

NORTH LINCOLNSHIRE COUNCIL
SICKNESS ABSENCE PROCEDURE FOR
MESSINGHAM SCHOOL

INTRODUCTION

1. This procedure describes the steps the head teacher will take to secure the attendance of all employees during their working week and to properly manage sickness absence. It consists of a series of stages at which employees will be encouraged through advice, guidance and support to maintain an acceptable level of attendance.
2. The council's welfare counselling service and Human Resources (HR) staff are available at all times to employees and the head teacher seeking advice, guidance and training.
3. The levels of absence at which action will be taken are as follows:
 - Employees in their probationary period: 3 absences or 9 working days in a 6-month period.
 - Employees after their probationary period: 4 absences or 12 working days in any 12-month period.

All days referred to in this document (although not the number of absences) will be calculated on a pro-rata basis for part-time employees.

4. The limits are the absolute maximum after which action will be taken. However, the emphasis will be on the head teacher encouraging and helping employees to develop and maintain appropriate patterns of attendance. The limits must not be considered as a sickness absence entitlement.
5. When calculating what counts towards the short-term absence trigger points for:
 - Absences which are disability related, the number of days and the occasion of absence should be halved.
 - Absences that are due to reportable industrial injury (as per RIDDOR), the number of days (although not the occasion of absence) should be halved.
 - Absences which are pregnancy related or related to gender reassignment will be discounted.

If necessary, the council's occupational health provider should be consulted for clarification on whether or not an absence may be related to any of the above.

Note 1: Under the Equality Act 2010 a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. People with HIV, cancer and multiple sclerosis are covered from the point of diagnosis rather than from the stage when the condition has an adverse effect on their ability to carry out day-to-day activities. For more information about the duty to make reasonable adjustments please contact your HR service.

Note 2: *Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave. An employee's absence due to pregnancy related illness should be recorded separately and should not be taken into account when making decisions about their employment.*

OTHER LEAVE

6. Employees who are required to attend out-patients appointments (supported by evidence of the appointment) will be granted paid leave for this purpose if the length of absence required is less than 50% of their normal working day. Where a longer absence is required, either this should be recorded as sickness absence or unpaid leave should be requested.
7. For any outpatient appointments where the time can be selected, they should be scheduled as near to the start or finish time of the working day to minimise disruption. There is an expectation that employees will attend work before and after appointments wherever possible.
8. If an employee is admitted to hospital as a day patient or in-patient, or attends for emergency treatment this should be recorded as sickness absence.
9. Time off for elective surgery (not prescribed by a doctor) or consultation associated with such procedures, employees may be granted unpaid leave at the discretion of the head teacher or nominated officer.

ABSENCE REPORTING

10. An employee who is away from work due to sickness or injury must make contact with the head teacher or nominated officer to give:
 - details of their absence,
 - the reasons for the absence,
 - its likely duration and
 - any work commitments that need to be rearranged.
11. If the message has to be left on an answer phone and confidentiality may be an issue for the employee then brief details only should be left and the employee will be contacted by the head teacher or nominated officer for further information.
12. Where reasonably practicable this contact should normally take place within one hour of the normal start time on the first day of absence. Where operationally required, it should take place prior to the commencement time. The employee must also inform the head teacher or nominated officer if the duration of the absence extends beyond the original estimate.
13. All employees are required to complete a self-certification form for any period of sickness absence up to and including seven calendar days. A form will be provided upon return to work if the absence is less than seven days. It will be sent to the employee's home if the absence is ongoing.

14. If an employee's sickness lasts longer than seven calendar days, they must forward to the head teacher medical certificates provided by a registered medical practitioner. These should cover all of the subsequent period of absence.
15. Where a doctor has indicated that an employee 'may be fit for work' a discussion between the employee and the head teacher will take account of the medical advice provided and the head teacher will give reasonable consideration to any suggested changes or more detailed comments which may facilitate an earlier return to work. This will include:
 - A phased return to work;
 - altered hours
 - amended duties; and/or
 - workplace adaptations.
16. The head teacher will determine whether adjustments are reasonably practicable but where it is not possible to accommodate recommendations they will obtain advice and guidance from HR. The head teacher may contact the council's Health, Safety and Welfare team for any advice regarding undertaking a risk assessment.
17. If the recommendations cannot reasonably be accommodated or either party wishes to discuss the above in person, a meeting will be arranged as soon as possible at a mutually convenient location. The meeting will follow the process outlined at paragraphs 35 and 36. HR will be available to support if required.
18. Where it is not possible for the suggested changes to be made or support to be provided, the medical certificate will be used as if the doctor had advised 'not fit for work' for the remaining duration of the certificate. Employees will not be required to visit their doctor again until the original certificate expires.
19. Failure to comply with the above reporting requirements may result in a suspension of pay and disciplinary action may be taken. Pay will only be reinstated upon receipt of a self and/or medical certificate for the period in question.
20. The head teacher or nominated officer will advise the HR service of all absences and subsequent returns to work.
21. If the head teacher sends an employee home from work, the day will not normally be classed as sickness absence. This period may be extended to 48 hours if food hygiene or other workplace regulations require the absence of the employee. If the employee subsequently remains absent because of sickness, normal reporting arrangements will apply.
22. No employee should return to work whilst unfit to do so. Advice and support will be available at all times from the HR service, the welfare officers and the council's occupational health provider.

23. The management of sickness absences can be categorised into two sections; the management of short-term erratic absences and the management of long term absences exceeding 20 working days. In both cases a return to work discussion should always take place.

RETURN TO WORK DISCUSSION

24. A return to work discussion will take place between the head teacher or nominated officer and employee after any period of sickness absence even if this is for a single day. This discussion must take place within three school working days of the return to work. Ideally it will be held on the day the employee returns to work. The employee has the right to be accompanied by a trade union representative or a fellow worker of the school. The discussion will, wherever possible, be on a face-to-face basis. The discussion will be supportive in nature, be confidential and be conducted with the purpose of:

- a) Acknowledging the employee's return to work and showing that it is valued.
- b) Confirming that the employee is fit to return.
- c) Allowing the employee to voice any concerns they may have.
- d) Providing advice and support.
- e) Checking if any help or workplace adjustments are needed.
- f) Arranging an appointment with the occupational health provider if additional advice is needed.
- g) Ensuring that the absence is properly certificated.
- h) Alerting the employee if they are in danger of exceeding the acceptable levels of absence
- i) Updating the employee on any workplace changes.

25. The information obtained will be used to set objectives and as a basis for future actions. A simple pro-forma is available to record return to work discussions at Appendix 1. All records will remain confidential and be stored securely on the employee's personal file. A copy will also be given to the employee.

SHORT TERM ABSENCE

26. There are three phases in the management of short term sickness absence:

STAGE 1 Sickness absence review meeting

A meeting held following the return to work discussion, once unsatisfactory attendance triggers have been reached as described at paragraphs 3 to 5;

STAGE 2 Referral to occupational health

A referral to the occupational health provider and regular monitoring; and

STAGE 3 Capability hearing

A capability hearing in accordance with the capability hearing procedure as one possible outcome of Stage 2.

STAGE 1 SICKNESS ABSENCE REVIEW MEETING

27. When an employee reaches an absence trigger point (i.e. on the 4th occasion or 12th working day within a twelve month period) the head teacher or nominated officer will arrange a sickness absence review meeting. This may not be necessary in exceptional circumstances (see paragraph 29 below for details).
28. The head teacher or nominated officer will write to the employee to request their attendance at the meeting. The head teacher or nominated officer will emphasise the supportive nature of the meeting and remind the employee that they may be accompanied by a trade union representative or fellow worker of the school. At the meeting the head teacher or nominated officer will:
- a) Inform the employee that their level of absence is causing concern.
 - b) Remind the employee of the trigger points for absence.
 - c) Confirm with the employee their pattern of absence.
 - d) Establish the reason for the absences with a view to improving attendance.
 - e) Offer advice, guidance and support.
 - f) Encourage the employee to seek advice from their GP if appropriate
 - g) Refer the employee to occupational health if immediate advice and guidance would be beneficial.
 - h) Explain that further action will be taken if during the agreed review period absences occur that exceed the agreed target. (Targets for absence should be reflective of the standards expected as outlined in paragraph 3 to 5.)
 - i) Any further absence which exceeds the agreed target will result in an immediate referral to the occupational health provider followed by a further Stage 1 meeting.
 - j) Confirm the above in writing with action points to improve attendance.
29. A sickness absence review meeting will be at the discretion of the head teacher and is not essential in the following situations:
- If it is known that the employee has been in hospital,
 - if the employee is undergoing post operative recuperation,
 - if the employee is attending an outpatients clinic, or
 - if HR or the welfare officers advise that a meeting would be counterproductive.
30. In such cases the absence will be monitored and contact maintained with the employee. The long-term sickness absence procedure (see paragraph 35 onwards) will be followed if the absence extends beyond 20 working days.

STAGE 2 REFERRAL TO OCCUPATIONAL HEALTH

31. If a further absence occurs before the employee's absence level falls below the trigger point the issue will normally be referred to HR who will refer the employee to the council's occupational health provider for an assessment. A second sickness absence review meeting will be arranged with the employee when the occupational health provider's report is received. The action to be taken will depend upon the report.

32. If the employee returns to work their attendance will be monitored for a defined period. During this period all reasonable support will be put in place to enable the employee to sustain an acceptable level of attendance. This is normally six months. It will be made clear to the employee that further absence in excess of what was agreed during the review period will trigger an earlier meeting. This may result in formal action being taken unless one of the exemptions detailed in paragraph 29 applies.
- If the employee has achieved and maintained the required standard they will be commended on the improvement. No further action will be taken provided the required standard is maintained. If within 12 months of concluding formal monitoring, the employee's absences meet the trigger point again, the formal procedure may commence from stage 2.
 - At the end of the review period a further meeting will be held to decide whether to extend the review period further or
 - arrange a capability hearing.

The head teacher/principal will use their discretion and consider all the circumstances.

STAGE 3 CAPABILITY HEARING

33. The head teacher or a designated member of the school's senior management team, will arrange a capability hearing in accordance with the capability hearing procedure in the following circumstances:
- Where the required standard of attendance has not been achieved and all other possibilities have been explored.
34. HR will be available to support the head teacher and advise the panel.

LONG TERM ABSENCE

35. There are three phases in the management of long term sickness absence:

STAGE 1 Sickness absence review meeting

A meeting held once an absence has reached 20 working days

STAGE 2 Referral to occupational health

A referral to the occupational health provider and regular monitoring; and

STAGE 3 Capability hearing

A capability hearing in accordance with the capability hearing procedure as one possible outcome of Stage 2.

STAGE 1 SICKNESS ABSENCE REVIEW MEETING

36. Any absence exceeding 20 working days is considered long term. If contact with the employee has not been maintained during the period of absence the employee must be contacted when their period of absence reaches 20 working days. The purpose of the contact will be to arrange a meeting, preferably at work or at the employee's home if necessary. The head teacher is responsible for seeing that this contact is made. HR may assist in the process.

Note 3: *Where a 'fit note' is obtained by an employee with recommendations which may facilitate an early return to work the matters below should be discussed immediately.*

37. The employee should be assured of the reasons for the meeting. These are:

- to enquire after their health,
- to consider possible support strategies,
- to establish the likely length of absence,
- consider the advice provided in any 'fit note', and
- to identify any possible long-term effect on capability in relation to job performance and attendance at work.

38. The employee may be accompanied at this meeting by a trade union representative or a fellow worker of the school.

39. The employee will also be reminded of the availability of confidential counselling and occupational health support. The opportunity may also be taken to bring the employee up to date with developments at work.

40. Discussions outlined above will reflect the individual case but the primary objective will be the employee's return to work. The initial contact may establish a prospective return to work date or a 'fit note' may recommend a phased return to work which in the particular circumstances can simply be agreed and a meeting may not be necessary.

41. However, if the recommendations in a 'fit note' cannot reasonably be accommodated or either party wishes to discuss the above in person a meeting will be arranged as soon as possible at a mutually convenient location. HR will be available to support if required.

42. If medical advice is required in order to assist the employee's return to work or to establish their capability for work they will be referred to occupational health for advice through HR. The employee will be advised of their rights under the Access to Medical Reports Act 1988, prior to this and any subsequent referral. When the report is received it will be discussed with the employee who will be advised what action the head teacher intends to take.

43. In all cases the absence will be kept under regular review and the head teacher or nominated officer will contact the employee on a monthly basis or more often if appropriate. The purpose of this contact will be as described above.

STAGE 2 REFERRAL TO OCCUPATIONAL HEALTH

44. If the employee remains absent for 40 working days they will be referred to occupational health. The purpose of the referral will be to assess the likelihood of their return to work and to seek advice on any action that could be taken to facilitate a return. In each case all practical steps will be taken to assist the employee to return.

45. Following the receipt of medical advice a meeting will be arranged at a mutually convenient location. The employee will be given at least five school working days prior notice in writing of the time and place of the meeting. They will be advised that the purpose of the meeting is to discuss the medical advice and its implications. They will also be advised of the right to be accompanied by a trade union representative or a fellow worker of the school.

46. The medical opinion and the proposed course of action will be discussed with the employee. Depending upon the circumstances, this could include:

- Phased return to work (see Note 4 below)
- Reasonable adjustments
- Attempted redeployment under the school's redeployment protocol.
- Referral to a medical capability hearing
- Termination of employment on the grounds of ill health retirement.

47. The outcome of the meeting will be confirmed in writing to the employee.

***Note 4:** A phased return to work may be agreed at the head teacher's discretion. The phasing will normally be over a period of up to 20 working days but this can be extended in exceptional circumstances if recommended by occupational health or the welfare officers. The employee will receive full pay during the period of phased return.*

***Note 5:** The list of options in paragraph 46 above may not be exhaustive and they need not be mutually exclusive. Two or more of the options may be used either in sequence or in tandem. The head teacher will endeavour to be constructive and creative in finding solutions and help will be available from HR throughout.*

48. If having considered the above, there is a reasonable prospect of the employee returning to work **within** 40 working days (60 working days for disability related absence or maternity related absence) then support will continue to be given up to the point of return (and beyond if necessary).

49. If the employee is unable to return to work after a further 40 working days (60 working days for disability related absence or maternity related absence) (equating to 80 working days in total, 120 working days for disability or maternity related absence) and there is no prognosis for a return a further, final referral to occupational health will take

place. A meeting will be held with the employee to discuss the contents of the occupational health report and agree a way forward.

50. If after any of the review meetings and receipt of medical advice it is determined that;

- there is no reasonable prospect of a return to work and their level of sickness absences cannot be sustained;
- Reasonable adjustments as advised by occupational health are unable to be accommodated or;
- Attempts should be made to redeploy the employee;

then the matter will be referred to a capability hearing.

RETURN TO WORK FOLLOWING LONG-TERM ABSENCE

51. Where an employee returns to work following a period of long-term absence the support and assistance given will be similar to that provided to a new employee during induction. Every effort will be made to allay the potential fears and anxiety of a returning employee.

52. The head teacher will normally hold a return to work discussion with the employee on the first day of return to work to ensure that any adjustments to duties, equipment or hours of work are in place and are suitable. The opportunity will also be taken to sympathetically reintroduce the employee to their team and in particular to any new colleagues.

53. Any changes to domestic arrangements and/or health and safety issues will be clearly explained and highlighted to the employee.

54. Where relevant policies, procedures and or working practices have changed these will be communicated to the returning employee at the earliest opportunity. Where necessary appropriate training will be organised to supplement and reinforce the employee's understanding.

55. Where the nature of the job allows, a realistic work plan will be devised in conjunction with the employee. The plan should identify any areas of outstanding work, timescales for completion of tasks and should also gently introduce the broad range of the job description. Where possible the head teacher will schedule regular one to one meetings to establish the employee's progress and to assess whether any further support is required.

56. In all cases the employee will be reminded of the availability of the confidential Staff Welfare and Counselling service. Where required further advice and guidance will be obtained from occupational health.

STAGE 3 CAPABILITY HEARING

57. The head teacher or a designated member of the school's senior management team, will arrange a capability hearing in accordance with the capability

hearing procedure where the required standard of attendance has not been achieved and all other possibilities have been explored.

SICK PAY

Teaching

58. The conditions of service include a sickness payments scheme for all regular employees, provided that you were passed as fit for work when you were appointed.

59. Sick pay in any year commencing 1 April and ending on the following 31 March is calculated as follows:

During 1st year of service	30 working days full pay and (after completing 4 calendar months service) 66 working days half pay.
During 2nd year of service	60 working days full pay and 99 working days half pay.
During 3rd year of service	99 working days full pay and 99 working days half pay.
During 4th, 5th and 6th years of service	125 working days full pay and 125 working days half pay.
During 7th and 10th years of service inclusive	140 working days full pay and 140 working days half pay.
After 10 years of service	155 working days full pay and 155 working days half pay.

60. This scale is to be regarded as a minimum. The governing body may exercise discretion to extend its application.

61. 'Service' means recognised teaching service with any Local Education Authority, and such other period of employment as the governing body may approve.

62. Full pay is the earnings that would be paid during a period of normal working and includes Statutory Sick Pay (SSP) to which an employee is entitled. Employees will not be paid SSP if they do not pay National Insurance (NI) contributions because their earnings are not high enough.

63. Employees who are below the lower earnings limit during periods of absence will have their salary paid in accordance with the above provisions. Employees who qualify for SSP or Employment and Support Allowance (previously Incapacity Benefit) from Job Centre Plus are obliged under the terms and conditions of employment to declare this to the school and the sum of any benefit they receive. The school will then make deductions from pay of an amount equivalent to that received. Should

this amount be more than an employee's salary, a sum equivalent to salary only will be deducted.

64. If you are not eligible for state benefit you must provide evidence of this within four weeks. If you fail to respond the appropriate payments will be recovered.
65. Half pay is half the earnings that would be paid during a period of normal working plus an amount equivalent to the SSP allowance if you are entitled to these payments. The payment of other benefits will not normally affect half pay. You cannot receive more than the amount of your normal earnings. 'Normal earnings' always excludes casual overtime and standby payments.
66. Sick pay (not including SSP) is not paid in cases of accident due to active participation in sport as a profession nor normally where the absence arises from or is attributable to an employee's own misconduct.
67. All sick pay is subject to deduction for income tax, NI and superannuation.
68. If you are injured at work you are legally required to record the accident on an accident report form and it must be entered into the accident book by the head teacher or nominated officer. Serious injuries must be notified to the Health and Safety Executive. If the injury was as a direct result of your work or the working practices of the school the length of time you can receive sick pay will be waived. If the school decides the injury was not caused by an industrial accident and you disagree then you may appeal to the Department for Work and Pensions (DWP) to have the accident investigated. The absence will be treated as being due to sickness only. The decision by the DWP will be accepted by the school.

Support staff

69. The scheme is intended to supplement SSP and Employment and Support Allowance (previously Incapacity Benefit) so as to maintain normal pay during defined periods of absence on account of sickness, disease, accident or assault.
70. Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with the school. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme.
71. Employees are entitled to receive sick pay for the following periods:

During first year of service	1 month's full pay and (after completing four months service) 2 months' half pay
During second year of service	2 months' full pay and 2 months' half pay
During third year of service	4 months' full pay and 4 month's half pay

During fourth and fifth year of service	5 months' full pay and 5 months' half pay
After five years' service	6 months' full pay and 6 months' half pay

72. The governing body has discretion to extend the period of sick pay in exceptional cases.
73. The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the 12 months immediately preceding the first day of absence.
74. In the case of full pay periods, sick pay will be an amount which when added to SSP and Employment and Support Allowance (previously Incapacity Benefit) receivable will secure the equivalent of normal pay.
75. In the case of half pay periods sick pay will be an amount equal to half the normal earnings plus an amount equivalent to SSP and Employment and Support Allowance (previously Incapacity Benefit) receivable, so long as the total sum does not exceed normal pay.
76. Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.
77. The benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled on the basis that the employee has satisfied so far as is possible:
- i. the conditions for the reporting of sickness as required by the school;
 - ii. the claiming of benefits;
 - iii. the obligation to declare any entitlement to benefits and any subsequent changes in circumstances affecting such entitlement.
78. An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under this scheme.
79. If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended. The school shall advise the employee of the grounds for suspension and the employee shall have a right of appeal to the relevant committee of the governing body. If the school decide that the grounds were justified then the employee shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme will be dealt with under the disciplinary procedure.