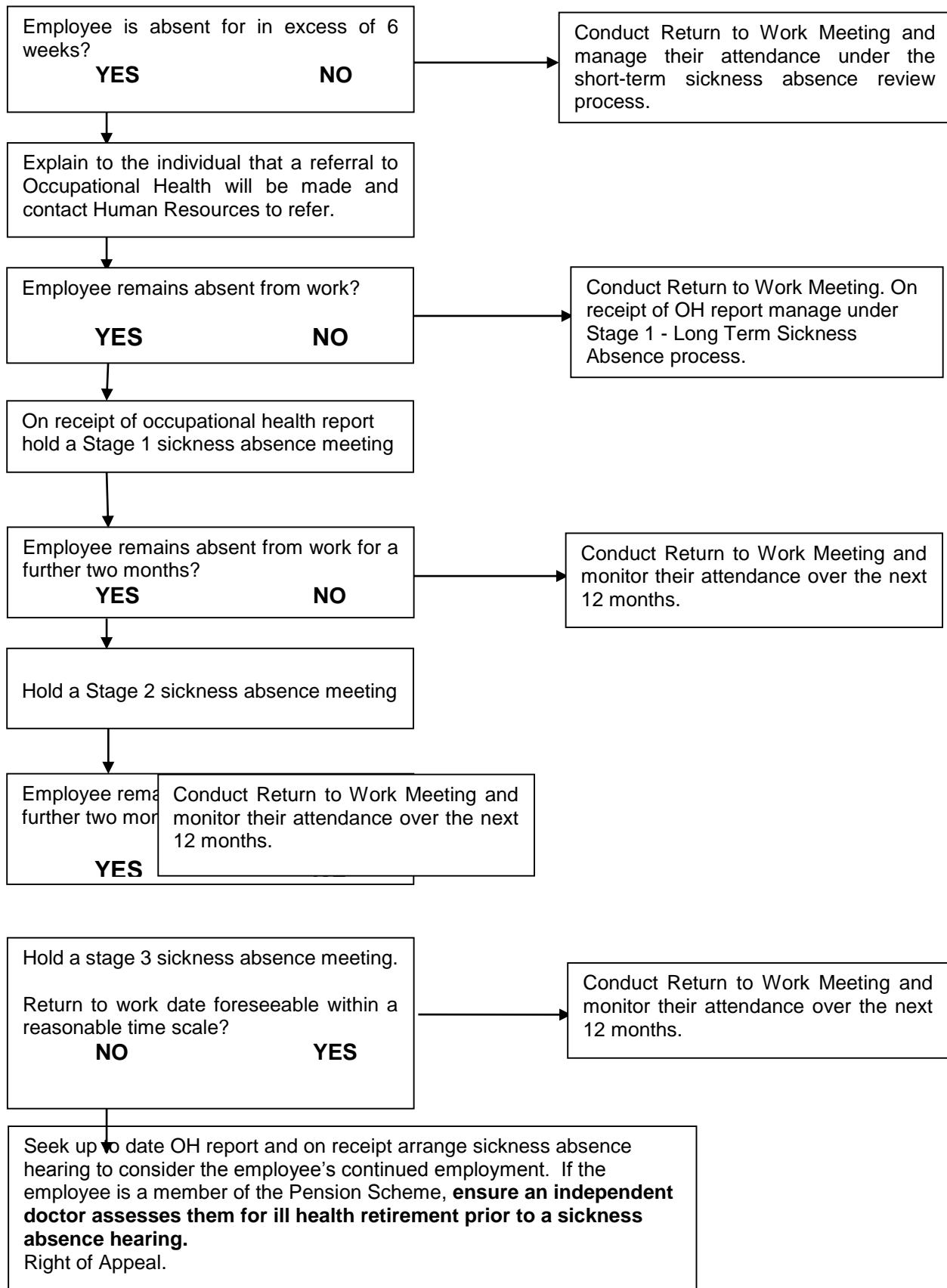
*NB: The employee is entitled to a copy of this form if requested.  
This form should be retained by the Headteacher/Manager and  
stored in a secure and confidential place.*



## MANAGING SHORT-TERM SICKNESS ABSENCE



## MANAGING LONG-TERM SICKNESS ABSENCE



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