



**London Borough
of Hounslow**

Management of Absence & Employee Health Policy and Procedure for School Based Staff

**Issued by the Schools Workforce HR and Development
Revised June 2024**

TABLE OF CONTENTS

1	POLICY STATEMENT	3
2	SCOPE OF THE POLICY/PROCEDURE.....	4
3	GENERAL PRINCIPLES.....	4
4	CONFIDENTIALITY	5
5	EMPLOYEES WITH A DISABILITY	6
6	MANAGING STRESS RELATED ABSENCE	9
7	EMPLOYEE WELLBEING	9
8	PREGNANCY RELATED SICKNESS	11
9	SICK PAY	11
10	ANNUAL LEAVE DURING PERIODS OF SICK LEAVE.....	11
11	OCCUPATIONAL HEALTH REFERRALS AND EMPLOYEE SUPPORT	13
12	MEDICAL SUSPENSION.....	14
13	REPORTING SICKNESS ABSENCE.....	15
14	SICKNESS WHILST OVERSEAS	16
15	SICKNESS CAUSED BY AN ACTIVITY AT WORK	16
16	RETURN TO WORK MEETINGS	17
17	PHASED RETURN TO WORK	18
18	SHORT TERM SICKNESS ABSENCE MANAGEMENT PROCEDURE.....	19
19	LONG TERM SICKNESS ABSENCE MANAGEMENT PROCEDURE	20
20	FORMAL PROCESS: STAGE 1 AND STAGE 2 MEETINGS	21
21	FORMAL PROCESS: STAGE 3 CONTRACTUAL REVIEW HEARING	23
22	ILL-HEALTH RETIREMENT.....	26
23	REDEPLOYMENT ON HEALTH GROUNDS	27
24	RIGHT OF APPEAL.....	28
	APPENDIX A: THE EDUCATION (HEALTH STANDARDS) (ENGLAND) REGS. 2003	30
	APPENDIX B: SHORT-TERM ABSENCE PROCESS - FLOW CHART.....	31
	APPENDIX C: LONG-TERM ABSENCE PROCESS - FLOW CHART.....	33
	APPENDIX D: SICK PAY ENTITLEMENTS.....	35
	APPENDIX E: RETURN TO WORK MEETING FORM.....	36
	APPENDIX F: RETIREMENT ON ILL-HEALTH GROUNDS - DECLARATION FORM.....	38
	APPENDIX G: PROPOSAL TO TERMINATE CONTRACT ON ILL-HEALTH GROUNDS	39

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 2 of 39

WHO SHOULD READ THIS POLICY?

- **Headteachers / Principals / Heads of Service / Senior Executive Leaders / Chief Executives / Executive Headteachers / Chief Operating Officers and School Leadership Team Members.** *(Please note for the purposes of this policy these roles will be covered under the title of **Delegated Manager** where appropriate).*
- **Governing Boards / Employers**
- **School Business Managers / Senior Administrative Officers**
- **Employees**
- **Accredited Professional Association / Trade Union Representatives**
- **Accompanying Workplace Colleagues**

1 POLICY STATEMENT

- 1.1 Employers and schools are best served by a healthy and productive workforce.
This policy aims to achieve this by providing a safe and healthy working environment and by implementing procedures which maintain contact with absent employees and assist them in returning to work.
- 1.2 The School and the Governing Board are committed to providing and maintaining a high standard of education for all pupils, and hence require good standards of attendance from all employees.
- 1.3 The School and the Governing Board do not wish staff to attend for work when they are too ill to do so, but they expect employees to account for their absences and to meet their contractual obligations to work.
- 1.4 Prolonged or regular absence through ill health or other reasons may prevent the school from delivering an effective service.
It is recognised that employees may experience periods of ill health and require sick leave from time to time.
When this happens, the school will treat this sensitively and will be sympathetic, kind, and supportive and **MUST** act in a fair, reasonable, and consistent manner.
- 1.5 There are circumstances relating to teachers and their fitness to work, which covered by the Education (Health Standards) (England) Regulations 2003, and these are outlined in **APPENDIX A**.
This policy **MUST** be implemented taking these Regulations, and all contemporary employment related law, into account.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 3 of 39

2 SCOPE OF THE POLICY/PROCEDURE

- 2.1 This procedure is relevant to all teaching and support staff (except for support staff on probation who are subject to the Probationary Assessment Period Procedure), regardless of grade or position, hours worked per week or whether the contract is permanent, temporary, or fixed term.
- 2.2 This policy and procedure should be read in conjunction with the LA's or school's Management of Stress at Work Policy and Procedure.
- 2.3 This policy and procedure is fully supported by the Local Authority HR Advisory Service for those schools with a valid subscription to the service.

For maintained schools that do **not** purchase the Local Authority HR Advisory Service, any decision to dismiss an employee **MUST** only be taken after advice has been sought from the Schools Workforce HR & Development Team.

ANY SCHOOL (maintained or non-maintained academy) that receives HR Advisory support from a provider outside of the HR Advisory Service should ensure appropriate HR and Legal advice throughout the process.

3 GENERAL PRINCIPLES

- 3.1 It is important for Senior Executive Leaders / Chief Executives, Headteachers / Principals, Heads of Service, Governing Boards / Employers, and their Delegated Managers to understand the reasons for absence and to consider effective support measures to enable the employee to return to work at the earliest opportunity.
- 3.2 This procedure provides a framework within which a Delegated Manager, by talking to an employee, can reach that understanding by obtaining relevant information to manage absences and decide on appropriate next steps.
- 3.3 This procedure **MUST** be used in all cases of sickness absence **except where the following applies:**
- Failure to follow the school's (or service's) procedure for the notification of sickness absences.
 - Failure to attend work or leaving the workplace without permission.
 - Refusal to explain the absence.
 - Abuse of the sickness scheme thereby defrauding the School/Employer.
 - Absence to pursue or resulting from secondary employment.
 - Absence to pursue a leisure activity.
 - Taking part in activities that are inconsistent with the cause of absence or prejudicial to recovery.
 - Altering the contents of Fitness for Work notes

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 4 of 39

In such cases, the relevant breach **MUST** be dealt with under the LA's or School's Disciplinary Procedures.

- 3.4 Where an employee is, by their actions, preventing the implementation of the Management of Absence and Employee Health procedure, e.g., refusal to report absence or complete self-certification forms, action may also be taken under the LA's or School's Disciplinary Procedure.

In these circumstances employees may disentitle themselves to Occupational Sick Pay.

- 3.5 Where the number of days of absence is under consideration, the absence of part-time and job share employees working fewer than 5 days a week **MUST** be considered on a pro-rata basis.
- 3.6 For the purpose of the formal stages of this procedure the Senior Executive Leader / Chief Executive / Headteacher / Principal, Head of Service or Governing Board / Employer will identify staff authorised to act as Delegated Managers.
- 3.7 If an employee fails to attend or is unable to attend a meeting at any stage under this procedure the Delegated Manager will decide, after considering the individual circumstances and all available information, whether the meeting should be postponed to a new date or be continued in the employee's absence.
- 3.8 Consideration should always be given to either holding the meeting at an alternative neutral location, where possible or, in agreed and exceptional circumstances, via remote link if requested by the employee.
- 3.9 Where an employee advises that they are not well enough to attend meetings or engage with the process, advice should be sought from the School's HR Advisory provider and the school's independent Occupational Health provider.
- 3.10 Account **MUST** always be taken of the employee's right to be accompanied by a trade union or professional association representative or a workplace colleague and the availability of such representation.

If an employee is unable to attend a meeting at any of the formal stages of the procedure, they **MUST** be allowed to authorise their representative to attend and participate at the meeting on their behalf.

4 CONFIDENTIALITY

- 4.1 The need to maintain confidentiality by all parties is of paramount importance and **MUST** be adhered to at all stages set out in this procedure.
- 4.2 Confidentiality should be maintained in terms of verbal and written communication and documentation and **MUST** be handled in line with the Data Protection Act 2018 and GDPR Regulations.
- 4.3 Disclosures of confidential information may result in disciplinary action being taken.

This duty of confidentiality applies to all parties.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 5 of 39

- 4.4 To promote fairness and order, these matters are to be treated as strictly confidential and **MUST** not normally be discussed with parties outside of formal meetings, except for an accredited trade union or professional association union representative or a chosen workplace colleague.
- 4.5 These matters may additionally be shared with a close family member or close friend provided anyone this information is shared with understands and confirms that they are willing to be bound by the same confidentiality rules, and that you would be accountable for any breaches.

Please note: *The use of the formal disciplinary procedure to deal with breaches of confidentiality may disclose to a larger number of people the very information that the policy is trying to protect. Generally, it should only be used when this is not the case, or when all other measures have failed.*

5 EMPLOYEES WITH A DISABILITY

- 5.1 The Equality Act 2010 defines a person with a disability as a person with a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.
- 5.2 The Equality Act 2010 makes it unlawful for the school to unjustifiably treat a person with a ‘protected characteristic’, such as a disability, less favourably than a person who does not have a disability for any reason related to the person’s disability.
- 5.3 It is acknowledged that disability is by no means generally synonymous with ill health or absence from work, however, consequences associated with a disability may sometimes be relevant to consider in terms of sickness absence management and/or ill-health support.
- 5.4 It is essential that Delegated Managers treat each case on its merits, taking account of all the circumstances, including the employee’s known illness or disability at the time of employment.
- Every effort will be made by the Delegated Manager to ensure that good and fair practices, as specified in this policy, are carried out.
- 5.5 Under the Equality Act 2010, the school has a positive duty to make reasonable adjustments where any aspects of working arrangements (including premises) place a disabled person at a substantial disadvantage. Within this policy, this is likely to arise in two respects:
- a. adjustments to the job itself or to the working environment may be required in order that the employee may return to work following a period of sickness absence.
 - b. it may be deemed a “**reasonable adjustment**” to accept that the disabled person will need some level of absence from their work.
- 5.6 Where the effects of a person’s disability results in a need to be absent from work due to illness or where a disabled person requires leave which is directly associated with their disability this **MUST** be accommodated within the terms of the Equality Act 2010.
- A failure to acknowledge these needs could amount to a failure to make a “reasonable adjustment.”

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 6 of 39

- 5.7 Information received from the employee should be sufficient to enable the Delegated Manager to classify the sickness absence appropriately. Advice may be sought from the school's independent Occupational Health provider, so that incorrect assumptions or unfounded prognoses are avoided.
- 5.8 People with disabilities **MUST** be given reasonable opportunity, time, and support to request and receive any appropriate facilities they need to participate fully in formal meetings (e.g., sign language, induction loop systems, information on tape or braille, etc.)
- 5.9 Schools **MUST** also be mindful of those employees with hidden disabilities when considering commencing the absence management process as well considering the possible impact of a hidden disability on the employee's ability to maintain a consistent attendance record.
- 5.10 It may not be immediately obvious that an employee has a hidden disability or health condition but the impact of living with a non-visible disability **may** have a huge effect on someone's life and their ability to undertake the role in which they are employed.
- 5.11 Non-visible disabilities include a wide range of disabilities. These are not limited to, but may include:
- Mental health conditions, including anxiety, depression, schizophrenia, personality disorders, obsessive compulsive disorder, etc.
 - Autism and Asperger's syndrome
 - Visual impairments or restricted vision
 - Hearing loss
 - Sensory and processing difficulties
 - Cognitive impairment, including dementia, traumatic brain injury, or learning disabilities.
 - Non-visible health conditions, including diabetes, heart failure, chronic pain or fatigue, respiratory conditions, incontinence, etc.
- 5.12 There are many different types of non-visible disability.
- The kind of support required for employees with non-visible disabilities will differ and advice **MUST always** be sought from the school's independent Occupational Health provider on what **reasonable** adjustments (if any) can be made to support the employee at work and what support the school can provide.
- 5.13 Employees are not obliged to disclose a disability. They may choose not to do so for many valid reasons including, but not limited to, the societal stigma around disabilities.
- 5.14 In many cases it will be obvious to the Senior Executive Leader / Chief Executive, Headteacher / Principal, Head of Service and Governing Board / Employer that the employee is disabled, and so there will be no dispute about whether they 'knew' of the disability.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 7 of 39

- 5.15 A duty to make reasonable adjustments in respect of a disabled employee will not arise if the employer does not know, **and could not reasonably be expected** to know:
- a. that the individual is disabled, or
 - b. that they likely to be placed at a substantial disadvantage because of that disability.

In many cases, though (and especially in cases of mental illness), the situation is more subtle.

- 5.16 Delegated Managers should make reasonable enquiries and ask “**all the right questions**” to ascertain whether an employee is disabled – if they fail to do so then they are unlikely to be able to argue that they “could not reasonably have known” about a disability.
- 5.17 What “**all the right questions**” are will depend on the circumstances, but Delegated Managers **MUST** be careful not to simply rely on what the employee or their Occupational Health provider is (or is not) telling them before deciding they have no duty to make reasonable adjustments.
- 5.18 Delegated Managers and HR are not medical professionals – nor are they expected to be – and it will often not be clear that the employee is suffering from an underlying condition, or that that condition constitutes a disability for the purposes of the Equality Act 2010.
- 5.19 However, if the Delegated Manager could ‘reasonably be expected to know’ about the disability (and about the substantial disadvantage the employee may be placed under), even if in practice they did not actually know, **then the duty to make reasonable adjustments will still arise**.
- 5.20 Delegated Managers need to be careful, therefore, to keep an open mind as to whether an individual is disabled, and make sure to make all reasonable enquiries.
- 5.21 The fact that an employee has not told the employer about their condition does not automatically mean the employer could not reasonably have been expected to know they were disabled, for example, there were sufficient facts to have put the Delegated Manager on notice that the employee might have a disability (i.e., knowledge about an employee’s application for disability tax credit or the employee’s ‘behaviour’).
- 5.22 On the other hand, it does not follow that a Delegated Manager will be deemed to know about a disability just because the employee has said they believe that they are suffering from a particular condition, or their doctor has diagnosed them as such, without providing any further medical evidence. The Delegated Manager **MUST** be deemed to have actual or constructive knowledge of a disability.
- 5.23 For example, if the school has obtained occupational health reports, sought medical opinions on whether the employee was disabled, asked permission to get a report from the employee’s GP (even if it was refused by the employee), and sought a formal diagnosis of the condition and these provide no other indication or confirmation, other than what the employee was telling them, that the employee was disabled, then the Delegated Manager would likely have no actual or constructive knowledge of a disability.
- 5.24 Delegated Managers who encounter a refusal for the OH provider to access the employee’s GP or medical records should not simply stop making enquiries at this first hurdle.
- 5.25 It is important that Delegated Managers do not become fixated on the fact that the OH provider does not give a formal diagnosis – the employee might still be disabled.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 8 of 39

- 5.26 Delegated Managers should also remain cautious about a report from an OH provider who tells them what they think the employer may want to hear (that the employee is not disabled) and relying on that to deny all knowledge of an employee's disability.

NOTE: Whilst neither a disability nor an impairment, employees **SHOULD** be given the opportunity of requesting interpreters if English is not their first language.

6 MANAGING STRESS RELATED ABSENCE

- 6.1 The Health & Safety Executive defines stress as the "adverse reaction people have to excessive pressure or other types of demand placed on them".
- 6.2 There are three main reasons for ensuring that work related stress is tackled at the earliest opportunity:
- Reducing sickness absence and associated costs
 - The positive effect on staff turnover or intention to leave, recruitment and retention staff performance and organisational image and reputation.
 - To comply with the employer duties under the law, i.e., the Management of Health and Safety at Work Regulations 1999 to assess the risk of stress-related ill health arising from work activities, and the Health and Safety at Work etc. Act 1974 to take measures to control that risk.
- 6.3 Schools who address the issue of stress at an early stage are generally the most successful in managing problems associated with stress.
- 6.4 Whilst pressure is part and parcel of all work and helps to keep us motivated, excessive pressure can lead to stress, which may undermine performance, it can make people ill and may be costly to the school because of increased absence.
- 6.5 Schools and their staff have been required to adapt to major changes over multiple years and there is no doubt that radical change can **be** a source of pressure. The possible effects of such pressure need to be positively and sensitively managed.
- 6.6 When commencing the formal stages of this Policy/Procedure, Delegated Managers should ensure that reference is made to their adopted Stress Management Policy.

7 EMPLOYEE WELLBEING

- 7.1 Employers have a duty of care to employees under common law and legal duties in the health and safety legislation, including, but not limited to, the Health and Safety at Work Act 1974, related legislation, and the Working Time Regulations 1998.

In addition, the following have been put in place to encourage schools to develop effective work life balance strategies:

- For those teachers not covered by the 1265 annual limit on directed time (For example, CEOs, COOs, Headteachers, Deputy and Assistant Headteachers and Leading Practitioners), overall hours **MUST** be reasonable.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 9 of 39

- Schools **MUST** have regard for all staff (including themselves and other senior leaders) being able to achieve their professional duties and the time required to pursue their personal interests outside work.
- The Governing Board / Employer has a responsibility under Section 21 of the Education Act 2002 to have due regard for the work life balance of their Headteachers / Principals (and hence Senior Executive Leaders / Chief Executives, Heads of Service, etc.) and ensure they are not required to work unreasonable hours and can achieve a reasonable work life balance.
- Adult workers (over 18) will normally have the right to a minimum of a 20-minute rest break if they are expected to work for more than six hours at a stretch.
The break **MUST** be in one block, somewhere in the middle of their working day.
Schools may agree their own arrangements beyond this in a consistent agreed manner.
Any changes to breaks would need to be consulted on with staff.
- Young workers who need to work for more than four and a half hours have the right to a rest break of 30 minutes.
(Those who are under 18 but over school leaving age are classed as a young worker).

7.2 Schools should ensure that all employees are aware of the school's policy on supporting, encouraging, and enabling all staff to maintain a healthy balance between their work and the other interests and responsibilities in their life, so that they can achieve their best at work and manage other areas of their life effectively.

7.3 The school is committed to work life balance and:

- Recognises that effective practices to promote work-life balance may benefit both staff and pupils.
- Is aware of the joint responsibility to discuss workable solutions and encourages partnership between staff and line managers.
- Will develop, monitor, and evaluate appropriate policies and practical responses that meet the specific needs of the school having regard to fairness and consistency, valuing all employees for their contribution to raising standards.
- Will communicate its commitment to work life balance to its staff.
- Will demonstrate leadership and encourage all senior leaders to lead by example.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 10 of 39

8 PREGNANCY RELATED SICKNESS

- 8.1 It is recognised that a pregnancy may result in various medical absences at different stages and the school will treat these sympathetically.
- No action under the provisions of this procedure will be taken against a female employee who is absent from work due to a pregnancy related illness.
- 8.2 However, absence levels will continue to be monitored and where the school has concern about the reasons or lengths of absence, they reserve the right to formally investigate the nature and causes of these absences.
- 8.3 Absence in the 4 weeks leading up to the start of maternity leave may result in maternity leave starting early at the request of the employer.
- For further details please refer to the London Borough of Hounslow’s Family Leave Policy for School Based Staff or the school’s Maternity Leave Policy.

9 SICK PAY

- 9.1 All schools operate an occupational sick pay scheme. The provision of sick pay that an employee is eligible is dependent on service, and whether an employee is teaching or support staff.
- 9.2 Details of sick pay entitlements for maintained schools are set out in **APPENDIX D**.
NOTE: Sick pay provisions may differ in Academies/Free Schools.
- 9.3 Where an employee has exhausted their entitlement to Contractual Sick Pay and is not entitled to or has also exhausted their entitlement to Statutory Sick Pay, they **MUST** be advised that they may be entitled to claim benefits via the Department for Work and Pensions (DWP).
- Relevant forms will be provided to employees via the school’s payroll provider, and then forwarded to the DWP for assessment.

10 ANNUAL LEAVE DURING PERIODS OF SICK LEAVE

- 10.1 Sickness and holiday absence can happen at the same time. For example, an employee might:
- Take holiday while on sick leave.
 - Become sick while taking holiday.
- 10.2 In these circumstances the employer and employee should talk with each other and agree whether:
- the time off will count as sickness absence or annual leave.
 - the employee will receive sick pay or holiday pay.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 11 of 39

- 10.3 If the employer has a policy on this, they should apply it in a fair and consistent way. The employer and employee should put what they agree in writing, for example in a letter or email.
- 10.4 If employees are sick whilst taking annual leave, the employee **MUST** follow the school's absence reporting procedure. The absence will then be re-classified as a sickness absence subject to the following criteria.
- The designated person / school **MUST** be informed as soon as the employee becomes unwell of the change in the reason for absence.
- Where a point of direct contact is unavailable, for example during a school closure period, an email **MUST** be sent to the appropriate work email address at the earliest possible opportunity advising that the employee has been designated as unfit for work.
- A Fitness for Work note **MUST** be provided regardless of the length of the sickness absence in these circumstances.
- 10.5 Where teaching staff are sick during a school closure period, they will normally **not** qualify for 'time off in lieu' at a later date. An exception to this is if the teacher would otherwise not receive their statutory holiday entitlement within the annual leave year (normally an academic year).
- 10.6 For support staff who are unwell during periods of annual leave, arrangements will normally be made for them to take their annual leave entitlement at another time, **subject to the needs of the school and their employment contract**, or the employer may choose to pay them in lieu of the leave.
- 10.7 An employer cannot force an employee to take holiday whilst they are absent due to sickness. However, an employee may request to take annual leave during a period of sickness absence subject to the approval of the Headteacher / Principal Senior Executive Leader / Chief Executive / Head of Service / Governing Board / Employer or Delegated Manager.
- 10.8 An employee may use their paid holiday (annual leave) whilst off sick. For example, if they:
- are not physically able to work but are physically able to take a holiday.
 - have a mental health condition that might be helped by a holiday.
 - are off sick long term and a holiday might help with their recovery.
- 10.9 Employees will continue to accrue annual leave during periods of sickness absence.
- 10.10 Sick leave is usually considered long term if it lasts longer than 4 weeks.
- 10.11 If someone has not been able to use their holiday because they've been on long-term sick leave, they may carry over a maximum of 4 weeks' unused holiday entitlement. This holiday **MUST** be used within 18 months from the date it is carried over.
- 10.12 If an employee returns from sickness absence and still has enough time to use their remaining annual leave entitlement, then they should be encouraged to do so.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 12 of 39

11 OCCUPATIONAL HEALTH REFERRALS AND EMPLOYEE SUPPORT

11.1 All schools reserve the right to refer employees to their occupational health provider (at no charge to the employee):

- At any time during their employment,
- At all stages of the formal process set out in Sections 18 and 19 of this procedure, and/or
- When there are concerns in relation to the health and wellbeing of the employee.

Where employees refuse to attend decisions will be made based on the facts/information that are/is available to the school at that time.

11.2 Referral to the school's Occupational Health Provider **MUST** take place when it is necessary to obtain medical advice.

Advice may be sought on a range of issues relating to the health of an employee, e.g., whether the employee is fit for work, if unfit the likely recovery period, the likelihood that the condition may lead to further absences in the future and the patterns these may take.

11.3 Occupational Health can provide impartial medical advice as to whether an employee is medically fit to be able to undertake their role. Occupational health can also provide advice and recommendations on possible **reasonable** adjustments that can be made for an employee with a disability or who is returning to work after a period of long-term sick leave.

11.4 Whilst schools should have due regard to possible **reasonable** adjustments suggested by occupational health, these are management decisions and will need to consider context.

11.5 There may be occasions when occupational health will seek advice from a third party, including an employee's GP. The employee **MUST** be asked to give their explicit / written permission for this.

11.6 If explicit permission is given, the request for information will then be handled in line with the Access to Medical Reports Act (1988), and the employee **MUST** be provided with the opportunity to see any draft reports which are sent to occupational health before they are sent to the school and may decline for the information to be sent to the school.

11.7 It is the employee's responsibility, not the school's, to make the necessary arrangements to see the medical report.

11.8 Employees will be fully advised of their rights under the Act, including that:

- Their consent is required for qualified Occupational Health Service staff to apply for a medical report from the employees GP/Consultant.
- Apart from in exceptionally rare circumstances, they have full access to the content of the report.
- They have the right not to agree to the medical report being requested.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 13 of 39

- 11.9 In these circumstances decisions will have to be made, and a report prepared giving advice on the state of the employee's health, on the facts known at that time.
- 11.10 If an employee declines to be assessed by occupational health, the Delegated Manager should, based on the information available, take a balanced decision on the medical capability of the employee to remain in their role. Advice **MUST always** be sought in these circumstances from the school's HR Advisory provider.
- 11.11 If there is disagreement between occupational health and an employee's GP, the advice provided by occupational health **MUST** be considered **alongside** that of the GP.
- 11.12 An employee may also request a referral to occupational health on their own volition if they take the view that they require support.
- 11.13 Employees may also access the school's employee assistance provider, details of which should be made available. **Whilst there WILL be no charge for doing so, there is a reasonable usage expectation where employees repeatedly self-refer.**
- 11.14 It may be necessary, in certain circumstances, to refer an employee to the Occupational Health Service where it is considered that the employee's health or safety may be adversely affected by them continuing to undertake their normal duties. The Occupational Health provider **MUST** be asked to provide appropriate advice in these circumstances.
- 11.15 Employees should always be advised that support and advice may be obtained from their professional association or trade union.

12 MEDICAL SUSPENSION

- 12.1 Medical suspension is considered when a Delegated Manager and / or occupational health has concerns in relation to an employee's fitness to be at work in any capacity. In this circumstance, an employee on medical suspension **MUST** be required to remain at home on full pay whilst medical advice is sought.
- 12.2 Medical suspension should only occur in exceptional circumstances, and every effort should be made to limit the period of medical suspension.
- 12.3 Prior to a medical suspension, a Delegated Manager **MUST**:
- Discuss the concerns with the employee.
 - Take advice from occupational health.
 - Take advice from HR.
 - Have considered alternative action/duties.
 - Obtain permission from the Headteacher / Principal Senior Executive Leader / Chief Executive / Head of Service or authorised Senior Manager.
- 12.4 If medical advice is that an employee is not fit to be at work, they **MUST** be placed on leave and receive pay in accordance with their terms and conditions of employment.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 14 of 39

- 12.5 The employee **MUST** be advised in writing by the school that they are being placed on medical suspension.
- 12.6 It should also be explained to the employee that this is not a punitive measure and that the purpose of their suspension is so that concerns in relation to their health and wellbeing can be considered and that they are being asked to remain away from work whilst medical advice is being sought to confirm whether they **should** be at work.

13 REPORTING SICKNESS ABSENCE

- 13.1 Employees **MUST** make contact according to the agreed school or service procedure to report their absence.

The procedures should clearly identify the person to be contacted when staff report their absence, specify the acceptable communication route(s) and the latest time by which absences **SHOULD** normally be reported as well as any other requirements the school consider necessary (e.g., to manage cover arrangements, minimise the use of 'Rarely Cover', etc).

- 13.2 Where an employee has failed to report a sickness absence according to the correct procedure, the Delegated Manager **MUST** consider factors such as the nature of the illness (when known), whether the person has a telephone, lives alone etc., before deciding what action to take. Where there are no mitigating circumstances the absence should be treated as unauthorised and dealt with accordingly.
- 13.3 Employees absent due to illness **MUST** maintain regular contact with the school during their absence.
- Failure to do so may result in action being taken under the disciplinary procedure. In these circumstances employees may disentitle themselves to Occupational and Statutory Sick Pay.
- 13.4 Where an employee is not able to maintain contact themselves due to the nature of their illness, they may designate a family member to be the primary contact with the school on their behalf. ***The employee MUST confirm their consent for this delegation, unless it is not possible for them to do so, for example when fully incapacitated.***
- 13.5 Sickness absence of more than 7 calendar days will require the employee to submit a Fitness for Work note immediately or as soon as possible after issue to the school or service. From this point forwards Fitness for Work notes **MUST** be submitted **continuously** to cover any further periods of the absence including any periods of school closure.
- 13.6 There may be circumstances when the Delegated Manager will require the employee to obtain a certificate from their doctor specifying that they are fit to return to work. In these circumstances, the school / employer will normally cover the cost of the required certificate if there is a charge, provided a suitable receipt is provided.
- 13.7 Alternatively, the Delegated Manager may require the employee to be seen by the Occupational Health Service prior to returning to work.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 15 of 39

14 SICKNESS WHILST OVERSEAS

- 14.1 When an employee become unwell whilst overseas, they **MUST** make every attempt to return to work by the end of the school holidays.
- 14.2 Where this is not possible, the employee **MUST** provide a Fitness for Work note / medical certificate, signed by a qualified medical practitioner, to the relevant person at the school, and **WILL** be asked for evidence to show that they had planned to return in good time to fully meet their contractual obligation to work.
- 14.3 A copy of the Fitness for Work note / certificate will be forwarded to the Schools Workforce HR & Development Team or the school's HR department who will seek to verify its validity.
- 14.4 Whilst an employee is signed off sick, and is overseas, an occupational health referral **SHOULD** normally be made for them, so that, for example, a telephone assessment can be carried out.
- 14.5 Employees who are on sickness absence whilst abroad are required to provide a contact telephone number and details of the location where they are based, so that the school and occupational health may contact them.
- 14.6 If an employee fails to stay in contact with the school whilst on sickness absence overseas or to respond to attempts made by occupational health to make contact, they may lose their entitlement to occupational sick pay and consideration will be given as to whether disciplinary action should be invoked under the School's Disciplinary Procedure.

15 SICKNESS CAUSED BY AN ACTIVITY AT WORK

- 15.1 Where an illness, accident or injury is the result of a work-related activity, the following steps **MUST** be taken:
- The employee **MUST** report the incident to the Headteacher / Principal Senior Executive Leader / Chief Executive / Head of Service, or an authorised Senior Manager, regardless of the severity, as soon as reasonably possible, but normally no later than 24 hours after the date of the incident, and in accordance with the school's procedure for doing so.
 - The Headteacher / Principal / Senior Executive Leader / Chief Executive / Head of Service or an authorised Senior Manager in school **MUST** ensure that the details are recorded on the appropriate form.
- 15.2 Where the incident is reportable under the RIDDOR regulations (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013), the employer or their delegate (<https://www.hse.gov.uk/riddor/key-definitions.htm#work-related>), the Headteacher / Principal Senior Executive Leader / Chief Executive / Head of Service or an authorised Senior Manager **MUST** report the incident without undue delay.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 16 of 39

For maintained schools:

- The Headteacher / Principal, Head of Service or authorised Senior Manager will ensure that Hounslow Health and Safety are notified on the first date of any absence (or when notification of this is received).
- Hounslow Health and Safety will seek confirmation from the Headteacher / Principal, Head of Service or authorised Senior Manager if the absence is extended beyond 7 days.

15.3 Failure, by the employee, to notify the appropriate authorised Senior Manager of an incident leading to absence from work or the failure to provide the relevant details for the purpose of logging the incident may result in disciplinary action being taken.

16 RETURN TO WORK MEETINGS

- 16.1 Before returning to work, an employee on sick leave of a period longer than one day should contact the designated person at the school to advise of the date that they envisage that they will return.
- 16.2 On the first day back to work, irrespective of the duration of sick leave, staff **MUST** report their return to work to the Headteacher / Principal / Senior Executive Leader / Chief Executive, Head of Service or Delegated Manager and sign the appropriate return-to-work form in accordance with school procedures.
- 16.3 It is then the Delegated Manager's responsibility to ensure that the appropriate return to work process is followed and to be satisfied of the employee's fitness to return to work.
- 16.4 When a return-to-work meeting takes place on the first day back, or as soon as possible after the return, then a return-to-work form should be completed, or other similar written record made. The Hounslow model form is included as **APPENDIX E**.
- 16.5 At the return-to-work meeting, the employee should be welcomed back to work, briefed on any significant information that they may have missed and asked to provide any relevant information relating to their absence.
- 16.6 If there is a return-to-work meeting with the Delegated Manager, during this discussion they **MUST**:
- Confirm the reason(s) for the absence and
 - Evaluate whether the employee is ready to work normally again.
- 16.7 Thereafter the Delegated Manager **SHOULD** where appropriate:
- Make the employee aware of any significant changes that have occurred during their absence.
 - Try to establish whether the employee requires any further support (e.g., advice or counselling).
 - Try to establish whether the absence is related to a disability or impairment and discuss whether any **reasonable** adjustments are required.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 17 of 39

- Try to establish if the illness is likely to recur and if further time off (e.g., for treatment) is necessary.
- Try to establish at this stage whether a single underlying medical condition exists which is related to, or causing, the absence.
- Ensure the employee is aware of and understands the school's sickness absence procedures.
- Inform the employee of the details of absence over the previous 12 months and the possible action which may follow.

16.8 Once an employee returns to work, their personnel and pay record **MUST** be updated with the payroll provider to ensure the pay record reflects that the employee has returned to work from sick leave.

16.9 Where the Delegated Manager is unclear on how to act, because of the nature of the employee's illness, advice and support **should** be sought from the school's HR Advisory provider and/or the independent Occupational Health provider.

17 PHASED RETURN TO WORK

17.1 In some circumstances following a long-term spell of sickness absence, an employee may return to work on a phased return.

17.2 A phased return is intended to be a **temporary** supportive measure to assist the rehabilitation of the employee back into the workplace. Advice may be sought from the school's HR Advisory provider and/or the independent Occupational Health provider.

17.3 A phased return **MUST** also be agreed by the Headteacher / Principal / Senior Executive Leader / Chief Executive / Head of Service or appropriate authorised Senior Manager.

17.4 A phased return to work may include, for example, one or more of the following supportive measures:

- A temporary reduction in hours/days.
- A temporary reduction in workload.
- A temporary redeployment to an alternative role or alternative duties.

17.5 Phased return to work arrangements are intended to last for a duration of **no longer than 4 to 6 weeks** in most circumstances.

17.6 During a phased return, the periods where the employee is not in attendance at work will **not** be classed as sick leave that would contribute towards invoking further action under this procedure.

17.7 Where it is agreed that an employee returns to work on a phased basis of reduced hours building up to full time, the balance of their working hours will be treated as recuperative leave and **will** count against their occupational sick pay entitlement.

17.8 The school's payroll **MUST** be notified of phased return arrangements, so that appropriate adjustments to the salary payments can be made.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 18 of 39

18 SHORT TERM SICKNESS ABSENCE MANAGEMENT PROCEDURE

- 18.1 These absences usually occur when there is no obvious evidence, from any source, of a single underlying medical condition (i.e., where the reasons for the absences appear unrelated).
- 18.2 **As a guideline** the following will **normally** be regarded as persistent short-term absences that may require formal monitoring in line with this policy and procedure. There may be exceptional cases where the Delegated manager decides to delay implementing the formal stages. ***In such cases a record of the reasons for this decision should be documented and held on the personnel file or other appropriate location.***
- (a) Four or more periods of absence in a 12-month rolling year period.
 - (b) 12 working days absence in a 12-month rolling year period.
NOTE: Where 12 days has been reached in fewer than three periods of sickness this would not normally be regarded as persistent short-term absence. For example, two periods of 6 working days would not normally be regarded as persistent short-term absence.
 - (c) Regular absence on certain days, e.g., Mondays or Fridays, long shift days, known busy/pressure workdays, before, during or after reasonable deadlines, etc.
 - (d) An employee may also be considered to have an unacceptable level of persistent short-term absence where a combination of odd days, longer periods and patterns of absence exists which causes concern.
NOTE: This may be identified after consideration of patterns of absence over a period of longer than 12 months.
- 18.3 **The above are guidelines only and do not mean, for example, that employees are "allowed" 12 days of sickness absence before action can be taken. Equally the issue of a doctor's 'Fitness for Work' note does not mean that action cannot be taken under this policy, nor does it mean that an employee is prohibited from returning to work when they feel well enough to do so.**
- 18.4 Where absences are stress related and recurring, the school should refer to its Stress Management Policy and Procedure and advice should be sought from its HR Advisory provider.
- 18.5 The distinction between disability-related sickness absence and general sickness that is unrelated to a person's disability **MUST** be considered when considering if/when the formal procedure should be applied. It is recognised that a disabled person may need to be absent from work for "rehabilitation, assessment, or treatment" which is directly related to their disability.
- 18.6 A flow chart showing an overview of this formal process is attached to this policy as **APPENDIX B.**

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 19 of 39

19 LONG TERM SICKNESS ABSENCE MANAGEMENT PROCEDURE

- 19.1 Long term sickness absence is defined as a continuous spell of absence lasting for a period of **four weeks, which is pro rata for part time employees or longer (i.e., 20 continuous working days or longer for full-time employees)**.
- 19.2 Once an employee has been absent from work for a period of four continuous working weeks, or if it is known before that they will likely be off for this duration or longer the Delegated Manager **SHOULD** make an occupational health referral for the employee in question.
- 19.3 There may be exceptional cases where the Delegated decides to delay implementing the formal stages. ***In such cases a record of the reasons for this decision should be documented and held on the personnel file or other appropriate location.***
- 19.4 The school should keep in contact with the employee (either by telephone, email, letter or by home visit) **at least once a month** from the first stages of the absence and **SHOULD** record the content of any discussions.
- 19.5 However, the employee **MUST** not be harassed, and home visits should normally only take place by prior arrangement with the employee, and generally within the employee's normal working hours unless the employee freely agrees otherwise.
- 19.6 Such communication may be arranged through their Trade Union / Professional Association, or their designated workplace colleague, where this is helpful.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 20 of 39

20 FORMAL PROCESS: STAGE 1 AND STAGE 2 MEETINGS

- 20.1 The following procedure will be followed in sequence except in cases when the written opinion of the independent Occupational Health provider is received stating that the employee is permanently unfit. In such cases, the procedure for permanent ill health **MUST** be followed as set out in **Paragraph 22**.
- 20.2 If an employee reaches one or more of the trigger points set out in Paragraph 18 of this procedure, or if they remain on long term sick leave, the Delegated Manager may request that the employee attends a formal Stage 1 meeting. A flow chart showing an overview of the formal process is attached to this policy as **APPENDIX B**
- 20.3 An employee has the right to be accompanied to all meetings under the formal stage of the procedure by either a trade union / professional association representative or a workplace colleague. ***It is the responsibility of the employee to arrange this and inform the school, in advance, of who will be accompanying them at meetings.***
- 20.4 The employee **MUST** be given at least **5 working days’ notice** of a Stage 1 or 2 meeting.
- 20.5 Meetings will not normally be postponed, unless there is agreed good reason. Should a request for a postponement be made due to a trade union representative or work colleague being unavailable, a date not normally exceeding 5 days after the initial date should be given as an alternative.
- 20.6 An employee will be advised that failure to attend a formal meeting or hearing may result in it taking place in their absence.
- 20.7 Before an employee is requested to attend a formal Stage 1 or a Stage 2 meeting, consideration should be given as to whether they should be referred to occupational health prior to the meeting. An occupational health report can be useful for the provision of medical advice which can be reviewed at the meeting.
- 20.8 At Stage 1 or Stage 2 meetings, the following should be reviewed and recorded:
- The employee’s absence record and provide them with the opportunity to explain the reasons for their absence and provide any mitigation.
 - If applicable, occupational health report and medical information.
 - Any previous efforts made by management and the school to assist the employee in maintaining their attendance.
 - Any assistance that will be put in place to assist the employee with managing their attendance.
 - The arrangements for a review period of a minimum of four working weeks
 - The explicit statement to the employee that failure to make the necessary improvements in their attendance will result in them being progressed to the next stage (stage 2 or contractual review hearing) of this procedure.
- 20.9 Employees will be sent written confirmation of the outcome of meetings at all formal stages of the procedure within **10 working days**. Where possible, it should also set out the date and arrangements for the review period.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 21 of 39

- 20.10 A review meeting should normally take place by the end of the agreed review period.
- 20.11 The purpose of the review meeting is to assess whether the employee's attendance has improved and to consider any further information which may have become available.
- 20.12 An employee **MUST** be provided with at least **5 working days'** notice of a review meeting.
- 20.13 The employee also has the right to be accompanied by a trade union / professional association representative or a workplace colleague.
- 20.14 The employee should be thanked for their attempts to improve their attendance; however, they **MUST** be advised that should their attendance deteriorate, this **WILL** result in this procedure being reinstated.
- 20.15 The employee should also be advised that should their attendance deteriorate within the 12 months following the date of the review meeting, that the procedure **WILL** recommence at the next formal stage. The employee should be advised of this within the meeting, and this **MUST** be confirmed in writing normally within **10 working days** of the review meeting being held.
- 20.16 If the attendance continues to deteriorate, the employee **MUST** be advised of this at the review meeting. The employee **MUST** be asked to provide mitigation/reasons for the deterioration.
- 20.17 If the Delegated Manager decides that there is a good reason / mitigation for the employee failing to improve their attendance, a decision may be made to extend the review period by a further 4 to 6 weeks (depending upon the circumstances).
- 20.18 If the attendance has not improved at the end of the review period following a Stage 2 meeting, Delegated Manager should refer the employee to occupational health.
- 20.19 The purposes of the referral are to:
- Seek advice for their fitness for their role, the probability of them being fit for their role and their ability to provide regular and reliable attendance in the future.
 - Seek advice if the employee in question should be considered for ill-health retirement if they are in the relevant pension scheme.
- 20.20 If ill-health retirement is not supported by occupational health, and the Delegated Manager is not satisfied that the attendance has improved, having given due consideration to any mitigation given or further information provided, the employee **MUST** be advised that they will progress to the next stage of this procedure. (Either Stage 2 if at the end of a Stage 1 review period, or to Contractual Review Hearing if at the end of a Stage 2 review period). This **MUST** be confirmed in writing.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 22 of 39

21 FORMAL PROCESS: STAGE 3 CONTRACTUAL REVIEW HEARING

- 21.1 The Delegated Manager **WILL** prepare a report recommending the termination of the employee's contract of employment (all associated documents and information should be attached including letters confirming the outcome of the Formal Meetings at Stages 1 and 2 of the process).
- 21.2 The report **MUST** be submitted to a panel established by the Governing Board who will convene for a Contractual Review Hearing. The members of the panel **MUST NOT** have had prior involvement with the absence management process relating to the employee.
- 21.3 The employee **MUST** be given at least **10 working days** written notice of the meeting and advised of their right to be accompanied at the meeting by a Professional Association / Trade Union representative or a workplace colleague.
- 21.4 Where the employee is an accredited trade union / professional association representative the Delegated Manager **SHOULD** notify a full time official of the trade union / professional association concerned.
- 21.5 A copy of the report and associated documents **MUST** also be provided to the employee at least **5 working days** prior to the Contractual Review Hearing.
- 21.6 The employee **MUST** also be advised of who and where to send any papers that the employee wishes to be considered at the contractual review meeting. These papers should be received by the addressee at least **3 working days** prior to the meeting.
- 21.7 The addressee will distribute the papers to the members of the panel and ensure that the Delegated Manager (known as the Presenting Manager at Hearing, and the employee have copies of all papers presented by the relevant deadline.
- 21.8 The employee **MUST** also confirm their intention to attend the meeting and who, if anyone, will be accompanying them, **at least 3 working days** prior to the meeting.
- 21.9 An employee will be advised within the invitation letter that failure to attend a hearing without providing good reason may result in the hearing taking place in their absence. ***The panel will reserve the right to proceed with the meeting in the employee's absence after considering all available information and the reasons for the non-attendance.***
- 21.10 In such cases, the employee MAY also wish to make written submissions. Any written submissions **MUST** be provided by the employee within 3 working days of the date of the hearing.
- 21.11 Employees who do not wish to attend in person may confirm in writing to the panel chair that they wish for a trade union / professional association representative or a workplace colleague to attend on their behalf.
- 21.12 Contractual Review hearings **WILL NOT** usually be postponed except in extenuating circumstances. The panel chair reserves the right to make any decisions as to whether a request for a postponement is to be agreed or declined.
- 21.13 In cases where a hearing has been rescheduled to take place on a date that a trade union / professional association representative is unavailable, a new date will be set **normally** within **5 working days** of the initial date.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 23 of 39

- 21.14 A representative from the Schools Workforce HR & Development Team representing the Executive Director for Children’s and Adult Services will also be present in an advisory capacity. ***For Academies and Free Schools, the Schools Workforce HR & Development Team MAY be in attendance by invitation.***
- 21.15 The Governing Board Panel **MUST** be satisfied that all the appropriate procedures have been followed before a decision to dismiss is reached, including that all stages of the process have been followed, the employee has been advised that their employment with the school / service could be terminated and has been referred to the Occupational Health Service within the previous four months.
- (N.B. It should be noted that a decision to dismiss an employee is not a medical decision but an employment decision relating to the employee’s contractual obligation to work).*
- 21.16 If the panel decides to terminate the employment of an employee this decision **MUST** be communicated to the Executive Director for Children’s and Adult Services *(or the Board of Trustees in the case of Academies/Free Schools)*.
- 21.17 The employee **MUST** be given notice in accordance with the terms of their contract of employment, or a minimum period of notice under employment legislation, whichever is the greater.
- 21.18 A decision to dismiss an employee should **not** be communicated to the full Governing Board until the Appeals process has been exhausted.
- 21.19 This stage of the process should be invoked in the following circumstances:
- If an employee has failed to meet the required levels of attendance at Stage 2 of the process, or
 - Has failed to engage with the absence management process, or
 - In cases where an employee has been on long term sick leave, and there is medical evidence which confirms that the employee in question is medically unfit to return to work long term or permanently and is not eligible for ill-health retirement.
- 21.20 **The format of the hearing will be as follows:**
- The Presenting Manager will present the management evidence and the reasons for the recommendation to terminate the contractual relationship.
 - The Governing Board Panel, and the employee and / or their representative may ask questions or seek clarification on any points.
 - The employee will present any points of mitigation and reasons why the contractual relationship should not be terminated.
 - The Panel and the Presenting Manager may ask questions and seek clarification on any points.
 - The Presenting Manager will be asked to sum up their case.
 - The employee will be asked to provide a summary of their mitigation.
 - The panel will adjourn to consider all information presented at the hearing and decide on an outcome.
 - The panel will give a decision.

(NB: In the interests of natural justice, it is always advisable to allow the employee to speak last)

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 24 of 39

- 21.21 The outcomes of the hearing will be either:
- A further review period to be set with attendance targets.
 - Dismissal with paid notice.
- 21.22 The outcome will be given on the day of the hearing, where possible, either verbally or via email communication. If this is not possible, the decision will be provided within **5 working days** in writing.
- 21.23 In some cases, the panel chair may take the decision that it is appropriate to reconvene a hearing within the five working day period to advise on the outcome of the hearing.
- 21.24 If an employee is dismissed on the grounds of medical capability, they will be dismissed with paid notice and the dismissal will be in line with the entitlements set out in their terms and conditions of employment.
- 21.25 At any point during the notice period following a dismissal decision taken at the contractual review stage, the employee may submit further information to the school/service to be forwarded for the consideration of the occupational health service.
- 21.26 If the OHS decides that in the light of the new information the employee is permanently unfit for work, then the procedures outlined under Paragraph 22 WILL be followed.
- 21.27 The decision to dismiss an employee of a maintained school **MUST** be communicated to the Executive Director for Children’s and Adult Services or his representative by the Chair of the Governing Board or Senior Leader.
- 21.28 Full records of any dismissals **MUST** be kept for a period of **6 years**.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 25 of 39

22 ILL-HEALTH RETIREMENT

- 22.1 If Occupational Health advises that an employee is permanently unfit to undertake the duties of their current role, the employee in question will be invited to an ill-health retirement meeting.
- 22.2 This advice may be received at any point in this procedure if there are concerns that an employee has become medically unfit to be able to discharge the duties of their current post. although this is a formal meeting, it should be conducted with sensitivity.
- 22.3 The definitions of 'Permanent Ill Health' and 'Ill-Health Retirement' for the purposes of this procedure are as follows:
- **Support Staff** (i.e., those employed in accordance with the NJC Green Book): This will only occur when OH has certified that the employee in question is permanently unfit to carry out the duties of their current post.

This diagnosis will automatically lead to the termination of employment on the grounds of medical capability pending completion of the processes outlined in sections 22 to 23 of this procedure.

If the employee is a member of the Local Government Pension Scheme, (LGPS) certification of permanent ill health by an occupational health physician would give early access to retirement benefits subject to their length of service.
 - **Teaching Staff** (i.e., those employed in accordance with the Burgundy Book): The diagnosis of permanent ill health by an occupational health physician would not automatically trigger the early release of pension benefits, if the teacher is in the Teacher's Pension Scheme.

It is the responsibility of the employee to apply for their own ill-health retirement benefits, and to provide **a copy of the certification from the occupational health physician along with their application.**
- 22.4 The meeting should be chaired either by the Headteacher / Principal / Senior Executive Leader / Chief Executive, Head of Service, or authorised Senior Manager.
- 22.5 As the outcome of this meeting is the potential termination of a contract of employment the Delegated Manager chairing the meeting **MUST** either have the authority to dismiss, or have this authority delegated to them in writing by the Headteacher / Principal, Senior Executive Leader / Chief Executive or Governing Board / Employer.
- 22.6 The meeting will be supported by a member of the Schools Workforce HR and Development Team or by a suitably qualified and experienced representative of the school's HR provider.
- 22.7 The employee has the right to be accompanied either by a trade union / professional association representative or a workplace colleague. The employee **MUST** arrange their own representation.
- 22.8 The employee **MUST** be provided with a **minimum of 5 working days'** notice of the ill-health retirement meeting in writing and a **Retirement on the Grounds of Ill-Health Declaration Form (APPENDIX G)** should be enclosed with the invitation letter.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 26 of 39

22.7 The Ill-Health Retirement meeting should take the following format:

- Seek confirmation from the employee that they understand the terms set out in this procedure and the 'Retirement on the Grounds of Ill-Health' declaration form and that they have a full understanding of their current situation.
- The options set out on the 'Retirement on the Grounds of Ill-Health Form' will be discussed with the employee.
- The employee should be advised about the redeployment process and how it works.
- The employee should be provided with a copy of an estimate of pension benefits based on their service and early release date should they take ill-health retirement.

22.8 Whilst it is recommended that an employee should attend an ill-health retirement meeting in person, it is recognised that there are instances where this may not be possible, or that an employee may not wish to attend. A trade union / professional association representative or a workplace colleague may attend in place to represent the employee, provided the employee confirms that they agree to this **in writing**.

22.9 Alternatively, an employee can consider the options set out on the Retirement on the Grounds of Ill-Health Retirement Form, complete the form remotely and submit this, provided they confirm **in writing** that they understand the terms set out in the form.

22.9 Following the written advice to the employee that they are being retired on the grounds of ill health, they will be issued formal paid notice in line with their length of service.

23 REDEPLOYMENT ON HEALTH GROUNDS

23.1 An employee may be redeployed if they are medically unfit for their current post but may be medically fit to undertake another suitable role.

23.2 Following medical confirmation that an employee is unfit for their current post; the employee **may** indicate that they wish to be considered for redeployment.

23.3 The redeployment trial period should run concurrently with the notice period.

23.4 The Headteacher / Principal / Senior Executive Leader / Chief Executive, Head of Service or authorised Senior Manager should, assess which opportunities may potentially be available in the school that could be suitable alternative employment.

23.5 It should be made clear to the employee that whilst endeavours will be made to assist the employee in identifying suitable alternative employment, this cannot be guaranteed.

23.6 If a potential alternative role is identified and if they meet all the minimum criteria for the role, they will be appointed to the role on the salary and terms of conditions applicable to that role.

23.7 Where it appears that the post may be suitable, a trial period will be arranged. The arrangements for the trial period, including its duration, must be specified, in writing, before its commencement. **It is expected that trial periods will normally last for 4 weeks, though it may be possible to extend this by mutual agreement.** The purpose of the trial period is for both the employee and the Headteacher to assess whether the post is suitable.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 27 of 39

- 23.8 If it appears that the post is suitable, a written offer of employment will be made to the employee. The offer will clearly set out the job title, grade, salary, hours of work, and any aspects of the job which differ from the original contract.
- 23.9 Should an alternative role be identified ahead of the Contractual Review Hearing; the Hearing will be postponed and confirmation of the redeployment into the new role will be provided **in writing** with a review period of **6 weeks**.
- 23.10 Following the review period, if the redeployment is unsuccessful then the Contractual Review will be reconvened to consider the employee's ability to fulfil their contractual obligation to work.

24 RIGHT OF APPEAL

Appeals against the dismissal on the grounds of ill health.

- 24.1 An employee who is dismissed with notice on the grounds of ill health **MUST** also have the right of appeal.
- Appeals **MUST** be lodged in writing within **5 working days** of the date of the decision to dismiss.
- The Appeal **MUST** be sent to the Chair of the Governing Board.
- An appeal is not an opportunity for a case to be re-run.
- 24.2 For a request for an appeal to be agreed, the appeal **MUST** meet all or any of the following criteria:
- The employee is of the view that the process was not followed correctly.
 - The decision taken was not correct.
 - There is new evidence available which was not available at the time that the original contractual review hearing was held which may have influenced the decision taken by the panel.
- 24.3 Provided the one or all of appeal criteria has / have been met, an appeal panel **MUST** be convened.
- The panel will be set up as per the guidelines in para. 20.3, and will consist of members who have had no prior involvement in the case.
- A suitably qualified and experienced representative of the school's HR provider who has not been involved may be present to provide advice and guidance to the Appeal panel.
- The school should also ensure the meeting has a notetaker.
- 24.4 As with the initial hearing, the format for the arrangement and running of the hearing as set out in paras. 20.15 – 20.17 will apply.
- 24.5 The response will be provided to the employee within 5 working days of the date of the hearing.
- The response will be final and there will be no further stages of appeal.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 28 of 39

Appeals against any decisions in relation to ill-health retirement.

- 24.6 In circumstances where an application for ill-health retirement has been declined, an employee or the school may wish to challenge this decision if they were of the view that this should have been advised by occupational health.
- 24.7 For the decision to be reviewed, the employee in question may submit any further medical evidence to the school to provide to occupational health for the application for ill-health retirement to be reconsidered.

This can be done at any stage of the process set out in this procedure.

In circumstances where a contractual review hearing has already taken place, and an employee dismissed with notice, the reversal of a decision for an employee not to be retired early on health grounds will supersede a dismissal on grounds of inability to undertake their contractual duties.

- 24.8 Employees who wish to appeal against the decision that they are permanently unfit for work should submit an appeal in writing to the Chair of the Governing Board, along with a fit note from their GP if their GP concurs with the appeal.

The fit note **MUST** clearly state that the GP is in dispute with the opinion of the occupational health physician.

- 24.9 The appeal and fit note **MUST** be submitted **within 15 days** of the date of the ill-health retirement meeting.

For maintained schools, the Schools and Commercial HR Team should be advised of all appeals.

The appeal will run concurrently with the notice period.

- 24.10 The fit note, occupational health report and all other documentation **MUST** then be submitted to an independent medical referee.

For schools with a delegated budget, the independent medical referee will be nominated by the Governing Board.

The independent medical referee will then take a decision as to whether the opinion of the occupational health physician or the GP is to be upheld.

The decision made by the independent referee is final, and there are no other stages of appeal.

- 24.11 If the appeal is upheld, it will be the expectation that the employee will return to work as soon as possible after the decision.

Should the employee's health and/or attendance deteriorate in the 12-month period following this decision, the case will be reviewed, and the employee will be required to be assessed by occupational health to confirm their fitness for their role.

- 24.12 If the independent medical referee upholds the advice from occupational health that the employee is permanently unfit for their role, this will be conveyed to the employee in writing and the view of the occupational health physician will stand.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 29 of 39

THE EDUCATION (HEALTH STANDARDS) (ENGLAND) REGULATIONS 2003
(SI 2003 No. 3139)

Paragraph 7: Health standards – procedures

- 1) If it appears to an employer that a person may no longer have the health or physical capacity to carry out a relevant activity, the employer.
 - (a) **MUST** afford the person an opportunity to submit medical evidence and make representations to him.
 - (b) **MUST** consider such evidence and representations and any other medical evidence available to him/her, including such evidence which has been furnished in confidence on the ground that it would not be in the best interests of the person concerned to see it; and
 - (c) **May** require the person, or at his/her request **MUST** arrange for him/her, to submit him/herself for examination by a qualified medical practitioner appointed by the employer and, if the person fails to submit himself for such examination without good reason or refuses to make available medical evidence or information sought by the medical practitioner, the employer may reach a conclusion in the matter, including a conclusion that the person no longer has the health or physical capacity to carry out that relevant activity, on such evidence and information as is available to him, notwithstanding that further medical evidence may be desirable.
- 2) At any time before such medical examination as is referred to in paragraph (1)(c) is **undertaken, the employer or the person himself may submit to the appointed medical practitioner a statement containing evidence or other matter relevant to the examination: and the examination may be attended by a qualified medical practitioner appointed by the person being examined.**

© Crown Copyright 2003

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 30 of 39

APPENDIX B: SHORT-TERM ABSENCE PROCESS - FLOW CHART

Trigger point reached or concern about absence level– Seek HR Advice



First Stage Formal Meeting

- Send letter inviting to meeting.
- Hold meeting during which:
 - o Review Absence
 - o Consider reasonable adjustments.
 - o Consider RA
 - o OH Referral/EAP



First Formal Stage Review Meeting

- Review absence level and reasons for absence.
- Has attendance improved?

Yes



No



- Offer continued support if required.
- Explain that there will be enhanced monitoring for a 12-month period.
- Send letter confirming outcome of meeting.



- Refer to OH if appropriate.
- Review any adjustments / Complete RA if needed.
- Issue warning letter re: improvement required and potential move to Second Stage Formal meeting.
- Set review period for 4/6 weeks.

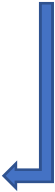


If attendance deteriorates within 12-month period following Stage 1 review meeting



Second Stage Formal Meeting

- Review absence level and reasons for absence.
- Has attendance improved?



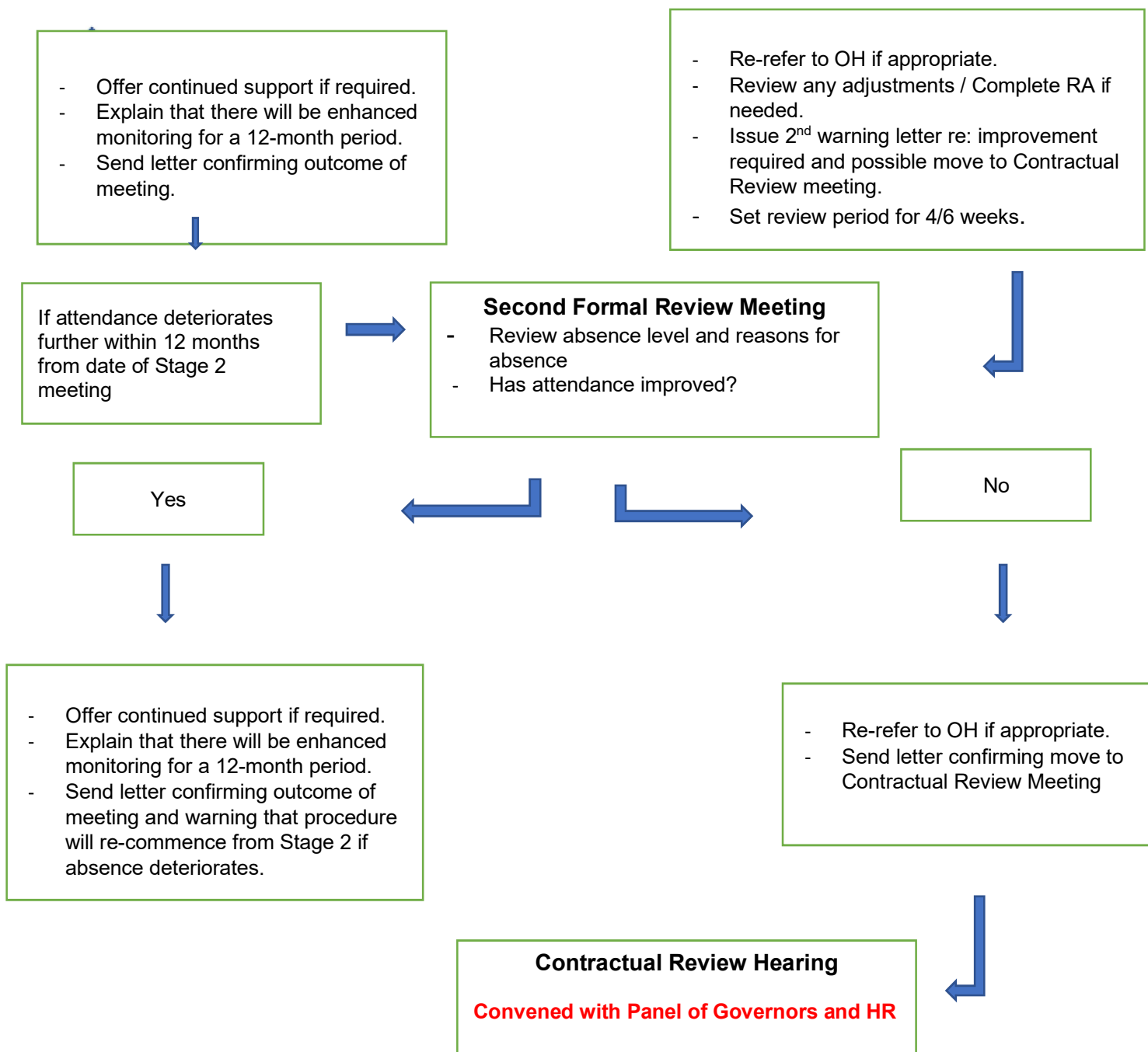
Yes



No



Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 31 of 39

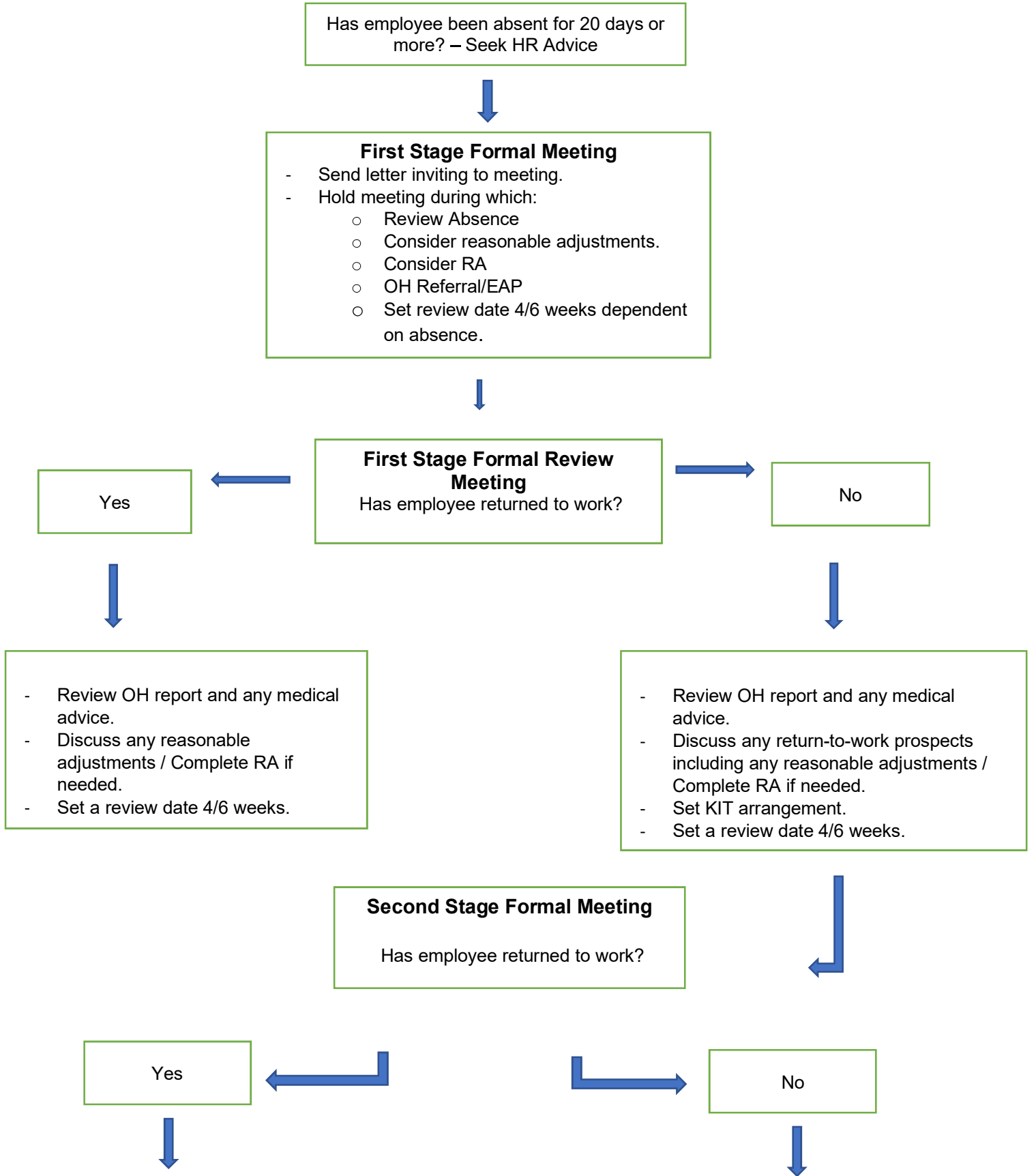


Note: The process outlined above may be extended or reduced dependent on the nature and reasons of the ill-health of the employee.

Headteachers / Principals / Senior Executive Leaders / Chief Executives / Heads of Service and Governing Boards / Employers should ensure that individual circumstances, medical advice, or any underlying conditions are given due consideration throughout the process and seek advice from their HR provider at each stage of the process.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 32 of 39

APPENDIX C: LONG-TERM ABSENCE PROCESS - FLOW CHART



Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 33 of 39

- Offer continued support if required.
- Review OH report and any medical advice
- Discuss any return-to-work prospects including any reasonable adjustments / Complete RA if needed.
- Set a review date 4/6 weeks.
- Explain that there will be enhanced monitoring for a 12-month period.
- Send letter confirming outcome of meeting.

- Review absence and any further information
- Review any subsequent medical advice.
- Discuss return to work prospects /phased return.
- Consider IHR / Fitness for role.
- Set a review date.
- Send warning letter re: potential Contractual Review Hearing
- Set review period for 4/6 weeks.

Second Stage Formal Review Meeting

- Review absence level and reasons for absence.
- Has employee returned to work?

Yes

No

- Offer continued support if required.
- Explain that there will be enhanced monitoring for a 12-month period.
- Send letter confirming outcome of meeting and warning that procedure will commence if absence deteriorates.

- Review continued absence and any further information.
- Review any subsequent medical advice.
- Discuss return to work prospects.
- Re-refer to OH.
- Confirm movement to Contractual Review Hearing

Contractual Review Hearing

Convened with Panel of Governors and HR

Note: The process outlined above may be extended or reduced dependent on the nature of the ill health experienced by the employee and any medical advice received regarding recovery and should serve as a guideline to the process only.

Headteachers / Principals / Senior Executive Leaders / Chief Executives / Heads of Service and Governing Boards / Employers should ensure that individual circumstances, medical advice, or any underlying conditions are given due consideration throughout the process and seek advice from their HR provider at each stage of the process.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 34 of 39

APPENDIX D: SICK PAY ENTITLEMENTS

Teaching Staff

Teachers' national occupational sick pay entitlements, set out in the Burgundy Book, give a sliding scale entitlement according to **aggregated** length of service, as follows:

During the first year of service:	Full pay for 25 working days and, after completing four calendar months' service, half pay for 50 working days.
During the second year of service:	Full pay for 50 working days and half pay for 50 working days.
During the third year of service:	Full pay for 75 working days and half pay for 75 working days.
During the fourth and successive years:	Full pay for 100 working days and half pay for 100 working days

It should also be noted that the Burgundy Book scheme operates on the basis of working days. It is only those **working** days for which the teacher is absent that count against the above sliding scale entitlements. Holidays and weekends do not count against these entitlements.

The sick leave year normally runs from 1 April to 31 March, and a new entitlement starts each year on 1 April. However, teachers absent due to illness on 31 March in any year will not be entitled to the subsequent year's allowance until they are recovered and are back at work. Instead, sick leave will continue to be counted against the previous year's entitlement.

Support Staff

The Green Book sickness scheme for staff employed under NJC terms and conditions are as follows:

During the 1st year of service:	1 month's full pay and 2 months half pay* (*if completed 4 months service)
During 2nd year of service:	2 months full pay and 2 months half pay
During 3rd year of service:	4 months full pay and four 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

Unlike teachers where the sickness absence year is fixed and runs from 1 April – 31 March so that from 1 April, sickness absence reverts to 0 (unless the teacher is on sick leave), support staff have a "rolling year" which means that at the start of any absence the employer will look back over the previous 12 months and add any previous sickness days to the current entitlement.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 35 of 39

APPENDIX E: RETURN TO WORK MEETING FORM

NAME OF EMPLOYEE		
JOB TITLE		
DATE OF MEETING		
DELEGATED MANAGER CONDUCTING RTW MEETING		
PERIOD OF ABSENCE	From	To
NO. of DAYS ABSENCE in the last 12 months <i>(copy of sickness absence record attached)</i>		
REASON FOR ABSENCE <i>(tick)</i>	Illness <input type="checkbox"/>	Family <input type="checkbox"/> Emergency <input type="checkbox"/> Other <input type="checkbox"/>

Please provide details if absent for any reason other than illness:

Does this absence fall under the Parental Leave guidelines Yes No
If yes, please ensure the member of staff completes a Parental Leave request form.

Have you requested Leave of Absence to cover this absence Yes No
If yes, please ensure the member of staff completes a Special Leave request form.

This period of absence is to be paid Yes No

This period of absence is to be unpaid Yes No

Signature:

Delegated Manager conducting the RTW meeting.

NB: Special Leave/Leave of Absence will not count towards absence monitoring triggers.

Please provide reason for sickness absence:

Did you seek any GP / Hospital advice regarding this absence? Yes No
If yes, please provide the following information.

Advice/Medication given:

Was a Fit Note issued? Yes No
If yes, please attach the Fit Note to this form.

Has a follow up appointment been arranged? Yes No
If yes, please insert date of appointment:

Is the member of staff fit to resume work? Yes No

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 36 of 39

<i>The following section is to be completed by the Delegated Manager conducting the meeting</i>	Yes	No
Is there any reason to suspect an underlying problem or welfare need?		
Is this illness likely to recur?		
Is there a need for the staff member to be referred to Occupational Health?		
Is there a need for the staff member to be referred to the Employee Counselling Service?		
<p>Does the individual have a pattern of sickness which causes you concern?</p> <p>(a) 4 or more periods of sickness in the last 12 months (attached) which may trigger a formal meeting.</p> <p>(b) 12 or more working days absence in a 12-month period (attached) which may trigger a formal meeting for persistent short-term absence.</p> <p>(c) 20 or more continuous working days absence which may trigger a formal meeting for long term absence.</p> <p>If yes, to any of the above, advise the employee that the formal absence monitoring procedure will commence.</p> <p>If no, then individuals MUST be advised that any further absence may result in the formal procedure being commenced.</p>		
Has the individual a formal procedure in place, and is currently being monitored?		
Is the absence due to an industrial injury? (If yes, ensure the appropriate forms are completed and submitted)		
Is there a need to consider alternative duties/hours upon the return to work? (If yes, speak to the HR Advisory team)		
Does an Individual Risk Assessment/Stress Risk Assessment need to be completed?		
Any other information		

Employee Signature	
Date	
School/Service Signature (Authorised person)	
Date	

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 37 of 39

APPENDIX F: RETIREMENT ON ILL-HEALTH GROUNDS - DECLARATION FORM

Employee name

School

Staff/Payroll number:

Please read the statements below then sign the statement that you agree with and delete the one you do not agree with.

Either a) **I ACCEPT** the proposal to terminate my employment on the grounds of ill health following a medical assessment that I am unable to carry out the full normal duties of the post of *insert post* at *insert name of school*.

Signature..... Date.....

or b) **I DO NOT ACCEPT** the proposal to terminate my employment on the grounds of ill health following a medical assessment that I am unable to carry out the full normal duties of the post of *insert post* at *insert name of school*.

Please give reasons below:

Signature..... Date.....

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 38 of 39

APPENDIX G: PROPOSAL TO TERMINATE CONTRACT ON ILL-HEALTH GROUNDS

Dear **Name**

I am writing to you following the meeting/discussion on **insert date**. As confirmed in the meeting, following an assessment by an independent Occupational Health Physician, it is proposed to terminate your employment as **insert post title** at **insert name of school** on the grounds of your ill health.

This proposal relates to your incapacity to carry out the full normal duties of the post. I attach a copy of the letter of confirmation completed by the Independent Occupational Health Physician for your records, which clarifies that you are permanently unfit to undertake your duties at the school and that you be granted retirement on the grounds of ill health.

I attach the declaration form which you will need to sign and return to confirm your acceptance of the proposal.

As per the terms of your contract of employment, you are entitled to **(insert number of weeks according to years of service)** weeks' notice of the termination of your employment, which commenced on **insert date**, which means that you will be paid up to and including the **insert date**. **It is proposed that your last day of service with insert name of school will be insert date and you will be paid a lump sum in lieu of the remainder of your notice period in your final salary. (Delete if not applicable)**

If you are eligible to receive pension benefits, the detailed information will be provided to you by the London Borough of Hounslow's pension provider, West Yorkshire Pension Fund, who can be contacted via email at pensions@wypf.org.uk or via telephone 01274 434999.

This action is taken in accordance with your terms and conditions of your employment contract and is no indication that the school accepts liability of any kind in relation to your condition. The termination of your contract of employment, therefore, does not constitute any admission by the school of responsibility or liability on its part and is given entirely without prejudice to the legal position of the school.

I would like to take this opportunity to thank you for your service to the pupils of **insert name of school**.

If you have any queries on this matter, please contact me via the school.

Yours sincerely

Insert name.

Headteacher / Principal / Senior Executive Leader / Chief Executive / Head of Service or authorised Senior Manager.

Revised	Replaces	Author	Page of Total Pages
June 2024	Management of Absence & Employee Health Policy and Procedure for School Based Staff – September 2022	Schools Workforce HR & Development Team	Page 39 of 39