



# **Sickness and Absence Procedures**

**Autumn 2022**

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## **1. Purpose**

- 1.1 This procedure is designed to support schools to manage staff sickness absence and aims to encourage employees to achieve and maintain acceptable standards of attendance.
- 1.2 This procedure is issued to ensure that the school's approach to dealing with absence due to sickness is managed sensitively, fairly and consistently.

## **2. Application of the policy**

- 2.1 This procedure has been the subject of formal consultation with the Trade Unions and applies to all school-based employees. It does not apply to agency or supply teachers, contractors or their staff, or workers who are engaged on a self-employed basis.
- 2.2 Other parties may have a role within sickness absence management including: Occupational Health and/or other medical advisers (e.g. consultants, specialists, counselling services); HR advisers; and recognised Trade Unions.
- 2.3 The school is committed to the promotion of the health and wellbeing of all its employees. There are a number of policies and initiatives to support this, including generous special leave arrangements and access to programmes and staff benefits to improve personal health and wellbeing.
- 2.4 This procedure must be read and applied in conjunction with all the relevant appendices, guidance, and template letters.
- 2.5 Reference to 'Schools HR' is to Islington Schools' HR. If the school uses a different HR provider, that provider's support will be utilised.

## **3. Key principles**

- 3.1 The underlying principle of the procedure is a recognition that the majority of staff have excellent attendance records, and will take time off only where absolutely necessary. It recognises that the vast majority of sickness absence is genuine. It is intended to be used in cases involving absence from work due to sickness and is designed to ensure that all staff are dealt with compassionately and equitably and to avoid discrimination.
- 3.2 This procedure is intended to balance the needs of the school with the interests of individual employees. It is based on the following principles:
  - achieving high levels of attendance through the reduction of sickness absence from work;
  - reducing levels of sickness absence by providing a safe and healthy environment;
  - treating all staff with dignity and sensitivity, fairly and consistently and in confidence;
  - minimising disruption to the effective provision of education to pupils;
  - minimising disruption to the operation of the school and reduce additional staffing costs resulting from sickness absence;
  - maintaining adequate sickness absence monitoring procedures and records, using the information collected to improve attendance levels;
  - distinguishing between genuine sickness absence issues and issues of competence or conduct and addressing these in a fair and firm manner;
  - ensuring all staff are aware of the school procedure for managing sickness absence.
- 3.3 Attendance has a direct effect on teaching and learning and the School therefore expects employees to attend work regularly, be a regular timekeeper, conform to sickness and absence reporting procedures and to make every effort to:

- Attend work when fit to do so.
- Comply with sickness absence reporting procedures.
- Ensure medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work.
- Ensure the Headteacher/line manager receives medical certificates promptly.
- Keep the Headteacher/line manager informed of any significant developments, which may affect attendance at work.
- As far as possible to make domestic arrangements including medical appointments out of school hours

3.4 Any part day sickness absence will not be included when an employee is specifically sent home by their Headteacher/line manager. Any subsequent day(s) sickness will be included.

3.5 Employees who work part time, or other flexible working arrangement, will have their absence levels adjusted accordingly.

#### 4. Sickness Absence Reporting Procedure

4.1 Employees and their managers must follow the Sickness Absence Reporting Procedure, set out below, for each instance of sickness absence:

##### 4.1.1 First day

Employees should contact their school no later than one hour before their normal starting time on the first day of absence; only in exceptional circumstances should a representative of the employee make contact on the employee's behalf. Brief details of the reason(s) for absence and, if possible, an indication of a return to work date should be given or as locally arranged by the Headteacher/line manager. Simple details of the work programme for that day, for example, a planned meeting that will need to be cancelled, location of test papers, books, resources etc. should also be provided, where reasonably possible and appropriate.

If the Headteacher is absent s/he should contact the Chair of Governors who will inform the Head of Schools Human Resources and request advice as appropriate.

If the absence is the result of an accident or an injury sustained at work, then this information must be made known. In this context the employee should indicate if the incident has been reported and to whom.

##### 4.1.2 During the absence

If the employee is still unfit for work, he/she must again contact the Headteacher or line manager as to the likely duration of the absence.

**Up to 7 calendar days** - If the absence lasts no more than 7 calendar days, the employee must provide the Headteacher or line manager with a self-certificate (by completing the 'Return to Work Form') covering each day of absence, including half-days, on their return to work.

**Eight days and beyond** - If the absence lasts beyond 7 calendar days, a fit note issued by the doctor must be provided to cover the remainder of the period of illness i.e. from day eight of absence onwards. The fit note should be forwarded to the Headteacher or line manager to reach them on or before the 8th day of absence. If more than one fit note is required, the fit note must be provided on time and the employee must keep the Headteacher or line manager informed of developments on a weekly basis.

The final fit note must indicate the date on which an employee will be fit to return to work. The GP/Medical Practitioner may certify that the employee is:

- fit for work;
- not fit for work; or
- may be fit for work.

The employee should return to work as soon as he/she is able to – this may be before your fit note runs out. The line manager may seek further advice from Occupational Health and a referral made where there are concerns with a staff member returning to work before the fit note runs out or if a further fit note is not received

During periods of long-term absence, the employee has a responsibility to keep the Headteacher/line manager (or in the case of the Headteacher, the Chair of Governors) informed of their progress.

*The reporting procedures set out above may be amended or added to by any local arrangements in place by the school.*

- 4.2 Failure to follow the correct notification procedure, without providing a justifiable reason, may lead to the absence being deemed unauthorised, resulting in the withholding of sick pay and/or disciplinary action.

If an employee fails to submit a certificate to the required timescales, the Headteacher/line manager will write to inform the employee that sick pay will be withheld if none is received within three working days. If sickness certificates are submitted late, without good reason, pay will be reinstated only from the date the certificate is received. The Headteacher/line manager may, at their discretion, decide that the period from the end of the last doctor's certificate to the date the new doctor's certificate is received is paid at the statutory sick pay rate, provided that the late doctor's certificate covers this period.

## 5. Roles and Responsibilities

### 5.1 Employee

- Employees should contact their school in line with the school reporting procedures and no later than one hour before their normal starting time on the first day of absence.
- Simple details of the work programme for that day, for example, a planned meeting that will need to be cancelled, location of test papers, books, resources etc. should also be provided.
- Leaving a voicemail/texting or e-mailing is not considered appropriate in terms following the absence reporting procedures.
- Where staff do not have ready access to a phone, management should be made aware of this in advance of any absence. The method of communication with the school should be agreed.
- Only in exceptional circumstances should a relative or a representative of the employee make contact on the employee's behalf. Brief details of the reason(s) for absence and, if possible, an indication of a return to work date should be given.
- Employees must obtain a fit note and submit this by no later than the **eighth** day of absence where absence lasts beyond **7 calendar days**.
- If more than one fit note is required, this must be provided in a timely manner and the employee must keep the Headteacher or line manager informed of developments on a weekly basis.
- During your absence you should remain available to attend Occupational Health or any management meetings that you are required to attend, if you do not this could result in disciplinary action.
- If you are going to be away from your normal residence during periods of sickness absence, you must notify the Headteacher or your line manager, informing them of the reason, any medical advice you have received and providing a suitable contact address and telephone number.

- If you are travelling abroad during periods of sickness absence you must notify the Headteacher or your line manager prior to any travel arrangements being made. You must inform the Headteacher/line manager of the reason, dates, provide medical evidence that you are able to travel during period of sickness absence and provide suitable contact details.

## 5.2 Employer

- Ensure that individuals are aware of the Sickness Absence Procedure, including reporting processes;
- Ensure the relevant person is available to take telephone calls regarding sickness absence at the times indicated in the schools' absence reporting procedures
- Monitor and regularly review levels of sickness absence throughout the school, take action as appropriate and record any action taken in individual cases
- Implement the procedure fairly, consistently, sensitively and confidentially.
- Supporting employees who are sick through the effective operation of sick pay schemes and management systems and fulfilling duties under the Equality Act;
- Handle attendance problems promptly and sensitively, in a supportive manner;
- Treat all staff fairly and consistently;

## 6. Definitions and trigger points

6.1 This procedure identifies three different trigger points that can help managers to monitor an employee's sickness absence levels, and determine the appropriate course of action.

6.2 Trigger points are for guidance – meeting a trigger point should prompt a review of absence but does not automatically imply action at that same point. Conversely, there may be occasions when a manager decides to take action before a trigger point is reached.

6.3 The school should review absences at the following points, and as such can use their discretion in deciding on an appropriate course of action dependent on the individual circumstances (see 9.2). For example, if an employee's sickness absence is due to a declared disability, the overall procedure and monitoring of absence levels will still apply but a more flexible approach will be taken. Different arrangements may need to be put in place when supporting staff with long term ailments, conditions or disabilities which can arise at any time.

### 6.3.1 Short-term absence

Absences lasting **less than 8 working days** per year, which may fall into the following categories:

- Occasional spells of short-term sickness not necessarily related, e.g. colds, stomach upsets.
- Regular periods of short term sickness arising from a long term ailment or condition, which may not be curable but is controllable and should not prevent the member of staff from performing effectively when at work.

### 6.3.2 Intermittent persistent absence

Repetitive and frequent short-term absences that are unpredictable. Absences may be self-certified or covered by medical certificates. The following triggers should be used:

- **8 working days or more** within any 'rolling' 12-month period
- Any other **unacceptable patterns of short-term absence** (e.g. every Monday, etc.)

### 6.3.3 Long-term sickness absence

Long-term sickness absence is where an employee is absent from work for a considerable number of weeks or months as a result of a serious health problem. Long-term sickness absence is defined as an

absence lasting **20 working days or more** and can lead to Formal Sickness Absence procedures being invoked.

6.4 Any part day sickness absence will not be included when an employee is specifically sent home by their Headteacher/line manager. Any subsequent day(s) sickness will be included.

## 7. Underlying medical condition

7.1 Where an employee's sickness is caused by an underlying medical condition, their case will be treated particularly sensitively and the following will be considered before deciding on any course of action:

- the likely period before an improvement can be expected and whether or not the employee will return to full fitness or return to work;
- the impact of the absence on the work of the school;
- whether the medical condition is such that redeployment to another area of work or reasonable adjustments to the job or working hours would eliminate the need for the employee to take time off
- whether the medical problem is sufficiently severe and long term to make an application for ill-health retirement an option

7.2 However, if the above actions are not appropriate, and there is no clear evidence that the sickness level is likely to improve in the near future, the formal stage, outlined in section 9, will be followed.

7.3 For guidance on serious and terminal illness, see section 22.

## 8. Return to work meeting

8.1 An informal discussion should take place between the head teacher/line manager and the employee returning to work after *every* period of sickness absence, to discuss the reasons for their absence and ensure that they are fully fit for work, including reviewing any support or adjustments that may be needed to facilitate their return.

8.2 The employee should complete a 'Return to Work Form' (Appendix A), which should be returned to the Headteacher/line manager, or as locally agreed, prior to the return to work meeting. This form will be kept as a record of the return to work meeting and placed on the employees file

8.3 Where the level of sickness starts to become a concern, the Headteacher/line manager will discuss with the member of staff how this will be monitored and managed, at this stage the Headteacher/line manager has the option of taking the matter forward under the formal stages of the procedure.

## 9. Formal Sickness Absence Procedure

9.1 This procedure has three formal stages with provision for an appeal at each stage (see flowchart at Appendix B and C). The aim is to resolve issues at Stage 1 of the procedure wherever possible. Depending on the situation, formal action may be instigated immediately and within any stage of the process. Advice may be sought from HR at any time.

9.2 Timescales for each stage will depend on individual circumstances and some sickness absence issues may be dealt with over a longer or shorter period than others. The point at which a manager decides to move an employee to the next stage of the procedure will vary from case to case. Factors to take into account include:

- what the issues causing the absence are;

- what effect the absence is having on the delivery of an education service at the school and/or on work colleagues and pupils;
- what additional support could be given; and
- whether attendance has improved as a result of the informal processes.

9.3 Before each meeting under the formal procedure, the manager should gather all the relevant absence records and have a clear understanding of the impact that the absences have had on the provision of an education service and/or work colleagues and pupils. However, the impact of the sickness absence does not always have to be serious for action to be taken.

9.4 Further medical information may be requested at any point in the process. There is no requirement to request a medical report or to make an OH referral before Stage 1 or Stage 2 of the formal procedure, but such information may be useful, and can be requested as appropriate.

9.5 It may be the case if there is no realistic possibility, following medical advice, of a return to work then it may be necessary to escalate through the procedure, e.g. going straight to Stage 3.

## 10. Stage 1: Convening a Formal Absence Review meeting

10.1 Employees will be required to attend a formal meeting at Stage 1 of the school's Sickness Absence Management Procedure, referred to as an Absence Review Meeting, where:

- the circumstances of the sickness absence require formal action at an early stage; or
- following earlier discussions, there has been a recurrence of unsatisfactory attendance previously addressed through the informal process; or
- following earlier discussions of an informal nature the required attendance levels have not been attained; and/or
- the sickness absence is having an ongoing adverse impact on the delivery of an education service and/or colleagues.

10.2 The line manager is expected to convene and manage any absence review meeting at Stage 1. In exceptional circumstances, where an employee has an objection, for professional reasons, to the line manager conducting the meeting, these objections should be put in writing to the head teacher who will carefully consider the objections, with advice from HR.

10.3 Where it is decided that an absence review meeting will be held the manager will give reasonable notice in advance of the meeting. An employee will normally be given not less than **5 working days' notice** in advance of the meeting, with advice from HR.

10.4 Meetings will normally take place in the school. However, where the employee is unable to come to the school premises for the meeting, the manager may wish to consider holding the meeting at the employee's home, with their permission, or at some other mutually agreed venue. The same reasonable notice will apply for meetings which occur at home or the alternative venue; as per the above as in 10.3.

10.5 The notification of the requirement to attend an absence review meeting must be confirmed in writing to the employee. The written notice will include:

- the reason for the formal meeting and who will be attending;
- confirmation of the stage of the formal meeting of the Sickness Absence Management Procedure;
- a short but clear outline of absence levels and reasons for concern;
- a reminder that the employee can be accompanied or represented by a trade union representative or a work colleague; and

- advise that the employee may provide further information (e.g. medical reports or letters) in advance – where further information is not provided a decision will be made based on the information available at the meeting.

- 10.6 The employee will be provided with a copy of the relevant written documentation to be referred to during the meeting. If the employee intends to refer to any documentation they must provide this information to the line manager at least 3 working days before the meeting. The chair may decide not to consider information supplied outside of these timescales, taking into account the reasons for this delay.
- 10.7 An occupational health report is not always necessary at this stage.
- 10.8 The meeting will be conducting, and decisions available to the line manager, in line with section 13 of this procedure.

## **11. Stage 2: Convening a Formal Absence Review Meeting**

- 11.1 Employees will be required to attend a formal meeting at Stage 2 of the Sickness Absence Management Procedure, referred to as an Absence Review Meeting, where:
- the sickness absence has exceeded the target set at Stage 1; or
  - the initial improvement achieved at the end of Stage 1 has not been sustained; or
  - the long-term sickness absence is continuing; and/or
  - the sickness absence is having an ongoing adverse impact on service delivery and/or colleagues and pupils; and/or
  - where temporary arrangements such as reasonable adjustments under the Equality Act 2010, e.g. a phased return to work, have not facilitated a return to the full requirements of the role within the anticipated time period.
- 11.2 It is not necessary to wait until the end of the Stage 1 monitoring period before moving to Stage 2. If, for example, there is insufficient improvement during the monitoring period, or a worsening of attendance levels, the manager may decide to proceed immediately to Stage 2.
- 11.3 The line manager is expected to convene and chair an Absence Review Meeting at Stage 2 to maintain continuity. Where an employee has an objection, for professional reasons, to the line manager chairing the meeting, these objections should be put in writing to the head teacher who will carefully consider the objections.
- 11.4 The manager or designated chair should confirm and convene a stage 2 absence review meeting in line with the process under 10.5 to 10.7 above.
- 11.5 The meeting will be conducting, and decisions available to the line manager, in line with section 13 of this procedure.

## **12. Stage 3: Convening a Formal Absence Review Meeting**

- 12.1 Employees will be required to attend a Review Meeting at stage 3 of the Sickness Absence Management Procedure where:
- the sickness absence has exceeded the target set in the Stage 2 attendance plan; or
  - the initial improvement achieved at the end of the Stage 2 monitoring period has not been sustained; or
  - the long-term sickness absence is continuing to have an impact on the delivery of the education service and/or colleagues and pupils; or

- where temporary arrangements, such as reasonable adjustments under the Equality Act 2010 (e.g. a phased return to work) have not facilitated a return to the full requirements of the role within anticipated timeframes; or
- the employee is unlikely to be able to return to work at any point; or
- the prognosis is that the employee will be unwell for a lengthy amount of time, and the school is unable to keep the employee's role open for such an amount of time, taking into consideration the Dying to Work Charter.

12.2 As the outcome of this meeting could result in dismissal of the employee, it is necessary to convene a governor's panel.

12.3 The designated chair should confirm and convene a Review Meeting in line with 10.5 and 6 above. On this occasion, it should be made clear that the meeting could result in dismissal. The manager responsible for issuing the previous written notification of concern will also be asked to attend to present the management case.

12.4 Depending on the outcome of the discussions at the Review Meeting and after considering the previous monitoring period and any medical information available, the manager / chair of the review meeting will decide what further action to take.

### 13. Conducting Absence Review Meetings

13.1 The manager or chair of the panel should ensure that

- any formal meeting is held in an open and supportive way; and
- any action considered is fair and consistent, with due regard to equality, diversity and potential discrimination concerns.

13.2 The manager or chair will hear the details of the case. It is advised that a representative from HR attend to advise the manager or chair. At the Stage 3 Absence Review meeting; the manager/s who chaired any earlier meetings should also attend.

13.3 At the meeting, the employee should:

- be reminded of their rights under the Sickness Absence Procedure and how the meeting will be conducted;
- be told of the extent of the sickness absence concerns;
- be given the opportunity to state their case, to respond to the concerns raised by management and to draw attention to any circumstances relevant to their situation, before any decision is taken. This can include reference to written statements previously supplied; and
- be able at any stage to confer with their trade union representative or colleague from time to time or to seek a short adjournment.

13.4 The meeting will be adjourned to allow the manager or chair conducting the meeting, or governors panel at stage 3, to consider all the evidence and make a decision on what, if any, action to take. The outcome will normally be communicated verbally to the employee after the meeting has been reconvened, in the presence of the trade union representative or workplace colleague. The employee will be advised of:

- any notification of concern issued and/or measures to be taken together with the reasons for this;
- any conditions, plans or timescales attached to a notification of concern; and
- the right of appeal against the decision and to whom any appeal should be submitted

13.5 The employee will also be advised that the decision and relevant details will be confirmed by letter. In some circumstances the outcome may be communicated solely by letter. The manager or chair should ensure that a copy of the letter is placed on the personal file. In the letter the employee will be advised of:

- any notification of concern;
- any updated attendance plan or monitoring period; and
- the timescales.
- The letter will warn that further action will be considered if there is no satisfactory improvement, or any further sickness absence and will advise of the right of appeal.

13.6. At stage 3, the outcome of this meeting could result in dismissal. The outcome will normally be communicated verbally to the employee after the meeting has been reconvened or in writing following the meeting. The employee will also be informed of the right of appeal against the decision and to whom any appeal should be submitted.

13.6 Wherever possible the decision letter and case summary should be sent to the employee within **5 working days** of the meeting and, normally, no later than 10 working days after the meeting.

#### 14. Formal Outcomes

14.1 Where, following a formal meeting, it is decided that formal action will be taken; one of the following outcomes may be applied:

- a formal notification of concern; or
- a final notification of concern; or
- dismissal.

14.2 The following table details the two levels of formal warnings that may be applied under this procedure:

Sanction	Duration	Responsibility for Sanction	Responsibility for Appeal
Formal notification of concern at stage 1	12 months	Headteacher <sup>1</sup>	Governors <sup>2</sup>
		Deputy Headteacher	Headteacher
		Member of Leadership Team	Deputy Headteacher <sup>3</sup>
Final notification of concern at stage 2	18 months	Headteacher	Governors
		Deputy Headteacher	Headteacher
		Member of Leadership Team	Deputy Headteacher

#### 14.3 Formal notification of concern

A formal notification of concern is appropriate where:

- absence issues previously addressed informally have not been resolved; or
- absence issues have arisen whether or not they have been addressed informally previously.

<sup>1</sup> The headteacher, with the agreement of the governing body, may delegate responsibility for matters up to a notification of concern to the relevant line manager. This would be a member of the leadership team.

<sup>2</sup> The number of governors that hear the appeal will depend on the delegated responsibility authorised by the governing body. This is a guide only.

<sup>3</sup> The deputy head forms part of the leadership team. If the deputy head has issued the warning, the headteacher will hear the appeal.

- 14.4 Where a notification of concern is issued by the line manager for absence at Stage 1 of the procedure, the duration of the warning will be for a period of 12 months from the date of issue.
- 14.5 In the event of any recurrence or continuation of unsatisfactory attendance levels whilst the notification of concern remains applicable, it can be taken into account in any future absence review meeting or discussion. Further action under the Sickness Absence Procedure will normally result in a final notification of concern being issued; unless the matter is serious enough to warrant dismissal.
- 14.6 Whilst the notification of concern will not remain active in relation to any future absence matters after the period stipulated for a notification of concern has expired, a record of what has occurred will be kept in the employee's personal file.

14.7 **Final notification of concern**

A final notification of concern is appropriate where:

- absence levels continue or recur during the period for which a formal notification of concern remains applicable; or
- absence of a serious nature arises but on the merits of the case, it is decided that it does not warrant dismissal

- 14.8 Where a final notification of concern is issued by the line manager for sickness absence at stage 2 of the procedure the period of the warning will remain for 18 months from the date of issue.
- 14.9 Where the required improvement in attendance has been demonstrated, confirmation of this will remain on file for the duration of the warning.
- 14.10 In the event that any further incidence of absence or a failure to satisfactorily improve or sustain the required attendance levels occurs during the period for which the final notification of concern remains applicable, it will be taken into account at any further Absence Review Meeting. Further action under the Sickness Absence Procedure will normally result in a decision to dismiss.
- 14.11 Whilst the notification of concern will not remain active in relation to any future absence matters after the period stipulated for a final notification of concern has expired, a record of what has occurred will be kept in the employee's personal file.

14.12 **Dismissal**

Before making any decision to dismiss, the dismissal panel should be certain that:

- current medical information has been reviewed, including what is likely to happen in the future;
- ways to help an employee return to, or remain in work have been considered, e.g. making reasonable changes to the workplace and looking at whether the employee could be redeployed to a different job; and
- the impact of the employee being away from work on the delivery of an education service and/or colleagues and pupils has been assessed.

- 14.13 After the Stage 3 employment review meeting, the chair of the dismissal panel must notify the employee in writing of his/her decision.
- 14.14 Where the decision to dismiss has been taken, the chair of the dismissal panel will issue notice of dismissal (for foundation or voluntary aided schools) or notify the local authority of its decision (for community and voluntary controlled schools). The local authority must issue notice of dismissal within 10 working days of notification from the Headteacher or governing body panel of the decision and notify the employee of his/her right to appeal and of the procedure for lodging an appeal.

14.15 The period of notice (if one is to be given) will be the statutory minimum or contractual notice (for teachers, notice will be given in accordance with the Burgundy Book), whichever is the longer.

## 15. Appeals

15.1 Employees have the right to appeal against a notification of concern or dismissal following a formal absence review meeting.

15.2 The appeal hearing will be convened and conducted by either a governor or the headteacher, or deputy headteacher and will be dependent on who issued the sanction to the employee. In cases of dismissal a panel of three governors, wherever possible will hear the appeal.

15.3 The appeal must be made in writing within 10 working days of receipt of the outcome letter, stating clearly the grounds for appeal. The appeal should be sent to the relevant Headteacher or Clerk to Governors, and copied to Schools HR.

15.4 For appeals against dismissal, the appeal form should be sent directly to the chair of governors and Schools HR.

15.5 Appeals are considered on any one or more of four grounds only, no other grounds of appeal will be allowed. The appeal form should state on which of the four grounds the decision should be reviewed. The acceptable grounds are:

- **Procedure:** a belief that the line manager did not follow the formal procedure properly, and that this significantly affected the decision. (A small procedural flaw that would not have significantly influenced the decision is not sufficient grounds for upholding an appeal);
- **Fact:** a belief that the line manager made a decision about a significant fact that it wasn't reasonable for them to take;
- **Outcome:** a belief that the outcome of the formal meeting or hearing was one that no reasonable person would have come to. (The fact that the employee disagrees with the manager's outcome is not sufficient grounds for upholding an appeal);
- **New Evidence:** the fact that new evidence has come to light, that the employee could not have introduced at an earlier stage and that could have a significant effect on the decision taken. (Employees cannot present new evidence that was previously available that they could have presented at an earlier stage).

15.6 Within 10 working days of receiving the completed appeal form, the manager will organise the appeal hearing and let the employee know the details. Appeal hearings will be arranged as soon as is reasonably practicable and should be confirmed in writing to the employee, giving not less than 5 working days' notice in advance of the hearing

15.8 At the appeal hearing, both the employee and their manager, (or the manager who had issued the notification of concern, if the issuing manager was different), will be present. They will both have the chance to put forward their views of the situation.

15.9 There are three possible outcomes of the appeal hearing:

- uphold the original decision; or
- allow the appeal in its entirety or
- vary the conditions attached to the notification of concern, or substitute a lesser decision in place of the original one. The sanction cannot be increased at this stage.

- 15.10 The employee will be informed of the decision usually within 5 working days of the appeal hearing. The decision taken at this stage is final
- 15.11 If the outcome of an appeal hearing is to monitor the individual, the monitoring can still take place in the period between the formal meeting or hearing at which the sanction was issued and any appeal.
- 15.12 Where an employee's employment was terminated prior to the appeal hearing and their appeal against dismissal is subsequently upheld, they will be reinstated. Any loss of salary for the period between dismissal and reinstatement will be compensated for, and all other terms and conditions of employment will be reinstated. Employment service in this situation will count as being continuous.

## 16. Factors to consider when making a decision:

- 16.1 In making a decision regarding an employee's continuing employment, the following should be considered:

### Operational Factors

- The pressures which the absence is placing on other employees
- Pupils' need for stability and continuity, particularly, perhaps, during the run up to public examinations
- The maximum period over which the school could reasonably contain the absence or phased return to full time working
- Possible temporary restructuring to contain an initial part-time return to work or to minimise disruption.
- The nature of the absences
- Whether the absence is work related
- The consequences of the absence on the quality of service and effect on colleagues
- Further action that might be taken to resolve problems
- Whether the sickness management and control procedures have been followed
- Whether the Equality Act 2010 applies and whether a reasonable adjustment could be made
- The extent to which the employee has been cautioned regarding the consequences of the continuing absences
- Any medical evidence, such as the likelihood of the employee's health recovering
- The employee's record
- Evidence of any medical witnesses called
- Expert advice

### Personal Factors

- Particular experience and expertise that the employee is able offer
- Length of service and past attendance record
- Nature of the illness and prospect for full recovery
- Whether the employee has a disability and what reasonable adjustments may be necessary
- His/her ability and willingness to be flexible in the short term
- Advantage of a further period of time off to improve health and regain fitness
- What reasonable adjustments to the workplace might be necessary to enable him/her to continue to fulfil their job?

## Other points to note

## 17. Getting More Information

17.1 The manager may decide that further information is required, which may mean the manager pursuing one or more of the following possible options:

- Referring the employee to the occupational health service, who may contact the individual's GP or seek other appropriate medical advice
- Look at the provision of some form of support to assist the employee in improving their attendance, e.g. counselling;
- Organising a risk assessment;
- Consider undertaking a stress risk assessment in relevant cases.
- Making reasonable adjustments to assist the employee in carrying out their duties, support the employee's return to work and their continued employment
- If an employee is absent for gender reassignment or IVF treatment, this will be considered separately from sickness absence procedures and advice should be sought from Schools' HR.

## **18. Occupational Health Referral**

18.1 An employee can be asked to attend the Occupational Health Service at any stage of the procedure as appropriate. The purpose of a referral is to gain medical advice on any underlying medical condition which is causing the sickness absence and/or whether the employee is fit for their duties. The referral will also indicate whether or not there are any steps or adjustments to consider to facilitate the employee's return to work. For further information, contact Schools' HR.

18.2 Should an employee refuse to attend occupational health then they must be informed that procedures will continue and that a decision will be made on the information available (without the professional/medical advice from Occupational Health).

18.3 Once the report from the Occupational Health provider has been received, the Headteacher/ line manager should take into consideration all the available facts and then arrange to meet the employee to discuss the report (as part of the return to work meeting/formal review meeting). The meeting should be arranged without unreasonable delay. The Headteacher/ line manager should ensure the employee receives a copy of the Occupational Health report prior to the meeting.

18.4 It may be appropriate to re-refer the employee to Occupational Health for further advice at any stage.

## **19. Medical Redeployment**

19.1 If, following Occupational Health advice, an employee is unable to continue working in their substantive post for health reasons, the Headteacher / line manager, with advice from Schools HR, will investigate whether suitable alternative employment opportunities are available within the school to enable the employee to continue working. If suitable alternative employment is found, a revised contract will be issued relating to the new post and a trial period given to enable the employee and the Headteacher / line manager to decide if the role is suitable and the employee is capable of carrying out the duties of the new role.

## **20. Retirement on ill health grounds**

20.1 If Occupational Health advises that an employee, who is a member of the Local Government pension scheme or the teachers' pension scheme, is not capable of discharging efficiently the duties of their post for health reasons they may be eligible for the early release of their pension.

20.2 In such circumstances, a referral to Occupational Health will be made for advice in accordance with the relevant pension regulations.

- 19.3 Occasionally, an employee may suffer from ill-health that makes it impossible for them to carry out the full range of their duties, although they may not be absent from work as a result. Advice should be sought from Schools' HR.

## 21. Specific Advice Relating to Long-Term Absence

- 21.1 Long-term sickness absence needs sensitive management and employees on long-term sickness absence need to be protected from the feelings of isolation that may arise. At the same time, the ill-health of the employee does not negate the manager's responsibility to consider the impact on the service and on work colleagues that extended periods of absence create.
- 21.2 If an employee's sickness absence is due to a declared disability, the overall policy will still apply but a more flexible approach will be taken. Different arrangements may need to be put in place when supporting staff with long term ailments, conditions or disabilities which can arise at any time.

## 22. Serious or Terminal illness

- 22.1 On some occasions an individual may be suffering from a serious or terminal illness and it will be necessary to use this procedure. Although it will be very important to deal with such cases with tact and sensitivity, it is not possible for exemptions to be made for specific illnesses. Each case will be assessed and managed according to its particular circumstances and managers will need to consider the possibility of taking formal action, which may be up to and including dismissal.
- 22.3 Islington Council agree to and abide by the principles of the Dying at Work Charter, and making Islington a fairer place to work. The principles will be applied in the application of this procedure.

## 23. Absence Related to Pregnancy

- 23.1 If an employee has a pregnancy-related illness, the manager should carry out a risk assessment and consider how this could affect them doing their job and should feel free to discuss this with the employee concerned, as in many cases, simple adjustments can be quickly discussed and agreed.
- 23.2 Medical information should still be obtained and these absences should be recorded as 'pregnancy-related' where appropriate, Sickness absence should not be managed under this procedure, please refer to the School's Maternity Leave Guidelines for more information.

## 24. Keeping in Touch

- 27.1 When an employee first notifies their manager that they are sick, they should give a clear indication of how long they think they are likely to be off work for. If this changes, they should contact their manager again, to give a revised date. If they are absent for more than **3 working days** they **must** contact their manager on the fourth working day. This is so that the manager can make arrangements to cover the work while the employee is absent.
- 27.2 If the employee is continuously absent from work, the manager must keep in frequent contact with them, they must keep accurate records in the personal file of when and how they have contacted them and what has been said.

## 25. Arranging meetings under this procedure

- 24.1 Dependent on the nature and seriousness of the matter / allegation / outcomes being considered at the meeting, consideration should be given to allowing reasonable time period prior to and after the meeting for the employee to meet with / be briefed / debriefed by their trade union representative.

- 24.2 Where additional time may be required after the meeting, in the first instance, the employee or trade union representative will speak to the manager / Headteacher or the Schools HR representative. The request will be considered at that time, taking into account the needs of the school and pupils.

## **26. Inability of employee to attend meetings or hearings**

- 25.1 If an employee is unable or chooses not to attend a formal meeting or hearing he/she may choose to provide written permission to the effect that his/her representative may act on full authority and he/she will accept any decision that their representative has been party to. He/she may also provide a written response.
- 25.2 Alternatively, if he/she cannot attend for a genuine reason, and is not willing for his/her representative to act on their behalf and is not able to provide a written response, it may be reasonable to arrange another meeting/ hearing/ appeal hearing. However, if the employee fails to attend or provide a written response for a second time, without a genuine reason, then it may be held in their absence and a decision made based on the facts and evidence available in the employee's absence.

## **27. Home visits**

- 26.1 A home visit will normally only be arranged if the employee is deemed medically incapable of any form of travel, however such visits may be necessary with the prior agreement of the employee.

## **28. Overlapping Issues**

- 28.1 An employee may raise a grievance after the Sickness Absence Procedure has started against him/her.
- 28.2 The Headteacher or Chair of Governors should consider the implications of the grievance on the sickness absence. If the grievance has been raised before the appeal stage of the procedure and the matters raised in the grievance are linked to the sickness absence, then the grievance should be considered within the sickness absence appeals procedure. If the grievance concerns matters that are unrelated to the sickness absence, then a separate process under the Grievance Procedure will start.

**Appendix A: Self-Certificate and Return to Work Form**

**SICKNESS / ACCIDENT ABSENCE**

Staff must complete this form after any absence from work caused by personal illness or accident at work. It should be completed **on the first day back at work** following the absence.

For absences lasting no more than 7 calendar days, part one of this form is also the self-certificate. If you are away from work for more than 7 consecutive calendar days, you will also need a fit note to cover the duration of the absence. Failure to produce one may result in loss of sick pay.

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**Part One To be completed on your first day back at work after a period of sickness.**

Surname:.....First Name:.....

Service:.....

First day sick:.....Last day sick . .....No of days.....

Reason for absence (Please give details of illness / symptoms i.e. flu, cold, tonsillitis etc – words such as ‘sick’ or ‘unwell’ are insufficient):  
.....

**Can you also indicate your reason for absence on one of the below codes (tick by code number):**

- S01 Back & Neck
- S02 Other Musculo-skeletal (excludes back and neck)
- S03 Stress, Depression, Mental Health, Neurasthenia, Anxiety
- S04 Infections
- S05 Headache, Neurological, Migraine
- S06 Genito-urinary/Gynaecological/Menstrual
- S07 Pregnancy Related
- S08 Stomach, Liver, Kidney, Digestion
- S09 Heart, Blood Pressure, Circulation
- S10 Chest, Respiratory
- S11 Eye, Ear, Nose & Mouth/Dental, Sinusitis
- S12 Surgery/Medical Procedure
- S13 Other

Tick if absence is due to an accident at work (An accident report form must also be completed).

Tick if absence is due to an assault at work (An accident report form must also be completed).

I did / did not consult my doctor during my absence (please delete as applicable).

I certify that I was absent from work owing to illness as indicated above and that, to the best of my knowledge, the details I have given above are correct.

Signed:.....Dated:.....

---

**Part Two To be completed by the manager.**

Periods of sickness absence  
In the last three months

Total number of days absent owing to sickness  
in the past 12 months. (including this absence)

I certify that the dates of absence and return to work given in Parts 1 and 2 of this form are correct.

Signed:.....Dated:.....

**Part Three – To be completed by the Line Manager**

**RETURN TO WORK INTERVIEW**

When the employee has returned to work following a sickness absence, a return to work interview should be conducted as soon as possible after the employee's return from sick leave, ideally on their first day back at work.

Notes of the return to work interview should be outlined below and a copy kept on file.

**Issues discussed:**

**Action to be taken:**

(e.g. any patterns identified; work or stress related illness; referral to Doctor / Occupational Health, stress risk assessment etc).

Signed:.....Dated:.....

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## TIPS ON CONDUCTING RETURN TO WORK INTERVIEWS

Return to work interviews should take place face-to-face, where possible, but they don't need to be overly formal.

### They are designed to:

- welcome employees back and check they are well enough to work;
- find out the reasons for and, if possible, the causes of absence
- identify any workplace adjustments that may be needed;
- develop, or discuss, the details of an agreed Return to Work Plan;
- confirm that their absence record is correct;
- allow them to discuss any other issues that you may need to help them with.
- advise the employee of any further action which may be taken

### Have the following information available for the interview:

- Total days absent should be recorded as working days lost
- Reason for absence will normally be available from the certificate. The stated reason must have more details than just either sick or unwell.
- If possible, try to establish the cause of absence.
- Was a fit note sent or required?

### Absence record over the past 12 months

- This section should be completed before the interview is held
- Days lost should be counted as working days lost
- This can be used to identify any patterns or links to previous absences with a view to find ways to reduce the likelihood of further occurrences of absence

### Returning to work

- If having returned to work and the employee is continuing to take medication, it is their responsibility to check for any side effects that could impact on work performance, e.g. drowsiness.
- If the medication could impact on work performance, the employee should then declare it to their manager.
- If the employee does not feel able to carry out all of their normal duties immediately upon their return, you will need establish what the employee can do whether any reasonable adjustments could be made on a temporary basis to facilitate their full return to work.

### Any further action:

- Any agreed future actions should be recorded
- Inform the employee if the absence has triggered a review meeting

### Keeping records

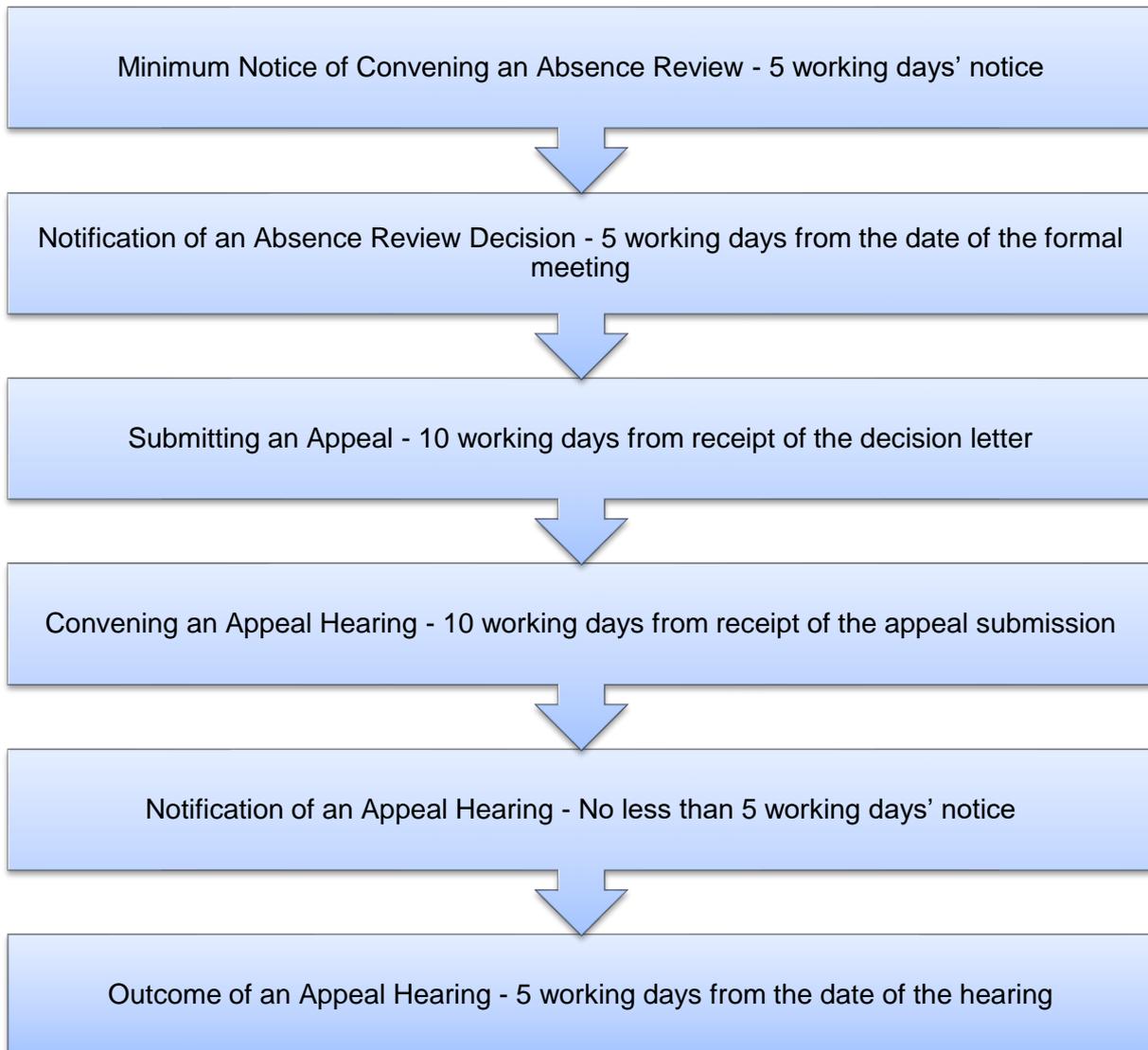
- Copies of the Return to Work Interview form should be held by on the school file and a copy given to the employee
- The form could also be used for any referral to Occupational Health or attached as part of the documentation for any review meetings
- The information contained on the form could be used for recording and/or monitoring purposes

### To ensure the interview is as productive and successful as possible, you should:

- listen to your employees;
- show an interest in what they have to say and take their concerns on board;
- be objective – don't allow yourself to be influenced by personal emotions or feelings;

- offer support where possible
- ask open-ended questions

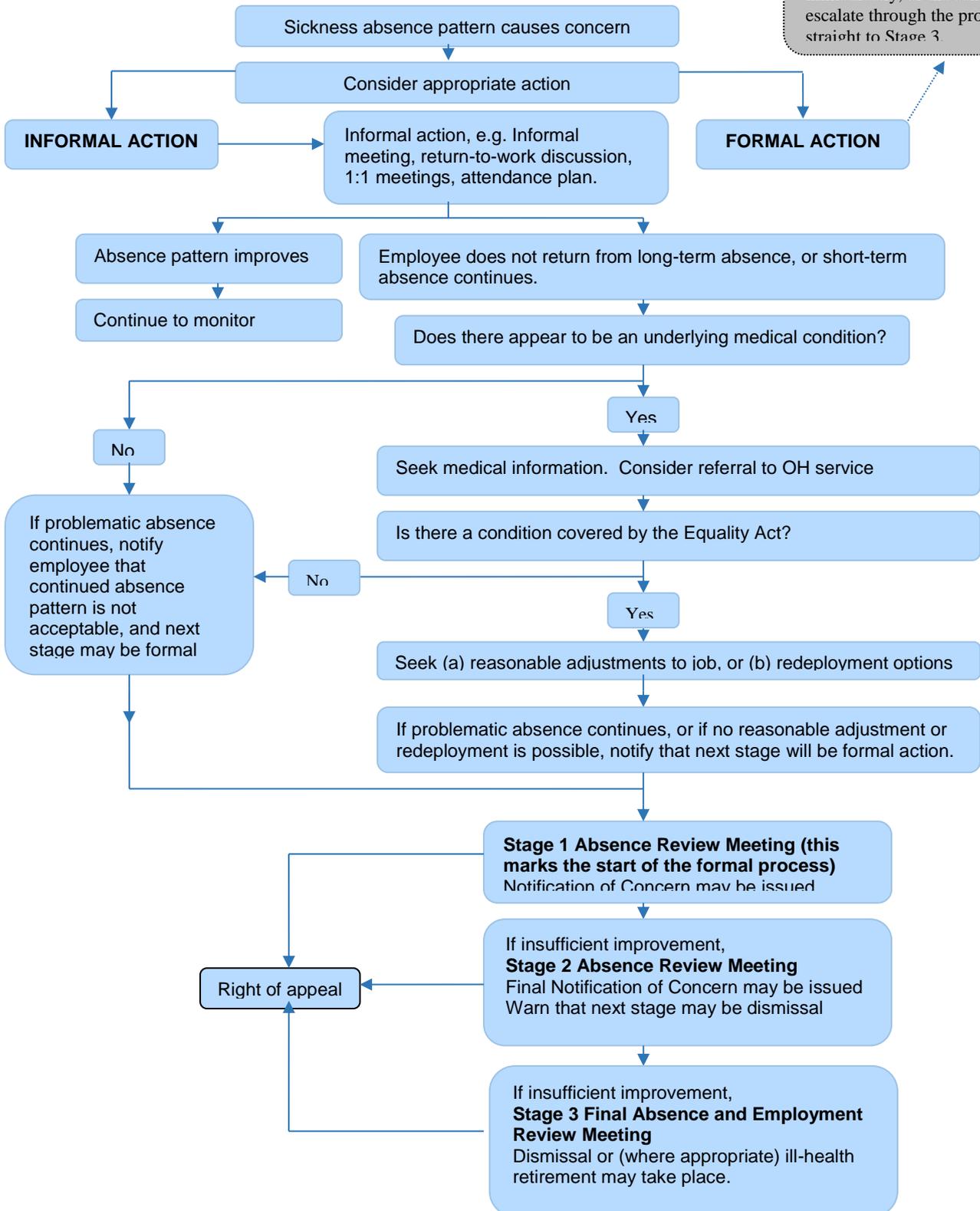
### Appendix B: Timescales at a Glance





## Appendix C: Managing Sickness Absence Flowchart

In exceptional circumstances formal action may commence immediately, or the school may escalate through the procedure straight to Stage 3.



## Appendix D: Sick Leave and Pay Entitlement

### D1. TEACHING STAFF

Provided the appropriate conditions are met, a teacher absent from duty owing to his/her illness (which term is deemed to include injury or other disability) shall be entitled to receive in any period of one-year sick pay in accordance with the following scale.

	<b>Full Pay</b>	<b>Half Pay</b>	
1st year of service	25 days	50 days	For absence beginning in second or third terms
2nd year of service	50 days	50 days	
3rd year of service	75 days	75 days	
4th-7th year of service	100 days	100 days	
8th-13th year of service	111 days	111 days	
14th-19th year of service	122 days	122 days	
20th and subsequent years	133 days	133 days	

Please note that your employment can be terminated while you are absent due to sickness or injury even if your entitlement to sick pay has not been exhausted.

### D2. SUPPORT STAFF

Provided that you comply with the notification requirements and adhere to the rules of the council's Sick Pay Schemes as set out in the Managing Attendance policy & National Conditions of Service and produce self-certificates and fit notes when required, your entitlement to sickness pay is:

During 1 <sup>st</sup> year of service	1 month's full pay and; After completing 4 months service, 2 months' half pay
During 2 <sup>nd</sup> year of service	2 months' full pay and 2 months' half pay
During 3 <sup>rd</sup> year of service	4 months' full pay and 4 months' half pay
During 4 <sup>th</sup> and 5 <sup>th</sup> year of service	5 months' full pay and 5 months' half pay
After 5 years of service	6 months' full pay and 6 months' half pay

N.B Please note that the above service requirements relate to continuous Local Government service and not just service with Islington Council.

Note that notwithstanding the payment of contractual sick pay, your employment may be terminated in certain circumstances, while you are absent due to sickness e.g. if the post can no longer reasonably be held open for you, or you are made redundant, or you commit an act of gross misconduct.

## Appendix E: Hearing Format

The conduct of the hearing (stage 3 meeting) will be the responsibility of the Headteacher or one of the members of the Governors' Panel, elected to act as its Chair. The order of proceedings can be adjusted to suit the circumstances, if necessary, providing the overall principles aimed at securing a fair hearing are adhered to.

The Chair will introduce all those present, ensuring it is clear in what capacity people are attending the hearing, outline the purpose of the hearing and any procedural arrangements. The purpose of the hearing is to consider all the evidence in relation to the sickness absence and decide on what action, if any, under the sickness absence procedure may be appropriate.

### 1. Management case

Management present their case first. Management can then be questioned on the presentation by:

1. The other side (employee's)
2. Chair and other members of the panel
4. Any adviser to the panel.

Any follow up questions after this round of questioning should be routed through the Chair for their agreement.

**When the management case is completed then it is for the other side to present their case.**

### 2. Employee's case

The employee and/or their representative will present the case. They can then be questioned on the presentation by:

1. The other side (management)
2. Chair and other panel members
4. Any adviser to the panel.

Any follow up questions after this round of questioning should be routed through the chair for their agreement.

**The chair should ensure that questions asked are not leading questions and that either side are not making statements when they should be asking questions and vice versa.**

### 3. Summing up

The chair should agree with both sides how much time is required to prepare a closing statement.

- The manager may make a closing statement
- The employee (or their representative) may make a closing statement.
- No new evidence should be introduced at this stage.

### 4. Decision

The chair will inform the employee **in writing** of the outcome of the hearing in line with the timescales set out in the school policy.

### 5. Right of appeal

Inform employee of right of appeal against any formal decision. The appeal must be lodged with the clerk to the governors in line with the timescales set out in the school policy. The decision of the panel to be confirmed

in writing

## Appendix F: Appeal Hearing Format

The conduct of the appeal hearing will be the responsibility of one of the members of the Governors' Appeals Panel, elected to act as its Chair. The order of proceedings can be adjusted to suit the circumstances, if necessary, providing the overall principles aimed at securing a fair hearing are adhered to.

The Chair will introduce all those present and outline the purpose of the hearing and any procedural arrangements.

### 1. Employee's case

The employee and/or their representative will present the grounds for the appeal. The employee can then be questioned on the presentation by:

1. The other side (management side)
2. Chair and other panel members
4. Any adviser to the panel.

Any follow up questions after this round of questioning should be routed through the chair for their agreement.

**When the employee's grounds for the appeal have been completed then it is for the other side to present their case.**

### 2. Management case

Management (Chair of the hearing panel and/or investigating manager) to respond to the grounds of appeal and present their outline explaining why the original decision was correct. Management can then be questioned by:

1. The other side (employee's side)
2. Chair and other members of the panel
4. Any adviser to the panel.

Any follow up questions after this round of questioning should be routed through the chair for their agreement.

**The chair should ensure that questions asked are not leading questions and that either side are not making statements when they should be asking questions and vice versa.**

### 3. Summing up

The chair should agree with both sides how much time is required to prepare a closing statement.

- The employee (or their representative) may make a closing statement including any mitigating circumstances
- The manager may make a closing statement
- No new evidence should be introduced at this stage.

### 4. Decision

The chair will inform the employee in writing the outcome of the hearing in line with the timescales set out in the school policy.

### 5. Right of appeal

Inform employee of there is no further right of appeal.

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To obtain more information on the **Model Sickness Absence Procedure**, please contact:

 020 7527 5677

 [alan.grant@islington.gov.uk](mailto:alan.grant@islington.gov.uk)



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