

SICKNESS MANAGEMENT POLICY

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1 PURPOSE OF THE POLICY AND PROCEDURE

1.1 The Federation, as a caring employer, recognises its responsibility for the health, safety and welfare of its staff in conjunction with other policies of the Federation. This policy places emphasis on proactive support for staff in the event of ill health difficulties. The Federation is both sympathetic and consistent in its management of absence and recognises that, within a consistent framework, each case must be treated individually.

1.2 It is the responsibility of management to monitor and control absence and to respond effectively to actual and potential problems. The Federation has standards for attendance of staff as it does for students. It is the responsibility of the Executive Principal, Federation Manager, Vice Principals, Team Leaders and Team Managers to ensure these standards are achieved and to raise awareness of the effect of sickness absence levels on the quality and continuity of teaching and learning and other aspects of the effectiveness of the work of the Federation.

1.3 In addition, all staff with line management have a clear obligation to identify and address problems in the work environment and/or job factors that may be contributing to staff absence.

1.4 The procedure sets out the steps which the Executive Principal and line managers will normally follow when staff sickness absence occurs.

1.5 The Federation will monitor and record staff sickness absence, including identifying areas where the work of the Federation, in particular the continuity of teaching and learning, is being affected by absence levels.

1.6 This Policy and Procedure takes account of the guidance set out in DfE Circular 4/99 Physical and Mental Fitness to Teach of Teachers and of Entrants to Initial Teacher Training.

2 MANAGEMENT RESPONSIBILITIES

2.1 RETURN TO WORK DISCUSSION

When an employee returns to work following a two calendar week period of sickness absence, the Human Resources Manager and/or a designated senior leader will normally meet with the employee, normally within 5 working days of the return to work. The purpose of this meeting is to determine the reason for the absence and the nature of it and, where appropriate, offer assistance and support. This meeting may also take place if there has been a shorter period of absence following a hospital admission which may mean a discussion around reasonable adjustments is appropriate.

The Manager and employee will use the self-certification form as a discussion point during this meeting. A return to work document will be completed and signed by both employee and manager and stored on the employee's HR file.

2.2 PROCEDURE FOR MANAGING SICKNESS ABSENCE

It is essential that senior leader identifies whether the underlying sickness problem is one of short-term absences or long-term absence, before applying the procedure, as the two forms of absence are treated differently.

2.3 MANAGING SHORT-TERM ABSENCE

Short term absences, irrespective of whether they are uncertified or certified by a G.P., can occur where there is no obvious evidence of a single underlying medical condition (i.e. where the reasons for the absences appear unrelated).

As a guideline, the following will normally be regarded as short term absences and will act as a trigger for the manager to take action if he/she has not done so before:

- a) A total of 5% absence in a rolling 12 month period.
- b) Where a combination of odd days, longer periods and patterns of absence causes concern such as when the same percentage of working days are being missed.
- c) Where 4 separate periods of absence have occurred in a rolling 12 month period.

The above are guidelines only. Senior leaders should monitor all absence and take appropriate action as soon as they believe there is a problem.

2.3.1 ATTENDANCE REVIEW MEETING

A confidential meeting between a designated senior leader and employee should be arranged as soon as a short-term sickness problem is recognised. Normally a trade union representative need not be involved at this stage, but this can be varied by mutual agreement. The aims of the Attendance Review Meeting are to:

- Signal that the employee's time off is a cause for concern;
- Allow the employee to inform the senior leader if there is an underlying medical problem;
- Give the employee an opportunity to explain other reasons for sickness, e.g. domestic difficulties, work, stress, alcohol or drug related problems etc.

Where appropriate, support should be offered such as assistance with making arrangements for treatment, special leave, temporary adjustments to working hours, or access to occupational health support.

Following the Attendance Review Meeting, the employee should be allowed reasonable time to demonstrate an improvement in their attendance. As a general guidance this monitoring period would normally be for 8 weeks, although there may be occasions when a shorter/longer monitoring period would be reasonable.

2.3.2 FIRST FORMAL REVIEW MEETING

Where the individual's attendance record has not sufficiently improved following the Attendance Review Meeting, the senior leader should set up a First Formal Review Meeting with the employee and the Human Resources Manager. The aims of the First Formal Review Meeting are to:

- continue to discuss the employee's sickness absence;
- identify any underlying reasons for the lack of improvement;
- refer the employee to the Federation's Occupational Health Adviser/Counsellor where appropriate, if fitness does emerge as the issue. Employees should be made aware that they are entitled to make a self-referral if they wish to do so;
- advise the employee of the employment implications of their absence;
- check the potential for redeployment (although the appropriateness of this is likely to be minimal in short-term persistent sickness cases);
- warn the employee that if there is not a substantial and sustained improvement, a Contractual Review will take place, at which a determination to dismiss may be made. The employee may be given notice of the Contractual Review Meeting at this stage, or at a later stage during the monitoring period.
- inform the employee that their attendance will be closely monitored over an agreed time period.

The employee should be given five working days' notice of the review and should be advised of their right to be accompanied by a Trade Union representative or work colleague at the meeting.

At the First Formal Review, reasons for absence should continue to be explored, together with any action it may be possible for management to take in terms of work issues. The senior leader or individual may feel it appropriate to refer the matter to the Federation's Occupational Health Adviser, but this is not always necessary. Such referrals are undertaken in parallel with any formal action, not instead of.

The outcome of the First Formal Review should be confirmed to the employee in writing by the senior leader, within 5 working days of the meeting.

2.3.3 CONTRACTUAL REVIEW MEETING

By this stage the employee would have been given every opportunity to improve their attendance to an acceptable level. If all efforts have failed, the employer has a duty to consider termination of the contract of employment on the grounds that the employee is unable to meet their contractual obligations to work. This meeting will take place as per section 2.4.3 of this policy.

2.4 MANAGING LONG-TERM ABSENCE

Long-term sickness absence will normally be characterised by an underlying medical condition resulting in continual absence of 4 working weeks or more, although alternatively there could be short-term absences caused by a long-term underlying medical condition.

2.4.1 MANAGEMENT ACTION

Where monitoring indicates a long-term absence or a developing long-term ill-health problem, the senior leader should refer the member of staff to the Federation's Occupational Health Adviser, if appropriate, to establish the state of the employee's health and receive an opinion on the expectations for a sustained return to work. This should be done even if the colleague remains off work.

The employee will need to be informed of the approach to the Federation's Occupational Health Adviser. A letter, telephone call or visit at home by the senior leader to allay any concerns the employee may have will be necessary. The manner in which this is done is extremely important and home visits should only be undertaken by mutual consent. Primarily the aim is to maintain contact with the employee and check their current position while keeping them informed of the sickness management process.

When it seems clear that the employee is going to be absent for a specified period of time or when a terminal illness has been diagnosed, the manager will need to assess the situation in conjunction with the Federation's HR consultants. In either circumstance it may be that no further action will be necessary apart from maintaining a level of contact with the employee.

2.4.2 FIRST FORMAL REVIEW

If the prognosis for a long-term return to work is uncertain, the senior leader will write inviting the employee to a First Formal Review with the Human Resources Manager, giving a minimum of five working days' notice. The employee should be advised of their right to be accompanied by a Trade Union or work colleague and they should be provided with details of their sickness record.

AIMS OF THE FIRST FORMAL REVIEW

The purpose of the First Formal Review should be to determine:

- The medical treatment that the employee is receiving and the prognosis for recovery within a reasonable length of time.
- What the employer can reasonably do to aid the employee's recovery with a view to a return to work, including any reasonable workplace adjustments that may need to be considered.
- the likely length of continuing or repeated absences.
- To advise the employee of the employment implications of their absence.
- Whether in all the circumstances the employer can be expected to wait for the employee to return to work (see above).

A series of outcomes will be agreed at the First Formal Review Meeting and these should be confirmed to the employee, in writing, by the senior leader, within 5 working days of the meeting. Where appropriate the senior leader may decide to reconvene the First Formal Review meeting in order to consider further evidence and advice.

2.4.3 CONTRACTUAL REVIEW PROCESS

A date for the Contractual Review meeting will normally be set at the preceding First Formal Review Meeting. Normally 8 weeks' notice of the Contractual Review Meeting will be given, but in any case there must have been long enough time to establish the likely prognosis.

The Federation's Occupational Health Adviser should be asked as to whether a further review of progress is necessary before any prognosis of the employee's future state of health can be given.

The employee should be given 10 working days' notice of the Contractual Review Meeting and be advised of their right to be represented by a recognised trade union or work colleague. The letter should outline the employee's sick record to date and inform them that as a result of the review a decision may be made to terminate the contract of employment.

The contractual review panel will normally consist of the Executive Principal (who will chair the meeting). Where the Executive Principal conducted previous meetings under the procedure, the dismissal panel will consist of three Directors other than the Chair of Directors, one of whom will be nominated to chair the meeting. The Chair of the Hearing will be advised on procedural matters and matters of precedent by a Human Resources representative.

The purpose of the meeting is:

- To explain the medical advice received.
- Where the advice is not encouraging, to explain the implications for the employee's colleagues and the service.
- Determine the likely duration of the absence or continuation of the condition.
- Check the potential for redeployment/job redesign or any other reasonable adjustments that may need to be considered.
- Check the appropriateness of ill-health retirement.

Where a full return is expected but not within the near future, where the prognosis is indeterminable, or where there is an underlying medical condition causing persistent short term sickness, the Chair must assess whether in all the circumstances the employee's continued absence is tolerable. Where a determination to dismiss is made, this will be on the grounds of incapability (or in the case of non-teaching staff, a dismissal may be made on the grounds of incapability, with the required pay in lieu of notice).

The employee must be informed in writing of the outcome of the Contractual Review meeting within 5 working days, and advised of their right to appeal against dismissal. Appeals must be made in writing to the Chair of Directors within 10 working days of receipt of the written outcome of the contractual review.

2.5 MONITORING PERIOD FOLLOWING SICKNESS ABSENCE INTERVIEW

During the monitoring period the senior leader may require that any period of absence of one day or more is covered by a medical certificate.

2.6 ACTION DURING EMPLOYEES' SICKNESS ABSENCE

The line manager or senior member of staff may arrange to talk with or visit any absent colleague within 5 working days of the first day of absence to discuss the absence and to consider support and assistance if the absence is likely to continue. At this point an appropriate communication plan will be agreed between the line manager or senior member of staff and employee.

3 EMPLOYEES' RESPONSIBILITIES

3.1 NOTIFICATION OF SICKNESS ABSENCE

An employee in the Federation who is prevented by illness from reporting for duty shall notify the relevant setting on the FIRST DAY OF ABSENCE. Staff should also state the estimated period of absence. Should staff find they are unable to return on or before that date, a further telephone call must be made.

For details on who to contact to notify the Federation of your absence, please refer to the Staff Handbook.

A doctor's certificate must be provided from the EIGHTH day of absence (including Saturdays and Sundays) and at appropriate intervals covering the period of sickness consecutively, for the purposes of claiming DSS benefit and sickness allowance under sickness pay conditions of service.

Absence on account of sickness on the day before or day following a public or extra-statutory holiday must be supported by a self-certificate or medical certificate regardless of length of period of sickness.

3.2 SELF CERTIFICATION

All employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven days and for the first seven days of any longer absence unless covered by medical certificate. The self-certification form must be completed immediately on return to duty.

Employees will also be required to attend a return to work discussion with the Human Resources Manager and/or a designated senior leader normally within 5 working days of the return to work. See point 2.1 above.

3.3 MEDICAL EXAMINATION DURING PERIOD OF ABSENCE

An employee shall, if required at any time, submit to a medical examination by a registered medical practitioner nominated by the Federation, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. In the event of a difference in medical opinion as to the employee's fitness for work, the matter shall, at the request of the Federation or of the employee, be submitted to an independent medical referee chosen jointly by the Federation and the employee.

Any period of absence not covered by a self-certificate (7 days or less) or medical certificate (> 7 days) will be treated as leave of absence without permission.

It is very important that staff comply promptly with the procedures as set out above. If they do not, there is every possibility that any allowances to which they are entitled will be delayed. Additionally, payments under the Occupational Sick Pay Scheme may be stopped if the terms of the scheme are not complied with, and absenteeism procedures could be considered under the Federation Disciplinary Policy for Staff. If staff submit any false information as to their incapacity, it will be dealt with in accordance with the Federation's Disciplinary Code.

4 REIMBURSEMENT OF COST OF DOCTOR'S STATEMENTS

Where the Directors or the Executive Principal require a doctor's statement from an employee for a period of absence of less than 8 days, the employer shall, on provision of a receipt, reimburse the employee if a charge is made for the statement.

5 ILLNESS OR INJURY ARISING FROM WORK

Any accident arising out of or in the course of employment with the Federation must be reported and recorded in accordance with the procedures laid down by the employer. The accident will be subject to investigation and report by an employee authorised for the purpose by the Federation.

Where an employee seeks medical advice about an illness which is suspected or alleged to have resulted from the nature of his or her employment, the employee must report relevant information to the Executive Principal at the first opportunity.

In the case of the first, and any subsequent absence due to industrial disease or accident, an employee shall submit, at any time during such absence if so required by the employer, to a medical examination by a registered medical practitioner nominated by the employer. In the event that the employer's doctor is not satisfied that the absence is due to an industrial disease or accident, the employee shall have right of appeal to an independent medical referee.

6 FALSE INFORMATION

The provision of any false information could result in disciplinary action being taken, including the possibility of dismissal. If an employee is absent from duty due to illness it will be the Federation's reasonable assumption that they cannot fulfil duties at another employer; nor be fit to participate in other activity during the time of illness which might have a similar level of exertion as their duty might incur. Exceptions to this detail exist and it would be at the determination of the employer to lay out which illnesses might preclude the employee from such activity.

7. APPEAL

The Chair of Directors will write to the employee giving details of the appeal hearing, which will normally take place within 10 working days of receipt of the employee's appeal. The employee will be advised in writing of their right to be accompanied at the appeal hearing by a trade union representative or work colleague.

The Chair of Directors (or another Director) plus two other Directors will hear the appeal. A representative from the Federation's HR advisors will also attend to advise the panel on procedural matters and of precedent.

The Director chairing the appeal will communicate their decision, which will be final, in writing to the employee within 10 working days of the appeal hearing. This decision must be reported to the full Governing Body.

8 UNAUTHORISED ABSENCE

Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.

Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.

If you do not report for work and have not telephoned to explain the reason for your absence, your line manager or Human Resources Manager or a designated senior leader will try to contact you, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.