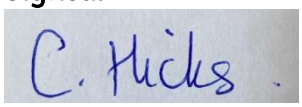


LITTON CHURCH OF ENGLAND PRIMARY SCHOOL

MANAGEMENT OF SICKNESS ABSENCE AND PROCEDURES POLICY

Date Reviewed: 08.10.2026
Date Approved: 08.10.2026
Approved by Full Governors Meeting
Version: 3

Signed:





Mrs Caroline Hicks
Headteacher

Mrs Emily Noble
Chair of Governors

Review date	By whom	Summary of changes made	Date implemented
12.07.2022	C Hicks	Updated to follow latest LA guidance	12.07.2022
03.11.2022	Full Governors Meeting	Reviewed	03.11.2022
08.10.2026	C Hicks	Reviewed	08.10.2026

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Informal Action

*To hit the trigger the employee must have at least 12 days of absence **and** at least 3 periods of absence

Employee hits absence Trigger

- 12 working days over 3 or more occasions in any rolling 12 month period* or
- A continuous absence of over 20 working days or
- Where there is other cause for concern on the level or pattern of absence.

Informal Meeting - (Meeting 1)

Monitoring between 1-3* months depending on circumstances

Long-term absence - No agreed date of return in the foreseeable future

Intermittent absence - Insufficient Improvement in attendance

Attendance improved /return to work agreed

No Further Action

Review Meeting (Meeting 2)

Monitoring between 1-3* months depending on circumstances

Long-term absence - No agreed date of return in the foreseeable future

Intermittent absence - Insufficient Improvement in attendance

Attendance improved /return to work agreed

No Further Action

*At least 1 month for long-term absence

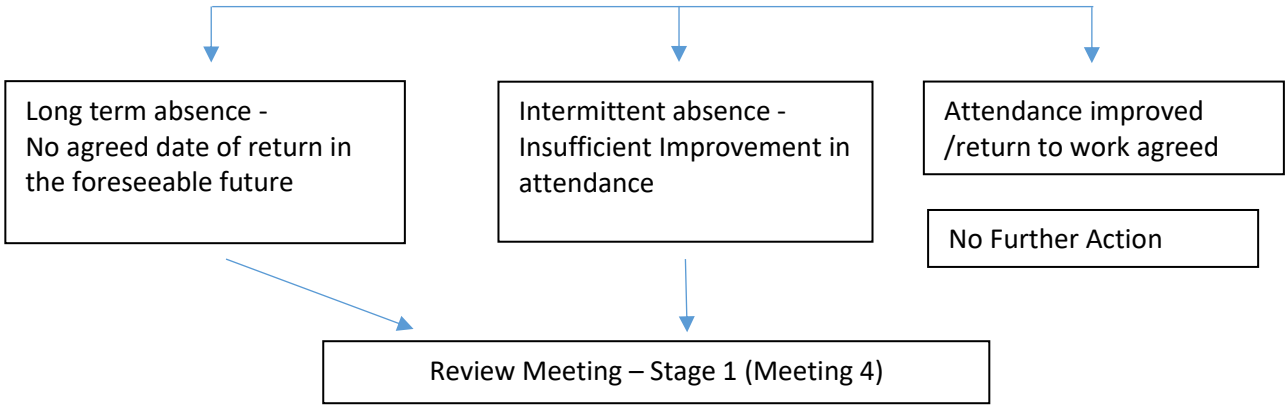
Move to Formal Absence Management Procedures – Stage 1

Formal Absence Management Procedures

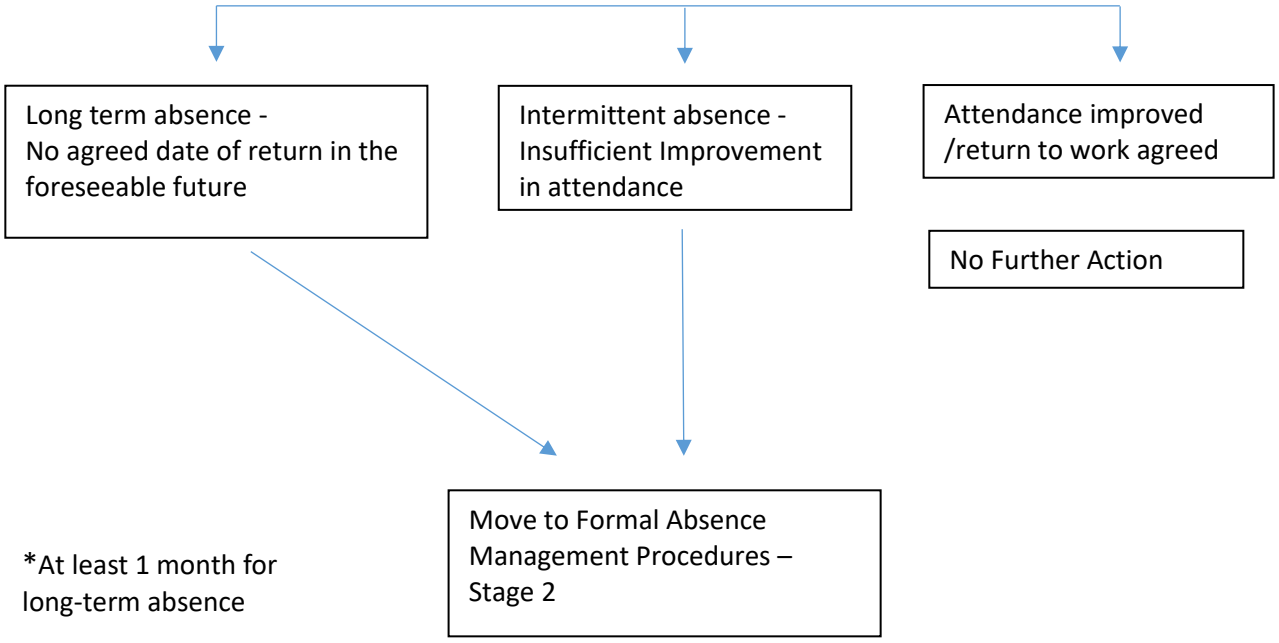
STAGE 1

Formal Meeting - Stage 1 (Meeting 3)

Monitoring between 1-3* months depending on circumstances



Monitoring between 1-3* months depending on circumstances



*At least 1 month for long-term absence

STAGE 2

Formal Meeting - Stage 2 (Meeting 5)

Monitoring between 1-3* months depending on circumstance

Long term absence -
No agreed date of return in the foreseeable future

Intermittent absence -
Insufficient Improvement in attendance

Attendance improved /return to work agreed

No Further Action

*At least 1 month for long-term absence

Review Meeting – Stage 2 (Meeting 6)

Long-term absence -
No agreed date of return in the foreseeable future

Intermittent absence -
Insufficient Improvement in attendance

Attendance improved /return to work agreed

No Further Action

Stage 3

Capability Hearing

Dismissal

Appeal

Further Review meeting at Stage 2

1. Aims

The aim of the Management of Sickness Absence procedures is to provide the school with a fair and consistent means of dealing with employees identified, as having a sickness or absence problem. At all times Managers will need to ensure that all matters referred to in the procedure are handled sensitively and remain confidential.

The school is fully committed to the health and welfare of all employees, and it is not the intention of the procedure to deter those who are genuinely sick from taking appropriate sick leave. Management has a responsibility for the health and welfare of their employees while at work.

2. Background

The Local Authority, in consultation with the recognised teaching and support staff Trade Unions, has agreed a number of measures that together constitute a comprehensive approach to enable employees to maximise their attendance and reduce absence levels.

The aim of this advice and guidance is to provide practical support, advice and guidance to enable designated Managers, Supervisors, School Leaders and Governors to fulfil their role in the management of sickness absence to ensure the fair treatment of all employees consistent with good management practice. In addition, they seek to raise designated Managers'/Supervisors' awareness of issues relating to employee absence, in order that they will feel more confident in dealing with what is a very complex issue, sensitively, consistently, fairly and in a confidential manner.

The Management of Sickness Absence procedure should be adopted in its entirety and schools should follow the requirements set out in the Advice and Guidance, which provides more detail of the process as well as guidance to Governing Boards in respect of sickness matters.

3. Scope

These guidelines and the procedures can be applied to both teaching and support staff who are employed by the Governing Board. *Catering* employees employed directly by Derbyshire County Council (DCC) will be monitored by their Area Managers.

4. Delegations

Governing Boards need to consider the Staffing Regulations 2009 which provide for initial dismissal decisions normally to be made by Headteachers. In rare cases the application of the Management of Sickness Absence procedures can result in the consideration of an employee's dismissal, therefore it needs to be determined at what level such decisions will be made. Having consulted the regulations and made a decision as a Governing Board on the level of delegation to be given to the Headteacher on questions of recruitment and dismissal, this needs to be minuted.

The dismissal procedure provides for the delegation of initial decisions to the Headteacher or for this to be retained by Governors. In many schools it will be the Headteacher who conducts the Managing Sickness Absence procedures with staff, particularly for smaller schools, in which case the Governing Board will find it more appropriate not to delegate the decision to dismiss.

5. The Costs of Sickness Absence

Headteachers and Managers will be aware of the impact of absence on the school community and are recommended to apply the Absence Management procedures to address each situation as effectively as possible, for the benefit of the individual and the school.

The potential 'costs' of absence can be listed as follows:

a) Disruption to pupils' education – potential fall in standards.

b) Costs of replacement/temporary staff.

c) Reduced range or standard of service/job performance, as absent employee's work is covered by others.

d) Increased premiums and reduced 'pay out' from any sickness absence insurance scheme.

e) Low morale and increased demand on other staff to maintain the quality of provision and support temporary staff.

f) Difficulty retaining staff.

g) Deterioration in reputation of the school with parents, pupils.

6. A Comprehensive Approach

The following measures can assist in the monitoring of absences:

a) It must be recognised that while procedures are important, in themselves they are not sufficient to control absence levels. Accordingly, a number of complementary measures are also recommended which support the health and wellbeing of staff and assist in creating a supportive work culture where positive health and attendance are promoted. *For further advice see DCC – Staff Wellbeing Policy which will be available on S4S Health, Safety & Wellbeing resources page.*

b) The responsibility for the managing of absence control being devolved as far down the Management structure as practical.

c) The training and briefing of designated staff and the production of these guidelines to ensure that Management apply the procedures fairly and consistently.

d) That absence level statistics should be a regular agenda item at Governor and/ or Management meetings.

7. Role of School Management

Lowest possible levels of absence are crucial to the success of any organisation. Absence levels reflect management expertise in providing conditions which motivate employees and engender a feeling of commitment from them.

The Health and Safety at Work Act 1974 requires that employers are responsible "so far as is reasonably practicable" for the health, safety, and welfare at work of all their employees. Therefore Management, as well as providing a safe and practicable system of work, information, and training, etc., also has a responsibility to keep abreast of the health and welfare of employees. The Informal action and the "trigger" it contains are designed to identify those employees whose absence record requires close examination and ensures that designated Managers/Supervisors take the appropriate action.

The Governing Board and Headteachers have a particular statutory responsibility to enable staff to maintain a reasonable work/life balance and to both monitor and seek to reduce the incidence of workplace stress. This can be achieved by tackling the workload burden on schools and promoting workplace wellbeing.

8. Disciplinary Action

If the Manager/Supervisor has reason to believe that the reasons for absence are not genuine, the appropriate disciplinary procedure should be invoked.

If the employee is an accredited trade union representative it is necessary to discuss/inform the full-time district or area official of the union concerned before any action is taken.

9. Redeployment on Non-Medical Grounds

Consideration of this will be appropriate in a minority of cases where, through the Informal meeting, the employee has identified that the reason for his/her absence relates to his/her current employment (note - see Appendix 1 - Causes of Absence). Issues of conduct of the employee or colleague(s) and performance should be addressed through the appropriate procedures. It may, of course, be difficult to arrange redeployment within the school.

10. The Role of an Occupational Health Service in Sickness Absence

In order to fully support employee sickness absence and the Absence Management procedures, schools will need access to an Occupational Health Service. Schools

are able to purchase an Occupational Health Service (OHS) from the Local Authority. The OHS provider will give clear advice to Management about individual cases which have been referred to it, based on factual evidence obtained from recent OHS assessment and/or the employee's GP/Consultant(s) as to whether or not there are significant medical aspects to the employee's absence problems. Staff of the OHS will also provide advice and help to the individual, possibly after liaising with the employee's GP/Consultant and, when necessary, advise Management on how modifications to the job, and possibly the workplace might help to resolve or control the employee's problem. If appropriate, then advice may be given regarding consideration of redeployment or how an individual may seek early retirement on medical grounds.

The advice given, following medical examination of the employee, will generally be in one of the following categories:

- that the employee is presently fit and well. (A period of monitoring and support for sustaining attendance will take place)

- that the employee has ongoing medical problems which may necessitate further absence; (in which case the monitoring process will continue)

- provision of reasonable adjustments for employees, whose medical condition means that the Equality Act 2010 applies, and whether reasonable adjustments would be appropriate for any employee

- that the employee is permanently incapable of continuing in their present post, but that redeployment should be considered.

- that the employee is permanently incapable of continuing in their present post and a discussion about consideration/application for ill-health retirement may be appropriate

For any report from the Occupational Health Service to be meaningful as much background information as possible should be included in any documentation used to make a referral. The content of the referral will be discussed with the employee during the in-service medical and therefore the detail provided within the referral documentation should be discussed with the employee prior to being provided to the OHS.

Employees are entitled to receive a copy of their OH report, and also to check it for factual errors before it is sent to the employer. Employees wishing this should request it at their OH appointment.

It is the school Management's responsibility to decide on appropriate action following receipt of an Occupational Health report.

The school's HR Provider are able to provide advice and support following receipt of the Occupational Health Physician's report.

11. Access to Medical Reports Act 1988

The intention of this Act is to provide employees with access to any medical reports relating to themselves which is to be or has been supplied by a Medical Practitioner for employment on insurance purposes.

In summary, the employee's rights are as follows:

A report can only be requested if the individual gives written consent.

An individual can withhold their consent.

If they wish to see the report:

- They will receive a letter from Occupational Health informing them of the date the report has been requested from their Doctor
- They have 21 days in which to make arrangements to see the report
- After that time, even if they have not seen it, the Doctor can send the report to Occupational Health
- An individual can obtain a copy of that report from their Doctor within the following six months. A charge may be made for copying the report

When they have seen the report, within 21 days they must either:

- Agree the content
- Withdraw their consent
- Request amendments if they feel it is inaccurate or misleading
- Attach their own written statement if the Doctor is not willing to make the amendments, they have requested

(The Doctor also has the right to withhold any sections of the report which in his/her opinion would seriously harm the employee if he/she saw it).

Any medical information provided by an individual or their Doctor will be treated in strict confidence.

In seeking the employee's consent to request a medical report from their Doctor/Specialist employees must also be informed of the consequences of refusal, which in the context of the management of sickness absence procedure, means that a decision will be taken on the basis of the available medical information. This could mean that the Headteacher or Governing Board make a decision, up to and including the dismissal of an employee, on the grounds of ill health capability without medical information from the employee's doctor.

The Local Authority's Occupational Health Service has procedures in place for dealing with such requests. Accordingly, the Occupational Health Service in its report, will inform the Headteacher of any refusal by an employee to grant his/her consent, and that the Occupational Health Physicians/ nurse advisor recommendation is based solely upon the employee's medical examination.

12. Employee Counselling Service

There will be circumstances when an employee may benefit from access to talking therapies such as counselling to help them deal with either personal or work-related issues. Schools are advised to ensure that their employees are able to access a counselling service or an employee assistance programme to help them deal with their problems before they impact on their health.

Counselling services are confidential and are usually accessed on a self-referral basis.

Derbyshire County Council (DCC) offers an Employee Counselling Service which is an in-house counselling service. There are many advantages in having a counsellor based within the organisation; the key one is that they have a greater understanding of the culture and demands facing employees. More information about the employee counselling service offered by DCC can be accessed on S4S.

DCC are not able to fund the employee Counselling Service for school employees and therefore authorisation to fund the Counselling Service will be sought from the Headteacher/School Bursar/Business Manager prior to the start of the therapy.

Counselling services such as the one offered by DCC cannot assist with legal and financial issues. However, there are organisations such as Citizens Advice who can offer help and advice in these areas. Most trade unions also offer support for members.

13. Return to work discussion

The Management of Sickness Absence procedure includes the expectation that Managers/Supervisors should, on the return to work of an individual, enquire about the absence.

In such cases the discussion should be carried out sympathetically and in private. These discussions are outside of the formal procedures contained in the Management of Sickness Absence procedures. Care will need to be exercised to ensure that the discussions provide and continue to provide a useful means to assist in the reduction of sickness absence levels. The opposite could easily become the case if the discussions are seen as an empty formality without having any real purpose, or a threat to employees, overriding the formal procedures.

14. Keeping in Touch during Absence

It's important that both the school and the employee stay in regular contact during absence, especially if it is long term.

There should be agreement about:

- how often the contact should be
- if and when the contact will be by email, phone, or face-to-face meetings

- who the employee is to be in contact with

Keeping in contact is a good chance to:

- check on the wellbeing of the employee
- see if the employee needs any support
- talk about any relevant updates or changes happening at work

Where an employee's absence is due to a mental health condition, it's particularly important to consider an appropriate level of contact.

15. Absence Monitoring

The successful implementation of the Management of Sickness Absence procedures rests on the information available to Headteachers and Governors. The school's payroll system may enable the school to produce reports in order to monitor their own levels of sickness absence. Employee sickness reports should be regularly reviewed by SLT as part of their leadership and management of the school. Governors will want to scrutinise overall employee sickness absence at least annually as part of the school data that they monitor when assessing effective leadership and management.

The statistics produced need to reflect the incidence of absence and show whether or not a large proportion of the total time loss is caused by a large number of separate absences or only a few, and whether a small number of employees are responsible or whether absence is spread amongst a wide group of employees.

These absences will not include absences granted through the Leave of Absence policy, but Managers should be aware of the impact of a combination of both categories of absence. It is important that absences are correctly coded to ensure absences are dealt with appropriately. The Leave of Absence policy outlines the circumstances in which leave of absence, with and without pay, may be granted to all employees.

It is expected that those employees identified by the report will be invited to a meeting with the appropriate Manager under the informal part of the Management of Sickness Absence procedures. Employees will have the opportunity for a trade union representative, friend or colleague to be in attendance at all meetings.

16. Informal Action

How the triggers identified in the policy should be applied to part-time staff should be considered carefully taking into account the working pattern of the employee. A part-time employee working less than a full week should have the trigger adjusted accordingly to ensure that it is fairly applied e.g., an employee who is contracted to work for 3 days out of 5 will have the triggers adjusted from 12 working days for intermittent absences to 3/5 of 12 working days = 7.2 working days.

The trigger for an employee who works part-time over a 5 day working week does not need to be adjusted and should be consistent with full-time staff as it takes into account the fact that their working day is of shorter length

When an individual who has been identified as triggering the Management of Sickness Absence procedure, the first step is to ascertain the circumstances of the individual's absence to determine whether a meeting under the procedure would be appropriate in the circumstances.

It is possible to have one or more spells of absence exceeding the 'triggers' as set out in the procedure, which is unlikely to reoccur. A discussion in such circumstance is unlikely to serve any purpose unless the employee requests it.

In considering an employee's reasons for absence, it is necessary to be aware that in some cases the medical reason given on a self-certification form or Doctor's certificate may not indicate the underlying reason, e.g., job satisfaction. Therefore, in brief, attached at Appendix 1 are possible non-medical reasons for absence of employees.

Designated Managers should be aware that there may, on occasions, be an individual who is not prepared to discuss his/her absences with them. In such circumstances the individual's wish should be respected and alternative arrangements made, e.g., another designated Manager.

The procedure gives some indication of the issues that need to be discussed with the individual, although how the meeting is conducted is also crucial. See Appendix 2 for the major points to be considered when carrying out such a discussion. The purpose of the discussion is to ensure that the employee takes the matter seriously. The correspondence inviting them to the informal discussion should reassure the individual that it is not a disciplinary matter and that they have the right to be accompanied by a trade union representative, friend, or colleague.

If, following a period of monitoring, there has been no significant improvement, a review meeting should be arranged as soon as practically possible.

It is recommended that notes are taken of the discussion which takes place at the review meeting. These notes should be provided as soon as possible after the meeting. A copy should be forwarded to the individual for their information, with a second copy retained on the personal file in accordance with the requirements for processing Special Category data as outlined in the General Data Protection Regulation and Data Protection Act 2018. If possible, notes should be agreed by all parties. If, however, agreement cannot be reached, the employee does have the right to append a note of disagreement to the Manager's notes.

If the Manager/Supervisor is happy with the reasons given for the absences or arrangements are agreed for a return to work following a period of long-term absence in the foreseeable future, no further action is necessary. However, if there is still some cause for concern the employee should be informed that their absence will be monitored.

The following courses of action may be appropriate depending on the circumstances:

- If there is a known medical condition or concern that there is an underlying medical problem referral to an Occupational Health Service provider for medical advice should be sought. If the employee refuses to attend an appointment with the School's Medical Adviser for a medical examination, you can insist. If the refusal is sustained, you should inform the employee that his/her refusal can be regarded as misconduct and that disciplinary action may result.
- If there is a concern that there is a welfare issue, they should be referred to the school's Employee Assistance programme provider or Counselling Service.
- Where absences are discontinuous the requirement for the production of a first day NHS fit note for a period of time. Charges incurred by the employee are reimbursable by the school. This course of action is most applicable where there are reasonable grounds to suspect that the sickness notification or self-certification rules are being abused.

If appropriate, the Manager should indicate what the implications may be if the employee does not return to work or reach the required improvement in levels of attendance. Where absences are intermittent the expectations for levels of improvement should be clearly set out. In all cases, particular consideration should be given to how an individual who is defined as disabled under the Equalities Act 2010 can be supported.

The period between the informal discussion and the review meeting will be between 1 and 3 months and will depend on the priority of each meeting, which will be to identify and initiate practical steps to support the employee's return to work or sustained attendance.

At the conclusion of the review meeting, the Manager will need to consider what, if any, further action is required, if the employee does not return to work or if expectations for improvement in relation to a sustained attendance are set and the relevant level of improvement in attendance is not met, and this is not the result of particular extenuating circumstances. It may be necessary to proceed to the formal absence management procedures at the end of the monitoring period following the review.

17. Long-Term Absence – Ofsted

Ofsted Inspections occasionally identify a school as requiring Special Measures or serve them with a Notice to Improve. Also, the Local Authority may have concerns about a school. In these circumstances particular regard will be given to the impact absences have on the Governors' and Local Authority's strategy for improving standards at the school. If the continued absence of an employee is potentially impairing the ability of the Governing Board and the Local Authority to remove the school from the Causing Concern category, the priority given to any effect on pupils' education and on other employers, over other factors, is likely to be increased.

18. Formal Absence Management Procedures

At each stage (Formal or Informal) the arrangement of a meeting at the next stage of the procedure will be dependent on the level of absence during the review period. Judgements will be made on the basis of "reasonableness" taking into consideration the target for attendance set and any relevant contextual factors.

The aim of the formal part of the procedure is to:

- identify what will be regarded as unacceptable levels of absence.
- take action that will promote the highest possible levels of attendance and maintain that level.
- identify who is responsible for taking action.
- communicate to employees, Management and trade unions, the rules to be applied to employee absence.

At the review of each stage,

a. if the expected level of attendance has been met the meeting should:

- review progress
- identify any relevant strategies and actions that may support sustained improvement in attendance

This meeting should take place as a further dialogue at the stage of the procedure already reached.

b. If an employee is not able to agree a return to work in the foreseeable future a further review period should be agreed.

   For discontinuous absences, where a further improvement in attendance is still required the meeting should also consider whether a new 'target' for attendance should now be set in order for the employee to achieve a level of attendance within the usual expectations for the school's employees.

   The measure of achieving a return to work at the earliest opportunity or absences within the targets identified in the policy is a goal. In particular cases an interim return to work target date or discontinuous absence level target may be set for reasons relating to the individual's situation/condition.

   It is also permissible to set a discontinuous absence target which takes account of the pattern of absence and that makes specific reference to the reduction in incidences of absence and/or the total number of days. It will also arise from consideration of any identifiable causes of the absences and what is being done to address these. If a repeated pattern where the staged procedure is triggered but then the attendance target is met is identified, then the person's total absences over the current and previous academic years should be

considered. The target set should include sustaining the required level of attendance for a longer period.

At the review meetings it will be important to consider the particular circumstances before determining whether to move to the next stage in the procedure. A return to work or a reasonable and significant level of improvement in the attendance that was identified at the previous meeting, may not have been met owing to a type of absence that is unlikely to reoccur and does not fit the usual pattern of employee's absences.

In applying a 'target' for improvement in attendance to individual employees it is also important to treat all staff fairly balancing:

i. The individual circumstances and any medical condition of the employee, particularly if the Equality Act 2010 in relation to disability applies
ii. The need to be equitable to all employees and not to discriminate
iii. The effect of the absences on the quality of education delivered to pupils
iv. The impact on other staff of the absences and the overall efficient running of the organisation

After the final review meeting, which is a meeting to review Stage 2, the Headteacher will consider whether to refer the matter to the Governing Board. (If an SLT member has been conducting the procedure he/she will consider whether to refer the matter to the Headteacher).

Referral to the Governing Board is more likely to be appropriate in cases where:

- there is little prospect of a sustained return to work in the foreseeable future
- there is a pattern of significant absence over 1 academic year or more
- there is little or no sign of an appropriate improving trend
- the employee has not met their targets for attendance, following application of the staged procedure. (Targets for individual attendance will take account of the application of the Equalities Act 2010)
- there is little or no information, from the GP and Occupational Health Physician, to indicate that there are reasons why attendance is likely to improve sufficiently in the future
- the Headteacher has identified contextual circumstances in the school (for instance, effects on students' education, on colleagues and/or on the school's budget/resources), the likelihood of referral to a Governing Body Committee for consideration increases

19. Guidance on the Dismissal Procedure

Before determining that referral to an ill-health capability hearing is appropriate the Headteacher/SLT Member should consider and record the following:

- The final stage of the Absence Management procedures has been completed without a date for a return to work/sustained pattern of attendance being identified and appropriate warnings have been issued.

- The employee has been offered the support of an Employee Assistance programme and/or Counselling Service as outlined in the procedure and reports from an Occupational Health provider have been obtained.

- The Headteacher/SLT member is satisfied that in referring the case to the Headteacher/Governing Board for consideration of potential dismissal on grounds of Ill-health Capability, their view is that there is no indication that a resolution to the absence(s) will be reached in the predictable future and the impact of the absences on the functions of the organisation is of significant detriment.

- The employee has exhausted their contractual sick pay entitlement or will have by the time any dismissal takes effect.

Where this is the case and the Headteacher has undertaken the Absence Management procedures thus far the Governing Board should be asked to arrange a meeting where this is heard by a Governors' Committee, the Chair of this meeting will also need to be available for the potential Appeal Hearing and an initial timetable drawn up

If the school buys the Schools HR Advisory Service from DCC the Headteacher can expect their HR Advisor to provide:

- All standard letters required
- A suggested timeline of events
- Advice on Statement of Case
- Support to the Headteacher in presenting the case.

For a maintained school, where the Local Authority is the employer, advice should be sought from the Executive Director for Children's Services, or representative, in all cases.

A member of Schools HR Advisory Service will be present to represent the Executive Director, Childrens Services at both the hearing and appeal, to advise the Headteacher/Governors.

Governors of maintained schools should be aware that individual employees may take their cases to Employment Tribunal and where the advice of the Executive Director for Children's Services has not been sought or followed, the Local Authority may not be able to support a Governing Board. In such circumstances, any costs agreed by the Tribunal may fall to the individual school.

All hearings held as part of this process should be minuted. Governors need to make arrangements for a suitable person to be available to clerk these hearings.

20. The Ill-Health Capability/Dismissal Hearing

Headteacher or Governors' Committee

The letter to the employee informing them of the ill-health capability hearing should:

- Give 10 clear working days' notice of the meeting
- Have the documentary evidence including all OH reports enclosed (alternatively this can be forwarded separately, but no later than 5 working days before the meeting)
- Be signed by the SLT member/Headteacher

The Headteacher/Governors on the Committee should be sent:

- The Management of Sickness Absence Procedure
- Documentary evidence and a Statement of Case
- A copy of the letter to the employee

It should be noted that where the hearing is to a Governors' Committee, the Chair of the Committee will need to be available the day following the hearing to sign the appropriate letter.

There are a number of factors Governors must take into account when considering whether dismissal on grounds of ill-health capability is appropriate. These include:

a) The nature, length and effect of the illness or disability

b) The employee's past and likely future length of service with the organisation

c) The importance of the job and the feasibility of employing a temporary replacement

d) The effect continued absence or illness is having or might have on pupils' education and attainment and the effect on other employees

e) The general effect on the organisation

f) Whether sick pay is being provided, although it would be unfair to dismiss only because the sick pay entitlement has expired

Governors must also ensure that there has been:

i) A fair review by the employer of the employee's attendance record, prognosis, and potential return to duties

ii) An opportunity for the employee to make representations

iii) Appropriate warnings of potential outcomes, including dismissal on grounds of ill-health capability, if there has been no significant change in circumstances or the situation

21. The Appeal Hearing

In the event of the employee appealing against the initial decision, no Governor hearing the appeal should have been involved in a previous stage of the process

All remaining available Governors (excluding those involved in the formal meetings or original hearing) should hear the appeal. (A decision may be taken that Staff Governors will not be included, if the Governing Board determine this is appropriate)

There should be at least the same number as for the first committee and preferably more.

The Headteacher/Chair of the first committee also needs to attend the hearing in order to respond to any relevant questions.

Governors hearing the appeal should be sent:

- The procedure for dealing with the Management of Sickness Absence
- Documentary evidence including all OH reports
- A copy of the letter to the employee
- Employee's statement of case (if available and with the employee's agreement)
- Minutes of the hearing of the first committee or Headteacher

The Chair of the Appeals Committee will need to be available the day following the appeal hearing to sign the appropriate letter.

22. Disability

An individual is defined to be disabled under the Equalities Act 2010 if all the following apply:

- it has a 'substantial adverse effect' on the life of an employee
- it lasts at least 12 months, or is expected to
- it affects their ability to do their normal day-to-day activities

Under the terms of the Equality Act, schools have a duty as an employer to consider making 'reasonable adjustments' to ensure that disabled employees are not put at a substantial disadvantage by employment arrangements or any physical feature of the workplace. Expert advice from an Occupational Health provider which may include a workplace assessment should be sought to provide specific information and advice about potential adjustments.

For further advice see Guidance for Schools – Supporting Disabled Employees available on S4S HR advisory services resources page.

23. Menopause

Managing absence from work due to menopausal symptoms should be handled sympathetically because the menopause is a long-term and fluctuating health change.

Schools should be prepared to make changes to help the employee continue to work, and minimise, reduce, or remove any dips in their job performance because of symptoms.

An employee should be given a reasonable amount of time to adjust to changes.

It is advisable, as well as being good practice to consider making changes for a worker experiencing perimenopausal or menopausal symptoms

Particular care should be taken to monitor and record sickness absence due to the menopausal or perimenopause separately.

Derbyshire County Council have agreed a menopause policy which provides more detailed advice and can be downloaded here.

24. Dying to Work Charter

Derbyshire County Council have signed-up to the Dying to Work Charter which sets out its commitments to employees who are diagnosed with a terminal illness. The guidance attached as Appendix 3 provides practical support and advice for Managers to support staff with a terminal illness.

Additional resources are available to support staff and their Managers when an individual is diagnosed with a terminal illness and can be downloaded from S4S HR advisory services resources page as follows:

- Talking about death and dying
- Employee guidance, coping with a terminal illness
- Supporting employees at the end of life
- Support - with a terminal illness

25. Supporting Employees with Mental Health

Schools need to create an environment where staff feel able to talk openly about their mental health. It is important to treat mental and physical health as equally important so that mental health problems are less likely to build up. Training and support for Managers in dealing with mental health issues will help to create a school culture which is able to respond appropriately to mental ill-health.

Managers need to be able to recognise the signs of a mental ill-health issue. An issue can happen suddenly, because of a specific event in someone's life, or it can build up gradually over time. If a Headteacher thinks an employee is showing some signs of early mental ill-health they should not be afraid to take appropriate actions to support the individual. The impact of a mental health issue will vary. For example, an employee may regularly be unable to focus on a task, or it may take them longer to complete tasks. It may affect their ability to interact with people, follow instructions or keep to set working times

Talking to an employee and finding out what they may be struggling with in the workplace and what might help is the first step to addressing any concerns that a

Manager may have about an employee. A Manager may need to encourage an individual to see their GP or look at ways to offer more support at school – perhaps through a school's Employee Assistance programme, or by talking to a charity such as the Education Support Partnership.

Headteachers should take into account that, in the context of employment law, a mental health issue can be considered a disability even if there are not symptoms all the time, or the symptoms are better at some times than at others. They should, therefore, work with the employee to make the right adjustments for them. Simple changes to the person's working arrangements or responsibilities could be enough.

If an employee needs to take time off for their mental health it is important to maintain regular contact as keeping communication lines open can help prevent staff feeling isolated at home. Managers should establish contact which can be maintained in accordance with the employee's wishes. Some Managers may feel reticent about keeping in touch because they worry about doing or saying the wrong thing but Headteachers should ensure that it is clearly understood that regular contact is really important and needs to be maintained in a professional, supportive, and constructive way. Schools should ensure that Managers receive the appropriate support and training to undertake this role.

When planning the return to work of an employee following a long-term absence due to issues surrounding mental health, advice from an Occupational Health advisor will be helpful in providing context. Where appropriate, the return to work discussion should include the development of an action plan which can be discussed and agreed with the member of staff. This might, for example, help identify triggers and outline more general support that the staff member might need to help them to sustain their return to work.

Further guidance and a template Wellness Action Plan, produced by MIND is available on S4S HR advisory services resources page.

26. Sources of Additional Information

Derbyshire County Council HR Policies

The following agreed polices are available on S4S: HR Advisory Service resources page:

- Equality and Diversity in Employment Statement including - Supporting Disabled Employees – Guidance for Schools

The following agreed policies are available on S4S Health, Safety and Wellbeing resources page:

- Stress Management Policy
- Management of Stress Policy, Employee Guidelines & Headteacher and Managers' Guidelines
- Menopause Policy

A Staff Wellbeing Policy and Advice and Guidance is in development and will be available on S4S Health, Safety and Wellbeing resources page once agreed:

DFE Guidance – Staff Wellbeing Charter and resources
ACAS – Sickness absence, Disability
RETHINK
MIND

Appendix 1

Causes of Absence

The pattern of absence within organisations, including Derbyshire County Council, is influenced not just by levels of health, but also by other factors such as management style, working conditions, traditions of behaviour and personal circumstances

However, it must be stressed that the reasons for absence suggested below have been inferred as the most likely explanations for some statistical relationship found between particular factors and absence returns. There is unlikely to be one single cause explaining why an employee is absent from work, and even stated causes of absence may not represent the true reason. For example, both employees and Managers will recognise that some individuals will be absent from work, sometimes giving sickness as the reason, when other reasons may be the real cause.

(a) ***Job Satisfaction***

The impact of the job and the employee's attitude to work has been found to be important in affecting absence levels. The job in this context refers to the type of working conditions under which it is performed and the responsibilities towards other employees inherent in the job.

An explanation often given of why absence levels are higher amongst unskilled manual workers than craft and clerical workers, with the lowest rates being amongst managerial and professional workers, is that there is a greater sense of personal involvement in the work, and of responsibility to other employees in the organisation or work group, and generally more interesting varied and challenging work.

(b) ***Management Attitudes/Behaviour***

Studies have shown that the job satisfaction of employees experiencing a "democratic" management style is associated with low absence and labour turnover. Important attributes of a "Democratic Manager" are, showing an appreciation of good work, having the time and the inclination to help subordinates in their work and consulting with employees before decisions are made. Other important aspects of supervisory behaviour are for Managers to set specific standards of performance, be consistent in their action and explain to employees what their job is and how it fits in with the work of the Department and organisation. Employees who work with a difficult and unpleasant Manager/Supervisor will not be inclined to co-operate with him/her or to come to work unless necessary.

(c) ***Financial Considerations***

Evidence concerning the effect of income level on absence rates is conflicting. Absence is less in the higher earning occupations, but within the same

occupation there is evidence to support the view that the higher the earnings, the more likely that employees are to be absent - why work five days when you can earn the same amount in four days. This is particularly the case when an employee can influence his earnings through a bonus scheme or by the amount of overtime worked.

(d) ***Stress***

See Management of Stress Policy

It is estimated that stress accounts for a significant per cent of employee absence and can be caused either by situations at the workplace or at home.

Stress at work can be caused by:

Excess Workload - a never ending backlog of work which can affect all levels of staff, and which can lead to feelings of frustration, failure, and futility.

Tight Deadlines - Supervisors wanting work completed in unrealistically short periods of time which can only be achieved if the employee either takes work home or works excessively long hours. Although tight deadlines do motivate some employees, many employees will feel put upon and as though they are being thwarted in producing good work which leads many to feel demoralised.

Personality clashes between colleagues and supervisors - employees who are experiencing personality clashes may experience feelings of fear, anxiety, frustration, and low morale. Personality clashes, as well as affecting the people immediately concerned, can also cause feelings of worry and unhappiness to fellow colleagues.

Introduction of new working practices - the introduction of new working methods brought about by the introduction of new technology, and systems. A more competitive way of working may cause staff to feel pressurised, under threat and generally anxious about the service they are providing. New technology, which is seen as an exciting addition to the office environment for some members of staff, will be viewed as a whole new area of potential failure to others.

Poor Management - Managers who are unable to offer the correct level of guidance and direction to communicate effectively with staff cause the staff they supervise to feel poorly motivated, resentful, and lacking in self-worth.

Lack of control and/or involvement in work activities - employees who do not feel either part of a team, or who feel overlooked when information is being distributed, or who do not feel that their views, ideas, and opinions are being considered suffer from feelings of inadequacy, resentment, and suspicion.

Poor relationships with pupils or parents – poor relationships with pupils or parents sometimes as a result of behavioural issues can affect an individual's emotional wellbeing.

Stress at home can be caused by:

Financial difficulties - caused by many different factors, all of which may result in an employee's inattentiveness at work which leads to feelings of inadequacy and failure. Feelings that they are unable to confide in colleagues puts extra pressure on work relationships.

Marital difficulties - this may cover divorce, separations, violence, neglect, and arguments and will often involve the employee in immense feelings of failure, incompetence, and anger. However, it may be that after divorce or separation some people will experience feelings of relief and feel that their life has a new purpose and meaning.

Bereavement - an enormously harrowing time for those concerned resulting in a fall in productivity at work leading to feelings of inadequacy and failure.

Moving house - employees may feel very anxious about the move causing inattentiveness and irritability which affects their own work productivity and that of their colleagues.

Conflict between commitment to home and job - can cause resentment towards the job and feelings of guilt towards the family resulting in inattentiveness and a feeling of unsuitability.

Childcare difficulties - often affect one parent more than another. An employee who takes the main childcare responsibilities often has to take time off when their childcare arrangements break down and rather than use up annual leave or request discretionary absence, they may take time off sick. This causes feelings of guilt and inadequacy.

Caring for sick and/or aged relatives - members of staff who are unpaid carers will often have extreme anxieties and worries that will impinge on their work time. Tiredness worry and guilt all help their work productivity to fall and for feelings of failure and inability to cope to rise.

Drink and/or drug problems - employees with an addiction will suffer a drop in efficiency and work output - this coupled with the added pressure of trying to keep the addiction a secret results in feelings of failure, guilt and often anger. Some addictions will cause employees to steal from colleagues at work which causes tension and a bad working environment.

Social expectations - peer group and family pressures on employees to succeed can lead to feelings of anger and breakdown.

Low pay/low status - employees in low paid and low status jobs have very little influence or power in the decision and policy making process. This leads to feelings of frustration, inadequacy, and low morale.

The stress experienced by minority groups can be heightened by:

Stereotyping - the view that members of a minority group have only reached positions of responsibility by tokenism may cause them to experience anger and resentment.

Sexual harassment - although mainly a problem for women, sexual harassment, has been experienced by men and can lead to feelings of fear, frustration, humiliation, and powerlessness.

d) Menopause related issues – see section 23 for further details

Appendix 2

Managers' Guidance on meetings held in accordance with the Management of Sickness Absence Procedures

(i) Environment

Arrange for the interview to take place in normal circumstances at the employee's place of work in a quiet, comfortable and, where possible, an informal room or setting. Ensure that there will be no interruptions either by colleagues or by the telephone. Arrange for the meeting to take place at a time that is convenient for the employee. Set a time limit (normally not more than an hour). This will help you to keep to the issues.

(ii) Note taking

Confirm that notes will be taken so that you can both recall what has been discussed and the actions that need to be taken. Try to record key words during the meeting to be recorded formally when the meeting has finished but while the discussion is still fresh in your mind. Notes are confidential and should be kept securely in accordance with the requirements for processing special category data as outlined in Data Protection Regulation and Data Protection Act.

(iii) Questioning

Use open-ended questions which will encourage the employee to speak. Encourage the employee to speak freely, do not use your preconceived ideas to follow a line of questioning. Encourage the employee to give their opinions. Do not be judgemental, as this may cause the employee to withdraw and no longer want to participate in the problem solving process.

(iv) Listening

Be non-judgemental (i.e., avoid negative body language). Listen to the employee but be aware that there might be an underlying problem, to which reference is not made. Repeating back - this ensures that you clarify any points that are unclear and that the employee feels confident that he/she has been understood. Paraphrasing ensures that the same points of reference are being used by both the employee and the Manager/Supervisor. Do not be afraid of silence. Allow space to encourage the employee to expand on a point.

(v) Supporting

Encourage a trusting/confidential atmosphere, in which the employee feels that they can be open, not threatened but reassured. Try not to be directive but offer information about sources of specialist advice.

Do not give your opinion of the employee's personal problems. Encourage the employee to take ownership of the issues affecting them and identifying their own situations.

(vi) Further Action

Agree where possible with the employee on the next step to be taken.

Appendix 3

Guidelines for supporting staff with a terminal illness

These Guidelines outline what to do if a member of staff is diagnosed with a terminal illness. They support the commitment made by Derbyshire County Council when they signed up to the Dying to Work Charter.

Your role

If a member of staff has a terminal illness it is important to ensure that you maintain timely and appropriate communication with the employee if they are off sick or if they are able and choose to remain in work.

You should contact your HR and/or your Occupational Health provider for help to offer the best support to your employee at this difficult time.

This may include offering them support from an Employee Assistance programme or Counselling Service if they are not getting this elsewhere.

The information for employees may help guide your discussion.

Your HR advisory service will advise you on applying your sick pay provisions, Absence Management procedures and pensions regulations in the best interest of the welfare of the individual.

Background

Usually, you'll know that your employee is ill before their diagnosis. They may have been absent recently or they may have had no time off sick at all. Your employee may have been supported by a GP and undergoing medical tests or treatment. But some employees may not be aware of any medical condition until they are diagnosed.

The important thing to remember is that each individual and each case is different, and people will manage such a diagnosis in a range of ways. You should ensure that you offer support with sensitivity, compassion, and flexibility.

When an employee tells you about serious ill-health or terminal illness, it may be a difficult and distressing conversation for both of you. Individuals will react differently, and you should handle the conversation as the employee wishes. The person may not know at that stage what their wishes are or how they feel, so you should give them the space and time they need to take in the news they have received.

At the same time offer appropriate support and opportunity to talk to you, an alternative Manager, HR consultant, or Occupational Health Nurse.

Initial conversations

Initial conversations may cover the following:

- How the person feels and their immediate reactions to their diagnosis - be sensitive to their needs and understand that each individuals' case is different.

- Any treatment planned and the likely impact of this treatment on their ability to attend work.
- Any immediate support or adjustments needed to allow the employee to remain in work.
- Flexibility around working time and time off to attend appointments and treatment.
- What colleagues within the school and the wider school community know and what the employee would like colleagues/the school community to be told - this includes who they would like to be told, who will tell colleagues and what information they wish to be shared. The employee's privacy must be respected, if they don't wish for colleagues to be informed this has to be honoured.
- Support from HR and Occupational Health on policies and procedures including attendance management, sick pay, and time off to attend appointments, and relevant information such as pensions and the schools' Employee Assistance programme or Counselling Service.
- Any financial impact and sources of support from the school and elsewhere - clarifying sick pay entitlement and, at an appropriate time, discussion of options with their pension through Teachers Pensions (TP) or the Local Government Pension Scheme (LGPS).

Principles of handling the discussion well

Be sensitive to the needs of the person and allow them the time they need to discuss the matter with you in a private place.

Listen and show that you are listening, giving time for the employee to share whatever information they feel comfortable sharing, at their pace.

Don't be afraid to ask questions to get the information you need to be able to support the employee.

Check guidelines, policies, and procedures in advance of any planned meeting to ensure the correct support can be offered.

If you are not sure about any aspect of support check with HR or Occupational Health and get back to the person as soon as you have clarity.

Be willing to explore whether any adjustments or support can be made, including flexibility in working hours to attend medical appointments and recuperate from any procedures if they are able to remain in work.

Respect the employee's wishes in relation to what and how information should be shared with colleagues. This should only happen with the employee's express consent. When talking to colleagues avoid personal or excessive detail, stick to facts and be clear whether the person wants to discuss the matter with them or not.

Be prepared to support team members who may be very upset by the news.

Be aware of your own feelings and support needs and manage them.

More information is available to download from S4S – Talking about death and dying.

Supporting an employee with a terminal illness to stay at work

Individuals have different views about work and also different priorities with regard to their personal and family life.

Your employee may be well enough and may wish to remain in work despite their diagnosis as long as possible.

For some people it can be therapeutic to remain in a safe and supportive working environment other may prefer to spend more time with loved ones.

If your employee is at work, you should have regular supportive discussions about their health and ability to remain in work.

A terminal diagnosis may not immediately prevent your employee from attending work and may only need small adjustments to the role or work environment as time goes on. Any support or adjustments required should be explored with the employee and HR and Occupational Health as appropriate.

A risk assessment of the role with the person can identify any difficulty and possible adjustments to allow the employee to remain in work. A terminal diagnosis may be covered by the Equality Act there is a duty on an employer to consider and implement reasonable adjustments.

These can be adjustments to the role itself, adjustment or removal of particular duties, adjustment to the work premises or work environment, working from home, flexibility in hours, or even redeployment to an alternative role if this is available. Advice from Occupational Health is needed when considering adjustments.

The medical and psychological impact of a terminal diagnosis on a person can change over time. So, you need to regularly review the situation with the individual to consider their current ability to remain in work, treatment and time-off needs, and any support and adjustments which are in place.

The employee's wishes about communication may change over time, so you should also review communication arrangements together

Any time off the person needs to attend appointments in relation to their condition or rest following such appointments can be considered in line with our policy and flexibility should be considered.

Employees who are able or want to remain in work may incur short to medium-term absences covered by a GP 'fit note'. Any advice contained within a GP fit note is considered medical advice and should be taken into account should any recommendation be made for adjustments to the role or supportive measures for an employee.

More information is available to download from S4S – Employee guidance, coping with a terminal illness.

Supporting an employee with a terminal illness who is absent from work

When your employee is absent with a terminal illness agree with the person how you will communicate with them. All individuals are different. Some would wish to maintain regular contact, but others would wish to have minimal contact.

Clarify if they would like contact from colleagues and other updates about work while they are absent, and if so, how they wish to receive these. Let colleagues know about the person's wishes in this matter.

Any cover for your employee's work that you arrange with another member of staff, needs to be managed within this context and handled sensitively.

From the start you should be engaging with HR and Occupational Health to ensure your support for the person is managed within the council processes, including the Attendance Management procedure, sick pay entitlements and pensions' regulations.

If an employee dies

Your employee may have left the school, but if they are still employed when they die you will need to ensure practical pay and pension arrangements are put in place.

There should be just one point of contact with the family. Make sure any letters or emails you send to the family are not addressed to the person who has died. The family's wishes must be respected in every way. Ask what kind of contact and involvement they want from people at work.

Other matters should be based on the employee's expressed wishes, if possible, whether they are still employed or not. This may include communicating with workmates, arrangements for attending funeral and memorials, cards, and flowers.

You should also be mindful of the need to support yourself and other team members around the potential impact of this bereavement.

Supporting the team

Colleagues may be upset when a colleague has been diagnosed with a terminal illness. Be mindful of any particularly close relationships and offer emotional support or access to counselling as appropriate.

You may be asking the rest of the team to work differently to cover any adjustments or absence. Be sensitive about this in line with the confidentiality requests of the person with a terminal illness.

If an employee dies, even if staff know that a colleague is terminally ill, it can be extremely difficult to come to terms with their death.

People will react differently, and some staff will need your support, personally as well as professionally, organisations such as Cruse and Macmillan can offer additional advice. More information is available to download from S4S – supporting employees at the end of life.

Supporting yourself

This could be an exhausting time for a Manager. As well as their own emotional reaction they still need to ensure that the school is continuing to operate while addressing the welfare of the staff. It is important to seek support from the Headteacher/Governors and HR and Occupational Health colleagues can provide you with moral support and advice.

More information is available to download from S4S – support - with a terminal illness.