



ST THOMAS MORE CATHOLIC PRIMARY SCHOOL

Staff Sickness Absence Policy & Procedures

MISSION STATEMENT

I have come so that they may have life and have it to the full - John 10:10

As a Catholic school, God is at the heart of all we do. We believe that each person is made in His image, deserving to be treated with respect and dignity.

Showing respect, love and care for everyone and everything, we aim to develop harmony between pupils, parents, the school and Parish and grow as a Christian community.

We aim to embed the virtues in every child to believe in themselves to be the best that they can be and leave school as well-rounded individuals who care about themselves, others, and the world.

This policy must be read in conjunction with the
Safeguarding and Child Protection Policy and Capability Policy
and Disciplinary policy

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1. Introduction

This is a Local Governing Committee policy, but the Local Governing Committee has delegated the implementation of the policy and procedures to the Head Teacher.

The Local Governing Committee aims to be a good employer and to have in place policies that are designed to encourage good employee relations. The Governors consider that a clear policy and set of procedures is a crucial part of the employment relationship.

The policy applies to the Head Teacher, teaching and support staff.

2. Aims

The aims of the policy are to:

- explain in detail how the Staff Sickness Absence policy and procedures operate in the school;
- ensure that there is fairness and consistency in the treatment of individual staff;
- ensure that staff who are ill are supported;
- ensure that the school will take into account the provisions of the disability discrimination legislation in the Equality Act 2010 where relevant; and set out various responsibilities.

3. Scope of the Policy

The policy and procedures apply to the Head Teacher, all teaching and support staff employed by the school, and to agency staff while employed in the school. It must be followed when dealing with absence(s) due to sickness.

Cases involving lateness or unauthorised absence will be dealt with in accordance with the school's Disciplinary Policy.

4. Support

The Local Governing Committee expects that any sickness absence will be dealt with promptly, in a fair and supportive manner.

The Head Teacher is expected to show understanding and sympathy towards the school's employees who are genuinely absent for reasons of ill health or injury.

The Head Teacher will ensure that appropriate care is taken in handling cases of sickness absence to ensure that any action taken is not construed as harassment of the employee, particularly if there is an indication that the absence may be linked to work related issues.

An employee who considers that his/her sickness-related absence has not been treated fairly should contact the Head Teacher immediately.

If the employee remains dissatisfied with the handling of his/her case, he/she has the right to use the grievance procedures.

5. The Procedures

5.1 Reporting Absence

a. First day of absence:

Employees who are sick and need to be absent from school because of illness must notify the Head Teacher on the first day of absence before 07.30 am by telephone, other than in exceptional circumstances. No emails or text messages (other than in exceptional circumstances which will be followed up by a member of SLT). If Employees are unable to get through to the Head Teacher they must speak to a member of the Senior Leadership Team.

The employee has the right for any information supplied to be treated in strictest confidence. In cases of serious illness someone on behalf of the employee should contact the school.

The employee, or the person who is calling on their behalf, should supply the following information:

- the reason for the absence;
- how long they expect the absence to last;
- the expected date of return, as soon as this is known;
- a contact number (if not spoken to a member of SLT) which they can be called back on that morning;
- the staff member should telephone the school at the end of each day and speak to a member of the SLT by 4.30 pm to inform them if they are returning the next day or not.

If the employee is not able to return on the anticipated date, the School should be informed as soon as possible but by 07.30 am on the day.

The employee is expected to keep the School informed regarding any prolonged absence so that cover can be arranged in a timely way.

The School expects staff to provide any necessary information and to set work for pupils unless they are unable to do so on account of their illness.

b. Fourth Day of Absence

All short-term absences for sickness must be supported by a self-certification form available from the School office. If it is not possible for an employee to obtain a form from the School, a letter of self-certification will be acceptable. A School form must then be completed when the employee returns to the School.

c. Eighth Day Onwards

If absence extends beyond 7 days, a fit note must be provided from the eighth day onwards and notes should be submitted directly to the School at the earliest opportunity to ensure that pay is calculated correctly.

5.2 Frequent Short-Term Absence Triggers

It is important that the Head Teacher has a trigger which alerts them to the fact that an employee is having frequent time off. This enables the Head Teacher to investigate the absence record and decide what further action may be needed.

For consistency, the following trigger points are set down by the Local Governing Committee:

- 3 periods of absence within a rolling period of 12 months, or
- 10 days' absence (cumulative) within a rolling period of 12 months.

When one of these trigger points is reached, the Head Teacher or nominated member of staff will check the accuracy of the sickness absence record and investigate promptly, as it is more difficult to deal with absences after a period of weeks has elapsed.

If the Head Teacher concludes that further action is appropriate, then a Formal Absence Review Meeting will be arranged (see 5.3b).

The Local Governing Committee believes that a series of related short-term absences may indicate a persistent or underlying medical condition.

5.3 Return to Work Meeting

a. Informal Meeting

Short term absence should be dealt with as soon as possible after an employee returns to work. Employees are required to collect an Absence Form from the School Office and complete the form detailing the period and reason for their absence. This will be filed securely in the employees Personnel File.

A member of SLT should meet with the employee as soon as practicable following their return. The purpose of the meeting is to check on the person's welfare and demonstrate that the absence has been noted.

Any notes of the meeting should be kept by the School Office, and the appropriate self-certification documentation should be completed.

b. Formal Absence Review Meeting

The Formal Absence Review Meeting will be arranged as soon as possible. The Head Teacher may seek advice from any appropriate source prior to the meeting.

The employee should be advised of the meeting in writing, including the right to be accompanied by a colleague or trade union representative.

The following matters are likely to be discussed during the meeting as appropriate, but the list is not exhaustive:

- the cause of the absence and relevant details of the diagnosed illness;
- how long the absence(s) is likely to last;
- any other factors at work or at home which might be contributing to the absence;
- any suggestions that could be considered in order to help the employee return to work (this will need to be discussed later with the Head Teacher if the Head Teacher is not present);
- possible referral to a medical adviser or occupational health adviser, if appropriate in the circumstances (referrals will not be made unless this has first been discussed with the employee);
- possible outcomes if the employee feels unable to return to work (e.g. transfer to reduced employment, stepping down of responsibilities, retirement through ill-health, voluntary resignation, redeployment dismissal); and possibly a date to review progress.

In relevant circumstances the Head Teacher will set targets.

A record of the meeting will be placed on the employee's file and copied to the employee. The employee has the right to give the Head Teacher a written response to be placed on file along with the formal record.

If satisfactory progress has been made, the process will end.

If progress has not been satisfactory, a further formal Absence Review Meeting will be arranged to explore the reasons for this and consider what further action should be taken. This could involve additional support and advice, a further period of monitoring or issuing of a warning.

6. Possible Courses of Action

- a. Further support
- b. Further period of monitoring
- c. Formal Recorded Verbal Warning
- d. Formal Written Warning
- e. Formal Final Written Warning

Formal Recorded Verbal Warning (c)

Where the Head Teacher is satisfied that attendance has not reached a satisfactory level, a formal recorded verbal warning may be issued.

The record of this warning will be retained on the personal file and expunged after a period of 18 months' satisfactory attendance following completion of the prescribed period.

Attendance will not be deemed to have been satisfactory if a further warning has been issued within the 6-month period.

Formal Written Warning (d)

In more serious cases, or where one or more recorded verbal warnings appear not to have had the desired effect, a formal written warning may be issued.

The record of this warning will be retained on the personal file and expunged after a period of 18 months' satisfactory attendance following completion of the prescribed period.

Attendance will not be deemed to have been satisfactory if a further warning has been issued within the 12-month period.

Formal Final Written Warning (e)

A formal final written warning may be issued after more than one formal warning. The letter to the employee must make it clear that any further unsatisfactory attendance could result in dismissal.

The record of this warning will be retained on the personal file and expunged after a period of 2 years satisfactory attendance following completion of the prescribed period.

Attendance will not be deemed to have been satisfactory if a further warning has been issued within the 2-year period.

7. Long Term Sickness Absence

7.1 Welfare Contact

Sickness is considered to be long term when an employee has been absent for a period of four weeks. If there is no prospect of an early return to work, a welfare contact check should be arranged which will normally take place as soon as possible unless special circumstances indicate that an earlier visit may need to be made. During this check, the best way to continue should be discussed and agreed on a case to case basis.

The persons conducting the welfare contact check should be the Head Teacher or a member of the Senior Leadership Team for any staff Member or the Chair of Governors/Vice Chair in the case of the Head Teacher.

Before arranging such welfare contact checks, the Head Teacher (or representative) may seek advice and/or assistance from any other appropriate source, particularly if there is an indication that the absence may be linked to work related issues.

7.2 Topics for Discussion During Welfare Contact Checks

The following might be discussed during the visit as appropriate:

- the cause of the absence and relevant details of the diagnosed illness;
- how long the absence is likely to last;
- any other factors at work or at home which might be contributing to the absence;
- any suggestions that could be considered in order to help the employee return to work (this will need to be discussed later with the Head Teacher if the Head Teacher is not present);
- possible referral to a medical or occupational health advisor, if appropriate in the circumstances (referrals will not be made unless this has first been discussed with the employee);
- possible outcomes if the employee feels unable to return to work (e.g. transfer to reduced employment, stepping down of responsibilities, retirement through ill-health, voluntary resignation, redeployment dismissal); and possibly
- a date to review progress; (advising that a possible consequence of insufficient improvement might lead to further formal action).

8. Medical or Occupational Health

The School will provide a medical or Occupational Health Adviser with details of the absence(s) including any relevant background information and details of the job/duties normally undertaken by the employee, and ask for advice on the following:

- the nature of the illness and prognosis as far as can be ascertained;
- the current/future ability of an employee to carry out the duties of their post at the School;
- the ability of an employee to undertake duties of a different nature;
- any support to the employee that the School could consider enabling the employee to return to work and/or their attendance to improve;
- whether further information from the employee's doctor/consultant is needed to properly assess their condition (in these circumstances, written permission must first be obtained from the employee and this will normally be sought through medical or the occupational health adviser); and
- whether ill-health retirement allowing access to benefits from the employee's pension scheme can be supported by the medical adviser/occupational health adviser.

The Adviser will return a confidential written report to the originator of the referral, which will be retained on the employee's personal file.

The Head Teacher will discuss the content of the report with the employee, and all recommended courses of action will be explored or in the case of the Head Teacher, the Chair of Governors.

The Head Teacher will make every effort to accommodate any recommendations of the Occupational Health Adviser in relation to supporting a return to work.

Referral to an additional independent medical adviser may be considered appropriate in certain circumstances.

9. Redeployment/Rehabilitation

The Head Teacher is expected to explore possibilities for redeployment, but employees must be warned that health related redeployment within the School is likely to be difficult.

Rehabilitation measures can assist and support a successful return to work and may include the following on a temporary or permanent basis (pay may be adjusted accordingly):

- provision of specialist equipment;
- additional support or training; and/or
- limited duties or responsibilities.

10. Termination of Employment

Termination of employment on the grounds of ill health constitutes dismissal for employment law purposes, except where the employee has resigned voluntarily. This is the case, even where the employee receives pension benefits because of being retired on the grounds of permanent ill health.

However, prior to termination of employment, an employee may receive confirmation from his/her Pension Scheme that retirement on the grounds of permanent ill-health has been granted.

Dismissal on the grounds of ill health (defined as capability) could result from action taken in any of the types of absence described. Courts have held that dismissal on these grounds is fair provided that the employer has handled the case in a reasonable and considerate manner. This generally means being able to demonstrate the following:

- a) that agreed procedures have been followed and that these procedures are equitable;
- b) that the employee has been kept fully informed throughout the process;
- c) that the decision to dismiss is based on sound, recent medical advice;
- d) that the employee's need for time to recover their health is not compatible with the need for work to be done;
- e) that all possible alternatives to dismissal (e.g. redeployment) have been explored and discounted for good, demonstrable reasons; and
- f) that dismissal has taken place after the employee has been allowed their normal sick pay entitlement, concurrent with the appropriate notice period.

11. Termination of Contract of Employment

Contracts of employment may be terminated after either a series of warnings concerning frequent short-term absences, or one or more long term absences with no reasonable prospect of a return within the paid period of sick leave.

The Head Teacher will arrange a final absence review meeting to ensure that all options have been fully considered and explored. The employee has the right to be accompanied by a colleague from the School or a trade union official.

Following this meeting the Head Teacher must decide:

- whether the employee should continue to work at the School and that no further action under this procedure is required;
- to extend the period allowed for improvement, supported with a warning that if improvements in attendance are not achieved, the contract may be terminated; and
- to determine that the employee ceases to work at the School.

The decision will be given to the employee in writing, and a copy sent to the employee's representative where relevant.

The Head Teacher will notify the Local Governing Committee of the decision without specific details.

Where the Head Teacher has determined that an employee should cease to work at the School, the employee should be informed that the contract of employment will be terminated, and the date on which the contract will end.

The Head Teacher will also notify the employee of their right of appeal to the Local Governing Committee.

12. Payment of Salary

The employee will be given notice, or pay in lieu of notice, in accordance with their contract or with the statutory minimum, whichever is the greater.

In the event of an employee exhausting in part or in full their entitlement to occupational sick pay and being given notice of the termination of their contract (without returning to work) on the grounds of permanent incapacity or some other reason related to the sickness absence, the employee will be paid full salary for the notice period with normal deductions only.

13. The Appeal Stage

13.1 The Appeal Process

The employee, may appeal to the Local Governing Committee through the Clerk to the Local Governing Committee from a decision made by the Head Teacher to terminate the contract.

Any appeal against a dismissal must be made within five working days (or seven consecutive days out of term time).

The Clerk to the Local Governing Committee will arrange a hearing as soon as reasonably practicable, and normally within ten working days (fourteen out of term-time) from the date of the employee's letter making the appeal.

13.2 The Appeal Committee

Whenever an employee appeals against a decision on their competence, the Local Governing Committee will appoint three governors as an Appeal Committee including a Chair.

The Committee must hear the representations and recommendations brought by the Head Teacher on behalf of the School, and any representations that the employee may wish to make.

The Committee will:

- determine whether to uphold the Head Teacher's decision (or Chair of Governors in the case of the Head Teacher);
- make a decision on what other action to take.

Following its decision, the Committee will report:

- within 48 hours to the employee;
- to the Head Teacher (or Chair of Governors in the case of the Head Teacher); and
- will inform the Local Governing Committee of its decision.

13.3 Information to the Local Governing Committee

The Head Teacher must inform the Local Governing Committee that a decision has been taken to terminate the employee's contract. In the case of the Head Teacher the Chair of Governors must inform the full Local Governing Committee of the decision to terminate their employment.

13.4 Written Confirmation

The Head Teacher's decision must be conveyed to the employee in writing within 48 hours. In the case of the Head Teacher the Chair of Governors must convey the decision to them in writing within 48 hours.

If the decision is to terminate the contract, the letter must set out:

- the date on which the contract terminates (bearing in mind the contractual periods of notice);
- the employee's right of appeal to the Local Governing Committee, and
- the requirement to make an appeal within five working days (or seven consecutive days out of term time).

There will be no right of appeal from the decision of the Local Governing Committee appeal panel.

14. Administration of the Absence Procedure

All absences will be recorded and monitored accurately and regularly by the School, and appropriate documentation will be forwarded to the Finance Officer for salary calculation and absence monitoring purposes.

15. Confidentiality

To preserve the rules of the natural justice for the staff member concerned, the Head Teacher and Governors must ensure that matters relating to the issues are not discussed in Governors meetings or meetings within the School, except the meetings called expressly for the purpose of the procedures.

16. Responsibilities

16.1 The Head Teacher

The sickness absence procedure will be managed by the Head Teacher. The Head Teacher will report to the Governors each term on absences of all staff.

The Head Teacher has the power to delegate all or part of the internal management of the procedures to an appropriate senior leader.

If the Head Teacher becomes subject to this procedure, then the role normally undertaken by the Head Teacher will be carried out by the Chair of the Governors (or a Governor nominated by the Chair), in which case all references to 'Head Teacher' in this procedure should be replaced by 'Governor'.

The Head Teacher will monitor the working of the policy and report to the Local Governing Committee.

16.2 The Local Governing Committee

The Local Governing Committee will:

- make and amend the policy, and delegate appropriately any of its powers to the Head Teacher;
- appoint members to an appeal panel and the chair of the panel; and
- receive and consider any reports from the Head Teacher.

17. Equal Opportunities

In implementing these procedures full account must be taken of the School's Equal Opportunities policies.

Disabled Employees: The Head Teacher must consider the possible application of the disability discrimination legislation, the duty of care to provide reasonable adjustments in the workplace. The Head Teacher will consider what support is required to enable a disabled employee to carry out his/her duties, or any reasonable adjustments that could be made.

18. Monitoring and Review

The **Head Teacher** will report statistics about sickness absence each term to the Local Governing Committee at the FGB Meeting. The Head Teacher will report annually to the Governors on the effectiveness of the procedures whenever they have been used.

The **Local Governing Committee** will review the procedures when there has been a change to national guidance and in any case at least every two years.