

Employment Policies and Procedures

Attendance Management Policy

And Guidelines for Schools

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Attendance Management

Policy Statement

This policy statement sets out the overarching aim of this policy and the background and context in which it sits.

Sunderland City Council is committed to creating a safe and healthy environment for all its employees and recognises the benefits of a holistic approach to employee well-being. Therefore the school will work with employees, employee representative groups and Trade Union Representatives to develop an environment and culture that will encourage high levels of attendance and maintain a healthy workforce.

The council/school will achieve this by:

- Promoting the health, safety and well-being of all employees
- Valuing and recognising good attendance
- Monitoring levels of sickness absence for individuals, teams and the school overall
- Supporting employees who are unwell and unable to attend work
- Actively managing the individual during their period of absence and subsequent return to work
- Implementing and applying procedures to deal with unjustified and /or high levels of sickness absence
- Considering the need for reasonable adjustments, redeployment, rehabilitation and re-training to support an employee's return to work
- Adopting a consistent and fair approach

Where it is deemed that an individual, due to sickness is no longer capable of performing his or her duties, the school will explore all reasonable alternatives for example, re-deployment, re-training, reasonable adjustments and rehabilitation. This process will be undertaken in consultation with the employee, their representative and appropriate specialist or medical opinion.

The school recognises that on occasions, having exhausted the options outlined above, it may be necessary to seek to dismiss an individual on the grounds of capability, such decisions may be made whilst the individual is in receipt of sick pay. The school will treat each individual case on its merits, ensuring that an individual is able to leave the school with dignity.

Scope of the Policy

The policy covers the management of attendance and also capability dismissals which may be invoked as a result of attendance issues. The policy sets out the roles and responsibilities in relation to attendance management and the steps which must be followed in all cases.

The school has a separate Discipline and Capability Procedures with regard to conduct or capability issues relating to skills, knowledge and aptitude of employees.

To enable fair and consistent application of the policy the Council recognises the need to provide appropriate guidance and support for Headteachers/Line Managers and Governing Bodies. It is mandatory that all Headteachers attend Essential HR Training which includes attendance management, in addition further support is provided by the Children's Services HR Advice Team, the Occupational Health Team and Health and Safety.

A guide for Headteachers/Line Managers and the Governing Body has been developed to accompany this policy to provide guidance and suggestions to assist in supporting employee well-being and managing attendance and a booklet containing relevant forms and template letters relating to attendance management.

An employee guide is also available to provide a summary of key information for employees relating to attendance, including information on well-being, how to access Occupational Health Services and other sources of support.

Supporting Policies

Employees may need to take leave of absence from work for a range of reasons, where appropriate Headteachers/Line Managers and employees should refer to the following associated policies:

- [Redeployment Policy](#)
- [Leave of Absence Policy](#)
- [Medical Interventions Policy \(subject to Corporate approval\)](#)
- [Flexible and Home and Mobile Working Policies and Procedures](#)

Additionally Headteachers/Line Managers and employees should be aware of the councils approach to Health and Safety of employees as contained in the Health and Safety Policy and Procedures.

Legal Framework

There are many pieces of legislation which are relevant to attendance management; some of the more important examples are listed below, however the list is not exhaustive:

- Disability Discrimination Act 1995 as amended
- Employment Rights Act 1996 as amended
- Employment Rights Dispute Resolution Act 1998
- Employment Relations Act 1999
- Employment Act 2002
- Employment Act 2002 (Dispute Resolution) Regulations 2004
- Data Protection Act 1998
- Access to Medical Reports Act 1988

In developing this policy consideration has also been given to ACAS guidance and the Health and Safety Executive Guidance 249 'Managing Sickness Absence and Return to Work'.

Equality and Diversity

Flexibility, support and accessibility are fundamental to attracting and retaining a diverse and high performing workforce and this policy has been developed in line with the council's equality policies and plans.

Reasons for Managing Attendance

The school must ensure that effective means of managing attendance are in place in order to:

- Meet objectives relating to improved efficiency, service delivery standards, provision of education and effective use of resources
- Manage performance and achieve performance targets and measures

Sick Pay

Employees are entitled to receive sick pay in accordance with their terms and conditions of employment, details of an employee's specific entitlement will be outlined in their statement of particulars.

The council/ school reserves the right to withhold sick pay where an individual fails to comply with the Attendance Management Policy and Guidelines for Schools. In accordance with other national terms and conditions and local agreements this also includes situations where absence is due or attributable to deliberate conduct prejudicial to recovery, the employee's own misconduct or neglect, active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer. Misleading or false statements or repeated abuse of the scheme will be dealt with under the schools disciplinary procedure.

An employee may not be entitled to an allowance if damages are recoverable from a third party; this is a condition of the sick pay scheme under the local agreement dated February 2002. This agreement applies to those employees covered by the National Joint Council for Local Government Services (Green Book employees). Other groups of employees should refer to their specific terms and conditions and any locally agreed variations.

Roles and Responsibilities

Attendance Management and employee well-being is the responsibility of everyone within the school. Within this individuals have specific responsibilities the main points of which are outlined below. More detailed information relating to absence procedures is specified later in this document. (See [Absence Procedures](#)).

Governing Body

The Governing Body is responsible for approving policy and action for the school and ensuring implementation of the policy.

The Governing Body is responsible for developing whole school strategies and monitoring whole school attendance.

The Governing Body, namely the Personnel Sub-committee is responsible for hearing appeals against formal cautions issued by the Headteacher. The Personnel Committee can be responsible for making decisions about the employee's continuing employment, potentially leading to a decision to dismiss an employee due to their incapability to undertake their role due to ill health.

The Governing Body, namely the Appeals Sub-committee is also responsible for hearing appeals against dismissals.

Headteachers/Line Managers

It is the responsibility of Headteachers/Line Managers to ensure that good attendance is encouraged and recognised.

Headteachers/Line Managers are responsible for ensuring that all employees are aware of the Attendance Management Policy and Guidelines for Schools and the procedures relating to absence.

Through regular one to ones and performance management processes, Headteachers/Line Managers must identify and respond to any work related issues which may impact upon an individual's performance and well-being. The council promotes the use of the Health and Safety Executive Management Standards in the six areas of 'Demands, Control, Support, Relationship, Role and Change', as a framework to analyse potential areas of concern, further details are available in the guide for Headteachers/Line managers and the Governing Body.

Headteachers/Line Managers should also recognise that external factors may impact on employee well-being, and consider, where business needs allow, utilising other support mechanisms and policies for example, Occupational Health Interventions, Flexible Working, Leave of Absence policies and training and development.

Headteachers/Line Managers must ensure that they record all absence in line with the adopted procedures and monitor and evaluate each department and individual records to identify and address trends and issues.

Where persistent short term or medium term absence presents a need to invoke the schools attendance management procedures it is the Headteachers/Line Managers responsibility to conduct any interviews and issue any cautions or other sanctions which the policy deems necessary. The Children's Services HR Advice Team will provide support where appropriate.

Communication is important in providing support for employees and Headteachers/Line Managers must maintain contact with employees during their absence. It should not normally be necessary to contact an employee with absence of less than one week provided the employee has informed the Headteacher/Line Manager of their date of return. For absences longer than one week, Headteachers/Line Managers must agree with the individual appropriate methods of regular communication. Headteachers/Line Managers should make employees aware of this as part of the employee induction in line with employee

responsibilities outlined below. Where an employee is absent and has failed to make contact Headteachers/Line Managers must try to establish contact with the employee.

Throughout an employee's absence or in supporting an employee's attendance or rehabilitation Headteachers/Line Managers must ensure that they seek professional advice and guidance from their HR representatives and/or Occupational Health Team where appropriate.

Headteachers/Line Managers must hold attendance review meetings with employees as appropriate.

Headteachers/Line Managers must attend Occupational Health case reviews as required and are responsible for providing relevant information to the review panel.

It is the responsibility of the Headteacher/Line Manager to develop and co-ordinate appropriate plans for the individuals return to work. This includes identifying and removing any barriers to a return to work, planning and undertaking any appropriate workplace adjustments, conducting risk assessments, ensuring that appropriate rehabilitation, re-training, phased returns or redeployment options are considered; taking specialist advice and guidance where appropriate.

Where decisions need to be made about the employee's continuing employment, potentially leading to a decision to dismiss an employee due to their incapability to undertake their job due to ill health, Headteachers/Line Managers must inform employees at appropriate points of the implications of their continued absence with the support of the Children's Services HR Advice Team.

Headteachers/Line Managers should conduct a return to work interview for every absence, without exception, and this should be completed on the first day of return or at the earliest opportunity. This should form a two way discussion to welcome the employee back to work and in addition to discussing matters relating to the absence should include updates on work related matters to ensure employees are able to recommence their duties effectively.

Headteachers/Line Managers must maintain an awareness of their responsibilities in relation to the Disability Discrimination Act 1995.

All newly appointed Headteachers/Line Managers should attend Essential HR Training which includes attendance management. Further support is also available in the manager's toolkit.

Employees

All employees are expected to attend work unless unfit to do so. It is an employee's responsibility to raise concerns with their Headteacher/Line Manager, Children's Services HR Advice Team, The Occupational Health Team or health and safety representatives if they believe that their job is making them ill or contributing to their ill health.

Employees must be aware of and follow the council's sickness absence reporting procedure as outlined in this policy. (See [Absence Procedures](#))

It is an employee's responsibility to notify their Headteacher/Line Manager by telephone on the first day of absence and to maintain regular contact with their Headteacher/Line Manager during any period of absence. Where an employee fails to maintain contact their Headteacher/Line Manager will seek to establish contact.

Employees must attend any absence review meetings or medical examinations which are required in order to identify at the earliest opportunity ways in which the school can support an employee in returning to work or identifying an early prognosis of ongoing illness.

On return to work employees must complete a sickness declaration form which can be obtained from their Headteacher/Line Manager and participate in a return to work interview, which will assist in identifying any further support which may be required to assist in an effective return to work.

Failure to comply with this policy and procedures may result in a withholding of sick pay or other disciplinary action

Children's Services HR Advice Team

The Children's Services HR Advice Team are responsible for adapting and maintaining appropriate policies for schools in line with Corporate guidelines.

The Children's Services HR Advice Team will provide support and guidance on complex cases in line with employment legislation and participate in case management and review meetings.

The Children's Services HR Advice Team must ensure that absence policies and procedures are applied consistently and fairly.

The Children's Services HR Advice Team are responsible for co-ordinating general and individual medical advice through the Occupational Health Team and

for investigating and advising on health and safety matters through the Occupational Health Team and the Corporate Health and Safety Teams.

The Children's Services HR Advice Team must also ensure that Headteachers/Line Managers are aware that it is their responsibility to make referrals to the council's Occupational Health Team in accordance with the policy.

The Children's Services HR Advice Team can provide training in the management of attendance and can also provide supporting statistics on attendance levels in schools.

The Children's Services HR Advice Team will consult with employees, employee representative groups and trade unions, and schools to develop, review and establish effective policies and procedures.

Occupational Health Team

Through the work of the Occupational Health team, The Children's Services HR Advice Team will initiate and advise on appropriate health promotion issues and interventions.

The Occupational Health Physician will act as the schools/councils advisor and will provide medical advice in relation to the health and well-being of the schools/council's workforce. This role involves providing medical advice and guidance to assist with the management of absence, specifically that involves providing advice on an individual's fitness to carry out their duties and provide advice and recommendations on rehabilitation, re-deployment or other appropriate interventions to facilitate an individual's return to work.

Where it is deemed appropriate the Occupational Health Physician may seek to consult with the individual's GP or specialist to provide information about the nature of the individual's employment in relation to their health condition. The Occupational Health Physician will obtain employee consent to seek information from an employee's GP or specialist and ensure that the employee is made aware of their rights under the Access to Medical Reports Act 1988.

The Occupational Health Physician will facilitate the Attendance Management Review Panel consisting of monthly and quarterly case conference reviews to ensure the effective ongoing management of long term or complex sickness absence cases.

Health and Safety

Through the work of the Health and Safety team, Headteachers/Line Managers will ensure that appropriate policies, risk assessments and monitoring activity is put in place to safeguard employee health and well-being.

Case Review Panel

This review panel will consider long term or complex attendance management cases. Schools, via their HR contact, should work with the Occupational Health Physician to determine appropriate cases to take forward.

Corporate Case Review Panel

The corporate review panel will consider those cases of a complex nature which require a multi specialist input to reach a resolution. Cases will be referred to the panel from the case review panel. The panel will review the management of cases, through discussions with the HR representatives and Headteachers/Line Managers. The panel consists of the following members:

- A representative of the Corporate Head of Personnel
- Representatives from Legal Services
- Occupational Health Physician

Cases will be presented by Headteachers/Line Managers and/or HR representatives.

Absence Procedures

Notification of absence

Employees must personally telephone their Headteacher/Line Manager or designated contact on the first day of absence at an agreed time set by the school. It is not acceptable for an employee to notify their Headteacher/Line Manager or designated contact of their absence by email or text message.

Where it is not possible to call personally due to serious illness or injury, employees should arrange for their representative to inform the school at the earliest possible opportunity.

The employee must inform the Headteacher/Line Manager of the reason for absence and anticipated length of absence. Where an employee believes that their absence has been caused by work or something that has happened at work they must inform their Headteacher/Line Manager of this and arrange for an accident report to be completed. Headteachers/Line Managers should consult with the Health and Safety team and undertake any appropriate investigation.

Headteachers/Line Managers must ensure that the absence is reported and recorded in line with current procedures.

Certification

Every absence has to be certified to ensure prompt and correct payment of contractual and statutory sick pay and to maintain accurate records. Where an employee's absence continues beyond 3 days, on the 4th calendar day of absence employees must confirm their continuing illness and give an estimate of the expected date of return. (Weekends count as absence if an employee is sick on the previous Friday)

For absences of more than one week employees must see their GP and obtain a sick note, which must be submitted to their Headteacher/Line Manager. This should cover the employee's absence from the 8th calendar day of absence (including weekends).

Where sickness is ongoing employees must continue to submit consecutive sick notes for the whole period of absence.

Following an attendance review meeting, where an employee's frequency or amount of absence gives cause for concern the notification and certification requirements may be amended for example individual may be required to submit a doctor's medical certificate for all periods of absence. In such cases the school will reimburse the cost of any fee charged. Please note this would be used in specific circumstances in line with the appropriate advice from the Children's Services HR Advice Team.

Whilst it is accepted that a medical certificate issued by a GP provides the physician's opinion of the individual's medical condition and an indication of their fitness for work, the school may seek the opinion and advice of the Occupational Health Physician with regard to the individual's condition in relation to the specific requirements of the job role and their fitness for work.

Keeping in Touch

As indicated in roles and responsibilities above it is important that Headteachers/Line Managers and employees maintain regular contact during any period of absence.

The purpose of keeping in touch is to;

- understand the nature and length of the employee's absence
- to provide appropriate support to the employee
- manage service delivery requirements
- ensure that the employee does not feel isolated
- keep the employee up to date with relevant information and changes which may occur during their absence.

Regular contact between Headteachers/Line Managers and employees via telephone and correspondence must be maintained throughout a period of absence. For shorter periods of absence telephone contact will be appropriate. Where the period of absence is expected to continue the Headteacher/Line Manager may wish to arrange to visit the employee at home or, depending on individual circumstances, for the employee to visit the workplace.

Monitoring Sickness Absence Levels

All sickness absence must be recorded on the council's sickness absence system in accordance with council/school procedures.

The council will use this information to monitor progress against performance targets. As outlined in the roles and responsibilities above the responsibility to monitor sickness absence rests with all Headteachers/Line Managers and Governing Bodies.

Return to Work

Following their return to work all employees must complete a Sickness Declaration Form.

Headteachers/Line Managers must conduct a return to work interview for every absence and this should be conducted on the first day of return to work, or at the earliest possible opportunity. Headteachers/Line Managers must ensure that an employee is brought up to date with any changes which may have occurred during their absence and discuss the employee's absence and the schools role in supporting the employee in their return and ongoing well-being.

The Headteacher/Line Manager should identify and agree if further support is required for example;

- Interventions or support from Occupational Health Unit
- Any reasonable adjustments are needed for example for example, changes in workload, work practices or working patterns
- Undertake or review a risk assessment

The Headteacher/Line Manager must complete a record of the discussion, which the employee should be asked to sign and agree as an accurate record. This will then be held on the individual's personnel file.

Short and Medium Term Absence

Managing Short and Medium Term Absence

Short term absence is defined as any single period of absence up to a maximum of one week. Medium term is defined as any single period of absence of more than one but less than four weeks.

Formal Procedures

Where an individual's attendance fails to improve Headteachers/Line Managers must commence formal procedures and, in any event, the following absence levels will always trigger formal procedures:

- 3 occasions within a 6 month period
- 5 occasions within a 12 month period

The following incidents will trigger formal procedures; however, where absences are not due to genuine illness formal action should be taken under the schools disciplinary procedure:

- Any period of unauthorised absence or lateness
- Any other circumstance which gives serious concern for example, recurring or recognisable patterns of, such as frequent absence either side of an employee's non working days, before or after public holidays or where a request for leave has been declined

Formal Attendance Review

In the first instance the employee must be invited to an attendance review meeting. Headteachers/Line Managers must consider what the potential outcome of such a meeting may be and ensure that a manager with the appropriate level of authority to consider and take the most serious action appropriate is in attendance.

Where dismissal is a potential outcome Headteachers/Line Managers should seek advice from the Children's Services HR Advice Team before arranging or conducting the review.

Further guidance on the practicalities of arranging and conducting reviews is contained within the guide for Headteachers, Line Managers and Governors.

Purpose of the Review Meeting

The purpose of the meeting is to discuss the employee's absence record, explore the reasons for absence, discuss and identify areas for support, review and update any risk assessments, set and agree targets for improvement and or issue sanctions.

Possible Outcomes

Following the discussion Headteachers/Line Managers may apply the following outcomes:

- Amend notification of certification of absence requirements e.g. request an employee to submit a doctor's medical certificate for all instances of absence in line with advice from the Children's Services HR Advice Team
- Seek advice from the council's Occupational Health Physician
- Identify, agree and implement appropriate support mechanisms or interventions, for example physiotherapy or counselling
- Identify, agree and implement reasonable adjustments for example, changes in workload, work practices or working patterns
- Give consideration to redeployment (following consultation with the council's Occupational Health Physician)
- Take no formal action
- Take formal action

Taking Formal Action

The following formal action may be taken:

- **Formal oral caution** - this should be used to emphasise a need for improvement
- **Written or final written caution** – when previous advice or cautions have failed to achieve the required improvement
- **Dismiss the employee** – when a previously issued and still live final written caution has failed to achieve the required improvement

Procedure for Formal Action and Dismissals

Prior to any decision to dismiss the employee Headteachers/Line Managers must first seek advice from their HR representative.

Although similar in form to the disciplinary procedure, the formal procedures for managing absence and capability dismissals differ insofar as Headteachers/Line Managers are not challenging the legitimacy of the absence. Rather, they are stating clearly to the employee that their absence level is such that it cannot be tolerated by the business or service. (Should there be evidence of illegitimate absence, then this is a conduct issue and should, therefore, be dealt with through the disciplinary procedure).

The employee should be requested to attend an attendance review meeting with the Headteacher/Line Manager. The timing of the review should be such as to give the employee sufficient time to prepare.

The employee should be invited to the review in writing. The letter must advise of the reason for the review and set out details of the absences to be considered. It should also refer to any previous action/interviews and/or any other relevant information and must always advise of the employee's right to be accompanied by a trade union representative or work colleague.

The initial step in the review is to ensure that all parties are aware of its purpose. The next step is to confirm that the absence details, as set out in the letter are agreed and to clarify any disagreement or queries.

Time should be taken for a two-way discussion into the reasons for the absences, their effect on the service and the individual's previous record and the employee must be given every opportunity to state his/her case before a decision is reached. If necessary adjourn for further investigation e.g. medical advice. When all of the relevant circumstances have been discussed, you should adjourn to consider your decision.

In arriving at a decision you must consider the following factors:

- the nature and extent of the absences
- any medical evidence (reports, sick notes, etc.)
- the effect of the absences on the school/service
- whether alternative employment is an appropriate option (for example, where the reason for absence is connected to an aspect of the employee's particular work)
- the employee's previous record and any "live" cautions
- attendance levels within school and previous decisions
- statements made by the employee and his/her trade union representative or work colleague

When all of the factors have been considered and there is no other alternative other than to dismiss the employee, the appropriate notice period must be given. However it may be appropriate for the employee not to attend work during the notice period or it may be appropriate to pay in lieu of notice. Advice on the most appropriate course of action in relation to notice periods can be sought from the Children's Services HR Advice Team.

Recording and Notifying Decisions

In all circumstances Headteachers/Line Managers must inform the employee of the specific improvement which is required and informed them of the possible consequences if this is not achieved.

A written record of the discussion, outcomes agreed and review dates should be completed which the employee should be asked to sign and agree as an accurate record. This will then be held on the individual's personal file.

Where the outcome is a written or final written caution, this must be confirmed in writing to the employee. The school must keep records of the action taken and reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. This record including all relevant correspondence and documentary evidence shall be carefully safeguarded and kept confidential on the employee's personal file.

A copy of the caution should be kept on the employee's file but should be disregarded after a period of one year subject to satisfactory conduct and performance.

If any action is reconsidered and withdrawn on appeal or otherwise the record will be kept on the employee's personal file but will be disregarded for the purposes of any future sanction.

Right of Appeal

The right of appeal against the decision must be submitted in writing to the Appeals Committee of the Governing Body, through the Clerk to the Governing Body within ten working days of receipt of the letter of confirmation or the interview in the case of oral cautions. In the case of a successful appeal against dismissal, salary rights will be reinstated with effect from the date of the dismissal.

Monitor and Review

Where an employee returns to work Headteachers/Line Managers must continue to monitor and review an employee's absence and ensure that where improvement is made that it is recognised or where further absences are identified that the appropriate stage of the formal process is followed.

Long Term Absence

Managing Long Term Absence

Long term absence is defined as any single period of absence over four weeks.

Seeking Medical Advice

Whilst it is not possible to determine the exact point when a referral should be made to the Occupational Health Team, Headteachers/Line Managers should seek medical advice from the Occupational Health Physician in all cases of absence which extend beyond four weeks where a return to work date has not been determined.

However, it is not necessary to wait until the absence level reaches four weeks where early indications are that the absence will be long term or the complexity or nature of the illness suggests this may be beneficial. Where the absence relates to a stress related or muscular skeletal condition Headteachers/Line Managers should immediately refer the employee to the Occupational Health Team.

The aim of seeking such advice is to identify the likely duration of the absence and identify any actions which may be taken to assist the employee in making a partial or full return to work at the earliest opportunity.

Case Review Panel

Where appropriate long term absence cases should be discussed at the monthly case review panel with the Occupational Health Physician. Schools will need to prioritise appropriate cases for the panel.

Corporate Case Review Panel

Complex long term absence cases should be discussed at the Corporate case review panel where the Occupational Health Physician will provide advice as part of the multi specialist approach to reaching a resolution to such cases. Cases will be referred to the panel from the case reviews.

Reviewing Long Term Absence

Employees may suffer long term absence for a wide range of reasons. Headteachers/Line Managers may find it challenging to address long term absence, particularly where this relates to mental health, cancer or other illnesses which are covered by the Disability Discrimination Act.

In all cases Headteachers/Line Managers must ensure that regular formal attendance review meetings are conducted, regardless of any anticipated date of return. The nature of the employee's illness or injury must not prevent such reviews from occurring; however consideration should be given to the timing, nature or location of the review in line with medical advice. This is important to ensure that the individual does not feel isolated during a prolonged period of absence and all possible avenues of support and appropriate courses of action are identified at the earliest possible opportunity.

Meetings may take place at the employee's home or work place and Headteachers/Line Managers should be guided by the individual employee's circumstances and needs. Employees may be accompanied by a Trade Union Representative or work colleague during any absence review.

The following actions may be considered in all cases of long term absence, subject to appropriate professional advice:

- Reasonable adjustments for example, changes in workloads, work practices or work patterns
- Redeployment in line with the schools Redeployment Policy
- Rehabilitation
- Re-training

These actions may be considered at any appropriate point in the employee's absence and may form part of phased, temporary or permanent arrangements dependant upon medical advice, individual circumstances and business needs.

Headteachers/Line Managers must develop appropriate plans to monitor and review an individual's progress following a partial or full return to work from long term absence. Where necessary this should include further medical or specialist reports and advice.

In all long term sickness cases Headteachers/Line Managers must make early consideration of the potential options and outcomes for the employee based upon medical and other professional advice, the implications for the employee's condition on their job performance and the needs of the school.

Formal Attendance Review

In all cases of long term illness formal procedures should be followed to ensure that the employee is afforded appropriate support throughout their illness and that the employee maintains an understanding of the long term implications for their employment.

Formal attendance review meetings should be held at regular intervals and immediately following receipt of a medical report and/or attendance management review panel.

Purpose of the Review Meeting

The purpose of the meeting is to discuss the employee's absence, explore the options available, discuss and identify areas for support, review and update any risk assessments, provide updates on developments at work and set and agree outcomes which may include sanctions or dismissal.

Headteachers/Line Managers must consider what the potential outcome of such a meeting may be and ensure that a manager with the appropriate level of authority to consider and take the most serious action appropriate is in attendance. Prior to any decision to dismiss the employee Headteachers/Line Managers must first seek advice from their HR representative and the correct dismissal procedures must be followed.

More details on the practicalities of arranging and conducting review meetings can be found in the guide for Headteacher/Line Managers and the Governing Body.

Monitor and Review

Headteachers/Line Managers must continue to monitor and review an employee's absence and ensure that where improvement is made that it is recognised.

Recording and Notifying Decisions

In all circumstances Headteachers/Line Managers must confirm the agreed actions with the employee and ensure they are informed and understand the possible consequences of continued absence.

A written record of the discussion, outcomes agreed and review dates should be completed which the employee should be asked to confirm in writing as an accurate record. This will then be held on the individual's personal file.

Options and Action

Return to Work

Where it is expected that the employee is returning to work in the near future Headteachers/Line Managers should identify and agree an expected date of return. A plan for return should be agreed and developed incorporating any changes or adjustments that may have been agreed.

Phased Return to Work

Employees may be considered for a phased return at any stage of their absence. The aim of a phased return is to enable an employee to return to work earlier than may have otherwise been possible, following an extended absence or where the employee's condition provides periods of remission.

For example an employee undergoing cancer treatment may have periods where they feel well enough to work or following a long absence an employee may need an opportunity to regain their full strength and fitness.

Definition

A phased return involves a temporary change to working arrangements which may include:

- Change in hours, for example, a change in working patterns or reduction in total hours worked
- Change in work location
- Changes to workloads or responsibilities
- Or any combination of the above.

Agreeing Changes

The Headteacher/Line Manager should reach agreement with the employee on an appropriate return to work plan in accordance with appropriate clinical advice and support from the Occupational Health Team, Children's Services HR Advice Team and/or the appropriate Attendance Review Panel.

The plan should have clearly defined timescales and be documented and subject to monitoring and review by the Headteacher/Line Manager.

It is important to ensure that any adverse effects for the employee of the return to work are identified and that the plan is reconsidered with further advice from the Occupational Health Team, HR representative and where appropriate the Health and Safety Team.

Work Plans

The phased return to work should be specifically designed to meet the health related needs and individual circumstances in respect of the employee. For example;

- An individual with a debilitating condition may attend work every day but for a short period of time,
- Some conditions may be suited to an incremental increase in working hours beginning with 1 day per week gradually building to full time
- Or a combination of shorter days and shorter weeks
- For some conditions it may be more appropriate to focus on the nature and level of responsibility of the duties
- Or a combination of the above

Employees may use accrued annual leave as part of a phased return plan.

All arrangements should be recorded in writing with a copy for the employee, Headteacher/Line Manager responsible for supporting the employee during their phased return, your HR representative where appropriate and the payroll team.

Payment

The first 4 weeks of a phased return will be paid at the employee's normal rate of pay.

Extensions of Phased Returns

An extension of a phased return may be considered by the school/Governing Body dependant upon individual circumstances and business needs. In such cases advice should be taken from the Children's Services HR Advice Team, and the Occupational Health Team.

Search for Alternative Employment

The school, in conjunction with the Council, is required to consider whether suitable employment is available, should this option be recommended as a reasonable adjustment by the Occupational Health Team. Employees in this situation may be entitled to a non-competitive interview for any potentially suitable vacancy within the school or the wider Council (unless the vacancy is of a higher grade) and may be offered the post providing they meet the requirements of the person specification.

Career Break

Where an employee is suffering from a long term condition which is the cause of long term absence that can no longer be sustained by the school it may be beneficial to both the school and employee if the employee takes a career break. This break will allow the employee time to fully recover in the knowledge that they have employment to return to and the school will be retaining a valued employee.

A career break is unpaid and can be for a minimum duration of 6 months to a maximum of 5 years. All terms and conditions of employment are deferred during the career break; however, continuity of service will not be broken.

For more information please refer to the [career break policy](#).

Prognosis Remains Uncertain

Where the prognosis for return remains unclear Headteachers/Line Managers must ensure that employees are informed that continued absence cannot be sustained indefinitely and decisions may need to be made about the employee's continuing employment leading to a decision to dismiss the employee due to their incapability to undertake their job due to ill health.

In the circumstance that an employee's absence may be sustained for a further period a definite review date must be set and the case should be referred to the case review panel for consideration and advice; for particularly complex cases Headteachers/Line Managers should refer the case to the corporate case review panel for advice.

Where it is deemed an employee's absence cannot be sustained and it is proposed to dismiss the employee Headteachers/Line Managers must ensure that all reasonable avenues to support the employee's return have been explored.

Dismissal

The procedures for managing a capability dismissal will differ depending on whether the absences are short to medium term or long term. However, the general principles that must be followed when dismissing an employee are detailed above at [procedure for formal action and dismissal](#). It is the sanctions leading up to a dismissal that differ depending upon whether the dismissal is due to short, medium or long term absence as in most circumstances it is inappropriate to issue a sanction such as a oral, written or final written caution to an employee who is on long term sickness absence. In the case of all potential dismissals Headteachers/Line Managers must inform employees at appropriate points where there is a possibility of dismissal. The practicalities of managing

dismissals can be found in the guide for Headteacher/Line Managers and the Governing Body.

Right of Appeal

The right of appeal against the decision must be submitted in writing to the Appeals Committee of the Governing Body, through the Clerk to the Governing Body within ten working days of receipt of the letter of confirmation of the decision. The appeal will be heard by the Appeals Committee of the Governing Body and will consist of a panel of a minimum of three members.

Retirement on the Grounds of Ill Health (Local Government Pension Scheme)

In cases of long-term ill health where particular criteria are met in accordance with current pension scheme rules and regulations retirement on the grounds of permanent ill health may be a potential outcome.

Where an employee is dismissed as a result of permanent ill health the dismissal is referred to as “retirement on the grounds of ill health”. The word retirement is used as it refers to the release of pension benefits, however, the actual reason for dismissal will be capability and not retirement. Dismissal on the grounds of capability due to permanent ill health does not lead to the release of pension benefits before the normal retirement age (65).

Prior to the issue of a certificate of permanent ill health, it is important that Headteachers/Line Managers, in consultation with the Occupational Health Physician have explored the possibility of redeployment, rehabilitation, reasonable adjustments and retraining.

Where a request for ill health retirement is employee driven, it is important that employees fully understand the implications of their request. In submitting such a request employees should be aware that should they fail to meet the criteria for early retirement that the alternative may be a dismissal on the grounds of ill health capability.

Once all avenues have been exhausted and the certificate has been issued the employee should be notified that this will be discussed with them in the formal attendance review meeting. Headteachers/Line Managers must seek the support of their HR representative in all such cases.

Prior to this discussion Headteachers/Line Managers should obtain a copy of the certificate for the employee, details of final payments, such as notice pay, holiday pay and where possible the estimate of pension benefits, together with any documentation relating to the termination of employment which is required.

The meaning and implications of the certificate should be explained to the employee and the Headteacher/Line Manager must ensure that the employee understands and agrees with its issue.

Where the employee is in agreement, the Headteacher/Line Manager must advise the employee that their employment will be terminated on the grounds of capability due to their permanent ill health.

If the decision to dismiss has not been delegated to a Headteacher, the dismissal will need to be conducted by the relevant committee of the Governing Body and the employee is entitled to attend this meeting with a Trade Union Representative or work colleague if they wish. The employee would have the same right of appeal as outlined in the section marked Right of Appeal.

Retirement on the Grounds of Ill Health (Teachers Pension Scheme)

In cases of long-term ill health where particular criteria are met in accordance with current pension scheme rules and regulations retirement on the grounds of permanent ill health may be a potential outcome should a teacher choose to apply for ill health retirement. Under the Teachers Pay and Conditions this is not classified as a dismissal as with employees in the Local Government Pension Scheme.

Where a request for ill health retirement is employee driven, it is important that employees fully understand the implications of their request. In submitting such a request employees should be aware that should they fail to meet the criteria for early retirement that the alternative may be a dismissal on the grounds of ill health capability.

The Children's Services HR Advice Team will receive notification that the teacher's application has been successful. A meeting should then be arranged between the Headteacher/Line Manager, the employee and a member of the Children's Services HR Advice Team to finalise arrangements and discuss any benefits queries. As ill health retirement for teachers is deemed to be a resignation the teacher is required to submit a resignation letter to complete the process.

Work-related Ill Health or Injury

Where an employee's ill health or injury has been caused by work it is important that this is reported as soon as possible following the council's accident reporting procedures which are contained within the Health and Safety Code of Practice, details of which are available on the intranet at the following location

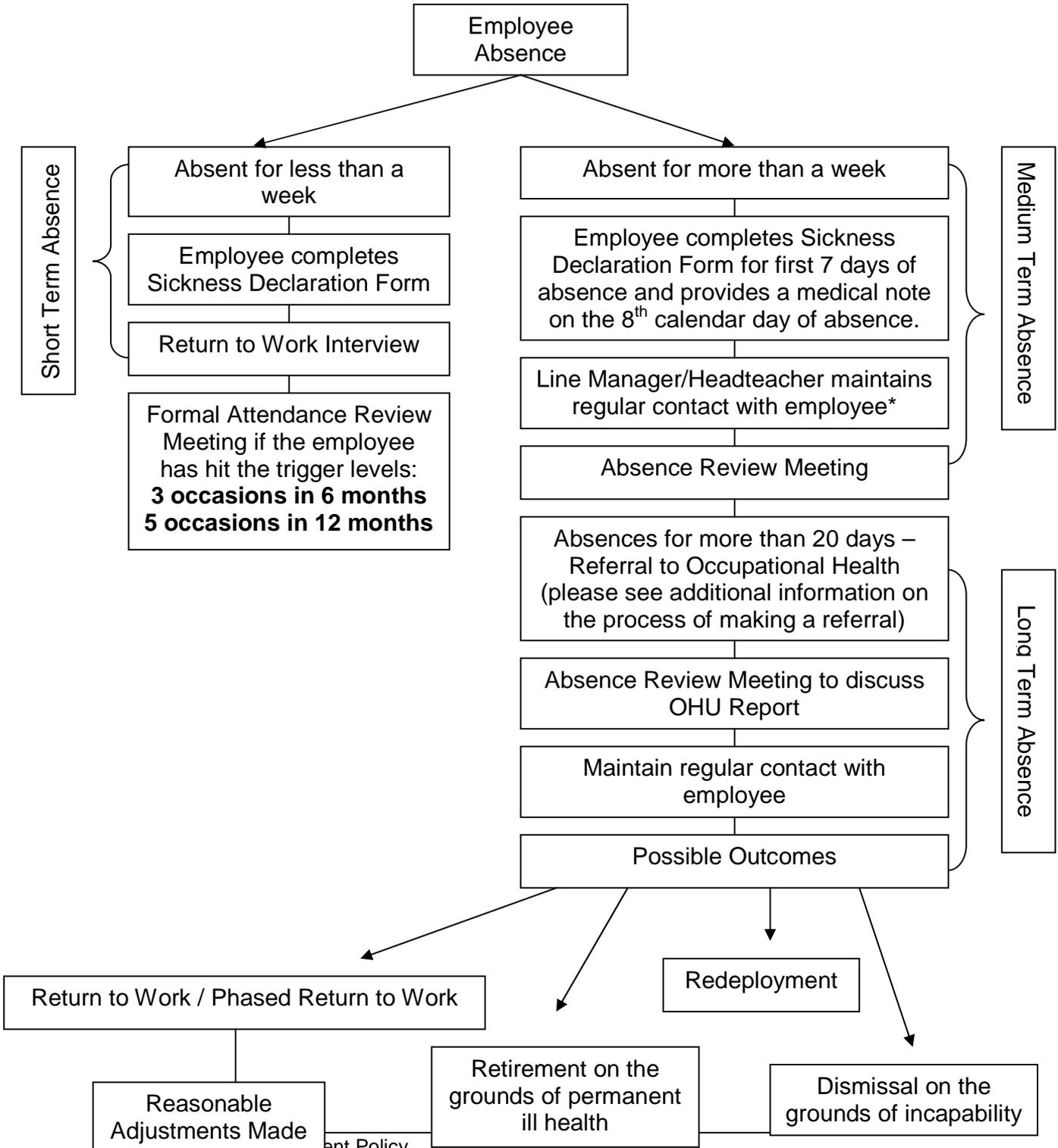
<http://cityweb/directorates/corporate-services/personnel/docs/Corporate%20H&S%20Policy/1Incident%20Reprt%20Form.pdf>.

Further advice and support should be obtained from the Children's Services HR Advice Team and the Health and Safety Team.

Personal Injury Claims

Where an individual's absence results in a personal injury claim it is important that the Children's Services HR Advice Team and Corporate Personnel and City Treasurer's Insurance team are involved in such cases at the earliest possible opportunity. Headteachers/Line Managers should, however, continue to manage such cases in line with the schools policy ensuring that all positive outcomes are explored as indicated above ensuring that any issues which may have contributed to the individual's illness or injury have been fully explored and addressed prior to their return.

Attendance Management



Occupational Health Referrals

Reasons for OHU Referrals:

- Employee absence for more than 20 days
- Concern for employees health and well-being
- Hit a trigger point and there are concerns
- To explore support mechanisms for staff who are struggling within the workplace

How to make an OHU Referral -

Please complete the Occupational Health Referral Form found at <http://cityweb/Projects/FormsAndTemp/hr-TA31-Occupational-Health-Referral-Form-v3.doc>. Include the following information and fax to 553 1484

Contact details of the employee (including telephone number)

Background information regarding the reason for referral and reason for absence(s) – as much detail as possible

Copy of the employees current sick note if absent

Details of previous absences in the last 2 years (dates and reasons)



Notify the employee that a referral to Occupational Health has been made

Once the above information is provided a referral will be made to Occupational Health

Following an appointment with Occupational Health a report will be produced and a copy sent to the Headteacher.