

**MANAGING HEALTH AND  
ATTENDANCE POLICY  
FOR SCHOOLS**

If you require a copy of this document  
in large print, Braille or audio format,  
please contact Human Resources

**HUMAN RESOURCES DEPARTMENT**

**September 2011**

**TABLE OF CONTENTS**

<b>1. <u>INTRODUCTION</u></b>	<b>3</b>
1.1. <a href="#">Aims Of Policy</a>	3
1.2. <a href="#">Approach To Managing Ill Health And Sickness Absence</a>	3
1.3. <a href="#">Responsibilities</a>	3
<b>2. <u>SICKNESS ABSENCE OF EMPLOYEES</u></b>	<b>5</b>
2.1. <a href="#">Sick Pay</a>	5
2.2. <a href="#">Confidentiality</a>	5
2.3. <a href="#">Recruitment Of New Staff</a>	5
2.4. <a href="#">Probationary Procedure</a>	5
2.5. <a href="#">Sickness Absence Reporting</a>	5
2.6. <a href="#">Return To Work Meeting</a>	6
<b>3. <u>MANAGING ABSENCE</u></b>	<b>7</b>
3.1. <a href="#">Managing Short Term Sickness Absence</a>	7
3.2. <a href="#">Managing Long Term Sickness Absence</a>	7
<b>4. <u>HEALTH AND ATTENDANCE FORMAL PROCEDURE</u></b>	<b>9</b>
4.1. <a href="#">Stage 1 Sickness Absence Meeting</a>	9
4.2. <a href="#">Stage 2 Sickness Absence Meeting</a>	10
4.3. <a href="#">Stage 3 Sickness Absence Meeting</a>	11
4.4. <a href="#">Appeal Rights</a>	13

## 1. INTRODUCTION

### 1.1. AIMS OF POLICY

This policy sets out the procedures to be used where a staff member is suffering from ill health which affects their ability to carry out their duties, or is absent from work due to ill health. The London Borough of Richmond upon Thames (LBRuT) is committed to supporting staff suffering from ill-health to regain their health and return to work. It is also committed to ensuring that absence from work due to sickness is managed appropriately, in order to minimise the effect on the organisation's ability to provide quality services to its customers. The Policy therefore aims to:

- Enable headteachers and line managers to provide appropriate support to staff who are unwell,
- Provide a framework within which headteachers and line managers can take action to address problems of ill health or sickness absence,
- Provide headteachers and line managers with guidelines for dealing with both short term and long term sickness absence.
- If the headteacher is suffering from ill health then the following references to 'headteacher' must be replaced with 'Chair of the Governing Body'.

### 1.2. RESPONSIBILITIES

**It is the headteacher or line manager's responsibility** to support the employee's efforts to regain his or her health as soon as possible in order to return to work and maintain the quality of the service being provided. Where the employee's ill health is defined as a disability under the Equalities Act, headteachers and line managers are responsible for ensuring that they make reasonable adjustments to the work of an employee or their working environment to remove barriers and enable employment with the school to continue (see section 2.3 for details).

In order to minimise ill health, headteachers and line managers are responsible for implementing the school's policies in respect of the Health and Safety of its employees. Guidance is available on the extranet [http://schools.richmond.gov.uk/home/health\\_and\\_safety.htm](http://schools.richmond.gov.uk/home/health_and_safety.htm)

Headteachers and line managers are responsible for monitoring the sickness absence of their staff in accordance with the guidelines on absence monitoring (see sections 3 and 4) and taking action in line with this policy where appropriate.

**Employees have a responsibility** to follow the procedures laid out in this policy regarding the reporting of their sickness absence (see section 2.5) and to attend meetings with their headteacher or line manager or the Occupational Health Unit (OHU) as required.

They have a responsibility to inform their headteacher or line manager personally at the start of any period of sickness absence as soon as possible. They should also keep their headteacher or line manager informed at all times during each absence as to the date

they are likely to return to work. For every period of absence, they are required to use the school's procedure for self certification or to produce a doctor's certificate as set out in this policy.

They must also abide by the school's provisions regarding time off for medical appointments.

Finally, all school staff are responsible for complying with the school's Health and Safety policies, for reporting health and safety hazards and for complying with risk assessments.

**Human Resources (HR)** have a responsibility to provide advice to headteachers, line managers and staff regarding absence issues.

## 2. SICKNESS ABSENCE OF EMPLOYEES

### 2.1. SICK PAY

Entitlement to sick pay is set out in the individual employee's contract of employment.

### 2.2. CONFIDENTIALITY

Employees have the right to confidentiality regarding their health. The utmost care must be taken to maintain the security of information whether written or verbal. Those responsible for maintaining sickness absence records must ensure that they are held in a secure place and only made available to authorised staff on a 'need to know' basis. Sickness records held in schools must be kept in a locked cabinet. Employees are permitted to see a copy of their own sickness absence record on request. Information about health which is provided to the OHU by the employee will remain confidential to the OHU.

### 2.3. RECRUITMENT OF NEW STAFF

All employees, once they have accepted an offer of employment with the school, should declare if they have pre existing health issues which may make them unsuitable for employment or have a disability that may require a reasonable adjustment in order for them to do the job.

The school will seek a medical view from an Occupational Health Adviser as necessary to be satisfied that an employee is fit to attend work and undertake the duties of the job for which they have been employed.

## 2.4. PROBATIONARY PROCEDURE

Support staff are subject to a probationary period of six months. Headteachers and line managers are required to follow the school's Probationary Procedure and this includes monitoring of the employee's health and attendance at work. Long or short term sickness absence during the probationary period requires action by the manager in accordance with the Probationary Procedure, available on the extranet at [http://schools.richmond.gov.uk/home/hr\\_policies\\_procedures/hr\\_policies\\_and\\_procedures.htm](http://schools.richmond.gov.uk/home/hr_policies_procedures/hr_policies_and_procedures.htm)

## 2.5. SICKNESS ABSENCE REPORTING

**Failure to report sickness absence in accordance with agreed procedures or to complete the required forms may mean that this is considered 'unauthorised absence' and may therefore result in deduction of salary and/or be liable to action under the school's Disciplinary Procedure.**

Absence should be reported as follows:

- **Absence day 1:** Employees are required to notify the headteacher or line manager personally as soon as possible on the first day of sickness absence. This should ideally be in advance or, at the latest, within one hour of their usual start time.
  - ▶ The employee should follow any locally agreed arrangements for contacting the headteacher or line manager and should not leave messages on answer phones or with colleagues, send text or email messages or have someone else telephone on their behalf. NB: this does not apply to employees whose disability requires them to rely on one of the above means to advise their manager of their absence.
  - ▶ The employee should advise the headteacher or line manager as to the reason for the absence, its likely duration and discuss any issues about work responsibilities which may need to be dealt with.
- **Absence day 3:** The employee should keep the headteacher or line manager informed throughout the period of absence and should, as a minimum, make contact again on the third consecutive day of absence to update the headteacher or line manager on the likely length of the absence if it is continuing.
- **By absence day 8:** If the absence exceeds 7 consecutive days the employee must submit a doctor's certificate, to be with the headteacher or line manager not later than the 8<sup>th</sup> day of absence. Employees must continue to submit medical certificates to cover the whole period of absence.
- The headteacher or line manager should maintain regular contact with the employee, particularly if the absence is likely to be long term.
- **Return to Work:** Employees are required to let their headteacher or line manager know when they will be returning to work. As soon as possible after their return to work they are required to attend a return to work meeting. The school reserves the right to require an employee to produce a doctor's certificate from the first day of absence and to question the validity of a medical certificate if there is cause to do so.

## 2.6. RETURN TO WORK MEETING

Headteacher or line managers are required to hold a meeting with their staff as soon as possible upon their return from all periods of sickness absence. The purpose of this meeting is:

- To welcome the employee back to work,
- To confirm the employee's reason for absence,
- To ensure the correct information is entered on the sickness absence spreadsheet (see extranet at [http://schools.richmond.gov.uk/home/hr\\_policies\\_procedures/health\\_and\\_attendance/staff\\_sickness\\_absence.htm](http://schools.richmond.gov.uk/home/hr_policies_procedures/health_and_attendance/staff_sickness_absence.htm)) and collect any medical certificates,
- To identify whether there are any underlying causes for their absence, in order to provide any appropriate assistance,
- To check with the employee that s/he is fully recovered and fit to work,
- To identify any support the employee may need,
- To consider whether the employee may have a disability which might require reasonable adjustment in the workplace (advice from OHU may be sought),
- To advise the employee if a formal meeting under the Health and Attendance Formal Procedure is required,
- To update the employee on any work issues or changes which have occurred in their absence.

## 3. MANAGING ABSENCE

### 3.1. MANAGING SHORT TERM SICKNESS ABSENCE

**Short term sickness absence is defined as intermittent or occasional days of absence.**

Short term absences (as defined above) totalling 7 working days or more in any rolling year will trigger action by the employee's manager. An informal meeting will normally be held to discuss the employee's attendance record.

Headteachers and line managers should also identify any patterns and trends of short-term absence of less than 7 working days, as detailed below, and action may also be taken in these cases:

- Sickness days before and/or after booked annual leave,
- Sickness days before or after weekends/bank holidays,
- Unauthorised/unreported leave,
- Sickness before or after study leave,

Headteachers and managers can take advice on managing such instances at any time from their designated HR Business Manager.

- **Short term absences totalling 10 days or more in any rolling year will automatically trigger action under Stage One of the Health and Attendance Formal Procedure.**

### 3.2. MANAGING LONG TERM SICKNESS ABSENCE

**For the purposes of this policy, long term sickness is usually defined as absence that lasts for more than 6 weeks continuously.**

Employees may be absent on a long-term sickness basis for a variety of reasons, e.g. recovery from illness, injury, surgery or because of a terminal illness. The impact of the sickness on the employee's ability to work will vary and will need to be considered according to the individual situation. Headteacher and line managers should be particularly sensitive to the circumstances of individual cases when dealing with long term sickness.

In every case of long-term sickness absence, a number of factors need to be considered by the manager, with specialist advice and support from HR and OHU, when coming to a decision on how to proceed. These include:

- The effect on the service of the employee's continued absence and the need to engage a replacement,
- The nature and duration of the illness and the prospects for recovery,
- The nature of the job and the possibility of the employee being redeployed to another post within the school,
- The need to modify or adjust the job or work environment to enable the employee to work effectively, taking into account the constraints of their ill health, or acquired/newly disclosed disability.

It is essential that the headteacher or line manager maintains contact with employees on long term sickness absence. Contact must be made by telephone or in person, after the first two weeks of sickness at the latest, and at least monthly thereafter.

Regular meetings should take place with the employee and advice obtained from the OHU on the employee's fitness to undertake their duties. Where the employee is not well enough to meet the manager at the workplace, the meeting may be held at the employee's home or an agreed alternate venue, with their consent.

**If an employee has been absent through sickness for six consecutive weeks the headteacher or line manager should arrange a Stage One meeting under the Health and Attendance Formal Procedure** (see section 4).

In exceptional cases where the employee is not well enough to attend any meeting, the matter may be dealt with through correspondence or through the employee's representative. Alternatively, a home visit could be arranged.

## 4. HEALTH AND ATTENDANCE FORMAL PROCEDURE

The following applies to meetings at all stages of the Health and Attendance Formal Procedure:

**Written notification:** The employee should be advised in writing, by the headteacher or line manager, that they are required to attend a meeting under the Health and Attendance Formal Procedure. In the case of a disabled employee, it may be necessary to provide related documents in other formats

**Meeting organisers:** Meetings at Stages One and Two are held by the headteacher or line manager, whilst Stage Three meetings are held by a panel of governors, with advice from HR at all stages.

**Right to be accompanied:** The employee has the right to be accompanied to all meetings under the Health and Attendance Formal Procedure by a work colleague within the school or trade union representative. In exceptional cases an employee's disability may require attendance of a support worker or relative to assist during such meetings. Requests must be made to the headteacher or line manager in advance in all cases.

**Meeting record:** A record of all formal meetings must be kept. A model record form is available on the Extranet at [Model Form 1 – Notes of Absence Meeting](#)

**Access issues:** The manager organising the meeting should ensure that access issues have been considered and that reasonable adjustments have been made for all participants.

**Non attendance:** Should the employee not attend the meeting, without advising the meeting organiser or sending written representation, the headteacher or line manager is entitled to reach conclusions on the basis of the evidence at his/her disposal at the time.

**Review periods:** When setting review periods at meetings account should be taken of any reasonable adjustments agreed for disabled employees, with time allowed for these to be put in place.

The procedure set out below applies to all school employees and when it is used in respect of teaching staff it is designed to facilitate action deemed necessary to satisfy requirements of Regulation 7 of the Education (Teachers Qualifications and Health Standards) (England) Regulations 1999 and does not in any event preclude action being taken on the instructions of the Secretary of State in accordance with Regulation 9 of the Education (Restriction of Employment) Regulations 2000.

### 4.1. STAGE ONE SICKNESS ABSENCE MEETING

#### Triggers for Stage 1

**If an employee reaches a 'trigger' point, a meeting should be conducted by the headteacher or line manager.** The trigger point is, for short term absence, a total of 10 days' intermittent absence over a 12 month period, and, for long term absence, a total of 6 consecutive weeks of absence. The invitation to attend a stage 1 meeting is available on the Extranet at [Model Letter 1 - Invite to attend Stage 1](#)

#### Aims of the meeting

At the Stage 1 meeting, some or all of the following may be discussed:

- The frequency and reason for the absences along with any medical evidence,
- The level of concern over the employee's absence record and illness,
- Review of any medical support and any existing reasonable adjustments the employee may be receiving,
- The likelihood and timescale for the employee's sustained return to work,
- Trying to establish any work-related problems, e.g. working relationships, job content, and assessing what can be done to improve such problems,
- The potential for new or further reasonable adjustments, including job modifications or work changes to support the employee's effective return to work or improved attendance,
- Consideration of a referral to the OHU, for advice as to the fitness of the employee to carry out their duties.
- Agreeing a time scale for a further review period if attendance is not sustained.

#### **Outcome of the meeting**

At the end of the meeting the headteacher or line manager and employee will agree a date for review and, in the case of short term sickness absence, the manager and employee will also agree targets for improvement where applicable.

Advice should be sought from HR regarding the above as necessary. The outcome of the meeting, including any action to be taken, will then be confirmed in writing by the headteacher or line manager, as soon as possible and in enough time before the review meeting. The outcome letter is available on the Extranet at [Model Letter 2 – Outcome of Stage 1 Meeting](#). A copy of the letter should also be sent to the HR Business Manager.

If at the review meeting the targets have been met or, for long term absence, a return to work date has been obtained, this should be confirmed using [Model Letter 3 – outcome of Review Meeting](#).

### **4.2. STAGE TWO SICKNESS ABSENCE MEETING**

#### **Triggers for Stage 2**

A Stage Two meeting will be held by the headteacher or line manager if the targets for attendance have not been met within the review period set at the first stage, or, in the case of long term sickness absence, if the employee does not have a date to return to work at the end of the review period. The invitation to attend a stage 2 meeting is available on the Extranet at [Model Letter 4 - Invite to attend Stage 2](#).

#### **Aims of the meeting**

The headteacher or line manager would be expected to have obtained an up to date medical assessment from the OHU prior to this meeting.

The meeting should include a discussion on the factors previously covered (see 4.1) and further targets for attendance should be set.

The employee should be informed that if the absence level continues, a further meeting (Stage Three) will be held to determine the likelihood of improved and sustained

attendance and the employee's capability to meet the requirements of their job. It should also be stressed that this could potentially lead to their dismissal on the grounds of incapability. This applies where effectively the employee is no longer able to fulfil his/her contract of employment, whether due to short term continued absences or long term absence.

#### **Outcome of the meeting**

At the end of the meeting the headteacher or line manager and employee will agree a date for review, and in the case of short term absence further targets for improvement will also be set.

Advice should be sought from HR regarding the above as necessary. The outcome of the meeting, including any action to be taken, will then be confirmed in writing by the headteacher or line manager as soon as possible and in enough time before the review meeting. The outcome letter is available on the Extranet at [Model Letter 5 – Outcome of Stage 2 Meeting](#). A copy of the letter should also be sent to the HR Business Manager.

If at the review meeting the targets have been met or, for long term absence, a return to work date has been obtained, this should be confirmed using [Model Letter 6 – outcome of Review Meeting](#).

### **4.3. STAGE THREE SICKNESS ABSENCE MEETING**

#### **Triggers for Stage 3**

If, after a further review period, the employee still fails to meet the required attendance targets for intermittent absence or, in the case of long term sickness absence, if the employee does not have a date to return to work at the end of the review period, the headteacher or line manager will arrange a Stage Three meeting with the employee giving a minimum of 10 working days' notice. The invitation to attend a stage 3 meeting is available on the Extranet at [Model Letter 7 - Invite to attend Stage 3](#).

#### **Before the meeting**

The headteacher or line manager is required to produce a Management Statement for the meeting. This must include up-to-date written advice from the Occupational Health Unit. The employee is entitled to receive a copy of the Management Statement 7 working days in advance of the meeting and may submit written information to the meeting a minimum of 5 working days in advance.

Three governors will act as the panel of decision makers for the Stage Three Meeting. At this meeting a representative of the Human Resources Department will be present to provide advice to the governors.

#### **Aims of the meeting**

The meeting will consider the Management Statement and any evidence submitted by the employee, and the decision regarding termination of employment will take into account the following factors:

- The overall attendance record;
- The report from the OHU;

- The likelihood of an improved attendance record being achieved by the employee in the future (in the case of short term sickness absence);
- The likelihood of a return to work in the foreseeable future (in the case of long term sickness absence);
- The needs of the service and the effect of the employee's ill health or absence on the service;
- Consideration of adaptations to the work and/or working environment, including any further reasonable adjustments (see guidance);
- Consideration of alternative employment within the school if available and suitable.

At the meeting, there will be an opportunity for full exploration of all the issues contained within the Management Statement and the employee's evidence.

The options available to the governors, when deciding on action to be taken at this stage, are as follows:

- To keep the matter under review for a further period, at the end of which a further review will take place;
- To transfer the employee to alternative work not affected by his/her health condition and with appropriate medical clearance, if available within the school;
- To terminate the employment contract on the grounds of incapability. This will be in cases where:
  - ▶ a return to work or sustained improvement in attendance is unlikely in the foreseeable future;
  - ▶ the prospect of suitable alternative work/redeployment has been fully explored but is not feasible, or the employee refuses a reasonable offer of suitable redeployment.

#### Agenda for meeting

- The management case detailing the employee's circumstances is presented by the Headteacher
- Management may call witnesses to support their case.
- There will be an opportunity for questions to be asked of management by the employee and the Panel.
- The employee will present his/her case.
- The employee may call witnesses to support his/her case.
- There will be an opportunity for questions to be asked of the employee by management and the Panel.
- Closing statements will be made by management and the employee.
- All present, other than the Panel and adviser, shall withdraw. The Panel shall then reach its decision, that decision being final.

A written record must be taken of this meeting to be confirmed as an accurate record and copied to all Stage 3 meeting attendees. (Should the notes be disputed, the amendments will be attached to the notes.)

#### Outcome of the meeting

After hearing all the evidence at the meeting, the panel will make a decision which will be one of the options listed above. Wherever possible the employee will be told of the Panel's decision at the end of the meeting. If this is not possible, the chair of the panel must write to the employee *within 5 working days* to inform them of their decision.

If a decision to dismiss on the grounds of incapacity due to ill health is made, written notice of termination shall be given in accordance with statutory provisions and with the individual's contract of employment. The employee will have the right of appeal.

The outcome of the meeting will be confirmed in writing as follows:

- **Further review or transfer to another role in the school (if applicable)**
- **Dismissals – Community Schools**

The Local Authority as the employer will issue the official notice of dismissal. The Governing Body panel will produce the decision outcome letter which should state the following:

- The date on which the employment contract will be terminated, including an appropriate period of notice unless summary dismissal is warranted;
- The employee's right of appeal.
- A written statement of the reasons for dismissal

This letter will be copied to the local authority for inclusion when notice of dismissal is given.

- **Dismissals – Voluntary Aided Schools**

The Governing Body, as the employer, must give notice of dismissal. The outcome letter should state the following;

- The date on which the employment contract will be terminated, including an appropriate period of notice unless summary dismissal is warranted;
- The employee's right of appeal
- a written statement of the reasons for dismissal

The dismissal letter should be copied to the local authority HR department.

The Chair of the Panel will write to the employee confirming the decision reached.

## 4.4. APPEAL RIGHTS

The employee has a right of appeal against a dismissal decision taken at the Stage Three meeting. The decision of the Appeal Panel is final.

Written notification of the employee's reasons for appeal must be received no later than five working days of the date of the dismissal letter.

If the employee does give notice of intention to exercise his/her right of appeal, the matter will be referred to a meeting of an Appeal Panel comprising three members of the Governing Body.

The Appeal Panel shall meet as soon as possible after notice of appeal is given by the employee concerned. The employee shall then be given at least ten working days' notice in writing of the date of the meeting and shall, at that stage, be supplied with a management statement of the case.

Not less than five working days before the Appeal Panel Meeting, the employee is required to submit a written statement specifying any findings of fact, which is disputed, and any other matters relevant to the appeal, which he/she wishes to raise. At the same

time, the employee is required to indicate the names of any witnesses who have agreed to be called.

The employee can elect to be accompanied and have a management representative of the same gender present as for the previous meetings.

A representative of the Human Resources Department will be present to provide advice to the governors. The Panel shall have before it a statement of the procedures followed and action taken by management prior to the decision to terminate the employee's contract of employment including the final written statement from the Council's Occupational Health Doctor, together with a written statement submitted by the employee as detailed above.

#### Agenda for meeting

- The employee will present his/her case.
- The employee may call witnesses to support his/her case.
- There will be an opportunity for questions to be asked of the employee by management and the Appeal Panel.
- The management case dealing with the employee is presented by the Headteacher
- Management may call witnesses to support their case.
- There will be an opportunity for questions to be asked of management by the employee and the Appeal Panel.
- Closing statements will be made by management and the employee.
- All present, other than the Appeal Panel shall withdraw. The Appeal Panel shall then reach its decision, that decision being final.
- The Appeal Panel shall then advise the employee of the decision reached.

The Appeal Panel decision shall be communicated in writing to the employee by the chair of the panel no later than 5 working days after the decision is made.