The Parkside School
Absence Management Policy and Procedure

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1. Introduction – equal opportunities and scope

1.1 This policy and procedure apply to all employees, both teaching and support staff.

1.2 Through the implementation of this policy and procedure, the Governing Board/Trust will be mindful of the employer obligation to seek to maintain and protect the mental health and wellbeing of all staff as far as is reasonably practicable.

1.3 This policy and procedure makes clear the Governing Board/Trust's expectations on employees and their managers regarding absences caused by ill-health. It is intended to deal with injury and ill-health that lead to attendance problems regardless of the cause. It is not intended for use where health, either mental or physical, leads to performance problems. These matters will be dealt with under the separate Capability policy and procedure.

1.4 Throughout this policy and related procedure, reference is made to the Headteacher as the manager responsible for dealing with absence issues. In some situations, line managers other than Headteacher may have delegated responsibility for significant elements of the day-to-day management of absent employees. Equally, where the Headteacher is the employee with health issues, the Chair of Governors/Chair of Trustees will take the manager role.

1.5 Some employees will inevitably experience periods of absence due to ill health or injury. It is important that a proper balance is struck between managing such absences whilst being supportive and acting as a fair and reasonable employer (i.e. fulfilling the employer's duty of care to employees). It is essential that attendance at work is managed effectively and appropriately in order to minimise the risk of disciplinary action and dismissal that may give rise to claims for compensation and tribunal hearing.

1.6 The following principles apply to this model policy and procedure for dealing with sickness absence:

- Good attendance is valued.
- Open and honest communication between senior managers and employees is encouraged and promoted.
- Matters raised relating to an employee's attendance do not imply any distrust of employees or concerns regarding their conduct.
- Absence due to injury or ill-health, regardless of the cause, should be dealt with in a way that is consistent, non-discriminatory and in accordance with the Equality Act 2010.

- Promotion of a sensitive and supportive preventative approach towards those suffering the effects of ill health, rather than following a punitive process.
- Sickness absence cases will be conducted with respect for confidentiality and in accordance with the requirements of the Data Protection Act and Access to Medical Reports Act.
- Health & Safety at Work legislation includes requirements around a duty of care owed by the employer to its employees.

1.7 In applying this policy and procedure, all employees are expected to adhere with their obligations under equality legislation. Managers must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

2. Sickness absence – definition

a. ***Sickness absence*** occurs when an individual is unfit to work due to ill health. It also occurs when a doctor advises the employee not to attend work due to illness, convalescence, incapacity or the possibility that they may be contagious.

b. ***Short term absence*** is defined as any period of time where an employee is not at work due to illness for a period of up to 28 days in duration, from the first day of absence (including any half days). *See section 5 regarding certification*.

c. ***Persistent short-term absence*** is defined as where an employee has taken a significant number of short-term sickness absences.

d. ***Long-term absence*** is defined as a period of time where an employee is absent from work due to illness for a continuous period of greater than 28 days.

e. ***Other absence*** – an employee's absence from work may not be related to illness or incapacity. These absences will be recorded and managed in accordance with the school's Leave and time off policy. *Model policies are available on InfoSpace (P201 for schools or P201a for Multi-Academy Trusts).*

f. ***Appointments*** with a GP, dentist, optometrist or other medical practitioner during the working day are also covered within the Leave and time off policy.

2.7 ***Unauthorised absence*** - Where an employee has claimed to be absent due to sickness, but it is subsequently identified that their absence is not due to sickness, it will be considered as unauthorised absence. This may result in

disciplinary action and/or loss of pay under the school's Discipline policy. See Appendix B for a summary of the main responsibilities and expectations this policy and procedure places on a Headteacher and on employees. *Model policies are available on InfoSpace (P303 for schools or P303a for Multi-Academy Trusts).*

3. Notification of sickness absence

3.1 Employees must telephone their Headteacher or other identified individual on the first day of absence. Employees should also know who to contact in the absence of the Headteacher or other identified individual. If possible, this should be before they are due to start work, but at least within one hour of their normal start time. Details of the illness and, if possible, the likely duration should be given.

3.2 The employee should make direct contact with their Headteacher (or other identified individual) to notify them of absence (in accordance with timescales given) and should only arrange for someone else to telephone on their behalf under exceptional circumstances (e.g. if they have lost their voice, or are in hospital etc). In these exceptional circumstances, where initial notification comes from someone other than the employee, the employee must make direct contact with their Headteacher (or other identified individual) as soon they are well enough to do so.

3.3 Failure to inform the Headteacher of absence from work may lead to that absence being considered as unauthorised. This may result in possible disciplinary action or loss of pay unless there are exceptional personal circumstances.

3.4 If the employee has started work but has had to leave early due to sickness then they must ensure that the Headteacher (or other identified individual) is informed that they have left work due to illness.

3.5 If the employee believes that their absence may have been caused or made worse by their work, they should inform their Headteacher who will arrange for an Incident Report Form to be completed.

3.6 The Headteacher will ensure that their payroll provider is notified of the absence.

3.7 An absent Headteacher must take steps to inform the Chair of Governors/Chief Executive Officer (CEO) of their absence and to ensure their Deputy Headteacher or other senior member of staff is aware that they will not be attending work.

4. Recording absence

4.1 All employees and their Headteacher must complete a *Sickness absence report form (SA1) F313* for any period of sickness absence.

Strategy consideration - Potentially, a school/Trust could have alternative reporting arrangements, but they should ensure that the areas covered by the Sickness absence report form are included in any system.

4.2 School/Trust specific recording of absence

School/Trusts will have their own systems for recording employee absence often using computerised databases/spreadsheets. The requirements under this policy and procedure will be additional to those specific recording procedures.

4.3 Medical certificates

The Headteacher will ensure that copies of medical certificates are sent to their payroll provider as they are received, i.e. not retained until the person returns to work. The original should be retained on the employee's personal file in school.

5. Certification

5.1 Every absence must be certified to ensure prompt and correct payment of contractual and statutory sick pay and to ensure that accurate records are maintained. Failure to comply with the certification procedures, without good reason, will result in loss of sick pay and possibly disciplinary action.

5.2 Should an absence continue into a school holiday it is important that the employee notifies the Headteacher during the school closure of continued sickness absence and provide appropriate certification (where applicable) until the date at which they are declared fit to return to work.

5.3 Self-certification

Absence of up to seven calendar days can be 'self-certified' by the employee, i.e. the individual certifies that they are unfit to work.

5.4 Medical certification

Absence of more than seven calendar days must be certified for Statutory Sick Pay (SSP) purposes. In these cases, the employee must consult a doctor and obtain a fit note or Med 10 form, which they must immediately send to their Headteacher.

5.5 The employee may present one of the following: -

- **Statement of Fitness for Work (fit note)** - This will advise that the employee is either not fit for work or that they may be fit for work with some modifications/adjustments. A fit note can be issued by a range of healthcare professionals -this must be a doctor, nurse, occupational therapist, pharmacist or physiotherapist. They must have undertaken an assessment of the individual before they issue the fit note.
- **Med 10 medical statement** - A yellow form issued by a hospital to confirm an employee is, or has been, in hospital.
- A certificate from a health care professional (psychologist, etc.) where the employee is receiving treatment through an NHS pathway with little involvement from doctors. The certificate should clearly identify the name, address and specialty of the health care professional. A certificate from this source should be judged on its individual merits.

5.6 Where there is continuing sickness absence, the employee must submit to their Headteacher concurrent medical certificates to cover the whole period of the sickness absence (including times of school closure).

5.7 The employee must ensure that appropriate and timely medical certificates are forwarded to their Headteacher. The Headteacher will take reasonable action to pursue medical certificates where they have not been submitted and ensure that employees are aware of the consequences of non-submission.

5.8 **Return to work certification**

If the employee has been sick for more than 28 days, the employee must provide a fit note which states that they are fit to return and under what circumstances.

6. Maintaining contact during sickness absence

6.1 When an employee is absent from work due to sickness, maintaining contact is key to facilitating a successful return to work. It is important that the Headteacher is kept informed of the employee's progress in order to:

- ensure that appropriate cover is provided and service delivery is maintained,
- receive an update on progress and recovery.
- ensure the employee knows when they must supply medical certificates.
- explain and try to provide any support that may improve the employee's health or facilitate their return.
- ensure the employee does not feel isolated, vulnerable, out of touch and undervalued which may have a subsequent adverse effect on both physical and mental health.
- ensure the employee is kept up-to-date of news about the workplace.

- determine any adjustments that may aid a return to work.
- discuss support such as Occupational Health, the musculoskeletal scheme and the Norfolk Support Line where applicable.

6.2 The employee should maintain regular telephone contact with their Headteacher during the early stage of sickness absence. The frequency and method of contact should be agreed when the employee first reports their absence as this will vary depending on the individual circumstances of each case e.g. when medical information/updates are available. As a general rule, over a five working day period, it would be expected that the employee should make contact with their Headteacher on two occasions. Where the employee fails to maintain contact as expected or agreed, then the Headteacher should contact the employee and request that contact be maintained.

6.3 Headteachers should not put off making contact or delegate it to someone else, unless there are good reasons for doing so, for example if other contact arrangements have been agreed with the individual. Where the absence of an employee is claimed to be the result of tensions between them and the Headteacher, attempts to identify mechanisms for contact must be made and this could be through a colleague or trade union contact. Even where tensions exist, the employee has a statutory obligation to keep the school informed of their absence and to provide appropriate certification.

6.4 Difficult subjects or unwelcome news should not be avoided but should be handled sensitively. Headteachers will take care not to make inappropriate comments such as colleagues being under pressure because of the employee's absence.

6.5 **Methods of maintaining contact**

Each case needs to be treated individually and with sensitivity. The approach taken with an employee who is absent due to planned, straightforward surgery is likely to be very different from a situation where the timescales or likelihood of return is unknown. In these circumstances the employee may feel isolated and anxious that their job is at risk.

6.6 In the majority of cases, ongoing contact during long-term sickness absence will take place by phone. However, other methods may be mutually agreed, for example:

- by letter or e-mail
- visit to the employee at their home
- visit to the workplace by the employee
- meeting with other colleagues for lunch
- maintaining contact with the team (e.g. social events)
- keeping the employee up-to-date by sending them regular newsletters

- therapeutic return to work programmes (see 20 below).

6.7 Whatever contact arrangements are decided upon, they should always be agreed with the individual, be flexible, regular and confidential.

6.8 **Employee resistance to contact or refusal to engage in discussions about their absence**

Normally, it is the employee's responsibility to keep the Headteacher informed about their absence. One aspect of the Headteacher's role is to ensure such discussions are handled sensitively. When an employee fails to do so, the Headteacher will take the initiative. Some employees, however, may request no contact or simply refuse contact. This reluctance may be due to low level anxieties that can be overcome through a supportive conversation. There may, however, be issues that the employee does not wish to discuss with their Headteacher, such as gender specific medical conditions, or when the illness is the direct result of workplace stress (particularly relationship issues), where the thought of such contact may exacerbate their symptoms.

6.9 If an employee refuses to speak to their Headteacher and no suitable alternative arrangement can be made, then the school will seek advice from the HR provider. If an employee refuses contact then they must explain the reason for this, which, if necessary, may be done in writing, or via another person (e.g. trade union representative or work colleague). In these circumstances, the representative working directly with the Headteacher should be able to facilitate some arrangement whereby necessary information can be exchanged.

6.10 **Employee states they are not fit to maintain contact**

If the employee states they are not fit to maintain contact or discuss their situation, the school will seek advice from the HR provider, with a view to obtaining guidance from Occupational Health on the possible medical reasons for this.

7. Sick pay entitlements

7.1 The level of sick pay entitlements will vary on an individual basis, in line with the eligibility criteria for Occupational Sick Pay and Statutory Sick Pay. See Appendix A.

7.2 Where an employee is receiving sick pay, any change to their sick pay entitlement will be notified to them in writing, by the payroll provider, prior to any change occurring e.g. where their full pay entitlement has been exhausted or will reduce, detailing the reason, the effective date and confirming the pay position.

8. Return to work meetings

8.1 Following any period of sickness absence (including absences of only one day) a meeting may take place with the employee. In this procedure, the Headteacher is identified as the person to arrange and conduct those meetings. The responsibility for return to work meetings may be delegated to an appropriate line manager. Where this is the case, "Headteacher" in the following paragraphs may be replaced by "Line Manager". The main purpose of return to work meetings is to offer support and to ensure appropriate [self-] certification has been completed.

8.2 The Headteacher will arrange to meet privately with the employee, ideally on the first day back or at least within three days of the return to work. If there are operational/logistical reasons why the Headteacher cannot meet with the employee within three days of the return to work, alternative arrangements will be mutually agreed, e.g. by telephone or a later date.

8.3 *Absence - return to work discussion checklist (C313 on InfoSpace)* can be used by the Headteacher for return to work meetings. The checklist may be useful particularly where repeated absences are occurring as it brings structure to discussions and allows the collation and sharing of information relating to the absence issue.

8.4 The Headteacher will:

- hold the meeting informally but in private, face-to-face,
- create an atmosphere of trust and support,
- maintain the self-esteem of the employee,
- gather the facts and discuss any issues arising from the absence,
- address any problems that arise.

8.5 Headteachers can contact their HR provider for further advice on how to conduct the meeting.

8.6 The purpose of the discussion is:

- to make the employee feel welcome and valued upon return,
- to ensure that the employee is really fit to return to their full duties,
- to identify the cause of the absence,
- to address any problem that may be causing, or contributing to, the absence i.e. give the Headteacher an opportunity to explore other underlying health conditions, home or work-related issues) and jointly discuss solutions to these problems,
- to ensure there is an accurate record of the absence and appropriate certification,
- update them on work developments in their absence and to agree priorities for the post absence period,

- to establish whether further absence is likely because of their medical condition or any other underlying (medical or non-medical) issue,
- to discuss whether referral to Occupational Health/musculoskeletal scheme may be necessary/beneficial and ensure the employee is aware of the Norfolk Support Line if applicable,
- to clarify any return to work arrangements and/or further review processes to show that individual's absence has been noted and, if appropriate, to confirm that, although the absence may not be the employee's fault, they do have a responsibility to do all they can to resolve the problem to ensure that absence does not recur.

8.7 **Preparation for return to work meetings**

Before conducting a return to work meeting, the Headteacher will need to think about the following issues, in addition to the areas outlined above:

- do you have the necessary paperwork, copies of correspondence or OH report (where appropriate)?
- analyse the attendance record, is there evidence of an increase in frequency or a pattern to the absence?
- what areas need to be explored? (e.g. causes for any pattern of absence, adjustments to the workplace)

8.8 **Outcomes of return to work meetings**

- Have all the issues identified during planning, been discussed?
- Have any further actions been agreed? e.g. additional training needs, re-induction due to changes in equipment or processes. Headteachers should listen and take on board any comments/issues the employee has before agreeing actions.
- Ensure that the employee understands what the outcome/expectations are, e.g. in terms of expected attendance in the future, further actions that have been agreed, etc.
- Ensure that the SA1 has been completed and that the payroll provider has been notified.
- A record of the meeting should be made and retained on the employees personal file, with any agreed outcomes/actions confirm in writing to the employee.

9. Employees wishing to return but not certified as fit

9.1 There may be occasions when an employee is adamant that they are fit to return to work, yet their healthcare professional issues a "not fit for work" certificate. This may be because the employee has recovered faster than expected, or the doctor did not know ways in which the employee could be supported to return to work. In these circumstances a referral to Occupational Health (OH) may be appropriate. Occupational Health will

liaise with the individual's healthcare professional as necessary. See para 11 for the Occupational Health referral procedure.

9.2 If the OH clinician states that the employee is not fit for work, then the employee should obtain a further absence certificate from their healthcare professional.

9.3 If the OH clinician states that the employee is fit for work there can be no further justification for refusing to allow their return.

10. Employees not considered fit to return by the Headteacher, or where the healthcare professional's suggested modifications are unsuitable

10.1 Where there is disagreement between an employee and the Headteacher on the individual's fitness to return to work, an OH referral will be necessary to obtain advice which may help to resolve any disagreement. OH will contact the employee's healthcare professional as necessary to seek relevant information. Employees can be required to remain away from work on "medical suspension" until management concerns about fitness to work have been resolved. See para 11 for the Occupational Health referral procedure.

10.2 Employees on medical suspension should be aware they have the right to informally raise a concern with their manager if they believe suspension is not appropriate. If this response to concern is not believed to be fair by the employee, they should refer to the grievance policy.

10.3 Where the employee has received a fit note for work from their healthcare professional stating, "may be fit to return to work", the individual will return to normal pay from the date of the certificate.

10.4 Where there is disagreement between OH and a healthcare professional on an individual's fitness to work, case law shows that employers are entitled to follow the guidance of their OH advisers.

10.5 If the OH clinician states the employee is not fit to work the employee should obtain a further absence certificate from their healthcare professional.

10.6 If the OH clinician states the employee is fit to work, they will advise the Headteacher accordingly. If necessary, the HR provider may contact the OH clinician to discuss the matter further, on behalf of the Headteacher.

11. Occupational health provision

11.1 Early and effective medical advice can be key to identifying the most appropriate way to manage sickness absence. The timing of an Occupational Health referral will depend on the particular circumstances of

the case. There is an expectation that Headteachers will ensure referral is made whenever a professional occupational health opinion would benefit the situation. Equally, there is an expectation that the employee will attend any assessment and participate fully to ensure the employer is able to make informed decisions regarding best courses of action.

11.2 The purpose of an Occupational Health referral is to provide advice and guidance to employees and Headteachers regarding:

- the nature of the illness
- the prognosis regarding recovery
- timescales for a return to work
- recommendations for a phased/therapeutic return to work where appropriate
- recommendations for other appropriate support measures which will enable the employee to return and sustain their attendance at work.

11.3 The Headteacher will make contact with the employee to explain the need for a referral and to allay any fears they may have regarding this process.

11.4 The Headteacher will discuss the referral with the employee, and the necessary arrangements for the referral will then take place.

11.5 If an employee refuses to attend or participate in the assessment process the Headteacher will be within their rights to make judgements about best courses of action in the absence of occupational health advice. Additionally, if a teacher is absent from work on sick leave at the time they refuse to attend or participate, the Headteacher may have the option of withholding Occupational Sick Pay under the national conditions of service provisions.

12. Trigger points within absence management

12.1 Employees have a contractual responsibility to be present every single day for which they are employed (which is neither a holiday nor a concession), so should aim for 100% attendance. However, some absence is unavoidable so the trigger points for initiating absence management procedures are set at:

- three or more instances of sickness absence in any six-month period
- seven or more days sickness absence within any twelve-month period
- any other recurring recognisable patterns, such as frequent absenteeism on a Monday or Friday, or avoiding particular work tasks.

Triggers may be applied on a pro-rata basis for part-time employees.

12.2 It should be noted that disability related absence does not have to be discounted from sickness absence records for the purposes of trigger points. Although, consideration can be given to modifying absence triggers as a reasonable adjustment for disabled employees, if the individual case deems

this appropriate. There is no requirement to take this as an automatic approach in every case, each case should be considered individually. It is important to remember that the main aim of any adjustment is to enable the employee to get back to work. However, in some cases, disability related absence may need to be discounted from the trigger points. This is where it meets the definition of disability leave and it is appropriate that disability leave is taken, rather than sickness absence. For a definition of disability leave see the school's Leave and time off policy. *(Model policies are available on InfoSpace (P201 for schools, P201a for MATS)*.

Advice should be sought from the HR provider where an individual has persistent short term sickness absence related to a disability.

13. Persistent short-term sickness absence

13.1 Generally, management of persistent short term sickness absence will involve the following:

- employee notifies absence (see 3 above),
- Headteacher reviews previous sickness absence, which identifies cause for concern and collects relevant data,
- employee returns,
- return to work interview is conducted,
- absence management meeting takes place and action agreed,
- absence management review meetings take place,
- documentation completed.

13.2 **Return to work meetings**

Where the Headteacher has identified that there is an issue with persistent short term sickness absence, a return to work meeting would need to take place (see 8 above). If the return to work meeting does not provide an acceptable explanation which removes these concerns, the Headteacher should inform the individual that an absence management meeting is required, outlining the concerns.

14. Absence management meetings

14.1 Advice will be sought from the HR provider prior to conducting absence management meetings. In some circumstances it may be appropriate for an HR professional to attend to support and advise the Headteacher.

14.2 Before the meeting the employee's attendance level will need to be calculated as a percentage. This is so the employee can be set a higher percentage target to reach.

This can be done using the following calculation:

Part 1
Number of days contracted to work per week **X** Period of monitoring - weeks (excluding any INSET days or periods of school closure)

= number of days contracted to work during the period of monitoring

Part 2
Number of days contracted to work during the period of monitoring **–** Number of days the employee is absent in the period of monitoring

= number of days employee has been in attendance during the period of monitoring

Part 3
Number of days employee has been in attendance during the period of monitoring **÷** Number of days contracted to work during the period of monitoring **X** 100

= % of period employee has been in attendance during monitoring period.

14.3 An absence management meeting will be held with an employee to:

- discuss their absence record,
- explore the reasons for absence,
- identify areas for employer support (e.g. Occupational Health),
- ensure the employee is taking all reasonable steps to maintain personal health and well-being,
- review/update any risk assessment of their tasks/activities,
- outline attendance expectations, setting targets for improvement where appropriate,
- clarify what further action may be taken if attendance expectations are not met,
- identify any adjustments required under the Equality Act 2010.

14.4 The employee should be given five working days' notice of the meeting in writing. The employee is entitled to be accompanied by a companion (a Trade Union representative or work colleague), provided that this does not significantly delay the meeting from taking place.

14.5 The agenda of the meeting must be clearly communicated to the employee at least three working days in advance of the meeting. The employee should be allowed the opportunity to add to the agenda.

14.6 It is important that at this stage, the employee is made aware of the potential consequences for little or no improvement in their attendance. The consequences at review meetings could be a first written warning, followed by a final written warning and then dismissal with notice if subsequent periods

of monitoring against attendance expectations does not result in sufficient improvement (see 14.8 below).

14.7 A record of the meeting should be kept with any outcomes detailed in writing and a copy given to the employee.

14.8 A further meeting should be scheduled to review progress see 14 below. This should usually take place within 4-8 weeks however, the timescales should be relevant to the actions agreed.

15. Temporary/permanent adjustment to duties/hours

15.1 Where medical advice supports a temporary/permanent adjustment to duties/hours the Headteacher needs to explore whether this can be accommodated within the staffing structure of the school, e.g. can a job share be accommodated to enable an employee to reduce from full time to part time.

15.2 Depending on arrangements for delegation of decision making, the circumstances of the case may need to be discussed by the Headteacher with the appropriate Governors Committee (or CEO in Academy Trusts) to formalise any structural change.

15.3 The HR provider should be notified of any change to an employee's contract of employment.

16. Absence management review meetings

16.1 The employee should be given five working days' notice of the meeting in writing. The employee is entitled to be accompanied by a companion (a Trade Union representative or work colleague), provided that this does not significantly delay the meeting from taking place.

16.2 This meeting will review the agreed outcomes from the previous meeting.

16.3 If there has been sufficient improvement in the employee's sickness absence then the school/academy can consider putting in place a further monitoring period to ensure that good attendance is sustained. If absence is satisfactory during this period the process will cease and the individual will be subject to normal sickness absence monitoring arrangements.

16.3.1 If the employee relapses into poor attendance levels shortly after the formal interventions have ended, then the reason for the relapse should be discussed initially at the return to work meeting to discover if there is an underlying issue which wasn't previously made clear. If the issue cannot be resolved, then the school/academy may wish to consider if it is reasonable

to re-start formal proceedings again. This may mean that the absence management process begins at the initial absence meeting stage or at the review meeting stage, depending on the nature of the absence. If there has been a gap of some length between the original formal proceedings ending and the 'relapse' it may not be considered reasonable to re-enter the absence management formal procedure at the later stage. In considering this the employee's attendance over time and their ability to maintain required attendance levels must be considered.

16.4 If there has been insufficient improvement in the employee's sickness absence at this stage, a formal sanction will normally be issued. On first review, this will be a first written warning. Under subsequent reviews this may increase to a final written warning and then to dismissal with notice. Any first or final written warning will be accompanied by written attendance expectations, along with timescales and identified areas for support.

16.5 A record of the meeting should be kept with any outcomes detailed in writing and a copy given to the employee.

16.6 Further review meetings and ultimately a final review meeting should be scheduled to review progress until the issue is resolved either through improved attendance or dismissal. The timescales for reviews should be relevant to the actions agreed.

16.7 In Community and VC schools, advice must be taken from Education**HR** before a decision to dismiss is taken; in all other schools/academies, it is advised that advice be sought.

16.8 There is an expectation that employees will be able to provide good attendance at work over a period of time. Case law states that in poor attendance cases, an employee should be cautioned before a dismissal decision is taken. The process of target setting followed by review and the issuing of warnings (first warning, final warning, dismissal) contributes to ensuring such situations are managed reasonably in employment terms.

17. Appeals against sanctions

Where an employee appeals against a final warning, they must put their grounds of appeal in writing to the Headteacher within five working days of receiving the decision in writing. They must state the reasons for the appeal and they will be required to specify whether it relates to the facts of the matter, the level of sanction imposed or the way the procedure was followed.

The Headteacher will then initiate the appropriate appeals process.

18. Long term sickness absence

18.1 The longer an employee is absent, the more difficult it becomes to achieve a successful and sustained return to work. Therefore, active management of long-term sickness absence is essential if a successful return to work is to be achieved. Where it is suspected or anticipated that an employee may be off sick long-term, emphasis should be placed on taking a positive and proactive approach to the absence and seeking HR advice at the earliest opportunity. Management of long-term sickness will vary depending on the individual circumstances of the case and Headteachers should discuss these with the HR provider at the earliest opportunity.

18.2 The long-term absence management process must be initiated where an employee is absent, or is expected to be absent (e.g. signed unfit for work by their healthcare professional), for a period of 28 days or more.

18.3 Exceptions to this 28 day rule are sickness absence due to:

- stress
- anxiety
- depression
- other mental health problems (e.g. bipolar, schizophrenia, eating disorders)
- neurological conditions (e.g. epilepsy, multiple sclerosis, Parkinson's disease)
- or re-occurrence of a previous condition.

In these circumstances the Headteacher should start the process when the employee has been absent, or is expected to be absent, for more than 2 weeks.

18.4 In the instances outlined above, the Headteacher should contact the HR provider for advice and guidance which may involve a referral to Occupational Health.

18.5 Teachers must be able to satisfy the Fitness to Teach Criteria as set out in *Fitness to Teach, Occupational Health Guidance for the Training and Employment of Teachers* (Appendix C). This identifies certain mental health illnesses where referral to Occupational Health is required and may, in the most severe cases, result in ill-health retirement.

18.6 An additional resource to Headteachers for managing and supporting mental health issues with employees can be found at www.rethink.org.

19. Maintaining contact during long term sickness absence

19.1 In addition to the general guidance contained in section 10 above, contact with an employee who will be off long term should include:

- agreeing what they would like colleagues to be told (and not told) about their absence, to help avoid speculation about the cause of absence.
- the dates of any planned treatment (e.g. surgery),
- reiterating the responsibility of the employee to ensure ongoing certification from their healthcare professional is provided to the Headteacher in a timely manner,
- reiterating the responsibility of the employee to proactively inform their Headteacher of any periods when they will be unavailable to attend meetings or see the Occupational Health provider etc.
- notification of any change in circumstances.

19.2 The Headteacher should keep a record of the information given by the employee. It may also be beneficial to confirm the content and outcome of these discussions with the employee in writing.

19.3 Ongoing contact arrangements should be discussed and agreed with the employee but will vary depending upon the individual circumstances of each case. As a general rule, the employee should make contact with their Headteacher at least fortnightly. Where the employee fails to maintain contact, then the Headteacher should contact the employee within a further fortnight to request that contact be maintained.

20. Preparation for a return to work (long term absence)

20.1 The Headteacher is responsible for planning for the employees return to work, which should include the following advice obtained from an Occupational Health referral:

- identification and assessment of the employee's condition and prognosis,
- identification of the timescales,
- identification of potential obstacles to a return to work,
- identification and exploration of possible temporary or permanent adjustments e.g. change in duties, working hours, home working.

20.2 It may be beneficial to meet informally with the employee and/or their union representation at an early stage to identify any issues or obstacles.

20.3 **Return to work planning meetings**

The return to work plan should be agreed with the employee, at a face-to-face meeting if at all possible.

20.4 The employee may be accompanied by a companion (Trade Union representative or work colleague) at any meeting to discuss a recovery/return to work plan. In some circumstances it may be appropriate for an HR Consultant to attend the meeting to support and advise the Headteacher.

20.5 The meeting should start with discussion about and agreement on the accuracy of medical advice received from Occupational Health and consideration given as to whether further medical advice should be sought.

20.6 The agreed return to work plan should identify:

- any risk assessments that have been conducted or need to be conducted,
- the impact of their medical condition on their capability, or ability to perform their normal duties,
- any changes to duties, hours, workplace environment or location of work; and whether these changes are temporary or permanent,
- the length of any phased return to work,
- whether temporary redeployment is necessary,
- arrangements for reviewing the return to work,
- further medical advice to be sought from Occupational Health.

20.7 The agreed return to work plan should be retained on the employee's personal file and a copy should be given to the employee. Any review meetings identified should be arranged with those concerned. See para 23 for information regarding review meetings.

21. Therapeutic return to work

21.1 A therapeutic return to work should not be confused with a phased return to work as described below. A therapeutic return to work is a medical intervention designed to assist recovery, e.g. the individual is not yet fit enough to return to work, even on a phased return to work, but visiting the workplace would be beneficial. For this reason, employees continue to receive sick pay.

21.2 Examples of what may be included in a therapeutic return to work are:

- visiting the office to speak to the Headteacher and/or colleagues,
- attending team meetings,
- carrying out basic tasks unrelated to their normal duties.

21.3 A therapeutic return to work will not be relevant in all circumstances and should have a clear health-related purpose. Therefore, advice on individual cases should be sought from Occupational Health, via the normal referral process.

22. Phased return to work

22.1 A phased return to work is where an employee returns to work on reduced hours (usually no less than 50% of their normal working commitment), gradually increasing up to their normal working hours over a specified period of time (normally six weeks or less).

22.2 A phased return can help an employee to acclimatise themselves back into the work routine and work tasks, whilst also checking that they are in fact fit enough to return.

22.3 A phased return also enables the employee to return to work earlier than if they were to come back only when they were capable of performing their full hours and/or duties.

22.4 A phased return is generally a period not exceeding six weeks. Longer return to work periods are only considered where there is supporting medical advice. When an employee returns to work on a phased basis they are no longer considered to be absent through sickness and they revert to their normal contractual full pay for the period of the phased return, irrelevant of hours worked.

22.5 Support for funding the phased return to work may be available dependent upon the level of sickness insurance cover taken out by the school with Education**Finance**.

22.6 When considering changes to work arrangements, terms such as 'light duties only' must be avoided. If 'light duties' have been advised by the individual's healthcare professional, an OH referral will be necessary. The context of the referral will normally be to identify what an individual is unable to do due to medical reasons, rather than what they are able to do.

23. Review meetings

As detailed above, the return to work plan must identify the timescales at which individual's progress must be reviewed.

23.1 Regular meetings should take place as planned and the return to work plan should be updated at each meeting to identify areas of progress and non-progress, as well as any further actions agreed.

23.2 When an employee has successfully resumed their full duties/hours, this should be recorded by the Headteacher by issuing a letter to the employee with a copy retained on their personal file.

23.3 If it becomes clear that the employee will not return to full duties within the expected timescales, the Headteacher should contact the HR provider for further advice. In most circumstances a referral to OH will be necessary to inform the process.

23.4 Where there is concern and/or medical evidence that the employee will not be fit to return to full duties/contracted hours within a reasonable timescale, the Headteacher should contact the HR provider for advice about other options before any discussions with employees take place. These options might be:

- a temporary or permanent adjustment to duties or hours,
- medical redeployment,
- termination of employment.

24. Medical redeployment

24.1 Where changes in hours or duties cannot be accommodated or have been unsuccessful, it may be necessary to consider alternative employment for an employee. This could include:

- temporary or permanent redeployment to another post within the school/Trust,
- search for suitable alternative employment at another school or within the Trust.

24.2 Where a search for suitable alternative employment at another school or within the Trust is agreed, this will be managed through the HR provider and will take the following into consideration:

- type of post,
- working pattern, e.g. hours or days,
- geographical area,
- agreed timescale for search.

24.3 If medical redeployment cannot be successfully achieved then the option of terminating the contract of employment needs to be considered.

25. Termination of employment

25.1 The HR provider will be involved in advising the Headteacher on any case where ending someone's employment is a possible outcome to ensure appropriate procedures are followed and that is dealt with effectively and sensitively.

25.2 **Resignation**

The employee may choose to resign from their employment due to their ill health. Although this is their personal choice to give notice, the following issues should be carefully considered and advice sought from the HR provider prior to accepting the resignation:

- the employee may have a disability recognised under the Equality Act and subsequently claim discrimination due to failure to consider reasonable adjustments,
- the employee may claim constructive dismissal,
- the employee may not be aware they are eligible for their pension benefits, i.e. ill-health retirement, or voluntary early retirement.

25.3 **Retirement**

Local Government Pension Scheme (LGPS)

An employee can decide to retire and draw their pension on a phased or flexible basis or have access to reduced pension benefits if they are aged over 55 and have at least two years membership in the scheme. Employees should contact the scheme for further details and pension estimates.

Teachers' Pensions

To qualify for retirement benefits, an employee must normally have at least two years' pensionable service, after 5 April 1988 or five years at any time. More information on the types of retirement available can be found on the Teachers' Pensions website.

25.4 **Ill health retirement**

Ill health retirement must be supported by the Occupational Health provider before any application or process of releasing pension benefits can commence.

25.4.1 *Teachers*

Teaching staff are required to apply for ill health retirement to Teachers' Pensions at Darlington. Application forms will need to be completed by the employee, along with their GP/Consultant as appropriate, as well as the Occupational Health provider. The HR provider will advise the employee and Headteacher throughout this process as well as providing the appropriate forms for completion.

To satisfy the criteria for ill health retirement, it is necessary for the employee to demonstrate that the medical condition renders them incapable of teaching either full or part time and that despite appropriate treatment, the incapacity is likely to be permanent, e.g. until normal retirement age.

There are two tiers of ill health retirement for teachers:-

- Tier 1 - the employee is permanently incapable of continuing in teaching and is not able to undertake work of any kind before normal retirement age. In this case the employee will receive an enhancement to the service they have accrued in the Teachers' Pension Scheme.
- Tier 2 - the employee is permanently incapable of continuing in teaching but is able to undertake work of a different nature. In this case the employee will not receive an enhancement but they will receive benefits based upon their accrued service in the Teachers' Pension Scheme.

25.4.2 *Non-teaching staff*

For employees covered by the Local Government Pension Scheme, entitlement to ill-health retirement must be considered by the employer. An OH Physician view must be obtained ahead of the employer taking a decision, in the light of the OH recommendation, as to whether an award should be made. For all Norfolk maintained schools, Norfolk County Council is deemed the Employer for these purposes. In academy trusts, the Scheme of Delegation should indicate who has authority to take this decision. The Norfolk Pension Fund has an appeal process document that all employers are required to follow if an employee is dissatisfied with the Employer's decision.

It should be noted that for support staff, an ill-health retirement award must be combined with a dismissal. Such dismissals will include the entitlement for the individual to receive their full notice pay entitlement in accordance

with their contract and conditions of service. Whilst there is no direct cost to the school budget for the ill health retirement pension, the notice pay will be funded by the school.

Whenever significant ill-health is a factor in consider the possible termination of employment, consideration should be given to whether or not ill-health retirement is an option.

There are three tiers of ill health retirement for non-teaching staff

- Tier 1 – there is no reasonable prospect of obtaining gainful employment before the age 65. Ill health benefits are based on the membership the employee would have had if they had stayed in the LGPS until age 65.
- Tier 2 – likely to be able to obtain gainful employment before age 65 but not within three years. Ill health benefits will be based on membership built up to the date of leaving plus 25% of the prospective membership from leaving to age 65.
- Tier 3 – likely to be able to obtain gainful employment within three years but not straight away. Ill health benefits will be based on membership at leaving with no enhancement at all. Payment of the benefits will be stopped after three years or earlier if the employee is in 'gainful employment' or becomes capable of undertaking such employment. When payments of benefits are discontinued under tier 3, the individual will be treated as a pension member with deferred benefits.

25.5 **Mutual termination**

Where the employer and the employee mutually agree that the employment should cease this is not a dismissal and no notice is required on either side. However, a date when the employment will cease, along with any other specific details, must be mutually agreed. Any mutual termination agreement should be confirmed in writing.

25.6 **Dismissal**

There will be occasions where the option of dismissal will need to be considered. Employees should be aware from previous conversations that it is being considered. This option should only be considered after all other options to retain the employee have been exhausted and the individual facts of the case have been considered thoroughly.

The fact that occupational sick pay is no longer being paid is not in itself a fair reason for dismissal. It is also not necessary to wait until occupational sick pay has expired or is about to expire before dismissing the employee.

Capability dismissal is where the employee's ill health means that they are unable to continue to undertake their duties.

Dismissal for some other substantial reason is where there has been frequent intermittent absence. Here the primary reason for dismissal is not related to the employee's incapacity on health grounds but their inability to undertake their duties because they fail to attend work regularly enough.

25.7 **Right of appeal against dismissal**

Dismissals will be carried out in accordance with the school/Trust's dismissal procedure. This includes a right of appeal. While any appeal process is pending, normal occupational sick pay arrangements and entitlements as outlined in Appendix A of the Sickness absence management model policy will continue to apply, where any entitlement remains.

26. Absence linked to disability

26.1 *The Equality Act 2010* gives a general requirement that an impairment has a substantial (i.e. more than minor or trivial) and long-term effect on a person's ability to carry out normal day-to-day activities (without specifying what those activities might be).

26.2 The Headteacher will ensure that they have regard to the *Equality Act* when managing the sickness absence of disabled employees. Disabled employees should not be treated less favourably than other employees and reasonable adjustments should be made both in applying this, and to enable disabled employees to remain in employment appropriate to the individual circumstances of the case. *Model policies are available on InfoSpace (P330 for schools and Multi-Academy Trusts)*.

26.3 The Headteacher should ensure that disability leave is used where appropriate (for a definition and examples of disability leave see the school's Leave and time off policy to avoid this type of absence being recorded as sick leave, therefore giving the employee an incorrect attendance record. Further HR advice or guidance should be sought. *Model policies are available on InfoSpace (P201 for schools or P201a for Multi-Academy Trusts)*.

26.4 Current case law does not require sick pay to be extended at either full or half-pay where a disabled employee has exhausted their entitlement, irrespective of whether this was as a result of disability related absence or not. Case law has shown that it may be appropriate for an employer to extend an employee's sick pay entitlement when the employer has failed to make a reasonable adjustment and that failure has resulted in continuing absence and expiry of the employee's normal sick pay entitlement.

26.5 It should be noted that disability or genuine reasons for absence do not prevent the termination of an employee's employment where attendance is

not at the required level and all other interventions, adjustments and options under the policy have been exhausted.

27. Absence linked to pregnancy

27.1 Where the employee is absent due to non-pregnancy related sickness either during her pregnancy or at the end of her maternity leave, this will be managed under this policy and procedure as for any other absent employee.

27.2 Where an employee is on long-term sickness as a result of her pregnancy, the Headteacher will seek HR advice. The dismissal of an employee due to absence caused by a pregnancy-related illness would be automatically unfair under sex discrimination/equality legislation.

27.3 It is not unfair under sex discrimination legislation to refuse to extend sick pay where it has been exhausted as a result of pregnancy-related absence.

28. Absence due to accident or industrial disease (non-teaching staff)

28.1 For the purposes of the National Conditions of Service as supplemented by the following local arrangements, accident or industrial disease is defined as occurring out of and in the course of the employment but not attributable to an employee's own misconduct.

28.2 Absence as a result of accident or industrial disease will not be counted against an employee's entitlement due to normal sickness; there is a separate but equivalent entitlement. Entitlement to paid absence due to accident or industrial disease is identical to the employee's period of entitlement for normal sickness.

28.3 All requests for extensions to an employee's basic entitlement to receive payment during absence due to accident or industrial disease will be addressed to the Headteacher who will consider each case in conjunction with the Chair of Governors or in a MAT, the Chief Executive Officer (CEO) and/or Chair of Trustees. Specialist HR advice will be taken.

29. Absence due to accident, injury or assault at work (teaching staff)

29.1 In the case of a teacher's absence due to accident, injury or assault, found to have arisen out of and in the course of, the teacher's employment, the provisions of the Burgundy Book (Conditions of Service for School Teachers in England and Wales) will apply. Those provisions allow for full pay to be paid from the day of the accident, injury or assault, up to the date of recovery, but not exceeding six calendar months.

29.2 After that maximum period of six months' full pay, in the event of a teacher not returning to duty, they will be entitled to normal sick leave and pay according to their length of service.

29.3 Absence resulting from accident, injury or assault will not be counted against a teacher's entitlement to normal sick pay.

29.4 Before these provisions are applied, HR advice will be sought and it is possible that an Occupational Health view is recommended to establish that the absence is a result of an accident, injury or assault at work.

30. Ill health that does not lead to absence from work

30.1 There may be occasions where an employee is suffering from ill health but it does not lead to the employee being absent from work. If the employee believes that their ill health is having an impact on their ability to undertake their job, they must raise the matter with the Headteacher.

30.2 The Headteacher will take any concerns seriously and seek HR advice. The Headteacher will objectively assess all reasonable measures that can address the health problem and retain the employee at work. Any intervention will be discussed with the employee prior to implementation.

30.3 Where a Headteacher has concerns that an employee is suffering from ill health which is having an impact on their ability to undertake the duties of the post, these will be raised with the employee in a sensitive and supportive manner. The Headteacher will seek HR advice on any proposed intervention prior to discussions taking place with the employee.

30.4 The Headteacher will consider the following:

- Identify any temporary or permanent adjustments that will help the person stay at work (e.g. work from home, time off for treatment, physical adjustments, etc.).
- Identify any long-term or permanent adjustments that may be required (e.g. temporary/permanent reduction in working hours, physical adjustments, adjustments to duties, reasonable time off related to the disability, etc.)
- Consider whether referral to Occupational Health is necessary.
- Consider whether a counselling, IPRS or other organisation, specific to the individual's condition, can provide support.
- If ill health is ongoing then there will be a need to review adjustments made to ensure they are still relevant to the person. A review will take place at least once every month or at other mutually agreed intervals.

31. Employees who are at work but not considered fit by the Headteacher

31.1 Where there are concerns about an employee's fitness to be at work, it is important that the Headteacher discusses those concerns with the employee in a sensitive manner. Each discussion will be different based upon the circumstances of the case, but it is important that the employee is

encouraged to access the support of their GP and reminded of other support available, e.g. the Norfolk Support Line, where appropriate.

31.2 Where the concerns about an individual's fitness still remain and/or they are unwilling to seek medical assistance, the Headteacher will seek HR advice.

32. Infectious diseases

32.1 Specific arrangements exist within Conditions of Service for dealing with serious infectious diseases. In any case, where an employee is absent with an infectious disease, HR advice will be taken on how to deal with the situation.

33. Work related ill health

33.1 When an employee reports that they are experiencing any form of ill health (back or other musculoskeletal problems, skin complaints, stress, etc.) that they believe are caused by work, the Headteacher will seek HR advice and follow the school/MAT's accident/incident reporting procedure.

33.2 This will include investigating the potential cause of ill health, carrying out any necessary risk assessments and implementing remedial action as soon as possible.

34. Work related stress

34.1 Work related stress refers to the physical, emotional, and mental strain experienced by individuals due to pressures and demands in their work environment. It can result from factors such as excessive workload, tight deadlines, lack of control or support, interpersonal conflicts, and job insecurity. Work related stress can have adverse effects on an individual's well-being, productivity, and overall job satisfaction. Managing and addressing stress in the workplace is essential for maintaining a healthy work life balance and promoting overall employee welfare.

34.2 Employees may experience work-related stress due to various personal factors outside of work, such as the death of a loved one, menopause, caring responsibilities, poor health, and financial concerns. While it is not mandatory for employees to disclose these personal issues to their employer, doing so can provide an opportunity for support. This support may include access to counselling services like Norfolk Support Line (where purchased), paid or unpaid time off for appointments, special leave, unpaid leave, and temporary adjustments in duties or working patterns to accommodate changes in personal circumstances. The aim is to help employees effectively manage their well-being and strike a healthy work-life balance.

34.3 Employees have a responsibility to take care of their health and well-being in the workplace. If they encounter stress, it is important for them to promptly discuss it with their manager and take steps to reduce stress levels such as taking regular breaks or getting outside on a lunch break. Additionally, managers should be vigilant and observant for any signs of stress among their employees.

34.4 Work related stress is covered by two main health and safety laws. The Health and Safety at Work Act 1974 imposes a duty on employers to safeguard their employees from stress risks. Similarly, the Management of Health and Safety at Work Regulations 1999 requires employers to conduct a suitable and sufficient assessment of health and safety risks in the workplace. This means employers must identify potential health risks, including work related stress, and take measures to prevent or minimise them. It is also important for employers to adhere to the Working Time Regulations 1998, as prolonged working hours without adequate breaks can contribute to work-related stress.

34.5 When an employee reports that they are experiencing work related stress, the Headteacher will take advice from the HR provider on management of stress.

34.6 Under the Equality Act 2010, stress alone is not recognised as a medical condition. However, individuals are protected against discrimination if stress significantly impacts their physical or mental health disability (See section 26, Absence linked to disability).

35. Other support available

35.1 **Musculoskeletal Injury Rehabilitation Service** *(MIRS)* [delete if school/MAT does not purchase]

35.1.1 The school/MAT buys into the MIRS. This service provides treatment for acute musculoskeletal injuries that are causing absence from work or affecting an employee's ability to perform their normal duties at work. In cases where the available services may be beneficial, the Headteacher will initiate a referral.

35.1.2 From the time of referral to the scheme, the employee will have a telephone assessment with a physiotherapist within 24 hours, and an appointment with a physiotherapist, osteopath, chiropractor or podiatrist within four working days. The scheme provides up to four treatment sessions per referral, although more treatment may be provided in exceptional circumstances.

35.2 **Functional capacity evaluations** (FCE)

35.2.1 In some cases occupational health or MIRS may recommend a functional capacity evaluation (FCE) be undertaken to assess what an individual is physically capable of doing in relation to their job. Further information on FCE's can be obtained via the HR provider.

35.3 **Norfolk Support Line** (NSL)

35.3.1 Norfolk Support Line provides free and immediate access to independent, confidential and professional advice and counselling, 24 hours per day, 7 days a week, 365 days a year. Telephone and face to face counselling is available as well as information signposting and support. This is available to employees only.

35.3.2 Further information regarding Norfolk Support Line can be found on InfoSpace.

36. Data protection

The school/Trust processes any personal data collected during the absence management procedure in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the absence management procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school/Trust's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school/Trust's disciplinary procedure.

Appendix A - Sick pay entitlements

Occupational sick pay

Regardless of any entitlement under the Statutory Sick Pay Scheme (SSP) (see below) employees on national conditions of service are entitled to receive allowances under the sickness payments schemes laid down in the appropriate national conditions of service - the Green book for support staff and the Burgundy book for teaching staff (please see the documents tab of the Working arrangements section on InfoSpace). The payroll provider will offset any benefits due under Statutory Sick Pay, Employment and Support Allowance etc. against any occupational sick pay entitlement so that sick pay does not exceed ordinary full pay.

Extension of occupational sick pay

The payroll provider will notify the employing school/academy when both full and half pay are due to expire. In certain circumstances it may be possible for the Headteacher to authorise an extension of sick pay either at the full or half rate. This may only take place with approval of the appropriate Governing Board Committee and advice should be taken from the HR provider.

An extension of paid sick leave should not be regarded as automatic for any employee who exhausts their contractual entitlement. The exceptional circumstances in which an extension to sick pay (for a period not normally exceeding three months) might be granted could include the expected imminent death of the employee who has been diagnosed with a terminal illness.

The cost of any extension of sick pay would be met from the school/academy's budget.

If, at the end of an extension of sick pay at full rate, it is not considered appropriate to make a further extension, the individual should then move on to half pay. The decision to count the period of the extension at full rate against the normal period of half pay should be made on a case by case basis having due regard to the current prognosis and the individual's personal circumstances. The individual involved should have this confirmed in writing at the time the decision to extend is made. Where appropriate the advice of the HR provider should be sought.

Statutory Sick Pay (SSP)

Under the statutory sick pay scheme, employers are responsible for paying SSP for up to 28 weeks to employees incapable of working under their contracts of employment by reason of some specific disease or disability.

Entitlement to SSP applies to Periods of Incapacity of Work (PIWs) lasting for at least four consecutive days, including Sundays and Public Holidays. However, SSP is not payable if an employee:

- has average weekly earnings less than the lower weekly earnings limit for National Insurance liability;
- was entitled to incapacity benefit, disablement allowance or maternity allowance in the previous eight weeks;
- has done no work under their contract of employment;
- has provided leavers' statements to their new employer, showing that they have been due 28 weeks' SSP from their former employers, and the gap between the first day of the PIW with their new employer and the last day of SPP shown on the leavers' statement is eight weeks or les;
- is outside the European Union on the first day of a PIW;
- is in legal custody.

SSP is only paid for 'qualifying days'. Education**HR** arrangements allow for every day of the week to be regarded as qualifying days for SSP purposes, notwithstanding the number of days an employee normally works in the week. SSP is payable for sickness absence which lasts for four calendar days or more. The first three days of absence are classified as 'waiting days' during which SSP is not payable and normal payment arrangements will apply (unless the sickness occurs within 14 days of a previous period of sickness for which SSP was payable and is therefore 'linked' for the purposes of attracting SSP payments).

Employees not entitled to SSP

The payroll provider will inform employees if they have no entitlement to SSP or when their entitlement has expired. In some circumstances employees who do not receive SSP can claim State Sickness Benefit.

Entitlement to SSP while on maternity, paternity or adoption leave

Maternity leave

An employee may not receive SSP throughout the whole of their 39 week period of entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance (MA) even where the employee returns to work during this 39 week period. The employee's SSP entitlement commences afresh at the end of the 39 week period. An employee who does not qualify for either SMP or MA may not receive SSP for an 18 week period.

Paternity leave

An employee cannot be paid Statutory Paternity Pay (SPP) and SSP at the same time. If an employee is sick prior to commencing their period of paternity leave, then the paternity leave should be postponed, however the 56 day period in which the employee can take their paternity leave is not extended,

Adoption leave

An employee cannot be paid Statutory Adoption Pay (SAP) and SSP at the same time. Where the employee is sick prior to the commencement of adoption leave, the adoption leave should be postponed until the employee is well.

Where the employee becomes sick during their adoption leave, SAP should not be paid during any week of their adoption leave where the employee is entitled to SSP. SAP may be paid during the waiting days to receive SSP.

Appendix B - Responsibilities under the policy

Final decisions about how to deal with an employee's sickness absence or ill health and the impact on their employment situation, are managerial, not medical. The Headteacher will seek occupational health advice where work is affecting an employee's health or where an employee's health is affecting their work in order to help inform the decisions that are made.

The role of an occupational health provider is to give impartial advice to the employer on an employee's ability to undertake their duties and the supportive measures that can be put in place, where appropriate.

Below is a summary of the main responsibilities and expectations this policy and procedure places on a Headteacher and on employees. It also lists what might reasonably be expected from the school/Trust's HR provider or team.

Roles and responsibilities		
Employee	**Headteacher**	**HR**
Read and understand the Absence management policy and procedure.	Ensure all employees are aware of the policy and procedure and how it affects them.	Provide consistent support and guidance on the interpretation and application of the policy and procedure.
Tell the Headteacher at the earliest opportunity if they believe their job is making them ill or contributing to their illness.	Carry out risk assessments and act promptly on potential health issues, even where they are not causing absence.	Provide support and guidance on risk assessment and what steps can be taken to minimise or eliminate risk.
Take all reasonable steps to maintain personal health and well-being and acknowledge responsibility to attend work unless unfit to do so.	Promote a culture in which good attendance is valued and recognised. Report levels of absence (but not details on named individual employees) to appropriate committees. Investigate high levels and take steps to improve attendance.	Provide support via Occupational Health, [IPRS, Norfolk Support Line (where bought)], well-being services etc in order to improve attendance.
Report sickness absences promptly. Seek advice from GP to	Ensure all employees know who and how often they should report	Record absence accurately, providing information on effects on

improve health at the earliest opportunity.	absence to. Pass details of absence to payroll provider promptly.	employees' pay as necessary.
Contact the Headteacher on a regular basis during periods of sickness absence to keep them informed of progress.	Maintain contact with employees during periods of sickness absence in a manner which has been mutually agreed with the employee.	Provide guidance on how to maintain contact in difficult circumstances.

Roles and responsibilities (continued)		
Employee	**Headteacher**	**HR**
Ensure that appropriate certification is completed and submitted promptly.	Monitor receipt of certification and chase when necessary. Maintain proper and accurate records.	Provide advice on interpretation and need for certification.
Communicate openly and honestly with the Headteacher.	Respond sensitively, sympathetically and maintain confidentiality.	Provide support for challenging conversations when requested.
Co-operate fully with the Headteacher, HR, Occupational Health and any other organisation providing support, including being available to attend the Occupational Health assessment when required.	Be prepared to listen and give serious consideration to all reasonable adjustments or ideas to promote recovery and return to work. Request review appointments as required.	Arrange and follow up Occupational Health advice and other support promptly and effectively.
Not delay commencement of medical intervention where it has been identified and made available.	Seek HR advice promptly to minimise length of absence and promote earlier recovery.	Offer suggestions for intervention when appropriate.
Attend absence management meetings as necessary. Participate in the discussion and understand the consequences if improvement targets are not met.	Manage those with unacceptable absence firmly and fairly. Communicate openly and honestly whilst not avoiding difficult conversations about the impact of an employee's absence and making them aware of possible outcomes.	Provide support and advice at meetings and in interviews where appropriate.
Not to abuse the sickness absence procedures or sick pay scheme.	Ensure the policy and procedures are applied fairly and consistently with regard to the individual circumstances of each case.	Provide advice on what might or might not be considered fair and reasonable when applying this policy and procedure.

Appendix C - Extract from the Fitness to Teach, Occupational Health Guidance for the Training and Employment of Teachers

Criteria for assessment of fitness

To be able to undertake teaching duties safely and effectively, it is essential that individual teachers:-

- Have the health and well-being necessary to deal with the specific types of teaching and associated duties (adjusted, as appropriate) in which they are engaged.
- Are able to communicate effectively with children, parents and colleagues.
- Possess sound judgement and insight.
- Remain alert at all times.
- Can respond to pupils' needs rapidly and effectively.
- Are able to manage classes.
- Do not constitute any risk to the health, safety or well-being of children in their care.
- Can, where disabilities exist, be enabled by reasonable adjustments to meet these criteria.

The decision on fitness should be considered using the above criteria and should be based on an individual's ability to satisfy those criteria in relation to all duties undertaken as part of their specific post and in relation to all of the individual's health problems.

Appendix D - COVID-19 related absence

COVID-19 has affected the way in which absence is managed in schools/trusts and has led to a situation where the day-to-day application of this policy has been altered to respond to the changing legislation and government guidance relating to the pandemic. Please note that changes set out in this appendix are temporary until advised otherwise.

1. Illness due to COVID-19

1.1 *Self-isolation*

1.1.1 The law that requires individuals to self-isolate when they have Coronavirus has been abolished and replaced by guidance to stay at home and away from vulnerable people if you test positive.

1.1.2 If a person is too unwell to work then it will be recorded as normal sickness absence and will count towards their normal sickness absence entitlement and absence management triggers, regardless of what illness they have. [Where schools purchase NCC payroll services as part of their subscription package, this absence should be recorded as 'sickness' on the Staff Absence Return Form F213o without any further description].

1.1.3 If a person has symptoms of respiratory infection but is well enough to work and can work from home they should do so until symptoms have subsided. If they cannot work from home then a risk assessment will be undertaken to determine whether controls can be implemented to limit the spread of the virus in the workplace. If controls cannot be implemented, then the employee will remain off work until they have fully recovered. These additional absence days will not count towards their normal sickness absence entitlement and absence management triggers [Where schools purchase NCC payroll services as part of their subscription package, this absence should be recorded as 'sickness' on Staff Absence Return Form F213o and either 'Coronavirus – Fit to work' or 'Respiratory illness – Fit to work' must be included in the description box].

1.1.4 If a person is not sick but has a positive covid test then they should stay home for at least 5 days. This absence is not counted towards their normal sickness absence entitlement and absence management triggers.

1.1.5 If a person is unwell with symptoms and has a positive test. If after five days they no longer have a high temperature and are well enough to work, then a risk assessment should be undertaken to determine whether controls can be implemented limit the spread of the virus in the workplace. If controls cannot be implemented, then the employee should remain off work for a further five days (10 days in total). These additional absence days should not

count towards their normal sickness absence entitlement and absence management triggers. This absence should be recorded as 'sickness' on the Staff Absence Return Form F213o and either 'Coronavirus – Fit to work' or 'Respiratory illness – Fit to work' should be included in the description box.

1.2 *Shielding*

1.2.1 Employees who are classed as Clinically Extremely Vulnerable (CEV) are no longer required to shield. If these employees are required to shield again in future, they will be entitled to continue to receive full pay if their job cannot be done from home.

1.2.2 Where CEV employees are advised not to attend the workplace by their GP, arrangements such as home working will be considered where practical or redeployment to a role that can be performed from home. If alternative arrangements are not possible then such absence from the workplace will be treated as normal sickness absence for the purpose of absence management triggers.

1.3 *Long COVID*

1.3.1 Long COVID is described as the signs and symptoms that develop during or following an infection consistent with Covid-19, that continue for more than 12 weeks and are not explained by an alternative diagnosis.

1.3.2 Long COVID encompasses a diverse range of symptoms including breathlessness, chronic fatigue, muscle pains, brain 'fog', chest pains, persistent cough, skin rashes, diarrhoea and even strokes and heart failure. It is important to note that symptoms of Long COVID may constitute a disability under the Equality Act 2010. See *Equal Opportunities in Employment – Disability Policy and Procedure P330*.

1.3.3 Symptoms of long COVID that render an employee unfit to work will be considered normal sickness absence.

2. Pregnant employees

2.1 Workplace risk assessments will be undertaken for all pregnant employees. The risk assessment will be conducted as soon as the employee notifies the school in writing that they are pregnant. The school will regularly review the risk assessment as the employee's pregnancy develops or if the workplace or work conditions change.

2.2 Where a significant health and safety risks are identified for pregnant workers, the school will adjust the working conditions or hours to remove the risk, where

reasonably practicable to do so, or offer alternative work on the same terms and conditions. If this cannot be done, they will be suspended on full pay.

3. Expectations relating to COVID-19 absence

3.1 Employees will make the school aware of any COVID-19 or long COVID symptoms at the earliest opportunity.

3.2 Employees will not attend the workplace if they are suffering from COVID-19 symptoms and have tested positive or have not had the opportunity to take a test unless a risk assessment has been undertaken by the school and it has been agreed that the employee can attend.

Appendix E - Timeline of applicable Coronavirus Rules

2020:

23 March – All those advised to be at high risk of developing serious illness as a result of Covid-19 infection (clinically extremely vulnerable) are required to shield for a period of 12 weeks.

26 March - Lockdown measures legally came into force – Schools remain open to children of key workers and vulnerable children.

1 June - Phased re-opening of schools – Attendance of all non-CEV employees required.

1 August – CEV employees can return to work.

22 September - New restrictions announced, including a return to working from home (Schools remained open). CEV employees not required to shield.

5 November - Second national lockdown came into force (Schools closed).

2 December - Second lockdown ends.

26 December – Parts of England enter Tier 4 restrictions (including Norfolk) – Employees required to work from home where possible. CEV employees must not attend work.

2021:

6 January - Third national lockdown (schools closed).

8 March – Schools reopen after third national lockdown.

1 April – CEV employees no longer required to shield.

Schools continue to remain open to date since 8 March.

Appendix F - Table of changes

Date of change	Paragraphs affected	Summary of update
17/07/2023	10.2 Section 34	Paragraph added at 10.2 regarding appealing medical suspension. Work related stress section expanded to reflect ACAS guidance.
16/01/2023	Contents	Updated content list as incorrect
05/08/2022	Appendix D and E	Additional appendices added regarding Covid absence and a timeline regarding applicable Covid rules since the beginning of the pandemic for absence management purposes.
05/07/2022	Various	The word GP has been updated to 'healthcare professional' to reflect updated legislation (The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022) which from 1 July 2022 means that more than just doctors can assess individuals and issue a fit note. Those who can issue a fit note are now doctors, nurses, occupational therapists, pharmacists and physiotherapists.
07/10/2021	Appendix A	Updated to remove bullet point stating that SSP is not payable if an employee is taken on for a specified period of no more than three months.
15/09/2021	27.1	Amended to remove reference to the former absence management procedure
17/02/2021	Appendix C	Updated to include fitness to teach criteria
03/12/2020	All	Absence management model policy merged with the model procedure
19/11/2018	All	All content reviewed to ensure it is suitable for schools and Multi-Academy Trusts to use.
25/05/2018	16	New para added to take account of the General data protection regulations in force from 25 May 2018.
01/03/2017	All	New formatting due to launch of new HR website, HR InfoSpace – no change to content
13/06/2017	Appendix A, first paragraph	Updated to include information on where to go to view the sick pay schemes for teaching staff and support staff who are on national conditions of service.