

# **Schools Sickness Absence Policy and Procedures**

This document applies to Community and Voluntary Controlled Schools, and is advisory for Foundation and Voluntary Aided Schools.

**Date:** January 2021

**Review Date:** January 2022

## Contents

Purpose .....	1
Principles.....	1
Absence Reporting Procedure .....	2
Medical Evidence.....	3
Keeping in touch with employees on sickness absence .....	4
Return To Work Meetings.....	4
Short Term Sickness Absence - Trigger Points .....	4
Long Term Sickness Absence .....	5
SICKNESS ABSENCE PROCEDURE .....	6
Stage 1.....	7
Stage 2.....	8
Stage 3.....	9
Escalation to Stage 3 Hearing .....	10
Extension of Review Periods .....	10
12 Months 'Live' Period.....	10
Appeal .....	10
Managing Absence and Attendance.....	11
Medical advice .....	11
Phased Return.....	11
Making workplace adjustments.....	12
Medical Suspension.....	12
Redeployment.....	13
Pregnancy-related absences .....	13
Disability-related absences .....	14
Work-related absence .....	14
Dual Employment within LCC/another school .....	14
Annual Leave Entitlement In Relation To Sickness Absence – Support Staff .....	14
Sick pay.....	15
Sickness during the Working Day.....	15
Ill-health retirement .....	15
Terminal illness .....	16

## SICKNESS ABSENCE POLICY

### Purpose

All school employees are encouraged to maximise health and wellbeing and, thereby, their attendance at work and it is also recognised that employees will, from time to time, be unable to come to work because of ill health. Schools are committed to dealing fairly and sympathetically with employees who are absent from work for short or long periods because of ill health.

Whilst it is understood that there may be some sickness absence among employees, or that an employee may have a health condition or injury that means they are unfit for work and may have a recovery period, schools must also pay due regard to their operational needs. By implementing this policy, schools aim to strike a reasonable balance between the pursuit of their operational needs and the genuine need of employees to take time off work because of ill health.

LCC is committed to raising awareness and increasing the understanding of mental health conditions, and has signed up to the [Mindful Employer Charter](#). In addition, LCC is committed to giving choice to those suffering from a terminal illness regarding the best course of action for themselves, and has signed up to the [Dying to Work Charter](#). Community and Voluntary Controlled schools will work to these Charters; whilst Foundation and Voluntary Aided schools will sign up to these on an individual basis if they wish to.

### Principles

- Employees will be treated fairly and sensitively during times of sickness and/or ill-health and are encouraged to use the support mechanisms available to them.
- Head Teachers, with their leadership team, are responsible for managing day to day absence management issues and ensuring they manage employee's attendance in accordance with this policy and procedures, to balance the needs of individuals with the needs of the school.
- Head Teachers/Manager will hold Return to Work meetings with all employees following every period of absence. This is to enable them to gain understanding of the reasons for absences, any underlying health concerns, and to discuss support available.
- Head Teachers will consider any advice provided on the Statement of Fitness to Work (Fit Note) provided by a GP, and will discuss with employees any support available to help them return to work, and to maintain attendance levels.
- Occupational Health Advisers provide an important service to employees and LCC, including schools, and will be utilised where a Head Teacher deems it necessary to provide further support and information to improve an employee's health and wellbeing, and their attendance in work. They may also wish to discuss other employee support options such as employee counselling support. Wherever possible this support will be offered at the earliest opportunity, especially where it may prevent someone from being absent from work due to sickness and ill health.
- All employees are responsible for ensuring they co-operate with actions put in place to improve attendance and to support their return to work. This includes attending appointments with Occupational Health. Employees must obtain and follow medical advice

and treatment as quickly as possible; avoid activities which could hinder or affect a prompt return to work; and take advantage of school initiatives promoting good health where appropriate.

- When applying trigger points, as referred to in this policy, consideration needs to apply to absences related to pregnancy and disability, and when ill-health retirement is a possibility or the employee has a terminal illness.
- The schools disciplinary policy may be used where employees fail to comply with absence reporting procedures or where reasons for absence are not provided or are not satisfactory.
- This policy and procedures will be implemented in line with data protection legislation and the Access to Medical Reports Act 1988. Information regarding an employee's health and wellbeing will be handled sensitively and in a confidential manner as far as reasonably possible.
- Throughout this policy, 12 months refers to a *rolling* 12 month period i.e., on the first day of an absence, need to count back 12 months to calculate how many days absence the employee has had in the 12 month period to determine if the current absence results in a trigger being met.
- Short term sickness absence – generally refers to absences of up to 27 days.
- Long term sickness absence – generally refers to absence of 28 days or more.

### **Absence Reporting Procedure**

Regular and punctual attendance at work is important to ensure the efficient delivery school. If an employee is going to be absent from work, contact must be made with their Head Teacher unless, via local arrangements, an alternative designated contact or reporting procedure has been advised. Employees will be advised of the procedure for notifying and managing sickness absence, and for return to work, in their school. The following procedure is to be followed:

- Employees are required to report sickness absence to their Head Teacher/designated contact on the first day of absence. Unless other local arrangements are in place, this should be at the earliest opportunity and as a minimum, within 1 hour of the employees start time.
- Employees are required to make personal contact, and to do this by telephone. It is not acceptable to report absence by text or email, or other form of messaging, unless in exceptional circumstances. Employees unable to speak with their Head Teacher are required to leave a message and a contact phone number, asking that it is passed on as soon as possible. The employee should expect and be available to receive a return phone call.
- It is recognised there may be instances where employees are unable to contact Head Teachers / designated contact personally (e.g. admittance to hospital). In these exceptional circumstances, the individual who contacts the manager/designated contact on behalf of the employee will be asked to leave a contact name and number.
- Employees who fail to make contact to report an absence will be recorded as being on unauthorised absence and may be subject to the schools disciplinary policy. Head Teachers

will take steps to contact the employee who has failed to attend work ([see Safe and Well Checks Policy](#)).

- Employees will be expected to provide the following information if they are going to be absent from work:
  - When the illness started
  - Broad nature of illness (e.g. migraine, chest infection)
  - Is the illness due to an accident or injury at work?
  - Has/will the employee be seeking medical attention?
  - The likely date of return (if known)
- Managers will advise the employee how and when they want the employee to make contact again to update on their absence and their expected return to work date.
- Employees will be required to obtain a **Fit Note** from a GP and submit this to their manager on the eighth calendar day of absence.
- Employees must continue to send in fit notes for the duration of the absence, including during school closure periods, and keep Head Teachers advised of their health and progress towards returning to work. Regular contact will need to be maintained, and the frequency of this agreed between the employee and Head Teachers. Employees not returning to work must take the necessary steps to ensure a new Fit Note is sent to their Head Teacher upon expiry of their current one.
- Employees may return to work early, prior to the expiry of a fit note, in circumstances where the GP has indicated that the employee may be fit to work if adjustments are made. Employees and their Head Teacher will discuss any adjustments and support to facilitate this return to work. Schools may not agree to an early return if adjustments or support cannot be provided. Where a fit note advises an employee is not fit to return to work, the employee will not be able to return early without their GP's agreement.
- For employees who have secondary employment, it is important that they advise each Head Teacher/manager whether or not they are absent from all their positions.

## Medical Evidence

All sickness that lasts eight days or more requires medical evidence (with sickness of seven calendar days or less being self-certified). This medical evidence will normally be in the form of a doctor's fit note, also known as a "statement of fitness for work". The fit note will state the period that it covers, with a section for a start and end date, and may state that the employee:

- is "not fit for work", in which case the employee should remain off work; or
- "may be fit for work", if the doctor's suggestions are followed (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations).

Head Teacher's will consider the following to support the person who is currently not fit for work, and plan for their return to the workplace:

- Seek information and advice on what support they might need, such as from occupational health;

- If any ongoing health needs are anticipated for when the person returns to work, discuss with them what adjustments or other support might be needed.

When a statement of fitness for work indicates that a person may be fit for work, Head Teacher's will contact them as soon as possible to:

- Discuss what adjustments might help them return to work;
- Involve HR or occupational health services (if not already participating) if the circumstances or adjustments are more complex;
- If adjustments suggested by a medical practitioner in the statement of fitness for work or requested by the employee cannot be made, explain the reasons clearly to the employee.

If a person may be fit to return to work with adjustments but those adjustments cannot be made, the person should continue to be treated as 'not fit for work', in line with the Department for Work and Pensions' guidance for employers. In such cases:

- Advise the person that they should return to work only when they have sufficiently recovered and are able to perform their regular duties;
- Discuss and jointly agree a plan for keeping in touch during their extended absence. Discuss any actions that may support them in making a full recovery and returning to their regular duties, and agree to regularly review these.

### **Keeping in touch with employees on sickness absence**

Head Teachers and leaders will maintain regular, appropriate contact with employees who are 'not fit for work' during periods of sickness absence, including people with a chronic health condition or a progressive illness or disability covered by the Equality Act 2010.

### **Return To Work Meetings**

Head Teacher's will hold return to work meetings upon the return of all employees from any period of absence. These meetings are an important part of absence management and can help identify absence problems at an early stage. They provide the opportunity for Head Teacher's to discuss with the employee any underlying issues which may be causing absence(s) and allow them to consider any relevant adjustments that could be made to support an employee. Head Teacher's will monitor absence levels and discuss these with employees, including identifying when trigger points have or are close to being reached.

The Head Teacher will also ensure that all the necessary certifications / fit notes have been provided.

Head Teachers are aware that a return to work from sickness does not necessarily indicate that an employee's health and wellbeing has fully improved. The return to work meeting is an opportunity to discuss this to ensure any on-going support is provided.

### **Short Term Sickness Absence - Trigger Points**

Schools operate a policy of carrying out reviews, and taking relevant action, when absence trigger points are met. The following trigger points are applied:

- 4 or more episodes of absence in a rolling 12 month period; and/or

- 12 working days of absence in a rolling 12 month period; and/or
- absences in a short period warranting immediate action, e.g. 3 episodes or 9 working days in 6 months; and/ or
- a pattern of absence causing concern, for example, regular Friday or Monday absences or absences regularly occurring on a particular day/week, pre or post annual leave, school holidays, public holidays, pay day.

Trigger points for employees working fewer than 5 days in a week will be pro-rata'd. It is important to note that the number of days will be pro-rata'd, but not the number of occasions. This is calculated by  $12 / 5 \times$  working days (or average working days). For example, employees working:

- 1 day per week = trigger point is 2.5 working days absence
- 2 days per week = trigger point is 5 working days absence
- 5 days per week = trigger point is 12 working days absence

The above is applied irrespective of the number of hours worked in a day.

For those employees who condense their working weeks, for example: 37 hours over 4 days, the trigger point for working days absence would be 10 working days. Where employees do not work the same amount of days each week managers will pro-rotate the trigger to an average working week. For employees on annualised hour's contracts, Head Teachers will apply the nominal working week and make adjustments during the year if needed.

There may be many reasons why an employee is hitting trigger points relating to incidences of short term absence. The absences may be related or un-related; there may be an underlying cause or illness which is not known; an employee may be experiencing difficulties with family or caring responsibilities and are reporting sick rather than requesting time off; or there may be a reliability issue with the employee. Head Teachers will set out to all employees expectations about levels of attendance and will support employees to achieve these. Return to work meetings will be used to discuss any underlying causes of absence, provide support, encourage employees to improve attendance levels, and ensure employees understand that the Sickness Absence Procedure may need to be invoked if absence levels are unsatisfactory. At all times, Head Teachers will work with employees to make improvements and to sustain these.

### **Long Term Sickness Absence**

Long term sickness absence is defined as an absence lasting 28 calendar days (1 month) or more, and tends to be a continuous period of absence over an extended period of time. The underlying principles when managing long term absence cases is to balance the needs of the school against the circumstances of the employee concerned; and to recognise that the individual matters relating to the particular employee's absence will vary, and may require different responses and actions at different points in time.

Head Teachers will maintain regular, appropriate contact with employees on long term absence and will generally commence absence review meeting after four weeks absence, or before if appropriate, and continue through the period of long term absence. However, it is important in cases of long term absence that the individual circumstances concerning the absence are considered and an appropriate approach to absence management meetings is formed based on the particular set of facts. In cases of long term absence where the expected duration of the absence is known, for example, an employee is having planned surgery and the Head Teacher knows the expected length of time of the

absence up to a maximum of 3 months, there may be no requirement to hold absence management meetings. However, regular contact through the period of absence will still be required; and review meetings and the Sickness Absence Procedure may be invoked if the employee does not return on the expected date, or their absence is extended.

It is important that Head Teachers maintain contact with an employee on long-term absence to:

- monitor the employee's progress in terms of their return to health;
- support the employee and actively maintain their engagement with the school, and keep them informed about events in the workplace;
- provide information to the employee so that they may make informed decisions (for example, in relation to sick pay entitlement);
- support the employee in following advice and guidance from Occupational Health;
- encourage a return to work as early as possible;
- facilitate a phased return to work if required, by making appropriate temporary or permanent adjustments.

Short term and long term absences will be managed separately which may mean that an employee is at different stages of the procedure simultaneously. However, where long term and short term absences are attributable to the same underlying health condition only one process will be used without the requirement for the school to start from the beginning of the procedure.

### **SICKNESS ABSENCE PROCEDURE**

When absence trigger points are met, for short or long term absence, Head Teachers will review the absence information to determine if they will refer the employee to the Sickness Absence Procedure. Where this is considered appropriate, the employee will be advised and will be required to attend absence management meetings, with the Head Teacher/their leader. Generally speaking, when short term absence triggers are met, employees will be referred to the Sickness Absence Procedure, unless there are extenuating circumstances why this should not apply.

In long term sickness cases in particular, Head Teachers will respond to the trigger being reached by reviewing the information and determining whether or not it is appropriate to invoke the formal Sickness Absence Procedure. Where it is appropriate, this procedure will apply. Where the procedure is not invoked, it remains crucially important for the Head Teacher to maintain contact with the employee, agree contact and update arrangements, and advise that the procedure may be invoked at a point in time in the future.

Throughout this procedure, an employee may be accompanied to formal meetings by a companion who is a trade union representative, a work colleague, or an official employed by a trade union. No other companions will be permitted to attend absence review meetings. Where there are grounds for a reasonable adjustment for a disabled employee to be made, to permit an alternative companion, the employee should discuss this with their manager/Head Teacher. In all cases, the employee must tell their manager/Head Teacher who their chosen companion is, at least 24 hours before an absence review meeting. A Head Teacher will also arrange a note taker.

If the employee or companion is unavailable at the time a meeting is scheduled, a request can be made to re-schedule it to take place within the following 5 working days. Employees will be advised at that time that if they fail to attend the re-arranged meeting, and there is no justification for this,



their case and/or representation may be considered by leadership in their absence, based on any written submissions or information the Head Teacher has.

With cases of long term absence, whilst meetings will normally take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. The leader Head Teacher will be open to the meeting taking place in another location. Any manager visiting an employee's home should be accompanied by another manager/senior employee. This could be an external venue, or it could be the employee's home if the employee requests this. Leaders/Head Teachers will be sympathetic and consider carefully, in long term absence cases, any requests for a family member to be present at these meetings, particularly those that take place away from the place of work.

All actions throughout this procedure will be clearly documented with reasons for taking or not taking action, including:

- Referral to Occupational Health for an assessment;
- Signposting an employee to the Employee Support and Counselling service ; and/or
- Implementation of reasonable adjustments

### **Stage 1**

Where a Stage 1 Absence Review Meeting is being arranged, the employee will be provided in writing with at least 5 working days' notice of the meeting, and with any documents relevant to the employee's case, for example:

- the employee's absence record form;
- any letters or correspondence previously sent to the employee, or notes of discussions with them, about their absence levels; and
- any medical evidence

The employee will be advised that the purpose of the meeting is to review the employee's unsatisfactory attendance level and that a possible outcome of the meeting is that they may be moved to a formal review period.

In setting up an absence management meeting with an employee on long term absence, the Head Teacher will invite the employee to a date, time and location for the meeting to take place in writing.

In addition to the purpose of the meeting above being outlined to an employee on long term absence, the aim of the meeting is also to:

- establish how the employee is doing and the likely length of their absence, bearing in mind the advice in the employee's fit note or medical report;
- discuss with the employee what steps can be taken to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations);
- explain to the employee their sick pay entitlements; and
- confirm when the next contact will take place.

### *Stage 1 outcome*

After the meeting, the leader/Head Teacher will set out in writing what has been decided as a result of the stage 1 meeting. Possible outcomes may be:

- no further action;
- a referral to Occupational Health, and a follow up meeting with the Head Teacher following this;
- implementation of adjustments to the role, hours, duties, work, location etc. Reasonable adjustments will be considered and implemented where an employee has a disability as defined under the Equality Act 2010 and in these circumstances, referral to Occupational Health may also be explored;
- A review period can be set on the basis that the employee understands an improvement is required, and the required level of improvement will be clearly defined. A review period of 2 months will generally be set, however, in appropriate circumstances, may be extended for a period of up to 4 months. Throughout the review period, the Head Teacher will monitor the employee's absence levels and the employee will understand the sustained improvement required is to reduce their absence levels to below the school trigger points. The review period may be brought to an end early if the employee fails to meet the required level of absence, or further triggers are met.

In limited circumstances, for example if there are extenuating reasons for the absences, the outcome of a stage 1 absence review meeting could be that the leader/Head Teacher decides that it is not appropriate to move the employee to a formal review period. If the decision is that no further action will be taken, the letter will inform the employee of this and provide an explanation for the decision.

A more general outcome of a stage 1 absence review meeting would be that the leader/Head Teacher sets the employee a formal review period to improve their absence levels. The formal review period will be confirmed in writing, and the letter will advise the employee that the consequences of not achieving a significant improvement in absence levels may result in the employee moving to stage 2 of the sickness absence procedure.

At the end of a review period set, the leader/Head Teacher will review the employee's absence levels from this period. If their absence levels have improved to the satisfaction of the leader/Head Teacher, no further action may be taken and this will be confirmed in writing to the employee. If satisfactory improvement has not been made, the employee will be advised they are being moved to Stage 2, and will receive written notification of a Stage 2 absence management meeting.

In cases of long term absence, the appropriateness and length of a review period will depend on the individual circumstances, taking into consideration the reason for absence, likely return to work, medical advice and support being provided. If the absence continues, regular contact will be maintained between the manager and the employee, as previously agreed. Efforts to support the employee returning to work will continue, and reasonable adjustments and medical advice considered.

### **Stage 2**

- Where a Stage 2 absence management meeting is arranged, the employee will be provided, in writing, with at least 5 working days' notice of the meeting, and with any documents

relevant to the employee's case. A Stage 2 meeting will be led by the Head Teacher. The same steps and outcomes, and written notifications, as outlined in Stage 1, will apply in Stage 2. A discussion with the employee whether temporary or permanent redeployment should be considered and make the employee aware that if the employee is a member of the pension scheme that permanent ill health retirement should be considered

At the end of the review period, the manager will review the employee's absence levels from this period. If their absence levels have improved to the satisfaction of the manager, no further action will be taken and this will be confirmed in writing to the employee. If satisfactory improvement has not been made, the employee will be advised they are being moved to Stage 3, and will receive written notification of a Stage 3 Absence Management Hearing.

### **Stage 3**

If absence levels continue to be unacceptable following a Stage 2 review, a Stage 3 Absence Management Hearing will be convened by a Head Teacher to discuss the way forward, an outcome of which may be dismissal. The Head Teacher will also have a HR representative present, and a note-taker. The leader who has led the earlier stage meetings and reviews, if it was not the Head Teacher, may also attend the hearing to provide evidence of actions taken to date, and to describe previous discussions and support provided.

As previously advised, employees will be entitled to be represented by their trade union representative or trade union officer, or by a work colleague, and will be provided with at least 10 working days' notice of the hearing, and will be supplied with all relevant documentation that will be considered.

The Head Teacher will consider all the facts concerning the absence record of the individual, actions taken to date to improve these levels, any information the employee submits, and any relevant and up to date advice from Occupational Health or other medical adviser.

In long term absence cases, a Stage 3 hearing may generally be arranged after the following has taken place:

- it is clear from Occupational Health advice that the employee is unable to return to their role for a prolonged period, and redeployment is not recommended;
- all reasonable steps to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations) have been explored; or
- the possibility of dismissal [including ill-health retirement] has been discussed with the employee.

The initiation of processes to dismiss an employee on long term absence will be taken after all reasonable management steps have been considered in terms of managing the employee's absence. These include consulting with the employee, seeking medical advice, consideration of possible redeployment and/or ill health retirement.

The possible outcomes of a Stage 3 hearing are:

- a further review period is set, for generally 2 months and no more than 4 months, for the employee to improve their absence levels;

- further reasonable adjustments could be recommended, with a review period attached to consider if these will result in an improvement in absence levels;
- redeployment may need to be considered'
- a decision may be taken to dismiss the employee with notice on the grounds of "some other substantial reason" (where no underlying medical condition is identified) or "capability" where an underlying medical condition is identified.
- permanent ill health retirement

If a further review period is set, the Head Teacher would reconvene a hearing at the end of the new review period, to determine if absence levels have improved and whether or not any further action is to be taken. Dismissal may be an outcome at this stage.

### **Escalation to Stage 3 Hearing**

Advice may be received from OH that an employee is eligible for permanent ill health retirement, or that they are deemed unfit to return to their substantive post for a prolonged period of time due to an underlying health condition and redeployment is not advisable. In these circumstances, it may be appropriate to escalate to a stage 3 hearing without the need for a stage 1 or stage 2 meeting taking place. Advice from HR must always be sought if this is being considered.

### **Extension of Review Periods**

Where review periods are set throughout this procedure, the ability to extend to up to a 4 month period may take place at the time the review period is set, where circumstances justify this, or the review period may be extended after the initial review period, to allow the employee further time to improve.

### **12 Months 'Live' Period**

If the employee's absences have improved to the required level and no further action is taken through this procedure, the Head Teacher will encourage the employee to sustain this, and advise the employee that:

- they will enter a 12 month 'live' monitoring period, commencing when the review period ended; and,
- 
- if the employee has further absences within this 12 month period and, on a 12 months rolling basis, the absence(s) result in trigger points being hit, the Head Teacher will review the absence record to determine whether the employee re-joins the procedure at the stage they were previously at when action ceased, or whether a further review period is applied first.

### **Appeal**

An employee has the right to submit an appeal against dismissal under this procedure. An appeal may be made in writing within 10 working days from the date that the written confirmation is deemed to have been received. For full details of the appeals procedure, refer to the **Schools Appeals Policy**.

## Managing Absence and Attendance

### Medical advice

#### *Occupational health referrals*

At various stages of managing an employee's sickness absence or health issues, a Head Teacher may want to obtain advice on the employee's fitness for work from Occupational Health. Equally, an early referral to Occupational Health may also prevent a period of absence due to ill health. Examples of when a Head Teacher might refer to occupational health include to:

- seek advice when an individual has a health concern or condition and is continuing to work, is absent, or there is the possibility of absence;
- if any employee is absent, to establish when they might be able to return to work;
- ask for guidance on the employee's condition, for example if there is a possibility that the employee is disabled or there is ambiguity concerning any impact on an employee's ability to work;
- discuss any adjustments that could be made to facilitate the employee's return to work;
- discuss redeployment on medical grounds;
- discuss ill health retirement.

Staff may also benefit from support and advice from the Employee Support and Counselling Service/Employee Assistance Programme the school provides for employees. This may include employee counselling, physiotherapy and cognitive behavioural therapy referrals if appropriate (see the [Health and Safety Manual](#) for more information)

#### *Report from a medical practitioner*

Where a report from an employee's medical practitioner is necessary, i.e., from a GP or consultant, this request will be made by Occupational Health. The employee will be fully informed of their rights under the Access to Medical Reports Act 1988, and Occupational Health will seek the permission of the employee to obtain the report.

The employee has the right to access the report before Occupational Health is provided with it. The employee will be required to notify Occupational Health if they wish to do this, in order for the GP/Consultant or other medical practitioner to be informed of this request.

Where an employee refuses permission for Occupational Health to contact their medical practitioner, or where the employee refuses consent for the report to be released to Occupational Health, the employee will be advised that any decisions relating to their employment may be made without the benefit of access to any medical information, recommendations or advice.

The school will treat personal data collected during the absence management process in accordance with the relevant Data Protection Schedules.

### Phased Return

It may be recommended by Occupational Health and/or the employee's GP that the employee returns to work on a phased return basis if this is possible. The aim of a phased return is to help deliver a gradual successful sustained return to work.

## Making workplace adjustments

Workplace adjustments may be recommended to support an employee in work which may help in reducing incidences or periods of absence, and contribute to the employee being able to perform their role effectively. In addition to adjustments, Head Teachers and employees will also:

- Arrange risk assessments if needed. Guidance on these is available in the **Health and Safety Manual**, including guidance on stress risk assessments for mental health related absences.
- Without breaking confidentiality, and only if the employee agrees, decide whether colleagues could be informed to help them understand the need for the adjustments, and discuss any concerns that colleagues may have.
- Record any workplace adjustments agreed with the employee, and how long these are expected to last.
- Monitor any workplace adjustments that have been put in place to see if they are meeting the needs of both the employee and the school. This will be subject to regular review within a timeframe agreed by the employee and Head Teacher in a return-to-work plan.

Additionally to the above, the Head Teacher will:

- Encourage the employee to raise any issues related to the workplace adjustments.
- Ensure the employee is aware of other interventions that may be available to support them in their workplace

Head Teachers recognise the need to sensitively respond to the needs of employees who may be at particular risk of stress caused by work and working conditions, or who may be experiencing mental health problems for other reasons. This policy is important for ensuring that employees who are experiencing stress can be identified early and offered support. Support could include counselling or stress risk assessments. Further information on this support can be found in the [Health and Safety Manual](#).

## Medical Suspension

In certain circumstances it may be appropriate to medically suspend an employee, for example:

- where the employee and their GP consider they are fit to return to work, without any adjustments/modifications and the Head Teacher, in conjunction with the HR provider, believe they are not and therefore would like further clarification from Occupational Health, before allowing the employee to return to work;
- Medical suspension could also apply where the Head Teacher believes the employee is not fit to attend work but the employee refuses to go on sick leave, and therefore the Head Teacher may medically suspend the employee until Occupational Health advice is received.
- **Note:** if a GP recommends any adjustments which, having undertaken the necessary risk assessment, the Head Teacher cannot accommodate, employees will **remain off sick** for the period specified on the Fit Note;

Wherever possible, prior to initiating medical suspension, alternatives such as temporarily adjusting the employee's substantive duties or temporary redeployment to another role should be carefully

considered using any advice from the GP contained on the Fit Note where appropriate. In such circumstances it would be appropriate to undertake a risk assessment, Workplace Assessment and/or Display Screen Equipment (DSE) Assessment.

Any decisions to medically suspend need to be based on sound justification and the Head Teacher will complete a risk assessment. Having considered the views of the employee the Head Teacher should be able to clearly explain the reasons for their decision. If it is considered that there are sufficient grounds to suspend, Head Teachers will notify the Chair of Governors.

The Head Teacher should convene a suspension meeting as soon as possible after the decision has been made, which should be followed up in writing. The employee may be accompanied by a representative at the suspension meeting however, the unavailability of a representative must not delay convening the suspension meeting or the suspension itself.

If the need to medically suspend the individual is urgent and it is not possible to convene a face to face meeting the Head Teacher may telephone the employee to inform them of the medical suspension and follow up the discussion in writing. Medical suspension will be on contractual pay and does not impact on sick pay.

A review of the medical suspension will take place once the required medical information is provided by Occupational Health. If the required information is received that the employee is able to return to work, the medical suspension will be lifted. If the employee is still unable to perform their duties the Head Teacher may decide to invoke the capability procedure. HR provider advice will be sought in these cases.

## **Redeployment**

At any point in the procedure, managers may discuss with an employee who has unacceptable levels of absence or an underlying health condition, the option of considering a move to a more suitable role, if one is available. Head Teachers will seek appropriate advice on this consideration, and involve the employee fully in understanding the impact of making such a decision.

Where redeployment is being considered for an employee who has a disability under the Equality Act 2010, the employee will be afforded 'primary at risk' status to get priority consideration within LCC for an alternative role. Priority consideration cannot apply for positions in other schools, as each school is a separate, independent identity. However, Head Teachers will support any efforts to obtain an alternative role at a different school. A positive approach will be taken by the employing school to redeploy the employee. All Head Teachers should be aware of the requirements of the Equality Act 2010 and the need to make reasonable adjustments to assist an employee to continue in work. Additionally, under the [Disability Confident Scheme](#), LCC is committed to retaining employees who become disabled.

## **Pregnancy-related absences**

Pregnant employees who are absent from work due to pregnancy-related ill health will be required to comply with the schools absence reporting procedure and return to work arrangements. However, any pregnancy-related sickness absence will not be taken into account when determining if there is a need for formal action under the schools sickness absence procedures.

If the Head Teacher is in any doubt as to whether or not a pregnant employee's absence is related to their pregnancy, the Head Teacher will contact HR and/or Occupational Health for further advice.

### **Disability-related absences**

Where an employee gives as the reason for absence an underlying health issue that could amount to a disability under the Equality Act 2010, a Head Teacher may seek advice from HR and / or Occupational Health. Disability related absences will still be considered in relation to trigger points and can be managed under these procedures however Head Teachers will take advice and provide support to enable the employee to manage any periods of absence. Head Teachers will always consider making reasonable adjustments for disabled employees, including adjusting trigger points where appropriate. Disability Leave, as detailed in the Leave and Time Off Policy, may also be a provision to be used to support an employee with a disability.

### **Work-related absence**

If an employee considers their illness arises from a work related accident, or work related stress, they must notify their Head Teacher immediately so that the Accident Report Form, FNOL, is completed, where relevant. An employee who is absent from work for a work related reason, will be treated in the same way as if their absence was due to a non-work related reason, and therefore, the Sickness Absence Procedure will apply.

### **Dual Employment within LCC/another school**

Employees should make their Head Teacher aware if they have an additional job within LCC or another school, so the Head Teacher can liaise with the other Head Teacher/Manager and determine the best course of action when making a referral to Occupational Health. It is important to recognise that jobs may have different responsibilities and therefore, different impacts on employee's health and any reasonable adjustments that may be required.

### **Annual Leave Entitlement In Relation To Sickness Absence – Support Staff**

An employee who is absent on sick leave will continue to accrue their holiday entitlement and will be given the opportunity to take this at a later date, including in the subsequent leave year and in accordance with local annual leave booking arrangements, if they do not take the holiday entitlement due to being on sick leave. Employees contracted to work 52 weeks a year returning to work in the current leave year will be encouraged to take their accrued annual leave entitlement to assist with their rehabilitation back to work.

Employees returning to work in a new leave year, have the right to the annual leave they have accrued during their sickness absence in the previous leave year and will therefore carry this forward into the new leave year. Such employees may be encouraged to take some of this leave to assist with extending a phased return to work.

Employees absent due to sickness may request to take annual leave during a period of sickness absence. Those wishing to do this must discuss this with their Head Teacher.

Employees who fall sick prior to commencing pre-booked annual leave will be able to reclaim their annual leave, as long as they comply with sickness reporting procedures; are still available for contact



and attend absence review meetings when absent; and supply a Fit Note to cover the period they wish to reclaim.

Employees who fall sick whilst on annual leave and return wishing to reclaim a proportion of that leave, will be able to do so if they have complied with the sickness absence reporting procedure, and provide a Fit Note to cover the period involved.

### **Sick pay**

Employees are entitled to sick pay in accordance with the Local Scheme of Conditions of Service, and National Conditions of Service, where applicable.

In accordance with the Local Scheme of Conditions of Service, an employee who is absence from work as a result of an accident is not entitled to a sick pay allowance if damages may be retrievable from a third party. The School may, at its discretion, advance the allowance provided the employee agrees to refund the amount from any damages awarded.

### **Sickness during the Working Day**

Employees who leave work during the working day due to illness must first report this to their manager and will be classed as absent for sick pay and recording purposes. They will be required to self-certify and attend a return to work meeting.

Managers should determine what proportion of an employee's normal working hours have been worked and decide whether a full or half days sickness absence should be recorded. Absences of ½ a day or more will be recorded on the sickness system and will count towards trigger points.

### **Ill-health retirement**

Retirement on the grounds of ill health may be appropriate where it appears unlikely from the medical advice that an employee on long term sickness absence will be able to return to their role and they meet the criteria for ill health under the relevant Pension Scheme; or the employee is continuing to work, however are experiencing significant difficulties and long term absence is likely to occur.

If ill-health retirement is raised as an option, the Head Teacher will submit a referral for Permanent Ill Health Retirement to Occupational Health which will allow the Head Teacher to establish if the employee meets the criteria for consideration for permanent ill health retirement.

Where OH advise that an employee may be eligible for permanent ill health retirement or alternatively that they are deemed unfit to return to their substantive role for a prolonged period due to an underlying medical condition and redeployment is not recommended, it may be appropriate to escalate to a Stage 3 Absence Management Hearing, without the need for a Stage 1 or/and Stage 2 meeting taking place.

Where a Teacher's application for Permanent Ill Health Retirement is accepted by Teachers' Pensions that it will be deemed that they have resigned in the month that the application is accepted.

## Terminal illness

LCC, and consequently Community and Voluntary Controlled Schools, are committed to the [Dying to Work Charter](#) which underpins the compassionate desire to support employees suffering from a terminal illness. Schools will endeavour to accommodate their wishes and to provide the most financially advantageous arrangements for them and their family. This includes consideration of the possibility of ill-health retirement or a Death in Service payment (if the employee is a member of the pension scheme).

Head Teachers will support employees who wish to continue working who have a terminal illness, however, are mindful that there may come a time when they will be unable to continue working. In this case, the Head Teacher will discuss the options with the employee, with the support of the HR and Occupational Health teams.

LCC provides access to counselling services through the Employee Support and Counselling Service to assist during this difficult time, and this may be accessible to relevant schools.