Sickness Absence Management Policy

Ffederasiwn Ysgolion **Llanidloes** Schools Federation

This document applies to Teaching and Support Staff employed under the school's delegated budget or other devolved budgets.

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1 Introduction

1.1 Ysgol Uwchradd Llanidloes and Ysgol Gynradd Llanidloes ('the schools') are committed to preventing and reducing sickness absence levels. It is recognised that high levels of attendance contribute to the smooth running of the schools and have a positive impact on the education and wellbeing of pupils, and on employee morale. Please refer to Section 1 of the Sickness Absence Management Guidance for guidance on preventing absence.

1.2 The schools are committed to promoting the health, safety and wellbeing of their staff by:

- providing appropriate support to facilitate staff retention and return to work after illness, for example through a phased return, counselling, occupational health referral, flexible working, reasonable adjustments and in some cases redeployment;
- tackling issues which may result in absence due to work related stress or dignity at work issues;
- encouraging attendance, monitoring absence and the cost of sickness absence;
- working with unions and health and safety representatives to identify actions and preventative measures to promote the health, safety and wellbeing of staff; and
- providing coaching and training for managers dealing with sickness absence issues.

1.3 The schools aim to ensure that employees experiencing problems with attendance at work are supported. Employees who are absent from work due to sickness will be treated consistently and with respect.

1.4 The schools acknowledge that they have a responsibility towards promoting a positive health and safety culture and guidance on this is contained in Section One of the Sickness Absence Management Guidance. It is understood that, from time to time, employees may become ill and consequently be unable to attend work. The needs of the individual suffering from ill health must, however, be balanced against the needs of the schools and the pupils.

1.5 Note that where "Headteacher" is used in this policy, it can mean their deputy or other senior leader with authority to act on their behalf. However, any decision-making that impacts on an individual's employment must be undertaken by the Headteacher. Only the schools' Staff Disciplinary and Dismissal Committee has authority to recommend dismissal.

1.6 In the case of managing the sickness of a Headteacher, the Chair of the Governing Body will undertake the actions attributed to the Headteacher in this policy.

1.7 The Disciplinary Procedure may be evoked for abuse of the Sickness Absence Management Policy.

2.1 This policy, appendices and accompanying procedures apply to all staff employed under the school's delegated budget or other devolved budgets.

2.2 For teaching staff this policy should be read in conjunction with the relevant paragraphs (Section 4) of the Conditions of Service for School Teachers in England and Wales (Revised Edition Published August 2000) (also known as The Burgundy Book).

2.3 For Support Staff this policy should be read in conjunction with the relevant paragraphs (Part 2 section 10) of the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (also known as The Green Book).

3.1 Employee Responsibilities

The schools expect their staff to take responsibility for managing their own health to ensure regular attendance at work, and to engage fully in the attendance management process when ill health and absence occur.

Employees are required to:

- report sickness absence in accordance with section 4 of this policy;
- submit appropriate self and/or medical certification for all periods of sickness absence in accordance with section 5. Failure to provide and continue to provide certification for the whole period of absence may result in the uncertified period of absence being treated as unpaid unauthorised absence;
- keep in contact with the Headteacher during every period of absence and, subject to genuine practical constraints (such as hospitalisation) advise them of any developments or setbacks relating to the absence;
- attend all Occupational Health (OH) appointments or telephone consultations when requested to do so. For all telephone consultations, employees must ensure that they are in a confidential area without any interruptions at the time stated on their appointment letter;
- participate in all welfare meetings and return-to-work conversations when requested to do so;
- take all reasonable steps to aid their recovery when absent from work through illness;
- ensure they do not abuse the sickness absence procedures or occupational sick pay scheme;
- advise their Headteacher of any immediate need for work to be covered, or of any adjustments needed to support them in their role, due to a health condition.

3.1.1 Whilst employees are not obliged to disclose medical information if they do not wish to do so, they are encouraged to inform their Headteacher of any health concerns or underlying health conditions that may affect attendance at work to enable support to be put in to place.

3.2 Headteachers' Responsibilities

Headteachers are responsible for:

3.2.1 Providing a safe and healthy working environment and where possible, enhancing the health and well-being of employees.

3.2.2 Supporting and contributing to the maintenance of wellbeing of people in their schools and taking positive, consistent action to prevent sickness absence.

3.2.3 Maintaining agreed contact with employees on long term sickness through appropriate means (usually agreed between both parties), or appointing an alternative designated contact manager where this is appropriate.

3.2.4 Using the knowledge of their staff to enable effective management.

3.2.5 Ensuring that employees are aware of all relevant policies and procedures including the right to be accompanied by a trade union representative or workplace colleague at all formal meetings held under this policy.

3.2.6 Effectively managing sickness absence in the school, using the Sickness Absence Management Policy and The Sickness Absence Management Guidance.

3.2.7 Keeping adequate notes and records (for example, the Communication Form and Welfare notes) of all events and evidence to support the use of this policy when managing employee sickness absence.

3.2.8 Arranging all meetings and support required as part of the sickness absence management process; for example, securing dates, sending welfare meeting invitation letters, conducting contact or welfare visits, return to work conversations, sending decision letters, completing communication forms, etc.

3.2.9 Maintaining reasonable confidentiality at all times throughout the process.

3.2.10 Ensuring that when and where necessary, employees are referred to OH for review and ensuring that employees are aware of the Local Authority's (LA) Counselling service.

3.2.11 Ensuring that all employee absences are correctly recorded on iTrent, including the recording of self and medical certification, that the correct classification category is used. For example, if an employee takes a day off to tend to a sick child or dependent, this should not be recorded as sickness absence.

3.2.12 Monitoring sickness absence levels of their staff in a consistent manner and when necessary, acting on absence trigger points and absence patterns. Furthermore, Headteachers are responsible for managing employees who do not follow the correct absence notification procedures by referring to the schools' Disciplinary Policy.

3.2.13 Considering the adjustment of duties (where necessary) and any other reasonable means necessary to sustain an employee's attendance at work or support an employee's return to work at the earliest opportunity, taking advice from OH as necessary.

3.2.14 Providing support and guidance to staff in accordance with the Sickness Absence Management Policy and also monitoring, reporting and investigating attendance, maintaining accurate records.

3.3 Governing Body Responsibilities

3.3.1 The Governing Body is responsible for the implementation and monitoring of the schools' absence management policy.

3.3.2 The Governing Body is responsible for the health and well-being of all staff, including the Headteacher.

3.3.3 The Schools' Staff Discipline and Dismissal Committee and Staff Discipline and Dismissal (Appeals) Committee are responsible for ill health capability hearings and associated appeals.

3.4 Chair of the Governing Body's Responsibilities

3.4.1 The Chair of the Governing Body is responsible for managing a Headteacher's absence with assistance from their HR Business Partner. The school's School Improvement Adviser will provide support to the Chair of the Governing Body in terms of advising on the running of a school in a Headteacher's absence and, where necessary, give advice on the practical implications of any recommended reasonable adjustments.

3.4.2 The Chair of the Governing Body will immediately contact the named HR Business Partner for the school if the Headteacher becomes ill resulting in an absence of five consecutive working days or more (or sooner if required). The school's HR Business Partner will in turn advise other Local Authority Officers as necessary.

3.5 Human Resources' Responsibilities

3.5.1 The Schools' HR Team adopt a supporting and advising role for Headteachers, senior leaders and Governing Bodies on the formal aspects of sickness absence management.

3.5.2 The Team also provides appropriate coaching and training for Headteachers, senior leaders and Governing Bodies.

3.6 Health and Safety Responsibilities

3.6.1 Powys County Council has a Corporate Health and Safety team who provide advice and guidance on workplace health and safety issues. These issues are very diverse and include guidance on issues such as:

- asbestos;
- construction;
- fire;
- manual handling;
- risk assessment.

(this list is not exhaustive)

3.6.2 And occupational health issues such as:

- stress;
- substance abuse;
- immunisation arrangements;
- occupational related diseases.

(this list is not exhaustive)

3.7 Schools' Service Responsibilities

3.7.1 Powys County Council's Schools' Service has a responsibility for supporting schools in the effective management of health and safety and in promoting a culture of positive wellbeing.

3.7.2 The Schools' Senior Leadership Teams will monitor and compare sickness absence levels between schools and across different staff groups.

4 Sickness Absence Notification

4.1 Proper and timely notification is a contractual responsibility for all employees and in some instances, Occupational Sick Pay (OSP) may be withheld if the correct certification is not given by the employee and where proper salary deduction procedures are followed. Statutory Sick Payments are governed by separate regulations.

4.2 A member of staff who is sick and likely to be absent should telephone the Headteacher as early as possible before their normal starting time on the first day of absence so that arrangements for cover can be made. The employee should leave a message with reception or on the designated telephone number where there is no other method of contact, following which the Headteacher will telephone the employee at home. The call should be made by the employee personally, or, if this is not practical, by a partner, friend or relative.

4.3 The employee or their representative should state:

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

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

4.5 If an employee feels unwell and wishes to go home during the course of the working day, they must notify the Headteacher before leaving. That day of absence will be recorded but, unless prior to lunchtime, will not constitute a day's sickness absence for the purposes of this policy. If absence commences prior to lunchtime this will be treated as 0.5 day's sickness absence. If the employee remains absent on the following day, that day will be counted as the first full day of sickness absence.

4.6 Sickness absence levels need to be consistently and accurately recorded in order to be effectively managed. The date and duration of each absence and the reason for it will be noted by the designated person and recorded on the iTrent HR and Payroll system. This information will be retained by the designated person in accordance with the provisions of the Data Protection Act 1998.

4.7 If an employee provides false evidence of incapacity, or if an absence is not notified, or a valid reason for absence is not given, the employee may be subject to disciplinary measures subject to the school's Disciplinary Policy, with the absence being treated as unauthorised absence. Where an employee's certificate has expired and they remain unfit to return to work, further certification must be provided. Failure to provide certification will be treated as unauthorised absence as outlined above. In the event that medical certification is delayed the employee must raise this immediately with their Headteacher.

4.8 If the Headteacher becomes absent due to illness, they should notify the school and ensure that the Chair of the Governing Body is informed.

4.9 Notification must be in accordance with the requirements of the school. Text messages and e-mails are unacceptable unless explicitly stated by the school (for example, during school holidays), or agreed as part of keeping in touch measures following initial notification. Where a member of staff has not been able to speak to the Headteacher in person on the day of first notification they should reasonably expect a call back from the Headteacher the same day. In the case of long-term absence keeping in contact arrangements should be planned with the employee, by telephone or email, at least monthly.

4.10 The employee should notify the school of their absence themselves except in exceptional circumstances where a relative or friend may make that notification on the employee's behalf.

4.11 On the first day that absence is notified, the employee (or relative or friend) must provide the following:

- a broad description of the illness (managers should not require a more detailed description than the categories listed on iTrent);
- the date the illness began;

- the estimated duration of the illness if known; otherwise agreed next contact date;
- in cases where the relative or friend has notified the absence, a time when the employee will make contact, if able.

4.12 In the event that an absence is longer than the expected duration given by the employee, employees are required to contact the Headteacher (or the person identified at paragraph 4.2 above) as soon as they become aware of the necessity to extend their period of sickness and no later than one hour prior to the start of work on their anticipated return date. The Headteacher will keep a record of all communications with the employee, using the Communication Form.

4.13 Employees who make deliberately misleading or false statements in relation to their sickness absence shall be dealt with through the schools' Disciplinary Policy and Procedure.

5 Sickness Absence Certification

5.1 For sickness absences up to and including seven calendar days, a Self-Certification Form (SC1) must be completed by the employee. A copy of this form is available at the local authority's intranet or the school office.

5.2 For sickness absences of eight calendar days or more, including school holidays, the employee must provide a Statement of Fitness for Work (more commonly known as a "Fit Note") from their medical practitioner. Employees who experience difficulty in obtaining a GP appointment should inform the Headteacher as soon as possible so that consideration may be given to extending the deadline for submission. It is important that SC1 forms and Fit Notes cover the entire employee absence. As far as reasonably possible, employees have to submit a new Fit Note within seven calendar days of expiry of the old one.

5.3 A GP or other suitably qualified medical practitioner may advise that an employee should stay off work for the full period covered by the fit note, and be seen again prior to returning to work. Employees should not return to work before the end date of their fit note in these circumstances. Otherwise, where the employee wishes to return to work prior to the expiry of their fit note, this should be discussed with the Headteacher. In some cases, the Headteacher may not be able to agree to an early return, for example where the school is unable to make the required workplace adjustments. A risk assessment may be required and medical advice should be followed, including any advice on amended duties, reasonable adjustment and phased returns.

5.4 On occasion an employee with multiple posts may feel that they are fit to return in one or more, but not all, of their positions (within or beyond Powys County Council employment). For example, an employee working at a school as a mid-day supervisor and a cleaner who has muscular skeletal problems may not be fit to work as a cleaner but could return to work in the mid-day supervisor role. This should be clearly described on the employee's fit note. The

employee may not undertake paid employment in any other role (within or beyond Powys County Council employment) during the hours for which they are receiving sick pay from Powys County Council.

5.5 Once a fit note has expired an employee can return to work (subject to section 6 below if the sickness is stress-related). They do not need to go back to see their doctor before returning to work – doctors are no longer able give certificates stating that an employee is fit for work. If there are concerns regarding the employee's fitness to attend work, a referral to OH should be made.

6 Identifying and Dealing with Stress

6.1 Please refer to Section 5 of the Sickness Absence Management Guidance for fuller information on preventing, identifying and dealing with stress.

6.2 In cases of work-related stress, Headteachers or designated managers are required to meet with the employee usually within two working weeks of their first day of their stress-related absence to conduct a welfare meeting and complete the Council's Stress Risk Assessment questionnaire available in the Headteachers' Toolkit. In cases of stress, it is mandatory for this to be undertaken although the approach taken will depend on the individual case. In some cases, it may be appropriate to conduct this via telephone, particularly in cases where the employee is too ill to meet face-to-face. Sensitivity should be given as to who within the school would be the most appropriate person to conduct the welfare meeting depending on the circumstances of the case.

6.3 On completion of the Stress Risk Assessment questionnaire, consideration needs to be given as to whether a referral to OH is required as set out in section 7 below.

6.4 In cases where OH have advised a follow-up appointment, managers must determine with the employee if this is required.

6.5 In cases of non-work-related stress, managers are also required to meet with the employee within two working weeks of their first day of absence but the focus of this meeting will be to explore any reasonable adjustments that may be required to facilitate a return to work.

7 Referral to Occupational Health

7.1 Referrals to OH should only be considered where there is a positive answer to one or more of the following:

- is a prognosis required from OH in relation to a return to work or the likely timeframe for absence?
- is there an underlying medical condition which requires further advice from OH in relation to reasonable adjustments that need to be considered?

- is the health problem likely to reoccur in the future and/or does the health problem meet the criteria of disability?
- should redeployment be considered on the grounds of ill health?
- is this employee due to go through a formal process (for example, ill health capability or disciplinary hearing or investigative process) and guidance is required as to the employee's fitness to attend and/or participate?

7.2 Please refer to Section 9 in the Sickness Absence Management Guidance for further information on OH referrals.

7.3 A referral to OH is not a punitive action but a genuine request for support.

8 Return to Work Conversations

8.1 Return-to-work conversations are part of an employer's duty of care to ensure that an employee is fit to resume their duties. They should be a positive measure focussing on prevention strategies to ensure future well-being as well as an opportunity to identify and resolve issues at an early stage. This may include a review of any adjustments.

8.2 The conversation is essential to ensure that the employee is fit to return to work, to ask if the school needs to take any action to aid the return to work and to ensure that the relevant medical certification has been received.

8.3 Return to work conversations should be conducted following every absence using the guidance contained in Section 3 of the Sickness Absence Management Guidance.

9 Short-Term Absence Management (see Section 4 of the Sickness Absence Management Guidance)

9.1 Definition

9.1.1 Short-term or frequent absences are defined as one, or a combination of:

- three episodes of short-term sickness of any length in any rolling 12 month period;
- two episodes of sickness which when combined total more than three working weeks in any rolling 12 month period;
- a pattern of three or more absences occurring.

9.1.2 Short-term absence patterns might be, for example:

- absent on the same day each week;
- absent on Fridays and/or Mondays;
- absent during or after major sporting or social events;
- absent during the LA's school holidays (or Inset days) or those in neighbouring LAs.

9.2 Informal supportive action

9.2.1 The definitions outlined above are used as "trigger" points under this policy. This ensures consistency of approach. However, having reached a trigger point, each case must be considered on its own merits to ensure flexibility to allow for an individual's circumstances to be addressed appropriately, sensitively and in a supportive manner.

9.2.2 In cases where the employee reaches one of the short-term absence trigger points, the Headteacher shall speak to the employee about their absence levels at a return to work conversation or at a specially-convened absence meeting. This is known as ***informal supportive action***. The discussion is informal although points discussed and agreed next steps should be recorded on iTrent and in writing (using the template letter contained in the Headteachers' Toolkit) as follows:

- whether there are any health, domestic or welfare issues affecting attendance;
- whether there are any underlying health issues;
- whether the Equality Act 2010 applies;
- where appropriate that improvement is required and that future attendance will be monitored;
- where improvement is required but not achieved the next step may be to commence the formal stages of this policy.

9.2.3 The informal supportive action is not punitive and should be treated as an opportunity for early identification of any problems or concerns so that appropriate support or adjustments can be put in place to assist the employee in maintaining good levels of attendance. Please see Section 4 of the Sickness Absence Management Guidance for further information on the support that can be provided.

9.2.4 There may be situations, for example where an employee is undergoing long term regular treatment for cancer or other chronic illnesses where the informal supportive meeting is used to record and clarify the situation and the level of attendance that can reasonably be expected during treatment. In such situations there can be no expectation of an improvement until treatment is completed.

9.3 Formal action

9.3.1 Where there is no improvement in attendance levels, insufficient improvement or the improvement is not sustained over a reasonable period of time, (typically 3-6 months) then it would be acceptable to consider formal action in the form of a ***Formal Review Meeting***, as set out in the flowchart at Appendix A.

9.3.2 The employee should be invited to the Formal Review Meeting using the template invitation letter included in the Headteachers' Toolkit. Ten working days' notice should be given for this meeting and the employee must be advised of their right to be accompanied at the meeting by a trade union representative or workplace colleague.

9.3.3 Appropriate sanctions can be awarded progressively, from informal action and review for reaching an absence trigger for the first time, to a sanction of dismissal for repeatedly failing to maintain an appropriate presence at work. Note that a sanction of up to a first written warning may be issued at the first formal meeting and a final written warning at any subsequent formal meeting. There will be an appropriate review period between formal review meetings.

9.3.4 Actions subsequent to a final written warning will be considered under either the Ill Health Capability Process as detailed in paragraph 10.5 below or the schools' Disciplinary Policy whichever is more appropriate. Where there is any doubt as to which process should be followed guidance should be sought from the Schools' HR Team.

9.3.5 The letter advising the employee of the outcome of the Formal Meeting must include the details of the sanction, the length of time any warning will remain on file and the process to follow in case of any appeal.

9.3.6 Appeals will be heard by the Staff Disciplinary and Dismissal Appeals Committee in line with the appeals process set out in the schools' Disciplinary Policy.

9.3.7 If, following the issuing of a final written warning at a second or subsequent formal meeting, the employee fails to achieve or maintain the required level of attendance, the case will be progressed under the appropriate schools' Disciplinary Policy.

9.3.8 A hearing must be held before the schools' Staff Disciplinary and Dismissals Committee if the outcome is likely to be dismissal. Following such a hearing, as maintained schools, the governing body must notify the LA, in writing, if it determines that any person employed or engaged by the LA to work at the school should cease to work there, and the reasons for that determination. For maintained schools the LA will issue the notice of dismissal within 14 days of the appeal being heard.

9.3.9 Employees may notify their Headteacher if they have a disability (as defined under the Equality Act 2010*) that impacts or may impact on their attendance. In such cases, it may be expected that sickness absence may be higher than an employee without such a disability and as far as is reasonable, this should be factored into the employee's sickness absence management. In all such cases, an opinion should be sought from OH and/or a consultant physician. However, employees are advised that remedial sickness absence action including warnings may still be issued against employees who have a disability, provided reasonable adjustments have been considered and implemented where reasonably possible. Headteachers must also demonstrate that they have taken into account absences that are directly or indirectly related to a disability and that a higher number of days and occasions of sickness absence may result before issuing any warnings. It is likely that it will be more appropriate to deal with persistent disability or serious ill health related short-term absences through an Ill Health Capability Hearing (see paragraph 10.5. below) rather than through a disciplinary process.

**Under the Equality Act 2010, a person has a disability where they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.*

10 Long-Term Absence Management (see Section 7 of the Sickness Absence Management Guidance)

10.1 Definition

10.1.1 Long-term absence describes a continuous absence from work of 28 calendar days (including school holidays) or more – see Appendix B.

10.1.2 As it is important for the employee and their Headteacher to maintain contact throughout the period of absence as far as reasonably possible, it is important that the Headteacher agrees a communication plan with the employee. The Headteacher should use the Communication Form to record all communications, actions and agreements. Telephone contact between the Headteacher and the employee should take place on a weekly basis, unless otherwise agreed between the Headteacher and the employee for absences longer than 7 calendar days.

10.2 Sickness during School Holidays and other Closure periods

10.2.1 An employee falling sick during a school closure period, must notify the school of the absence in accordance with the notification procedures as outlined in paragraph 4 above. For teachers, sick leave entitlements as set out in the Burgundy Book (and as set out in paragraph 14.1 below) apply to the 195 contractual working days. For support staff the entitlements set out at paragraph 14.2 below apply to calendar days.

10.2.2 Teachers absent due to sickness continue to receive full or half pay, as appropriate, through weekends, half-term breaks, bank holidays and the longer Christmas, Easter and Summer breaks; however, these periods do not count against teachers' sick leave entitlements.

10.2.3 All staff, whose sick leave extends into the school holiday, must continue to submit medical certificates, as required, even though the school is closed.

10.2.4 When an employee is ill preceding a closure period, they shall be deemed to have returned to duty on the day they confirm that they are fully fit.

10.3 Long Term Sickness Absence Management Process

10.3.1 Referrals to OH should only be considered in line with section 7 of this policy. Also, please refer to Section 9 "Occupational Health Guidance" of the Sickness Absence Management Guidance.

10.3.2 If it seems that the absence will continue for more than 28 calendar days, ***welfare meetings / contact*** should be conducted at least every 6 weeks. Notes taken at this meeting must be provided to the employee using the

template letter in the Headteachers' Toolkit. Reasonable adjustments and/or redeployment options should be considered and discussed at these meetings. For more information on welfare meetings – please see Welfare Meetings guidance in the Headteachers' Toolkit.

10.3.3 Throughout the duration of any absence, Headteachers shall make every effort to facilitate and support the employee's return to work as soon as reasonably possible.

10.3.4 When any absence reaches between 4 and 5 calendar months (if not sooner), the Headteacher should request that a medical opinion may be sought on their ability to return to work in the near future. HR advice should be sought at this stage and the referral to OH undertaken in accordance with the guidance at section 7 of this policy. See also Section 9 of the Sickness Absence Management Guidance.

10.3.5 When any absence reaches 6 calendar months, the Headteacher shall undertake a further welfare visit to discuss the medical opinion and occupational health report with the employee. At this meeting, a return to work action plan should be agreed or alternatively, thought will be given to consideration of the employee's absence at an ill-health capability (or exceptionally, if abuse of the policy is alleged, a disciplinary) hearing. Individual cases, treatments and diagnoses vary and each situation must be considered on a case by case basis.

10.4 Phased Return to Work

10.4.1 Towards the end of long-term absence when a return to work is being contemplated, the employee can be offered a phased (or graduated) return to work. This is where the employee may be deemed fit enough to return to work but requires time to build-up their ability to return to full contractual hours.

10.4.2 Where an employee is working less than their full-time hours due to the GP's (or other medical professional's) recommendations on a "fit note", part or non-worked days are paid at full pay. Where the phased return results in the employee being absent from work for 4 consecutive calendar days or more, this would, under SSP regulations, have to be treated as a period of sickness. This would be for statutory purposes only and the employee's entitlement to full pay would be unaffected. However where, from a GP's perspective, an employee is fit to return to work, but OH have advised a phased return, part or non-worked days are paid in full for a maximum period of 4 weeks.

10.4.3 The length of the phased return will depend on the individual circumstances of the case and medical condition. Should an employee require a phased return longer than the 4 weeks outlined above, employees may utilise unpaid leave (or annual leave where applicable) to support a phased return of up to 8 weeks. In exceptional circumstances and where specifically advised by OH, a paid period of phased return longer than 4 weeks can be agreed. The OH service can advise on phased returns. Headteachers should ensure that the Graduated Return to Work form (available in the Headteachers' Toolkit) is submitted, by post or email, to the Payroll Department, Employment Services,

Powys County Council, County Hall, Llandrindod Wells – stating who has agreed the Graduated Return to Work.

10.4.4 It is the school's responsibility to enter a sickness absence end date on iTrent, immediately prior to the period of phased return commencing. Decisions as to whether or not unworked days during a period of phased return should be recorded and reported for statutory purposes, will be made within Employment Services. It is therefore imperative that the Graduated Return to Work forms are completed accurately and forwarded to Employment Services within 5 working days of the phased return being agreed.

10.5 Ill Health Capability Hearing

10.5.1 It is hoped that an employee who is absent long-term may return to the workplace with the support of reasonable adjustments and/or rehabilitation. However, there are times when this is not possible and formal action needs to be taken.

10.5.2 Where an employee is unfit to return to their post and is therefore considered to be incapable of carrying out their duties; if no reasonable adjustments can be made and redeployment opportunities have either been exhausted or are not appropriate; then a hearing of the Staff Discipline and Dismissal Committee to address the long-term sickness absence or ill health will be called.

10.5.3 The Headteacher is responsible for ensuring that all support and consideration is applied in a timely manner for the benefit of all involved. It is expected that the processes described in paragraph 10.3 above will typically be completed within the first 8 months of an employee's absence and unless there are exceptional circumstances an ill health capability meeting should be convened as soon as reasonably practical thereafter.

10.5.4 The process for an ill health capability hearing is outlined in Section 7 of the Sickness Absence Management Guidance.

10.5.5 Since the outcome of the hearing could be dismissal, the case must be held before the Schools' Staff Disciplinary and Dismissals Committee.

10.5.6 At the hearing, consideration will be given to what redeployment options have been offered or if any reasonable adjustments were considered that may have facilitated a return to work. Dismissal may be the decision reached. Alternatively, the Committee may determine that a further review period is required.

10.5.7 Following such a hearing, as a maintained school, the governing body must notify the LA, in writing, if it determines that any person employed or engaged by the LA to work at the school should cease to work there, and the reasons for that determination.

10.5.8 Appeals will be heard by the Staff Disciplinary and Dismissal Appeals Committee and will follow the same process as the appeals process set out in

the schools' Disciplinary Policy. For maintained schools, the LA will issue the notice of dismissal within 14 days of the appeal being heard.

10.6 Disciplinary Hearing

10.6.1 Exceptionally there may be cases where a disciplinary hearing is more appropriate to the circumstances of a long-term sickness case than an ill-health capability hearing.

10.6.2 Typically, this would occur where an employee has allegedly abused the schools' Sickness Absence Management Policy or that there is another conduct related allegation that needs to be progressed through the schools' Disciplinary Policy.

10.6.3 Advice must always be sought from the Schools' HR Team before implementing this stage of the policy.

11 Sickness Absence and Annual Leave (does not apply to Teachers or other staff working term time only)

11.1 Employees are expected to utilise annual leave periodically throughout the year to maintain a healthy work life balance and to ensure they take adequate rest breaks.

11.2 Employees who are absent due to ill health continue to accrue statutory holiday entitlement whilst off work. Where sick pay entitlement has been exhausted, and in exceptional circumstances, employees may request to take accrued contractual annual leave during periods of ill health.

11.3 Any statutory holiday entitlement that isn't used because of illness may be carried over into the next leave year. This leave must be taken within 18 months of the commencement of the next leave year. However, employees are expected to make every reasonable attempt to take accrued leave periodically throughout the current leave year.

11.4 As outlined at paragraph 10.4 above, an employee not working term time only will be able to use outstanding annual leave to support a phased return.

11.5 If an employee who does not work term time only falls sick or is injured whilst on annual leave, the school will allow for the period to be treated as sick leave for the period of illness – this means that the employee will be given back the annual leave for the period of illness. However, the period of illness or injury must be certified by a qualified medical practitioner (or via proof of an insurance claim if the employee was overseas) and the employee must contact the Headteacher as soon as reasonably possible to notify them of the illness.

11.6 In rare circumstances where an employee is off on long term sick leave it may be deemed that an employee would benefit from a holiday as part of their recovery. If an employee is to travel on such a holiday in these circumstances, for a week or more, they must advise the Headteacher prior to commencing

their holiday. Failure to do so may result in disciplinary action and/or sick pay being withheld.

12 Hospital, GP and Dental Appointments

12.1 It is recognised that there might be instances when there is a need for employees to attend medical appointments (such as consultant physician appointments) during normal working hours.

12.2 As far as reasonably possible, employees should try to negotiate appointment times that have the least impact on the school, such as early morning or late afternoon, or during their lunch break. It is expected that this will be the case for routine medical and dental appointments.

12.3 Where it is unavoidable to attend non-routine appointments during normal working hours, the employee should work the time back where possible (i.e. where the employee is not working term time only and full time). Alternatively, authorised unpaid leave may be agreed. Paid leave may be agreed according to the circumstances of the individual case at the discretion of the Headteacher but the frequency of such appointments must be monitored.

12.4 Evidence (for example, an appointment letter) must be provided on request. This can be redacted if appropriate.

12.5 In cases of rehabilitation or disability (in terms of the Equality Act 2010) where it is known that a programme of treatment will be required over a period of time and which may assist an employee to improve their health and attendance, arrangements for paid time off for attendance at medical appointments, tests and treatment should be discussed between the employee and their manager. This time off will be recorded on iTrent as tests/treatment and will be paid as sickness absence. Time taken as sick leave for tests or treatment will not count towards short-term absence triggers as outlined in paragraph 9.1 above.

12.6 Reasonable paid time off, up to a maximum of 5 days per annum, will be given for attendance at medical screening appointments (including short-term programmes of treatment) associated with a disability in terms of the Equality Act or any serious but short-term illness to support longer term attendance. Note that this leave is for medical screening and short programmes of treatment only and not for routine consultations with physicians or other medical professionals. The purpose of allowing such leave is to support employees (as a preventative measure) in maintaining regular attendance at work.

13 Industrial Injuries

13.1 An accident or incident giving rise to an injury arising out of or in the course of work is classified as an industrial injury.

13.2 All accidents at work must be reported in line with the Corporate Working Arrangements for Incident Reporting Procedure - please see intranet. The online incident reporting system can be accessed via the intranet.

13.3 Certain occupational injuries and diseases must be reported to the Health and Safety Executive in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

13.4 RIDDOR reportable incidents include death and specific injuries including:

- fractures, other than to fingers, thumbs and toes
- amputations
- any injury likely to lead to permanent loss of sight or reduction in sight
- any crush injury to the head or torso causing damage to the brain or internal organs
- serious burns (including scalding) which:
    - cover more than 10% of the body
    - cause significant damage to the eyes, respiratory system or other vital organs
- any scalping requiring hospital treatment
- any loss of consciousness caused by head injury or asphyxia
- any other injury arising from working in an enclosed space which:
    - leads to hypothermia or heat-induced illness
    - requires resuscitation or admittance to hospital for more than 24 hours
- any injury resulting in an over-seven-day incapacitation of a worker.

13.5 Health and Safety can provide further advice on incident reporting.

13.6 For teachers the “Burgundy Book” gives guidance on pay for absence arising from accident, injury or assault at work. Please refer to paragraph 9.

14 Occupational Sick Pay

14.1 Teaching staff sick pay

The sick pay entitlement for teachers, in accordance with the Burgundy Book, is as follows (pro rata for part time staff):

During 1st year of service	25 working days’ full pay and (after 4 months service) 50 working days’ half pay
During 2nd year of service	50 working days’ full pay and 50 working days’ half pay
During 3rd year of service	75 working days’ full pay and 75 working days’ half pay
During 4th year of service and subsequent years	100 working days’ full pay and 100 working days’ half pay

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

14.2 Non-teaching staff sick pay

The national scheme of sick pay allowances for non-teaching staff is as follows:

During 1st year of service	1 month's full pay and (after 4 months service) 2 months' half pay
During 2nd year of service	2 months' full pay and 2 months' half pay
During 3rd year of service	4 months' full pay and 4 months' half pay
During 4th and 5th year of service	5 months' full pay and 5 months' half pay
After 5 years' service	6 months' full pay and 6 months' half pay

For the purposes of the sick pay scheme for support staff, qualifying service must be continuous except where an employee returns to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependants. (He or she will be entitled to have previous service taken into account in respect of the sickness scheme provided that the break in service does not exceed eight years and that no permanent paid full-time employment has intervened).

15 Medical Suspension

15.1 The employing authority may have to take action as necessary when there is reason to think that an employee may have become medically unfit to perform teaching or other duties, particularly where there may be a risk to the pupils or students in that teacher's care.

15.2 Suspension on the grounds of ill-health is rare and is undertaken in the interests of the school and of the pupils in, typically, a teacher's charge. If the teacher or other support staff member is either unable to continue teaching duties or has no intention of resuming them until declared fit to do so, suspension will be a formality pending further medical advice. In certain cases, suspension may be necessary in order to ensure that the teacher or other support staff member does not stay at work or resume duties whilst there is a risk to pupils or to other members of the staff or if the teacher is unable to give efficient service.

15.3 Suspension on the grounds of ill-health may also apply as a last resort in exceptional circumstances where maternity or other risk assessment identifies a significant risk of harm which cannot otherwise be managed and the staff member therefore needs to be removed from the situation for their own well-being. This may include, for example, pregnant workers in the case of rubella.

15.4 Managers should refer to the Suspension Guidance and advice must be sought from the Schools' HR Team when considering medical suspension.

16 The Equality Act 2010 (see Section 6 of the Sickness Absence Management Guidance)

16.1 In managing sickness absence, due regard should be made to the Equality Act 2010. Consideration should always be given to making reasonable adjustments to the employee's role or workplace, particularly if this helps the employee stay in work.

16.2 Headteachers requiring more information about reasonable adjustments can contact Occupational Health, Human Resources or visit the following website: https://www.equalityhumanrights.com/en/multipage-guide/employing-people-workplace-adjustments

17 Third Party Insurance Claims

17.1 An employee who is absent from work as a result of an accident resulting in a third-party insurance claim shall not be entitled to a sickness allowance (i.e. sick pay, etc.) if damages may be recoverable from a third party in respect of the accident. In this event, Powys County Council (or the school in the case of an aided or foundation school) may, having regard to the circumstances of the case, advance the employee a sum not exceeding the sick pay under the scheme described within the Terms and Conditions of Service, subject to the employee undertaking to refund to the LA the total amount of such allowances or a proportion thereof represented in the amount of damages received.

17.2 If the claim is successful any period of absence in such a case shall not be recorded for the purpose of this policy. Where, however, the refund is made in part only, the school may at its discretion decide to what extent, if any, the period of absence will be recorded and subjected to remedial action.

17.3 Any correspondence concerning the values to be included in the employee's claims for subsequent payment to the authority should be directed to, and assessed by, Employment Services. Employment Services will then communicate all relevant information to the employee's solicitor, providing the employee has provided written consent to do so.

18 Ill-Health Pension Benefits (Ill Health Retirement) (See Section 11 of the Sickness Absence Management Guidance)

18.1 Employees who are members of the Local Government Pension Scheme may qualify to claim early payment of benefits if their contracts are terminated through ill-health – for more information, please see: www.powyspensionfund.org.uk.

18.2 Teachers who are members of the Teachers' Pension Scheme may qualify to claim early payment of benefits if they have to stop working due to ill health. For more information please see: https://www.teacherspensions.co.uk/members/working-life/life-events/ill-health.aspx.

18.3 Typically members of the Local Government Pension Scheme apply for ill health pension benefits through the Local Authority following an ill-health capability hearing and the decision from the hearing is used as part of the evidence to support the claim. Teachers may apply to Teachers' Pensions directly and may do so ahead of any ill-health capability hearing.

18.4 Employees who are members of a trade union or professional association are advised to seek guidance from their union representative.

19 Counselling Service

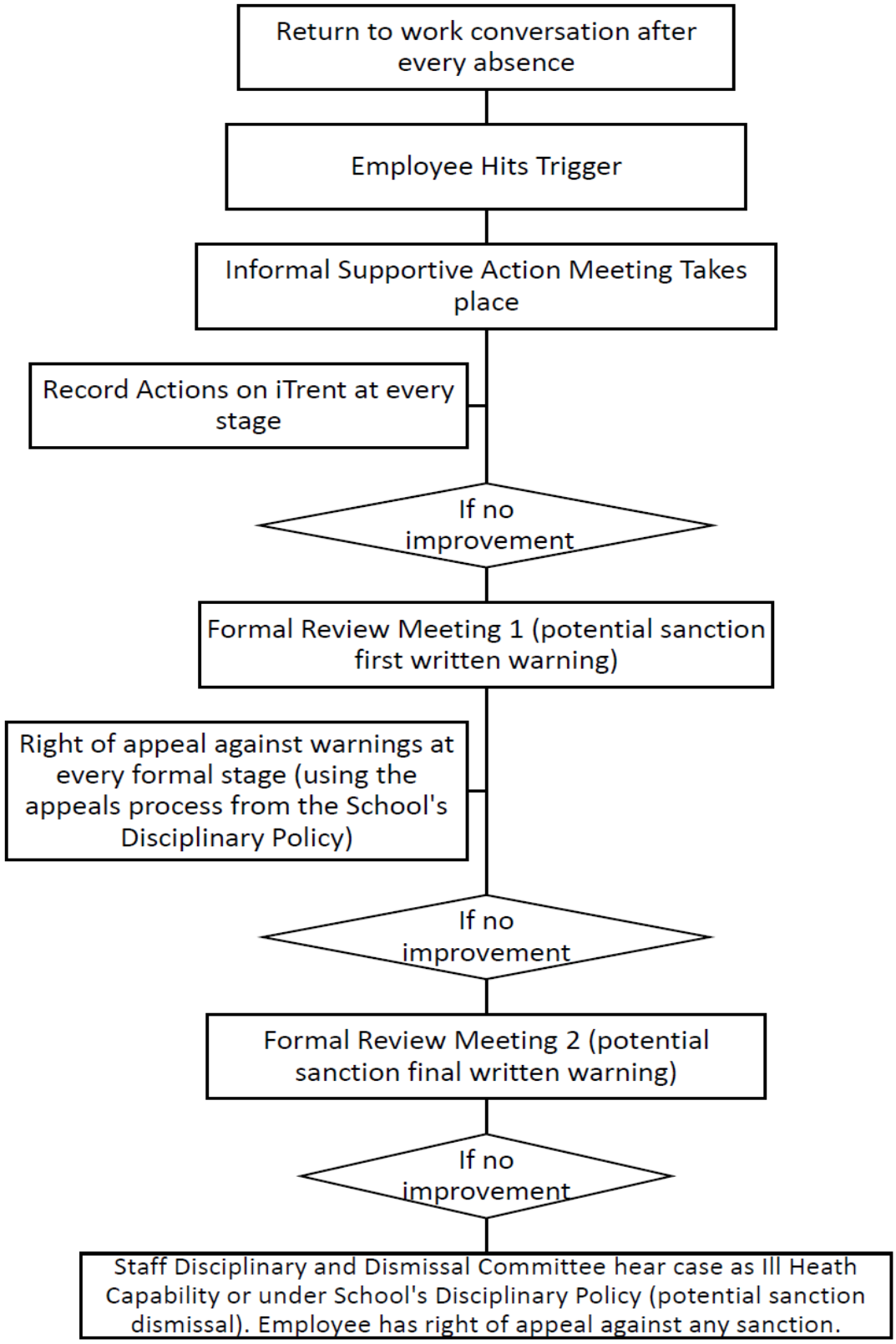
19.1 The local authority has a Counselling Service which offers free and confidential counselling to employees who are experiencing difficulties.

19.2 The school will pay for up to six sessions with a Counsellor. Employees self-refer to this service. There are times when more than six sessions are required; in such cases, more sessions may be negotiated.

19.3 Details of the Counselling Service are available on the Intranet or within the leaflet contained in the Headteachers' Toolkit.

APPENDIX A

EASY REFERENCE GUIDE: MANAGING SHORT-TERM SICKNESS ABSENCE



*Absence Recording on iTrent:
Head teachers or other appropriate managers are required to record the action taken at any meetings or hearings on iTrent. Guidance on how to do this can be found on intranet page 7564

APPENDIX A

EASY REFERENCE GUIDE: MANAGING SHORT-TERM SICKNESS ABSENCE

Initial contact
Employee notifies manager on first day of absence at least 1 hour before normal start time. Employee must telephone if able to do so – texts and e-mails are not acceptable. During the call, the Headteacher must establish the reason for the absence, reach agreement on how frequently contact will be made, the expected length of absence and any work commitments

Communication Form
All communication - including the first notification - must be recorded on a **Communication Form** included in the the Headteachers' Guidance and Toolkit.
Remember to record agreement as to how frequently contact will be made

SC1 Form/ Fit Note(s)
Employees must provide a completed **SC1 form** for absences up to and including 7 days. For absences of 8 days or more, a **fit note** will be required to support the absence as well as an SC1 form if the fit note does not cover the first 7 days. (The **SC1 form** can be found in the Headteachers' Guidance and Toolkit and on page 5569 of the intranet). Employees who cannot access the intranet can obtain a copy from their manager. If necessary, provide a copy of the Council's Counselling leaflet from the Headteachers' Guidance and Toolkit.

Return to Work Form
A **Return-to-Work conversation** must be carried out for every absence and documented on the **Return-to-Work Conversation Form** – see Headteachers' Guidance and Toolkit. A record must be made after every period of sickness and the signed record kept on the employee's file.

Trigger Points
•3 episodes of short term sickness of any length in any rolling 12 month period, or
•2 episodes of sickness which when combined, total more than 3 working weeks in any 12 month rolling period. •A recognisable pattern of absence (see policy)
(NB intermittent short-term absences can be the result of an employee's disability - see section 6 of the Headteachers' Guidance and Toolkit)

Informal Supportive Action
When an employee has reached the triggers above Informal Supportive Action is required. Informal Supportive Action requires the line manager or head teacher to speak to the employee about their absence levels in either their return to work meeting, regular one-to-one meetings, supervision sessions or at a designated absence meeting. This discussion is informal and no written invitation to a meeting is required. However, the points discussed and any agreed next steps should be placed on record and recorded on iTrent*– a template letter is included in the Headteachers' Guidance and Toolkit

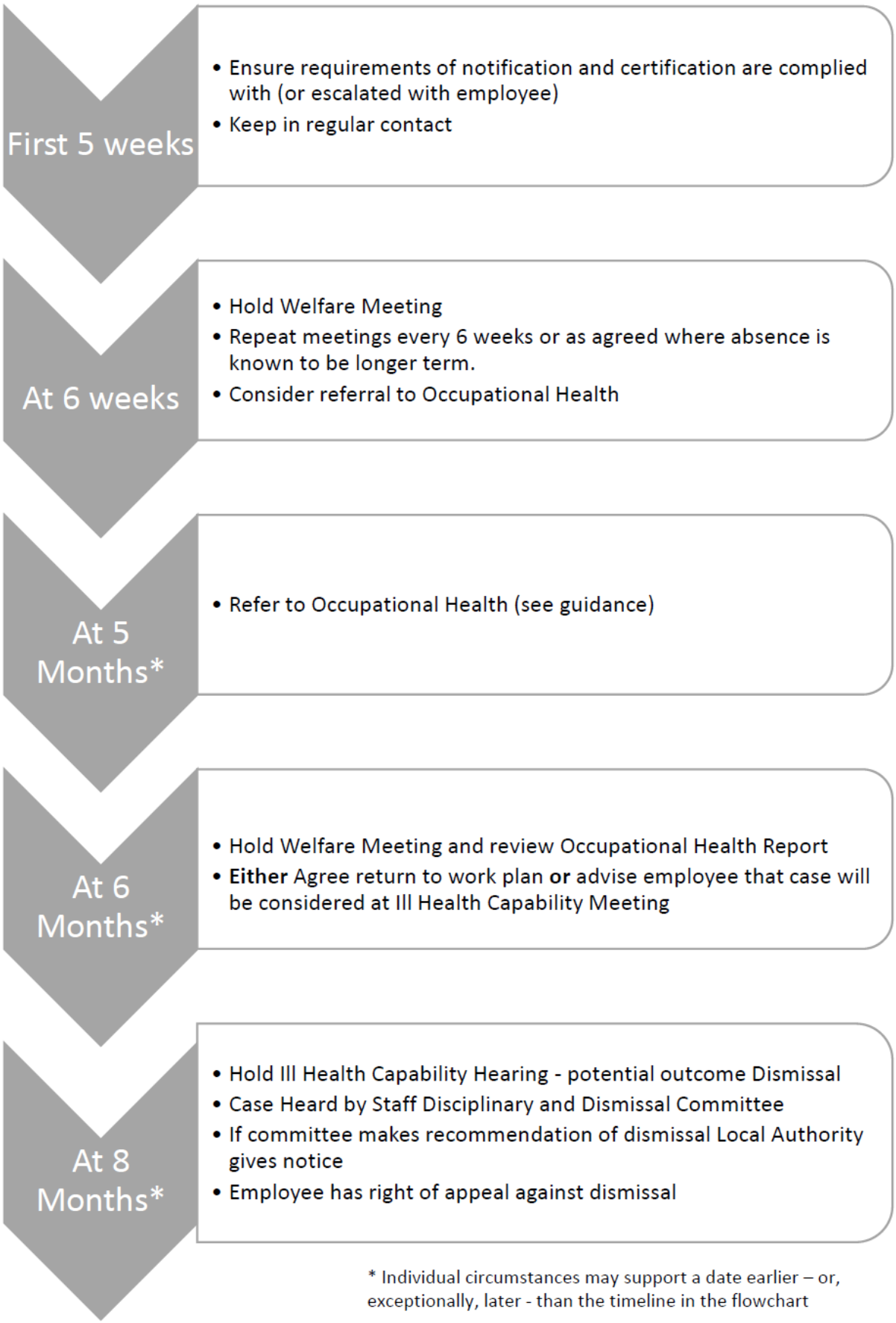
Formal Meetings
Where there is no improvement, insufficient improvement, or the improvement is not sustained over a reasonable period of time (e.g. 3 or 6 months) then it would be appropriate to move to more formal measures – see the Headteachers' Guidance and Toolkit for resources. It is recommended that advice is taken from HR at this stage. Formal meetings must be recorded on iTrent*. First and Second Written Warnings can be issued by the Headteacher (if powers have been delegated) based on the employee's level of short-term absence and/or not following proper reporting procedures. The Employee has a right of appeal against any sanction.

Disciplinary/Ill Health Capability Hearing
Where there is insufficient improvement in attendance levels, it will be appropriate to proceed to a formal disciplinary hearing. HR must be consulted at this stage. The case will be heard by the Staff Disciplinary and Dismissal Committe either as a disciplinary case due to the employee not meeting their contractual obligation to attend work regularly,. Possible outcomes include a **Written Warning**, a **Final Written Warning** or **Dismissal (please see the Disciplinary policy for more details)*** Alternatively if the level of absence is entirely due to ill health, the Staff Disciplinary and Dismissal Committe will consider an ill health capability dismissal.
The employee has a right of appeal against any sanction.

*Absence Recording on iTrent:
Head teachers or other appropriate managers are required to record the action taken at any meetings or hearings on iTrent. Guidance on how to do this can be found on intranet page 7564

APPENDIX B

EASY REFERENCE GUIDE: MANAGING LONG-TERM SICKNESS ABSENCE



* Individual circumstances may support a date earlier – or, exceptionally, later - than the timeline in the flowchart

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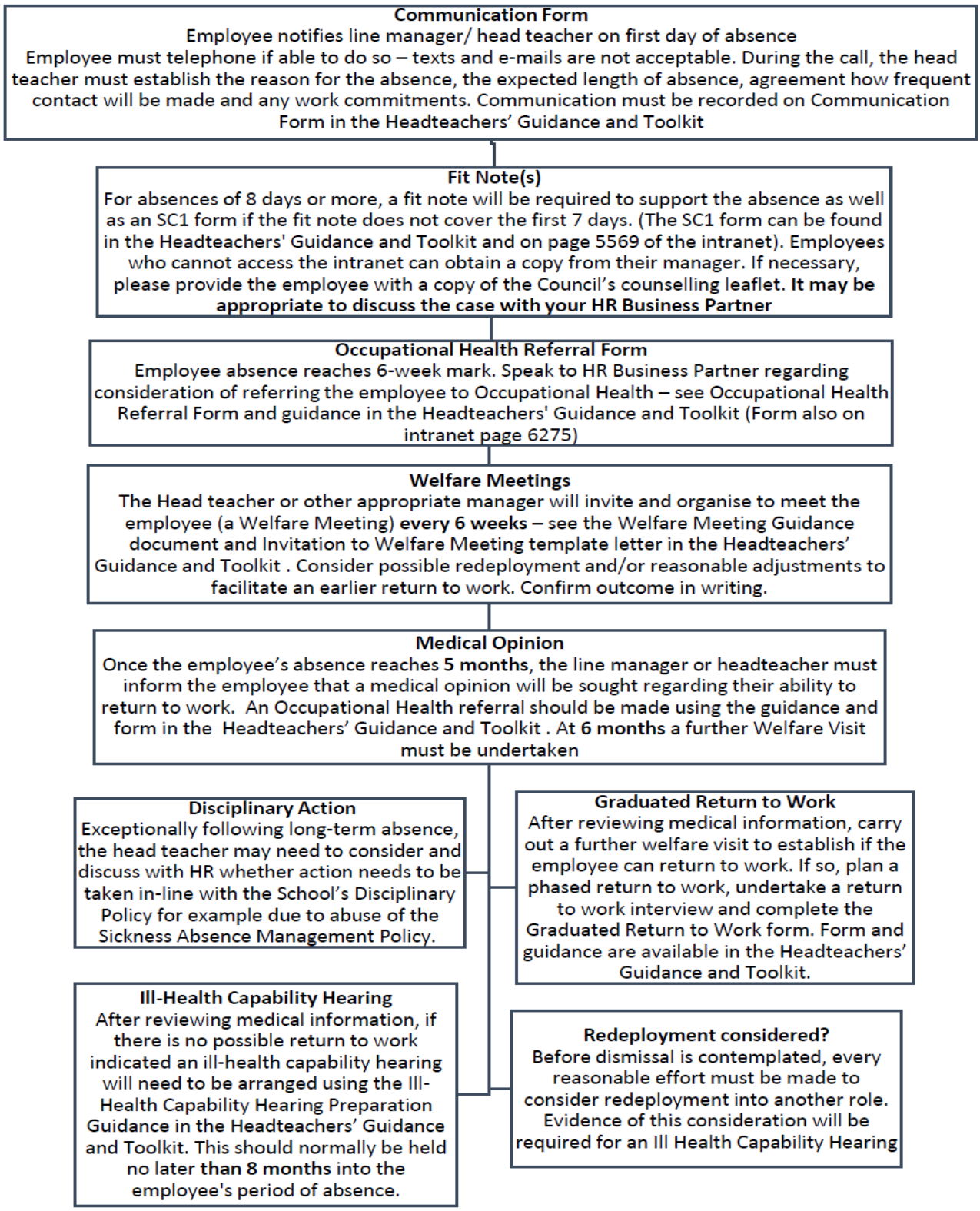
APPENDIX B

EASY REFERENCE GUIDE: MANAGING LONG-TERM SICKNESS ABSENCE



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APPENDIX C

FURTHER SOURCES OF INFORMATION/SUPPORT

Effective Management of School Workforce Attendance: All school leaders should be aware of their roles and responsibilities, with regards to attendance management, of all those involved in the education of children and young people. A full guide and a summary of this information (produced by the Welsh Government is available on the following link:
http://gov.wales/topics/educationandskills/publications/guidance/effective-management-of-school-workforce-attendance/?lang=en

The Education Support Network is a free information, support and counselling service for all teachers and the entire education workforce in Wales. The service is available 24 hours a day, every day and can be contacted on: 08000 562 561 or
https://www.educationsupportpartnership.org.uk/helping-your-staff/employee-assistance-programme

Teachers' Pensions can be contacted via:
https://www.teacherspensions.co.uk/members/member-hub.aspx

Local Government Pension Scheme can be contact via:
http://www.powyspensionfund.org/

The Counselling Service offers free and confidential counselling to anyone who is employed by Powys County Council:
http://intranet.powys.gov.uk/index.php?id=2498