Schools Sickness Absence Policy

FINAL

School/Academy Name:	John Perry Primary School
Date of Adoption:	August 2023
Chair of Governors Signature	
Signature of Head Teacher:	

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1. Introduction

It is the wish of every employer to promote good employee relations practices and in keeping with this aspiration, this document is designed to clarify the rights and responsibilities of Governing Bodies, Head Teachers and other employees and Trade Unions in respect of the management of sickness absence.

This policy is intended to support staff and enable Head Teachers to manage sickness absence in a way that is fair, consistent and complies with employment, health and safety and education legislation. It is essential that sickness absence and incapability due to ill health are managed effectively. The Council and Locally Managed Schools are committed to the care, welfare and equitable treatment of employees. It is recognised that most absence is genuine and, by creating a fair and transparent policy, it is hoped to avoid creating anxiety about the consequences of staying off work when ill.

The policy balances the need to maintain service delivery and the interests of employees by ensuring that employees are fit and healthy for work. This policy is dependent on the openness and mutual trust and respect between employees and employers (represented by Head Teachers and nominated Deputy and Assistant Head Teachers or senior line managers for non-teaching staff) and the willingness of all parties to co-operate.

This policy provides Schools with a consistent and structured framework that will enable them to properly manage the difficult and sensitive area of staff sickness absence levels. The aim is to help people to return to work and to remain at work, where possible.

2. Legal Context

The Framework for managing sickness absence takes into consideration the provisions of: the Employment Rights Act 1996, the Employment Relations Act 1999, the Employment Act 2002, the Education Acts 1944, onwards and regulations made under them, the Equality Act 2010 (which repealed all previous equality legislation, including; the Disability Discrimination Act and the Race Relations (Amendment Act) 2000), the Employment Act 2008 (Dispute Resolution), the School Staffing Regulations 2004 and the ACAS Code of Practice on Disciplinary and Grievance Procedures.

In addition, the adoption and operation of these procedures should ensure that the Governing Body and Head Teachers operate in accordance with all national and local conditions of service that apply to both Teaching and Non-Teaching staff

In order to avoid unfair treatment or discrimination, Governing Bodies and Head Teachers should seek the advice and assistance of the Schools HR Advisory Team and or their HR Provider at all stages in the operation of these procedures. In any event, the Commissioning Director Education or their representative is entitled to attend all the meetings of the Governing Body's Disciplinary, Capability and Appeals Committee (except in the case of Academies and faith schools).

Adoption of these procedures will ensure that the Governing Body will have the full support of the Local Authority in progressing cases. It is noted that this procedure has been agreed locally with the recognised Trade Unions and Professional Associations. If a Governing Body chooses to adopt alternative procedures then a copy of these procedures, together with the reasons for their adoption, should be sent to the Commissioning Director Education who will advise the Secretaries of the recognised Trade Unions and Professional Associations. The Governing Body must then engage in a consultation process with those representatives with a view to reaching an agreement.

Governors must ensure that the adopted procedures are readily available to and understood by all employees.

3. Confidentiality

Information about sickness absence must be handled carefully and in accordance with the GDPR/Data Protection Act 2018 to ensure that sensitive details remain confidential.

Head Teacher's and Governors involved in the various stages in this procedure are advised that under no circumstances should they discuss the case with anyone outside of its scope or amongst themselves.

This matter is of particular relevance because certain members of the Governing Body may at a later stage have to act on an appeal panel and natural justice demands that they must have no prior knowledge of the case whatsoever.

4. Relevant Information Relating to Absences

Each case should be considered carefully, depending on the individual circumstances.

Where sickness absence may be due to a medical condition or impairment defined as a "disability" under the Equality Act 2010, Head Teachers should always refer to and consider the guidance outlined in Appendix 2, "Reasonable adjustments under the Equality Act".

It should be stressed that all matters relating to sickness absence should be dealt with sympathetically and although a uniform approach is essential, this should not preclude each case from being considered individually on its own merits.

The employee shall have the right to trade union representation at any meeting under this Sickness Absence Procedure.

5. Responsibilities

(**Add name of school**) and the employee are responsible for maintaining fair, consistent and objective procedures for matters relating to staff sickness absence. 6.2 (**Add name or post**) has overall responsibility for the internal organisation, control and management of the policy in the school.

6. Time Off to Attend Medical Appointments

Employees will be permitted paid time off to attend medical appointments with their doctor, dentist or optician and any other appointment of a medical nature. Where possible, appointments should be made outside working time. If this is not possible employees should aim to make the appointment at the beginning or end of the working day.

This includes paid time off for antenatal appointments.

(Please refer to the Leave of Absence Policy)

7. Sickness Absence During Annual Leave

7.1 If employees are sick whilst taking annual leave, the days on which they are absent due to sickness will be deemed as sickness absence and their annual leave entitlement will be credited in accordance with the Sick Pay Policy and Procedure.

7.2 Whilst employees are absent due to sickness they will continue to accrue annual leave. If due to sickness absence an employee is unable to take their annual leave entitlement during the relevant leave year, they will be allowed to carry the leave they have accrued over to the next leave year or will receive payment in lieu.

8 Sickness Absence Procedures

8.1 A employee who is sick should follow the School's Absence Reporting Procedure The call should be made by the employee personally, or, if this is not practical, by a partner, friend or relative.

8.2 The employee should state:

- the reason for their absence as in the nature of their illness; and
- the estimated period of absence, if known.

8.3 The employee, if possible, should alert someone in their department of any urgent work that may need to be covered during their absence.

8.4 If an employee feels unwell and wishes to go home during the course of the working day, they must notify (add name or post) before leaving. That day of absence will be recorded as half a day of sickness depending on the time that the employee falls ill. If he or she is off the next day, that day will be counted as the first day of sickness absence.

8.5 Sickness absence levels need to be consistently and accurately recorded in order to be effectively managed. The date and duration of each absence and the reason for it will be recorded by the designated person. This information will be retained by (add name or post) in accordance with the provisions of the GDPR/Data Protection Act 2018.

8.6 If an employee provides false evidence of incapacity, or if an absence is not notified according to the School's Absence Reporting Procedure, or a valid reason for absence is not given, the employee may be subject to disciplinary measures in accordance the agreed Disciplinary Procedure following the formal return to work meeting and in accordance with the Sickness Absence Monitoring Procedure.

9 Self-Certification and Doctors' Certificates

9.1 For sickness absence including the first day, employees will be required to complete a self-certification form (Return to Work Form) which will be completed for the return-to-work meeting.

9.2 A period of sickness in excess of seven calendar days must be certified by a doctor's medical certificate (fit note), which will then be checked by the designated person and sent to the appropriate administrator.

9.3 Where the illness is of an intimate nature, the employee may directly submit the selfcertification sickness absence/Return to Work form to the appropriate administrator in an envelope marked private and confidential.

9.4 If the absence continues, each fit note should be submitted by the employee to the designated person at each interval covering their periods of sickness absence consecutively.

9.5 Where a fit note provides advice in relation to the employee's return to work, the advice on the medical certificate will be taken into consideration. These may include a phased return to work, altered hours, amended duties and/or workplace adaptation. If appropriate, particularly in cases where agreement cannot be reached between the employer and employee, advice may be sought from the occupational health provision.

9.6 If the employer fails to make the changes or adaptations agreed between the employee and employer as a basis for the employee returning to work, then the employee will not be required to resume work until either the changes are implemented fully or the employee is fit to function without them, whichever happens first. The employee will be entitled to trade union representation at any meetings to discuss changes to be implemented and/or the advice on the medical certificate.

9.7 Any unresolved disputes over changes to work or working times/patterns proposed as a result of recommendations contained in the medical certificate will be dealt with under the Grievance Procedures.

10 Short-Term Absence

Frequent short-term absences may indicate poor health, which may require further medical examination by a doctor or the occupational health officer. It is good practice for the designated person to hold a return-to-work discussion with an employee to explore the reasons for the absence(s) and to update the employee on work issues.

The employee should complete the return-to-work form, which will also act as the selfcertification for the first seven days or less of the employee's sickness absence. This is useful to ensure that the employee is fit to return to work, to ask if the school needs to take any action to aid the return to work and to ensure that the relevant medical certification has been received.

11 Long-Term Absence

11.1 Sickness absence of four weeks or more is generally considered to be long-term absence. Individuals may be absent on long-term sick leave for a variety of reasons and any action taken should be appropriate according to the circumstances of the

particular case. (**Add name of school**) takes a sympathetic view of genuine cases of long-term ill health and will provide a supportive approach in all circumstances. This may constitute counselling, a referral to occupational health or other means of support. The employee should complete the return-to-work form, which will also act as the selfcertification for the first seven days of the employee's sickness absence.

11.2 (**Add name or post**) will maintain reasonable and sensitive telephone contact with employees who are absent from work owing to illness in accordance with paragraph 12 below. This contact is intended to be constructive and supportive to the employee's recovery and return to work.

11.3 The employee may be requested to contact their general practitioner or hospital consultant in order to establish the likely length of absence and the long-term effect on the employee's capability in relation to the job and attendance at work. Any cost incurred by the employee in so doing will be re-imbursed by the employer. Following consultation with the employee and their trade union or other such representative and taking account of the report of the occupational health officer, the designated person will thoroughly explore and fully consider and arrange for all possible and appropriate means of support, including reasonable adjustments. If necessary, consideration will be given to providing alternative employment for employees who are deemed disabled under the Equality act 2010.

12 Contacting Employees Who Are at Home on Sick Leave

12.1 Employees who have followed the reporting procedure for short-term sickness absence will not be contacted at home unless the Head Teacher (or designated person) can demonstrate urgent or extraordinary circumstances justifying the contact. Contact will in no circumstances be intrusive and on no account will absent employees be directed to set work for classes, prepare reports or undertake any other work when they are absent because of ill-health. Similarly, there should be no expectation that elements of work (e.g. marking and assessment) undertaken by those covering the sick employee's absence will be left for the employee to complete following a return to work.

12.2 Home visits will only be undertaken by mutual consent. Where a home visit is to be carried out it will be done in a sensitive and supportive manner by the Head Teacher and one other colleague or trade union representative.

12.3 In cases of long-term sickness absence, the frequency of contact and a suitable procedure should be discussed with the employee and/or relevant trade union representative.

12.4 Staff should not be required to provide daily contact to state their absence where a fit-note or other medical certificate covers them for a period of absence. **13 First Stage - *Informal***

13.1 An informal return to work discussion may be conducted:

i. after an absence where the cause has not previously been reported to the Head Teacher (or designated person) in order to establish the reason for and cause of absence;

ii. if the employee has been absent for 7 days or has had three periods within a rolling twelve-month period or any pattern of absence that causes concern;

In instances when absences are 3 periods, 1 day per period, discretion should be used before arranging a stage one informal meeting. Advice should be sought from the Schools HR Advisory Service, before arranging a stage one meeting, as the approach to managing sickness absence should be supportive.

iii. as an opportunity for the Head Teacher (or designated person) to ensure that the employee is fit to return to work, to alleviate any concerns the employee may have, to ascertain whether absence is work-related and to determine whether the employee can be offered any support. The meeting may therefore be used to discuss and agree what action or support could be of assistance to the employee and it should not be considered as any part of a disciplinary procedure. If a medical certificate has been issued, it will be checked and then sent to the appropriate administrator. The meeting will also be used to inform the employee of the next steps.

13.2 On return to work, the employee will be treated fairly and sympathetically and a Return to Work' meeting may be held following completion of the 'Return to Work' form.

13.3 Employees suffering from conditions of an intimate nature may choose to discuss sensitive health issues with a person of the same gender or an alternative appropriate person, the identity of whom will be agreed between the employee and the designated person. Intimate details of the illness do not need to be disclosed.

13.4 Consideration should be given as to whether a referral is required to Occupational Health. Such a referral is required to obtain a report and advice on problems or difficulties which are or may be affecting an individual's ability to work effectively and/or efficiently. If a referral is thought to be necessary, the informal meeting should not be arranged until the employee has been referred to Occupational Health and the Occupational Health report has been received.

13.5 The employee should be given **a minimum of 5 working days (excluding school closure periods)** written notice of the meeting. They should also be informed that they can be accompanied by a trade union representative or work colleague of their choice.

13.6 At the end of the meeting, a review period may be set with the employee, which will be normally no more than six months (excluding school closure periods) from the date of the informal meeting *(depending on the circumstances of the case)*.

During this period a target may be set for a reduction in the level of the employee's sickness absence.

13.7 The employee should be informed that if they fail to maintain the level agreed or do not return to work within the review period, a stage 2 (formal) sickness absence meeting may be arranged.

13.8 The actions of the informal meeting will be confirmed in writing to the employee and his/her trade union representative or work colleague of choice **within five working days (excluding school closure periods)**.

13.9 During the review period if there has been further absence:

- a stage 1 review meeting, depending on the level of absence, or;
- a referral to Stage 2 of the procedure, in which case a referral to Occupational Health for advice will be undertaken prior to a meeting under stage 2.

13.10 No further action shall be taken under the stages of this Sickness Procedure, if satisfactory attendance levels are maintained.

13.11 The employee should also be informed that further episodes of sickness absence within a rolling 12-month period could invoke the second stage (formal) without first arranging a stage 1 (informal) meeting.

14 Occupational Health Service

14.1 Medical advice from the School's Occupational Health Service Provider should be sought at an early stage, but a referral to Occupational Health should not be automatic.

A referral to Occupational Health should be undertaken where more information and advice on the situation affecting the employee's ability to work effectively and efficiently is being sought.

14.2 If the reason for the absence is work-related stress or related to back problems and there has been 2 weeks continuous absence, a referral to Occupational Health should be undertaken immediately.

14.3 The Head Teacher (or designated person) **must** inform the employee that they are being referred in writing, informing them of the reason for the reason for the referral.

and should provide the employee with a copy of the referral that has been sent to Occupational Health

14.4 The Head Teacher (or nominated person) must consult the School's HR Advisory Team or the School's HR provider prior to an employee being referred, fully explaining the reasons for referral and making available a copy of the employee's job description and sickness absence record.

15 Second Stage – Formal

15.1 The Head Teacher (or designated person) should use their discretion in deciding when it is reasonable and justified to invoke the formal procedure rather than automatically applying trigger points in relation to an employee's frequent sickness absence. Matters such as a previous medical condition, circumstances associated with the employee's post and/or working conditions, or medical conditions that are unlikely to recur (e.g. fractures of limbs) will be taken into account before invoking formal procedures. Each case will be considered on a case-by-case basis and in accordance with the School's Sickness Absence Procedure. Absences that relate to leave or reasons other than sickness (e.g. attending medical appointments) will be disregarded for the purposes of the formal procedure. Where an employee has absences due to an injury at work, advice from the Schools HR Advisory team must be sought in all cases.

15.2 Taking into account the above, if the employee's level of sickness absence still gives cause for concern, which may include failing to return to work within the review period or failure to meet the targets set, a second stage (formal) meeting may be arranged following receipt of further medical evidence and/or occupational health advice.

15.3 The employee should be given **a minimum of 5 working days (excluding school closure periods)** written notice of the meeting and be informed of the right to be accompanied/represented by a trade union representative or work colleague.

15.4 The second stage formal meeting will explore in more detail any further medical evidence and the reasons for the absence(s) and, if necessary and appropriate, further action will be taken by the designated person to improve the employee's attendance or wellbeing. Again, reasonable adjustments and support mechanisms should be discussed. The designated person will put their observations about any apparent pattern of absence to the employee directly so that the employee has the opportunity to provide an explanation and will seek, in conjunction with the employee, to identify ways in which the employer could assist them to improve future attendance and to set reasonable targets. A further review period may be set, which will normally be no longer than three months.

15.5 Employees suffering from conditions of an intimate nature may choose to discuss sensitive health issues with a person of the same gender or an alternative appropriate person, the identity of whom will be agreed between the employee and the designated person. Intimate details of the illness do not need to be disclosed, although decisions will be taken on the information available.

15.6 If there are any reasonable grounds for concluding that the employee's absence was not genuinely for the reason given, the Head Teacher (or designated person) will put the evidence to the employee directly so that they have the opportunity to respond and provide an explanation. If any further action is required, this would normally be undertaken in accordance with the disciplinary policy.

15.7 A record of the stage two formal review meeting will be made detailing the discussion, date of and reason for absence and outcome and confirmed in writing to the employee and their trade union representative (if in attendance) **within 5 working days (excluding school closure periods)**.

16 Outcomes of Stage 2

16.1 During the review period, if the employee returns to work, there will be no need to hold any further procedural meetings. However, the Head Teacher (or designated person) should conduct a return-to-work meeting to discuss arrangements for the employee to return to work with support. At this meeting, the employee should be informed that no further action will be taken as long as satisfactory attendance levels are maintained. However, the employee should also be informed that further episodes of sickness absence, within a 12-month period, could lead to immediate progression to stage 3 of the process.

16.2 If the employee's sickness absence has not improved sufficiently, the Head Teacher (or designated person) should ensure that:

(a) adequate medical advice, including a further Occupational Health Report, has been obtained about the employee's condition, likely prognosis and any support mechanisms or reasonable adjustments that could facilitate a return to work;

(b) Appendix 2 has been considered fully if an employee has a health condition that is identified as being a disability;

(c) a recent opportunity has been given to the employee to give their own view on their health in relation to their employment capability;

(d) the employee has been sufficiently consulted about their health condition/s and prospects in the context of their needs and those of the service, including a discussion of the possibility of dismissal if appropriate;

(e) the length of the period of sickness has been considered, along with the employee's length of service and employment record;

(f) offers of alternative employment/redeployment have been considered (if recommended by Occupational Health as appropriate);

(g) appropriate investigations have been made into all aspects of the matter which may be relevant to a potential decision to dismiss; and

(h) the employee has had the opportunity to involve their Trade Union representative throughout the proceedings if they so wishes.

16.3 Taking account of the above at the end of a second stage formal review period, the Head Teacher (or designated person) may consider that the employee has a permanent condition and therefore is unlikely ever to be fit to perform the duties of their role, or may not be fit to meet any targets set. If either is the case the employee should be informed that any further sickness absences may lead to a recommendation to the Governing Body for dismissal on the grounds of ill-health. In such circumstances, the employee should be given time to consult their GP or relevant medical practitioner and trade union representative before giving a considered response. In addition, advice should be sought from Occupational Health for up-to-date information on the employee's health condition.

16.4 All parties involved in the sickness absence procedure are required to treat all cases of employee's absence due to illness in a fair, consistent and constructive manner. No employee will be dismissed on grounds of sickness absence without due warning and without recourse to the Sickness Absence Policy.

16.5 After full consideration of the case without resolution, the Head Teacher (or designated person) may refer the case to the appropriate Governing Body sub-committee in line with the Sickness Absence Policy and as set out in Appendix 1.

16.6 The employee should be informed that the Head Teacher (or designated person) may convene a Governing Body Ill-Health Dismissal Committee and that the outcome of the Governing Body Committee's deliberations may be that the employee is dismissed with notice on ill-health grounds.

Note. The above procedure is simplified where ill-health retirement is granted, although the decision to dismiss is a management decision (and not a medical one).

This policy will be regularly reviewed after agreement to ensure that it is being implemented as expected.

APPENDIX 1

Referral to Governing Body Committee - Stage Three

1 Referral to Governing Body Committee

1.1 Once the Head Teacher (or designated person) has decided to convene a Governing Body Committee this should be confirmed to the employee in writing and a report drafted documenting the case for dismissal.

1.2 The Governing Body should set up the Committee with at least three governors. This Committee must hear the representations and recommendations brought by the Head Teacher (or designated person) to consider whether the employee is capable on the grounds of ill-health of undertaking the duties of their role. The Committee should also consider any representations that the employee and/or their representative may wish to make.

1.3 Where a sickness absence case is referred to the Governing Body Committee a meeting of the Committee shall be convened **within fifteen working days (excluding school closure periods)** of notification from the Head Teacher (or designated person) to consider the case.

1.4 The employee shall be given **no less than ten school working days (excluding school closure periods)' notice** in writing, of a Stage Three meeting, which will include the date, time, venue and purpose of the meeting and shall be given a copy of the report (with appendices) that recommends the employee's dismissal. The employee should be advised of their right to be accompanied by a trade union representative or work colleague.

1.5 The Governing Body Committee will be advised to follow a procedure for the meeting as set out below:

- The Commissioning Director Education shall appoint an appropriate officer to attend the meeting and advise the Governors on procedures and to act on their behalf as Clerk to the proceedings. The Governing Body Committee should consider this advice prior to making its decision.
- The Head Teacher (or designated person) will put the case for dismissal and shall call witnesses as necessary in the presence of the employee and their representative.

- The employee and/or their representative shall have the opportunity to ask questions of the Head Teacher (or designated person) or any witnesses on the evidence presented.
- The Employee or representative will put forward their case, calling witnesses and/or documentary evidence that they consider appropriate.
- The Head Teacher (or designated person) will have the opportunity to ask questions of any witness called by the employee on the evidence presented.
- The members of the Governing Body Committee shall have the opportunity at any stage to ask questions of both parties, their representatives and witnesses.
- Witnesses will be asked to leave the meeting once they have given their evidence and been asked any appropriate questions.
- Before summing up either party may, in appropriate circumstances, recall and reexamine any witness. Thereupon the other party shall also have the right of reexamination.
- The Head Teacher (or designated person) will have the opportunity to sum up but must not introduce new evidence.
- The employee, or their representative, will have the opportunity to make the final summing up but must not introduce new evidence at this stage.
- Both parties shall then withdraw, leaving the Governors to deliberate in private. The officer representing the Commissioning Director Education shall remain with the Governors in order to advise on procedural matters and to record their decisions. If there is a need to recall either side to clarify points of uncertainty then both parties will return, even if only one side is involved. Witnesses may be recalled and re-examined by the Governors in the presence of both parties.
- Where possible the decision will be indicated to both parties verbally after the meeting. The decision will be confirmed in writing as soon as possible, but **within five working days (excluding school closure periods)**.

1.6 The Committee may make one of the following decisions:

- Impose a further review period when there is information that indicates the employee may return to work within a reasonable period of time;
- Offer alternative employment, when alternative posts are available within the School.
- Dismiss on the grounds of ill-health, in which case the normal notice period will apply and appropriate alternative employment should be considered further before the end of the notice period.

1.7 If the employee is dismissed, then the employee will have the right to appeal the decision.

2 Stage Four – Appeal

2.1 In the event the employee wishes to appeal against the dismissal decision, written notice of the appeal, together with the grounds upon which the appeal is based, should be communicated to the Clerk to the Governing Body **within five working days (excluding school closure periods)** of the date of the letter confirming the dismissal.

2.2 The appeal shall be heard by the Appeals Committee of the Governing Body **within ten working days (excluding school closure periods)** wherever possible. This Committee shall normally consist of three members of the Governing Body and, in any case, of no fewer members than the Dismissing Committee. Governors involved in the Dismissal must not be involved in any appeal.

2.3 **At least ten working days' notice (excluding school closure periods)** of the date and place of the hearing will be given to the employee, who may be accompanied by their Trade Union representative or a work colleague.

2.4 The process to be followed at an Appeal Hearing should be the same as Dismissal Hearing.

2.5 The Appeals Committee may decide to:

- Uphold the dismissal of the employee
- Reinstate the employee with recommendations as appropriate.

2.6 The decision of the Appeals Committee shall be confirmed in writing to the employee **within five working days (excluding school closure periods)**. There is no further internal right of appeal.

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APPENDIX 2 Reasonable Adjustments Under The Equality Act 2010

From 1 October 2010, the Equality Act 2010 replaced and repealed most of the Disability Discrimination Act (DDA). The Equality Act prohibits discrimination against people with the protected characteristics that are specified in section 4 of the Act. Disability is one of the specified protected characteristics. Under the Act, an employer has a duty to make reasonable adjustments for disabled employees. This Section will consider this.

Please note that this Schedule should be read with the "Equality Act" guidelines set out in the Council's Guide to Employing Disabled People.

Principles

- A person has a disability within the meaning of the Equality Act if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities. For the purpose of the Act, "substantial" means more than minor or trivial. "Long-term" means that it has lasted at least 12 months, it is likely to last at least 12 months or it is likely to last for the rest of the life of that person. It should be noted that staff who have had a disability in the past and meet this definition are also covered by the Act.

- The Equality Act continued to make it unlawful for the Council and Schools to treat a disabled person less favourably because of their disability. It is also illegal for a policy or procedure to impact unfairly on someone due to their disability. In such situations, as it is indirect, we may have a defence to that treatment if it can be objectively justified. Advice should be sought in such situations. It should also be noted that the Act protects staff from disability discrimination should they be treated less favourably because of their association with a disabled person.

- Dismissal, including compulsory early retirement, of a disabled person for a reason relating to their disability would need to be justified by good reason and the reason(s) for it would have to be one(s) which could not be removed by any reasonable adjustment(s). In summary, it would be justifiable to terminate the employment of an employee whose disability makes it impossible for them to continue to perform the main functions of their job if an adjustment, (such as a move to a vacant post elsewhere in the School/Local Authority), is not practicable or otherwise not reasonable for the School to have to make.

- If the School (as represented by its Head Teacher and Governing Body) knows or could reasonably be expected to know that a person has a disability, it is under a duty to consider what reasonable adjustments could be made to the workplace or the way the work is done to resolve any difficulties the disabled person faces in doing their existing job.

- As the School can be reasonably expected to know that a person has a disability, Head Teacher's need to consider and be sensitive to the possibility that an employee's period of sickness may be caused by a disability. This is particularly true in respect of possible psychological conditions including depression, which may result in periods of absence (combined possibly with poor work as a result of lack of concentration), and which an employee may be reluctant to disclose or discuss with their manager. Such situations need to be approached with particular sensitivity.

- The nature of the reasonable adjustments which have to be considered will depend on the circumstances of each case. Where no reasonable adjustments would overcome a particular disability to enable the disabled person to continue with their existing job, reasonable adjustments could include:

    - Transferring the employee to a suitable alternative post. (The duty to make reasonable adjustments is a continuing one and thus applies to alternative posts as well)
    - Provisions made to assist a gradual return to full-time hours or, for example, a change to part-time hours. ○ Additional training may be necessary to enable the employee to take on the new post.
    - If it is viewed as appropriate, the employee may be asked to contact Access to Work for support for reasonable adjustments. If this is the case, it will be the employee's responsibility to do so.

Process

1. Where an employee has breached the absence triggers as a result of any informal or formal meetings and the Head Teacher (or designated person) has reason to believe that any or all of the periods of absence may be due to an actual or perceived disability as defined under the Equality Act 2010, they must be referred to the Occupational Health (OH). The existence of such a condition may in any event be revealed by simple and sympathetic investigation with the employee about the reason for their absence. The Head Teacher (or designated person), in conjunction with the Schools HR Advisory Service, should seek advice from the OH as to the employee's ability to do their work and any limitations on their capabilities that may need to be taken into account in considering what reasonable adjustments to the individual's work it may be practicable to make.

2. If it is confirmed (by the OH or otherwise) that there is a health condition which is defined or classified as a disability under the Act, the Head Teacher (or designated person) should ensure that records of any subsequent periods of absence indicate whether the absence is due to their disability or for any other reason.

3. Where periods of absence are due to a disability the Head Teacher (or designated person) has a duty, as part of the informal and formal meeting process, to consider what

reasonable adjustments can be made to the employee's workplace or to the work they are doing, which would overcome these effects. The employee should be consulted as to their needs. The Head Teacher (or designated person) must ensure that any considerations, which are given to reasonable adjustments, including details of any consultations with the employee, are properly noted.

The reasons for making any particular adjustments or the reasons why any particular adjustments are not considered practicable must also be noted, whether such considerations take place within meetings, with the member of staff or afterwards.

4. Copies of the notes of the contents of meetings should be supplied to the employee for their agreement or otherwise. They should be advised that if they disagree with the accuracy of the notes they should set out their disagreement in writing and confirm how/what they should be corrected to accurately reflect the contents of the meeting.

5. Where periods of absence are unrelated to a disability condition covered under the Equality Act, the normal procedures set out in this policy will apply.

6. Where periods of absence are due to a mixture of conditions classified as a disability and non-disability under the Act, the appropriate action should be taken in relation to the health condition classified as a disability, as outlined in this Appendix.

7. Prior to any consideration of dismissal, attention must have been given to the obligations under the Equality Act towards the disabled employee. In particular, it is only after consideration has been given to make reasonable adjustments to the employee's existing job and there are no alternative jobs available (which again should be considered in light of any reasonable adjustments which may be made to the role to make it suitable to the disabled employee) that termination can properly take place. The decision to dismiss will have to be justified by good reasons. It may be that their employment contract is reviewed, the time limit should be varied to allow for such detailed consideration to have taken place (this would be seen as a reasonable adjustment). Equally, where a disabled employee meets the requirements for ill-health early retirement or redeployment the dismissal would have to be justified and the reason for it would have to be one, which could not be removed by any adjustment.

8. When all reasonable adjustments and alternative options have been explored dismissal on grounds of ill health or 'some other substantial reason' will be considered. Before any decision to dismiss can be taken advice from both legal and human resources must be sought.

9. Termination of employment will be with contractual notice.

10. Similarly, where a employee meets the criteria, as medically assessed, for ill-health early retirement or ill-health redeployment, due regard must be given to the obligations under the Equality Act.

APPENDIX 3

Additional Advice and Support

Occupational Health – Any employee who falls under this procedure may find it helpful to talk to the Occupational Health Adviser. In addition, the Head Teacher and Human Resources will need specialist advice relating to the relationship between the employee's health and work. Therefore, the employee may be referred to the Occupational Health Service during any part of this procedure.

Counselling – The Council provides a confidential external service for staff through our Occupational Health Service.

EAP – Employee Assistance Programme – is a neutral welfare initiative available by telephone to give counselling, information, signposting and support. This is only available to schools that have bought into this service. Each School will be able to advise their employees accordingly.

Trade Unions – The Council recognises the important role that trade unions have in resolving and supporting such issues and encourages employees to approach their Representatives for support and/or representation at meetings. The recognised trade unions are as follows:

Non-Teaching:

- APEX GMB
- GMB
- Unison
- Unite

Teaching:

- ASCL
- NAHT
- NASUWT
- NEU

External Support for Teaching Staff – Teacher Support Line is a 24-hour, 7 day a week confidential telephone helpline for teachers. The contact number is 08000 562561. Further information can be sought on their website: https://www.educationsupport.org.uk/

Staff Support Networks - The Council has well established support networks that provide valuable support, including confidential advice, on both work related and personal matters.

The staff support networks are as follows:

- New & Expectant Parents Network
- Employee Ability Support and Enablement (EASE) Network • Early Careers Network
- LGBT+ (Lesbian, Gay, Bisexual and Transgender) staff network
- STARE (Standing Against Racism and Exclusion) staff network
- Women's Network
- Menopause Support Group

FINAL

APPENDIX 4 Return to Work (Self Certificate) Form

Return to Work (Self Certificate) Form

To be completed on the employee's first day back at work following sickness absence (If this absence has exceeded 7 days, please attach the note obtained from your GP)

Name:											
Job Title											
Normal Hours of Work	To:				From:						
Normal Days	M on		Tue		Wed		Thurs		Fri		
Sickness Absence	Start Date:		End Date:		Total Days Absent						
Sick Certificate	Yes		No								

Reason for Period of Sickness Absence	
Employee's Comments: **Including any support required and any medication as a result of absence**	

Once this form has been completed, please pass it to your line manager

Sickness Absence Total Days/Periods Absent in the last twelve months	

Manager's Comments: **Including any support required**	

Employee's signature		Date	
Manager's signature		Date	

Guidance on Return-to-Work Meeting PURPOSE OF RETURN-TO-WORK INTERVIEW

- To find out the reasons for and, if possible, the causes of absence
- To check that the employee is fit to return to work
- To facilitate the employee's return to work
- To minimise the risks of any further occurrences of absence
- To advise the employee of any further action which may be taken

DETAILS OF LAST ABSENCE

- Total days absent should be recorded as working days (excluding school closure periods) lost
- Reason for absence will normally be available from the certificate. Please ensure that the stated reason has more details than just either sick or unwell.
- If possible, try to establish the cause of absence.
- Medical Certificate, Yes/No, to be deleted as appropriate

ABSENCE RECORD OVER PAST 12 MONTHS

- This section should be completed before the interview is held
- Days lost should be counted as working days (excluding school closure periods) 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 his/her responsibility to check for and notify the Head Teacher of 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, the Head Teacher or designated person will need to establish what the employee can do whether any reasonable adjustments could be made

on a temporary basis to facilitate a full return to work, with the cooperation of the employee.

ANY FURTHER ACTION

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

DISCLOSURE/DISTRIBUTION

- Copies of the Return-to-Work Interview form should be held by the school and employee and a copy sent to Human Resources to place on file.
- The form could also 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 but is subject to the Data Protection Act 1998.

FINAL