

ST. DAVID'S HIGH SCHOOL

SICKNESS ABSENCE MANAGEMENT POLICY AND PROCEDURE

**Reviewed by Governors
October 2023**



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A: POLICY STATEMENT

- A.1 It is the policy of the Governing Body to ensure a fair, consistent and confidential approach to the monitoring and management of sickness absence amongst its employees. It will do this by the adoption of standard procedures for notification, documentation, management and monitoring.
- A.2 The aims of this policy are to ensure a caring approach to the school's sick employees whilst minimising the costs to the authority, the school, its staff and its students, of sickness absence, and to prevent the abuse of the sickness allowance scheme.
- A.3 By providing a consistent approach, and by educating employees about the procedures available to support them when they are unwell, it is hoped to remove some of the fears associated with the management of their absence.
- A.4 The Governing Body are mindful of the requirements of the Disability Discrimination Act and will seek to make reasonable adjustments and / or redeployment as appropriate

B: RESPONSIBILITY OF MANAGEMENT

- B.1 The headteacher will be responsible for the day-to-day management of sickness absence and it is the responsibility of the Headteacher, or their representative, to ensure the following principles are adhered to:
- B.2 To disseminate information to employees about the management of sickness absence and the procedures.
- B.3 To keep confidential records and patterns of sickness absence and to review patterns of absence within the School in order to identify any trends and take action to minimise any identified risks.

- B.4 To meet with employees where it is deemed necessary to offer support and to conduct return to work interviews as necessary, and to discuss absences with the employee and set standards for attendance.
- B.5 To consider reasonable adjustments in line with the Disability Discrimination Act
- B.6 To remain in regular contact with the employee who is off sick, by telephone, letter or visit, whilst bearing in mind that some employees may feel uncomfortable or even pressurised by such contact. The headteacher will be sensitive to this and exercise judgment about the frequency, nature and/or extent of contact in the circumstances, but nevertheless contact is required.
- B.7 The headteacher to refer to the County Occupational Health and Safety Unit to seek advice.
- B.8 Where the Headteacher is absent through sickness, the Chair of Governors will inform the appropriate Phase Officer of the LEA who will support the Chair in applying the school's procedure.

RESPONSIBILITIES OF EMPLOYEES

- B.10 It is the responsibility of the employee to ensure notification of any absence takes place in accordance with the procedure determined by the Headteacher, and in order to comply with statutory requirements. The only exception to this rule is where the employee is too ill to telephone and no friend or relative is available to undertake this task on his/her behalf.
- B.11 During the employee's absence, he or she should make regular contact with the headteacher to confirm the details of the absence.
- B.12 The employee must submit a doctor's certificate for absences extending beyond eight calendar days.
- B.13 The employee must attend a medical examination with the Occupational Health Unit if required under the School's Sickness Absence Management Procedure.
- B.14 The employee must attend return to work interviews where requested.
- B.15 The employee must report any accident or injury suffered in the course of their duties by completing the appropriate Accident Report Form.

C: COMPLETION OF THE PAPERWORK IN RESPECT OF SICK PAY

- 3.1 The employee and Headteacher will observe the contractual and statutory requirements for recording sickness absence. The relevant Sickness Self Certification forms are available in the school, and must be completed on the first day of absence.

D: PHASED RETURN TO WORK

- D.1 The Governing Body recognise that an employee who has recovered from a prolonged or debilitating illness may find it difficult to return immediately to their full contracted duties and hours of work.
- D.2 The Governing Body recognise that there may be a benefit to the school to provide flexibility to enable employees to return to work before they would otherwise be able.
- D.3 The headteacher, in conjunction with advice from the Occupational Health Unit, will oversee any arrangements agreed for phased return to duties, taking into account managerial and resource implications.

THE PROCEDURE

1.0 MANAGING THE ABSENCE – EARLY INTERVENTION

MANAGERIAL REFERRAL TO OCCUPATIONAL HEALTH UNIT

- 1.1 The headteacher will normally refer for occupational health advice in the following circumstances:
- a) if the employee has been absent from work normally for 4 weeks or more
 - b) if the employee has submitted a certificate which indicates that he/she will be absent from work for 4 weeks or more, or that the cause of absence is stress at work
 - c) if the employee requests for a referral to be made earlier than this
 - d) if the employee has had significant repeated short-term absences
 - e) if the employee is at work or about to return to work and the headteacher is concerned about the absence or the ill-health is allegedly work related.
 - f) if the headteacher is concerned that some adjustments in working conditions may be required in response to a medical condition.

- 1.2 The headteacher will send the employee a copy of the letter referring them to the County's Occupational Physician. The referral letter will include a) a reference to the reason for the referral and b) the management advice and information being sought. Additional relevant information could include a summary job description, a description of potential workplace hazards and risks and in some cases a brief synopsis of the absence history. The information requested by the Headteacher will be shared with the employee.
- 1.3 The extent and nature of advice from the Occupational Health Unit will normally be limited to practical employment issues related to the illness rather than to medical details which will remain strictly confidential to the occupational health professional, although the Occupational Physician may identify the medical condition in general terms.

Valid questions are likely to be:

- a) How long is the employee likely to be off work?
- b) Is a phased reintroduction to work appropriate and if so, what programme is advised?
- c) Is there likely to be any substantial and long-term adverse effect and/or permanent incapacity associated with the illness and if so, would it affect the employee's ability to carry out his/her job.?
- d) What reasonable adjustments could or should be made in the workplace as a consequence of the illness?
- e) Is the current absence or pattern of absence likely to recur in the future?
- f) Is there any aspect of the employee's job which contributes to their ill health?

2.0 EMPLOYEE_SELF REFERRAL TO OCCUPATIONAL HEALTH UNIT

- 2.1 Any employee may approach the Occupational Health and Safety Unit in confidence for professional advice relating to either their health or to their safety at work. The fact and content of the consultation will remain confidential, unless the employee consents to the information being shared. The normal ethical rules and guidance on confidentiality, laid down by the General Medical Council, the Faculty of Occupational Medicine (Royal College & Physicians) and the Royal College of Nursing will apply to all consultations.

3.0 DEALING WITH DIFFERENT TYPES OF SICKNESS ABSENCE

3.1 Frequent intermittent absence:

3.2 The Governing Body define this as persistent short term absences which are normally sporadic and attributable to minor ailments, and their frequency creates managerial problems.

3.3 In order to deal most effectively with frequent intermittent absence, the following trigger points will be applied

(Governing Body to determine what is an acceptable standard of attendance before applying the procedure)

This indicates the start of the formal sickness absence procedure.

Trigger Points

Reasonable intervention thresholds in a term will be: *(to be determined by the Governing Body)*

- three periods of uncertified absence in a term, or
- three periods of self-certified absence in a term, or
- a combination of the above on at least three occasions, or
- eight times in three terms or
- unacceptable patterns of absence, e.g. regular Monday absence

Trigger Points and absences due to Disability

- disability related sickness absence will be recorded separately and the procedure will be applied when a trigger point is reached.

3.4 Long Term Absence

When an employee has been absent, or is likely to be absent for four weeks or more, or when a medical condition has been identified and advice and support is required, a referral will be made to Occupational Health. This indicates the start of the formal sickness absence procedure.

Both types of absence, frequent intermittent and long term, will be dealt with by the following procedure:

4.0 FORMAL CASE MEETING – FIRST STAGE

4.1 The Headteacher will provide notification in writing to the employee, giving the date, time and place of the meeting and the reason for the meeting. The purpose of the meeting is to address some or all of the following:

- a. explore why the absence level is unsatisfactory and the reasons for it, including any medical reasons.
- b. explain concern at the absence level

- c. offer advice and additional support as appropriate
- d. seek to improve attendance by the employee
- e. establish attendance targets
- f. consider workplace adjustments
- g. a further referral to Occupational Health Unit

The employee has a right to be accompanied or represented by a work place colleague or union representative.

- 4.2 At the meeting the employee will be made aware of the potential consequences of continued poor attendance. The employee will also subsequently be provided with a letter informing them of the outcome of the meeting.
- 4.3 The Headteacher may require the employee to attend attendance review meetings before progressing to the Second Stage

5.0 FORMAL CASE MEETING – SECOND STAGE

- 5.1 An employee who has:
 - not shown sufficient improvement in attendance within a reasonable
 - time period following the First Stage Meeting (**at 4.0 above**), or
 - whose attendance has deteriorated again following some initial
 - improvement, or
 - has been absent from school continuously for a period of two terms
 - or,
 - has a medical certificate indicating that there is no return to work in
 - the foreseeable future

will be required to attend a Formal Case Meeting - Second Stage.

- 5.2 The Headteacher will provide notification in writing to the employee giving the date, time and place of the meeting and the reason for the meeting. The purpose of the meeting is to address some or all of the following:
 - (a) re-iterate the points raised at the First Stage meeting
 - (b) explore why the absence level continues to be unsatisfactory and the reasons for it, including any medical reasons.
 - (c) explain concern at the absence level
 - (d) offer further advice and additional support as appropriate
 - (e) seek a further commitment to improve attendance by the employee
 - (f) re-establish attendance targets
 - (g) consider workplace adjustments
 - (h) a further referral to Occupational Health Unit

The employee has a right to be accompanied or represented by a work place colleague or union representative.

5.3 At the meeting the employee will be warned of the potential consequences of continued poor attendance. The employee will also subsequently be provided with a letter informing them of the outcome of the meeting.

5.4 The Headteacher may require the employee to attend attendance review meetings before progressing to the Final Stage.

6.0 FINAL STAGE

6.1 An employee who has:

- not shown sufficient improvement in attendance within a reasonable time period following the Second Stage Meeting (**at 5.0 above**), or
- whose attendance has deteriorated again following some initial improvement, or
- has been absent from school continuously for a period of two terms or,
- has a medical certificate indicating that there is no return to work expected in the foreseeable future,

will be required to attend a meeting, or have a representative attend a meeting, before at least three members of the Staff Dismissal Committee of the Governing Body. The Director of Lifelong Learning or his/her representative has a right to advise.

6.2 Notification of the meeting will be in writing to the employee giving at least five working days notice and will state the date, time and place of the meeting, the reason for the meeting and a reminder of the employee's right to representation. The employee will also be advised that an outcome of this meeting may be dismissal.

6.3 The Headteacher will prepare a report giving:

- > full details of the attendance record
- > statement of any unmet targets etc with reasons and dates and subsequent action taken;
- > any other relevant documentary evidence

6.4 This report will be sent to the employee five working days before the meeting. All papers to be presented to the Committee by both parties, to be submitted to the Clerk to the Committee for circulation three working days before the meeting.

6.5 The purpose of the meeting will be to:

- (a) to inform the teacher of their attendance record and that it shows insufficient improvement.
- (b) explore the reasons for lack of improvement

(c) allow the employee to make representation and present evidence and call witnesses as appropriate

- 6.6 The Staff Dismissal Committee will deliberate in private to consider the evidence submitted and determine a sanction(s). They may determine that no further action is necessary; or to allow a further period of time to allow consideration of employment options, or to issue a written warning to improve attendance; or to recommend termination of employment to the LEA (subject to statutory/contractual period of notice).
- 6.7 If the decision is to dismiss, the Staff Dismissal Committee will inform the LEA. The LEA will not issue notice of dismissal until the outcome of any appeal is known (**see 7.0 below**).
- 6.8 The Chair of the Staff Dismissal Committee will notify the employee in writing of their decision within 5 working days of the meeting and advise of their right to appeal.

7.0 APPEAL STAGE

- 7.1 The employee will be advised of their right to appeal against the decision of the Staff Dismissal Committee. The right of appeal should be exercised within 10 working days of receiving written confirmation of the decision. The written notification by the employee to appeal must be sent to the Chair of the Staff Dismissal Appeal Committee and state the grounds for appeal.
- 7.2 The Appeal will be heard by at least three members of the Staff Dismissal Appeal Committee of the Governing Body. The Director of Lifelong Learning or his/her representative has a right to advise.
- 7.3 Notification of the meeting will be in writing to the employee giving the date, time and place of the meeting, the reason for the meeting and a reminder of the employee's right of representation.
- 7.4 The Staff Dismissal Appeal Committee will hear the employee's appeal against the sanction determined by the Staff Dismissal Committee.
- 7.5 The Staff Dismissal Appeal Committee will deliberate in private to consider the evidence submitted. They may uphold the decision of the Staff Dismissal Committee or they may overturn the decision and award a lesser sanction.
- 7.6 The Chair of the Staff Dismissal Appeal Committee will notify the employee in writing of their decision within 5 working days of the meeting.

APPENDICES TO THE PROCEDURE

DISMISSAL ON THE GROUNDS OF INCAPACITY

Under Regulation 7 of the Education (Health Standards) (Wales) Regulations 2004, "a person in relevant employment shall not continue in that employment if his/her employers are satisfied that he/she has not the health or physical capacity to do so."

For Community, Voluntary Controlled and Community Special Schools, the LEA will be responsible for dismissal relating to health standards.

CENTRALLY EMPLOYED TEACHING STAFF

A teacher who is employed by the L.E.A, i.e. a centrally employed teacher, will attend the first and second stage meetings before their line manager who will have a HR adviser present

If attendance at the final stage meeting is required, this will be before a more Senior Manager acting as Authorised Officer who will have a HR and / or legal adviser. The line manager will present the case.

Any appeal to the Final Stage meeting will be heard by the Head of Paid Service, or his representative, who will have a HR and /or Legal Adviser. The line manager will present the case.

CORPORATE MONITORING

The Authority will undertake to monitor sickness as part of its corporate and statutory responsibilities to monitor levels and causes of absence in schools.

APPENDIX 1

(For completion by Line manager after every period absence)

St. David's High School: Return to work interview form

Name

Section

Job Title

Date of Interview

Date of absence

Date of
return

Working days
lost

Reason for absence

Periods of Sickness / Absence in previous 12 month rolling period

Triggers reached?

Yes /
No

ARM?

Yes /
No

Refer to
Occ.Health?

Yes / No

Summary of key points discussed

Action Plan / Support

Employee's signature:

.....

Manager's signature:

.....

Print name and job title:

Date:

When completed a copy must be retained in the Managers file, for reference at case review if required.

SICKNESS ABSENCE TRIGGER POINTS

- **Trigger points effective from 1st November 2006**
 - a. Three occasions in six month or
 - b. Ten days or more in six months (A Day is defined as normal contracted daily hours)
- **A common Return to Work form is to be used for all instances of absence.**
- **It is vital that a Return to Work Interview form is completed for every period of absence.**

Triggers for part time staff - Only contracted working days lost to absence will count towards triggers. E.g. if employee is sick from Monday to Monday inclusive, but the employee is contracted to work only on Mondays and Tuesdays, only 3 days will be logged as absent.

It is possible for the return to Work interview to be completed with an employee via a telephone call, due to the nature of the employee's role. The important point is to complete it as soon as possible when the employee returns to work.

A copy of the completed form must be retained by the line manager, for reference at case review if required. – There is no requirement to send a copy to HR.

If you have any queries on applying these new triggers or the policy in general, please contact your Directorate Senior HR Advisors or HR Managers.