

LONDON BOROUGH OF HAVERING

HES HR

MODEL

**MANAGING SICKNESS
ABSENCE POLICY**

FOR ALL SCHOOLS

HES HR Model Managing Sickness Absence Policy

1.0 Purpose and Scope

- 1.1 The School seeks to adopt a positive approach in promoting and supporting employees' health and wellbeing, which in turn will help them to meet the standards of attendance at work. In circumstances where these standards are not being met this policy will be used to try to address and resolve, as far as practicable, the reasons for this to the mutual interest of both parties.
- 1.2 This policy applies to all employees employed by the School. It does not apply to agency staff, consultants, casual workers, and external secondees working for the School.
- 1.3 This policy does not apply to employees during their probationary period.
- 1.4 This policy does not form part of any individual employee's contract of employment with the School.
- 1.5 The purpose of this policy is to set out what is required and the options available to the School in dealing with attendance issues. For comprehensive guidance on how to effectively implement this policy the school should refer to the Managing Attendance Management Toolkit.

2.0 Principles

- 2.1 Where an employee's attendance and/or performance due to ill health is affected to the extent that they cannot consistently fulfil the duties and responsibilities of their post to the required standard, there may be no option but to terminate employment. Any decision to dismiss an employee on such grounds will only be made after all reasonable steps have been considered and deemed appropriate and alternative measures considered.
- 2.2 Consideration will be taken to ensure that the policy is applied in a way that does not discriminate against employees who are likely to meet the legal definition of disability or who are absent from work for reasons of pregnancy-related illness. Reasonable adjustments will be made wherever possible, in accordance with legal and good practice requirements.
- 2.3 In circumstances where an employee has an expected life expectancy of six months or less, this will be managed in accordance with the employee's preference to either apply for ill health retirement, if eligible, or to remain in service.
- 2.4 In the event of either a recognised national or local pandemic, where there is any conflict between the public health advice and this policy, the public health advice will take precedence.
- 2.5 Any cases where there is a lack of co-operation from the employee to comply with reasonable measures to achieve improvement in their attendance will be dealt with under the School's Disciplinary Policy.
- 2.6 Where an employee's attendance is managed as a sickness absence trigger, but is subsequently identified as long term sickness, the sickness absence review process will be suspended and would then transfer to the equivalent stage of the long term sickness review process instead.
- 2.7 At all stages of the policy, where specified personnel are designated to handle different stages, the School reserves the right to reasonably substitute alternative personnel in cases of non-availability or where otherwise considered appropriate.

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- 2.8 The employee will have the right to be accompanied at all sickness absence meetings by a trade union representative or a work place colleague of their choice. It is the employee's responsibility to make such arrangements and to supply copies of all relevant information and documentation. Wherever possible, if the representative is a workplace colleague they will be granted time off work to accompany the employee when necessary to do so.
- 2.9 If the employee's chosen representative is not able to attend a formal meeting or appeal hearing the School will seek to arrange an alternative date within one working week of the original date with the representative. If it is not possible to arrange a date within this period, a later date will then be set at which both the Panel Members and chosen representative can attend, unless it would be unreasonable to do so. In the circumstances where the employee will not be able to have their first choice present, they would need to either accept any representative who is available to accompany them to the meeting, as provided by their trade union, or find another workplace colleague.
- 2.10 The Governing Body will need to determine its involvement in the implementation of this Policy including the identification of Governors to be involved in any specific case. The Governing Body must also have regard to their own delegated powers in respect of this Policy.
- 2.11 Due to the time constraints of the academic year and, where appropriate, governor availability, the School reserves the right to stipulate the date for re-arranged capability hearings.
- 2.12 At all sickness absence meetings and appeal hearings there may also be a HR Representative and note taker present.

3.0 Identifying Concerns Early

3.1 Reporting Sickness Absence

When an employee is not well enough to work, the absence reporting procedure as laid down by the school should be followed, including:

- making contact with their line manager personally, as soon as they know they are not well enough to work
- letting their line manager know why they are not well enough to work and how long they expect to be absent

3.2 Keeping in Touch

When an employee is not well enough to work for a longer period of time, it should be agreed how often they will keep in regular personal contact with their line manager. The line manager will keep under review the best way to keep in touch and how often.

3.3 Self-Certification

When an employee is absent from work through sickness for up to 7 calendar days in a row (including days they do not work) a self-certification form must be completed.

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3.4 Fit Notes

When an employee is absent from work, through sickness, for more than 7 days in a row (including days they do not work) a fit note, from a medical professional must be submitted to the school.

4.0 Managing Sickness Absence

4.1 Line managers are expected to know how much sickness absence there is in their department/school and to recognise the impact this has on the school and their colleagues.

4.2 It is important for line managers to monitor sickness absence so any concerns are identified early and resolved as far as possible. Knowing and understanding the reason for employee sickness absence is important in ensuring the procedure is applied and managed appropriately.

4.3 Repeated and prolonged sickness absence cannot be supported indefinitely. When an employee's attendance is unsatisfactory or they are not able to return to work, the formal procedure will commence. One possible outcome of the formal procedure is dismissal.

5.0 Sickness Absence Triggers – Short Term Frequent Absence

5.1 Appropriate action must be taken where a sickness absence trigger is breached which can occur in any of the following ways:

- 5.1.1 6 working days or more of sickness absence in any 6 month rolling period.
- 5.1.2 8 working days or more of sickness absence in any 12 month rolling period.
- 5.1.3 Where there appears to be a pattern or type of absence which causes concern.

5.2 For employees who work less than 5 days a week the sickness absence triggers are pro-rata accordingly.

Days worked per week	6 months trigger	12 month trigger
5	6 days	8 days
4	5 days	6.5 days
3	3.5 days	5 days
2	2.5 days	3 days
1	1.5 days	2 days

5.3 Where a trigger is breached, a formal sickness absence meeting will be held with the employee. If further sickness absence triggers are breached, within a 12 month period from the date of the last meeting, the process will continue with a succession of meetings held after each breach of a trigger as follows:

- 5.3.1 First Trigger – Stage 1 Sickness Absence Review Meeting.
- 5.3.2 Second Trigger – Stage 2 Sickness Absence Review Meeting.
- 5.3.3 Third Trigger – Stage 3 Sickness Absence Capability Hearing.
- 5.3.4 Appeal

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6.0 Welfare Meetings

- 6.1 Where there is a cause for concern, a welfare meeting may be arranged instead, under the following circumstances:
- If the employee has not breached a sickness absence trigger in the previous three years of employment.
 - Or if the sickness absence trigger has been breached it was for a 'one off' reason.
 - If felt appropriate due to the employee's circumstances
- 6.2 Whilst welfare meetings are informal meetings, Human Resources and Union Representatives can attend the meeting as appropriate.
- 6.3 The decision to hold a welfare meeting is ultimately sits with the Head Teacher/Line Manager.

7.0 Stage 1 Sickness Absence Review Meeting

- 7.1 A first sickness absence trigger shall result in a Stage 1 Sickness Absence Review meeting to be held between the reviewing manager and the employee, except for the circumstances when a Welfare Meeting may be held instead.
- 7.2 The purpose of the meeting is to review the absence(s) which caused the sickness absence trigger in the context of the employee's overall attendance record and to determine any reasonable course of action that can be taken to identify the reasons for the absence(s) and to mitigate against any further occurrences.
- 7.3 Irrespective of the circumstances and causes of the sickness absence trigger the employee would need to be informed that a further sickness absence trigger within 12 months from the date of the sickness review meeting will result in the holding of a Stage 2 Sickness Absence Review meeting.

8.0 Stage 2 Sickness Absence Review Meeting

- 8.1 A further sickness absence trigger within 12 months of the last period of absence reviewed at Stage 1 shall result in a Stage 2 Sickness Absence Review meeting to be held between the reviewing manager and the employee.
- 8.2 The purpose of the meeting is to review the absence(s) which caused the sickness absence trigger in the context of the employee's overall attendance record and to determine any reasonable course of action that can be taken to identify the reasons for the absence(s) and to mitigate against any further occurrences.

9.0 Stage 3 Sickness Absence Capability Hearing

- 9.1 A further sickness absence trigger within 12 months of the last period of absence reviewed either at Stage 2 will result in Sickness Absence Capability Hearing being held to consider the employee's continuing employment at the School.
- 9.2 At the conclusion of the hearing, one of the following three decisions shall be made and formally confirmed to the employee:
- ***Dismiss with pay in lieu of notice***
The employee will have the right of appeal.

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- ***Set a further review period***

This will be the expected outcome from the first hearing where the employee will be informed that a further sickness absence trigger within 12 months of the last period of absence would result in another sickness capability hearing held which may then result in dismissal.

- ***Adjourn the hearing***

This would happen if the Hearing Panel believed that further information was necessary before making a decision.

10.0 Sickness Absence Triggers – Long Term Absence

10.1 The following absences will be counted as Sickness Absence Triggers for Long Term Sickness:

10.1.1 28 consecutive calendar days or more of sickness absence.

10.1.2 28 calendar days or more of the same reason for sickness absence in any 12-month rolling period.

10.1.3 Where there is an underlying medical condition which causes concern.

10.2 The management of long term sickness will be in accordance with the following steps:

10.2.1 Stage 1 Long Term Sickness Review Meeting.

10.2.2 Stage 2 Long Term Sickness Review Meeting.

10.2.3 Stage 3 Long Term Sickness Absence Capability Hearing.

10.3 Should the employee return to work after the long term sickness procedure has commenced then if further sickness absence trigger is breached, within a 12 month period from the date of the last meeting, the process will continue as laid out in 10.2.

11.0 Stage 1 Long Term Sickness Review Meeting

11.1 A Stage 1 Long Term Sickness Review meeting shall be held between the reviewing manager and the employee.

11.2 The purpose of the meeting is to review the absence with the employee to explore:

11.2.1 The current medical position.

11.2.2 The reasons for and causes of the absence.

11.2.3 Details of any current and or planned treatment.

11.2.4 A mutually agreed means of keeping in contact with the employee during their absence.

11.2.5 Any reasonable course of action that can be taken to support the employee back to work and to mitigate against any further occurrences, including considering temporary or permanent adjustments, and/or a phased return to work.

11.3 If at the end of the meeting, there is no agreed return to work date, the employee would need to be informed that a further Stage 2 Long Term Sickness Review Meeting will be held, if there is no reasonable prospect of a return to work and the employee is not in the pension scheme or has been turned down for ill health retirement.

12.0 Stage 2 Long Term Sickness Review Meeting

- 12.1 The purpose of the meeting is to further review the absence with the employee and to establish and update on changes to the position established at the Stage 1 review meeting.
- 12.2 If there is no agreed return to work date, the employee would need to be informed that a Long Term Sickness Capability Hearing will be held, if there is no reasonable prospect of a return to work and the employee is not in the pension scheme or has been turned down for ill health retirement.

13.0 Referral for Medical Report

- 13.1 A referral to Occupational Health to request a report on the employee's fitness to work must be made before a Long Term Sickness Capability Hearing can be held.
- 13.2 A medical report must also be obtained before making a determination on whether or not an employee has an underlying medical condition.
- 13.3 Any other referrals for a medical report are either made at the discretion of the School or with the agreement of the employee.

14.0 Moving On

- 14.1 Whilst it is important for schools to monitor all sickness absence so any concerns are identified early and resolved, there will be occasions when the employee is unable to return to work or is unable to maintain a satisfactory level of attendance. When this is the case and the process has been followed in line with the policy, a Sickness Absence Capability Hearing will be convened to consider what is best for the employee and their future with the school.
- 14.2 The procedure will be followed using all the existing evidence and, if appropriate, in the employee's absence. One possible outcome of the formal procedure is dismissal. The formal procedure and dismissal can happen before an employee's entitlement to sick pay finishes.

15.0 Stage 3 Long Term Sickness Absence Capability Hearing

- 15.1 Where an employee remains absent, or is unable to sustain a reasonable level of attendance, further to review of medical reports and consideration given to any reasonable adjustments, if there is no clear indication of a sustained return to work a Long Term Sickness Absence Capability Hearing shall be held.
- 15.2 At the conclusion of the hearing, one of the following three decisions shall be made and formally confirmed to the employee:
 - 15.2.1 Terminate employment on medical grounds.
 - 15.2.2 Adjourn the Meeting - if the Hearing Panel believed that further information was necessary before making a decision.
 - 15.2.3 Refer back for a further long term sickness review meeting.

16.0 Capability Hearing Appeals

- 16.1 An employee has the right to appeal against any decision to dismiss by submitting a formal appeal by the given deadline stating the grounds on which the appeal is made.

An appeal must be based on the following grounds:

- (a) substantive – new evidence has come to light
- (b) procedural – the sickness absence procedure was applied unfairly or not followed correctly
- (c) inaccurate – the capability report misinterprets the information provided
- (d) inconsistent – the decision does not follow logically from the capability report
- (e) incommensurate - the outcome of the decision is inappropriate, based on the information available.

The appeal must state the grounds for the appeal and must be submitted in writing, by the date stated in the outcome letter.

- 16.2 The appeal will be heard by a Panel which will not include any members who were involved in the proceedings prior to the appeal.
- 16.3 The following options will be available from which the Panel can make a decision:
- 16.3.1 Uphold the decision of the Stage 3 Sickness Capability Hearing.
 - 16.3.2 Change the decision of the Stage 3 Sickness Capability Hearing.
 - 16.3.3 Direct a rehearing of the Stage 3 Sickness Capability Hearing to take place.
- 16.4 The Chair of the Appeal Panel will formally notify the employee of the outcome and the reasons for it.
- 16.5 The decision of the Appeal Panel is final.