

# Heart of the Forest Community Special School

## Staff Sick Absence Policy



<b>Approved by:</b>	HoF Governing Body	<b>Date:</b>	
<b>Signed by Chair of Governors:</b>		<b>Date:</b>	
<b>Last reviewed on:</b>	May 2023	<b>Next review date:</b>	May 2024
<b>Website:</b>	Yes	<b>Type:</b>	Non- Statutory

## **1.0 Introduction**

This policy sets the expectation of high levels of attendance at work and details the various circumstances of sickness absence and how they will be managed. The head teacher/manager is responsible for managing absence fairly and in a consistent manner. The policy applies to all school staff.

This policy does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the school at anytime.

## **2.0 Sickness absence reporting process**

The head teacher/manager must be informed of sickness absence as soon as possible, before the employee's normal start time or a time as determined by the school. The school determines this time to be 7:30am on the day of absence. Staff members should email their absence via the absence email address. The member of staff should inform school of each day of absence unless a sick note has been provided.

Employees must self certify for absences up to seven calendar days.

For absences of eight calendar days or more, the employee must:

- give their manager/head teacher a 'fit note' or appropriate document
- speak to their manager on the eighth day

If someone is physically incapable of calling in, a friend, relative or medical professional can call in on their behalf but, as soon as possible, the employee must call and provide evidence (for example, a Fit Note) of their circumstances.

Failure to follow the reporting procedure may result in the absence being treated as unauthorised, and sick pay may be withheld and/or disciplinary action taken.

## **3.0 Doctor's 'fit note'**

From the eighth day of absence onwards, a doctor's fit note must be submitted to their manager until the employee is fit to return to work. The fit note will provide guidance on the employee's level of fitness and how this may affect their ability to work.

The manager will discuss with the employee the contents of the fit note and whether any guidance can be accommodated wholly or with some adjustment, in line with the needs of the school. If for any reason it is not possible to accommodate the employee's return to work at this stage, the employee will remain "off sick".

If the school is able to accommodate the advice/guidance the employee must return to work. Should they refuse, the school may consider taking action under the Conduct Policy.

#### 4.0 Sick pay entitlement

Provided the requirements of the policy are followed, sick pay will be paid in line with the employee's conditions of service. Sick pay includes, where appropriate, statutory sick pay (SSP) and will not exceed normal pay. It will be paid for the following period of absence dependent on length of service:

Support staff sick pay in any rolling 12 months' period:

	Full Pay	Half Pay
First year	1 month	2 months (after four month's service)
Second year	2 months	2 months
Third year	4 months	4 months
Fourth and fifth year	5 months	5 months
Sixth year onwards	6 months	6 months

Teachers' sick pay in any year 1 April – 31 March:

	Full Pay	Half Pay
First year	25 working days	50 working days (after four month's service)
Second year	50 working days	50 working days
Third year	75 working days	75 working days
Fourth year onwards	100 working days	100 working days

For the purpose of the sick pay scheme, "service" includes all aggregated teaching service with one or more local education authorities.

Sick pay may be suspended if in the opinion of the governing board of trustees the injury/condition has arisen due to the employee's misconduct, the employee has failed to comply with the conditions of this scheme, or they have behaved in a way prejudicial to their recovery. In this case the employee will be allowed to meet with the governing board to respond to the concerns.

#### 5.0 Absence due to injury sustained at work

Occupational sick pay for absence as a result of an accident at work, confirmed by an approved medical practitioner is treated completely separately to pay for normal sickness absence. However all sickness absences are reckonable for entitlement to SSP.

#### 6.0 Referral to Occupational Health (OH)

Managers should refer employees to the school's OH service if they feel their input would be helpful, particularly if:

- The employee has had a total of eight or more days' absence (whether on one occasion or across several occasions) during the last 12 months
- Absence is related to mental illness or musculoskeletal issues
- The school becomes aware that the employee has a medical condition that is likely to result in long term absence
- Absence continues for more than four weeks.

Non-attendance or failure to cooperate with an OH referral without good reason may result in disciplinary action and, if the employee is currently on sick leave, could mean their sick pay being suspended. In some circumstances, if the employee fails to attend any appointments without prior notice and a good reason they may be liable for full costs incurred.

The school may ask for the employee's consent for OH to contact their doctor to access their medical records. These will remain confidential to OH.

The purpose of requesting medical information is to ensure that any advice given by OH regarding the effect of the employee's health on their employment is fully informed. However, the employee has the option to view and comment on the report before their doctor sends it to OH, and a legal right to refuse consent for OH to contact their doctor. The school can only make decisions about an employee's employment based on the information they have.

The OH advice and guidance is used by the manager to discuss managing the employee's health and/or return to work and to make informed decisions about the potential effect on their employment.

An employee who unreasonably fails to co-operate with their employer in the appropriate management of their sickness absence may have their contractual sickness pay suspended.

## **7.0 Phased return**

Where a short (normally no longer than two to four weeks) period of rehabilitation is recommended by OH or the employee's doctor, the school will, in discussion and agreement with the employee, implement it (wholly or in part) if possible, giving due consideration to the needs of the school/service. This may include temporary adjustments to normal duties and working hours with appropriate support.

For teachers, a phased return is classified as sickness absence until they are fit for work. In these circumstances the employee normally continues to submit fit notes and will receive normal entitlement to sick pay.

For support staff, there are a number of options for pay arrangements during a phased return to work:

- Return on full pay (if an extension to this initial period is required, or if the person has had more than one phased return in the previous 12 months, then the phased return could require a temporary reduction in hours)
- Return on pay for hours worked and can claim sick pay for the remainder (though they can only claim sick days for full days not worked)
- Return on sick pay until completion of a phased return.

The manager may use their discretion to agree an appropriate arrangement for a phased return. This should include with reference to the model Attendance Policy and the Attendance MGN (found under “Performance Management” section of Schoolsnet) which provide useful information for the informal and formal management of attendance. The purpose of a phased return is:

- To allow the opportunity to return to work in a structured way when the employee has recovered after a long period of absence, helping to build stamina and confidence for a full return to work
- To allow the employee to gradually return to work to test their ability to do the job in relation to the medical condition
- To allow the head teacher (or Chair of Governors - in the case of a head teacher), manager and OH provider to assess the employee’s actual level of fitness and the timescale for a return to normal duty
- To allow the school to meet its obligations under the Equality Act 2010.

Where longer periods of rehabilitation are required, the school may agree a temporary adjustment to the employee’s contract of employment.

### **8.0 Contacting an employee during sickness absence**

Regular contact should be maintained during any period of sickness absence and this could reasonably include a meeting with the employee.

### **9.0 Return to work and return to work meetings**

If during the period of a ‘not fit’ fit note the employee feels they have recovered sufficiently to return to work, the employee should discuss this with their manager.

In considering a return to work the employee and manager will undertake a risk assessment. Any early return to work should be confirmed in writing.

Managers will discuss sickness absence with the employee on their return to work and may ask the employee to attend a return to work meeting after any period of sickness absence, but particularly when:

- Short term absence totals eight days accumulated over the last 12 months

- A single period of absence is more than 14 consecutive calendar days.

The purpose of the meeting is to:

- Welcome the employee back to work and check they are well enough to work
- Clarify the cause of the absence
- Together address issues that may be causing or contributing to the absence  
Agree any initial support that may be needed
- Discourage unjustified absence and demonstrate the importance of absence management to the school.

#### **10.0 Failure to follow sickness procedure**

If the employee fails to follow the sickness procedure, the absence will be unauthorised and dealt with as a conduct matter and sickness pay will be suspended.

#### **11.0 Ill Health retirement**

Employees who are members of the Teachers Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS) can be considered for ill health retirement. All ill health retirements have to be explored with medical advice from OH, as there are very specific criteria around ill health retirements which only the OH doctor can apply.

#### **12.0 Absence dismissal**

Sickness absence is managed through the Attendance Policy and the aim is always to secure sustained improvement in attendance at work. However, poor attendance or an inability to carry out the role can result in dismissal.

#### **13.0 Employees with a disability**

The school will comply with The Equality Act 2010 and seek to make reasonable adjustments to support employees in their job. When appropriate, advice will be taken from OH and HR.

The Access to Work Service offers financial and practical assistance to people with a disability to support them to continue in work. More information can be found on this website:

<http://disabilityrightsuk.org/access-work>

If an employee is unable to carry out their current duties after reasonable adjustments have been fully explored, the school will seek redeployment. However if no suitable employment is available then the employee may be dismissed. For permanent disability, the school may seek advice from OH in respect of ill health retirement.

#### **14.0 Time off for an emergency**

When time off is needed for an emergency, sick leave is not appropriate. However, leave may be taken under the Authorised Special Leave Policy on Schoolsnet, which covers compassionate leave and family care leave.

#### **15.0 Sickness for non-essential elective surgery**

Occupational sick pay will not be paid for non-essential surgery such as cosmetic surgery unless it is deemed necessary on medical grounds by a GP or other medical practitioner. Evidence of this is required before occupational sick pay will be issued. SSP will be issued if a fit note is provided, regardless of the reason for the cosmetic surgery.

In the event that there are complications after non-essential surgery resulting in the employee being unfit for work for longer than normal (i.e. post surgery infection) then occupational sick pay will apply for the excess recovery period.

#### **16.0 Absence due to an accident for which a third party is liable**

The employee should advise the school immediately in these circumstances. The school will expect the employee to provide details of any compensation received related to the injury/condition which has caused the absence and may require the employee to pay back part or all of the sick pay paid but this amount will not exceed any damages recovered.

#### **17.0 Annual leave entitlement during sickness absence**

If the employee is on annual leave, they can elect to have some or all of the absence as sick leave provided the manager is satisfied they have complied with the sickness absence reporting procedure. The position may vary depending on the circumstances (please contact your HR Adviser for advice).

When an employee is on sick leave, their annual leave entitlement accrues at the same rate as if they were performing their normal hours of work. Under the Working Time Regulations, if a period of sick leave runs over the end of the current leave year, employees are entitled to carry forward any unused part of their 'statutory' annual leave entitlement (20 days per year). The eight day bank holiday entitlement can be carried over at the manager's discretion.

## 18.0 Sickness Absence flowchart – Manager/employee responsibilities

Manager	Time scale	Employee
Record sickness absence Initiate Sickness Absence Declaration form Consider fast track referral to OH if absence relates to mental health or musculoskeletal	Day One	Email to manager or senior person on site before normal start time (or in line with the school's procedure) Notify them of the date and time illness started (including Saturday, Sunday and holidays) and the precise reason for absence
Continue to record absence as appropriate	Day Four	Email to manager to confirm or amend information given on day one
Keep fit notes until employee returns to work Continue absence recording	Day Eight	Must provide doctor's fit note from day eight onwards and update manager prior to expiry of each fit note
If employee returns to work days 1 – 14 conduct a return to work discussion or if appropriate conduct return to work meeting on day of return. Complete sickness recording process attaching fit notes	Return to work: Absence duration 1 – 14 days	Return to work discussion and complete relevant absence recording documents
If employee returns between days 15 – 28 conduct return to work meeting. Complete absence recording process attaching fit notes	Return to work: absence duration 15- 28 days	Return to work meeting and complete absence recording documents
If employee remains absent, contact them. Consider OH referral. Liaise with payroll about any changes to pay arising from ongoing absence	If employee still absent after four weeks	Attend any OH appointments
Contact the employee on a regular basis Manage the employee's long term absence in line with the Attendance Policy – contribute to and comply with any action plan agreed Continue absence recording / keep payroll informed	Ongoing requirements throughout the absence	Employee must continue to keep in regular contact with the manager and must be available to meet with the manager, as requested, during the employee's normal working times unless otherwise agreed The employee must maintain the submission of doctor's fit notes and follow any medical advice to improve health Advise manager / OH of any new medical information including when fit note states you may be fit for work



Conduct structured return to work meeting and complete absence recording process. Advise payroll

Return to work after four weeks absence or more

Attend meetings i.e. performance reviews with manager and OH appointments and contribute to and comply with any action plan agreed  
Attend structured return to work discussion and complete  
Sickness Absence Declaration form

Note: Reporting sickness absence

In certain cases it may be necessary to warn an employee that failure to notify sickness absence as outlined above will result in loss of pay and/or exclusion from the relevant sick pay scheme and that formal action may also need to be taken under the Attendance Policy.

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