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Policy on Sickness Absence

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1. Aim

The aim of this policy is to provide a framework for managing sickness absence and supporting School employees who are unfortunately absent from work through sickness.

In certain circumstances, some aspects of this policy may be applied to employees who are in work, with on-going health conditions, who are unable to perform their core duties as a result of their medical condition and where reasonable adjustments are no longer sustainable.

There are six separate guidance documents that support this policy on sickness absence which are available on West Sussex Services for Schools. They are:

1. Managing Patterns Of Repeated, Short-Term Absences
2. Managing Periods Of Long-Term Sickness Absence
3. Statement of Fitness For Work and Short-Term and Long-Term Reasonable Adjustments
4. Ill Health Retirement
5. Managing Employees In Situations Where Reasonable Adjustments Are No Longer

Sustainable

6. Managing Combined Sickness Absence and Performance Issues.

Note 1: The guidance documents must always be used together with the policy which is the primary document. They must not be used 'stand-alone'.

Note 2: Headteachers / managers must ensure that all employees in the School have direct access to the Sickness Absence Policy and the guidance documents.

Our Organisation's Cultural Ambition

We will be an organisation which lives and breathes our values, where all of our people are able to work in an empowered, collaborative and innovative way to make a real and positive difference for all our communities.

2. Scope and application

This policy applies to all employees based in schools.

Representatives from the Local Authority

HR Professional Support can provide advice to Headteachers or Governing Bodies on sickness and related matters covered by this policy.

The School's Headteacher or Governing Body may invite HR Professional Support to attend meetings at any point in the process.

In addition, the Director of WSCC Education and Skills or their representative (usually an Adviser from HR Professional Support) has the right to attend all Dismissal and Dismissal Appeal meetings, in Maintained, Community, Community Special, Voluntary Controlled and Maintained Nursery Schools, where they may ask questions during the meeting, and provide advice to the panel.

Managing Headteacher Sickness Absence

In situations where the Headteacher is absent due to sickness, the process should be initiated and managed by the Chair of the School's Governing Body working with and taking advice from HR Professional Support.

In addition, members of the WSCC Education & Skills team will work with HR Professional Support and are also available to provide support to WSCC maintained schools. For example, to support the Chair of the School's Governing Body and the management of the School during the Headteacher's absence.

3. Guiding principles, related law, and the definition of disability

3.1 Guiding principles

The guiding principles for managing sickness absence are:

- In general terms, sickness absence will be formally managed in the School using a procedure with three levels. Employees have the right to raise an appeal at each level if they are not satisfied with the outcome.
- The School recognises that employees may suffer ill health or from a disability.
- The School will be fully supportive of all employees and will implement any reasonable adjustments that may be required on an individual basis.
- Employees should be supported to return to work as soon as they are able to, focusing on what they are able to do, rather than not do.

- The key aspects of the successful management of sickness absence are **'keeping in touch' meetings** with employees who are not at work due to sickness and the consideration of **early intervention** especially for workplace-related absences caused by anxiety, stress and musculoskeletal problems. **Note:** where both the headteacher / manager and the employee agree, 'keeping in touch' meetings can be held via telephone and, where the School has the necessary infrastructure in place, remotely e.g. using a telephone conference call facility or video conferencing software.
- Sickness absence will be managed with sensitivity to the individual circumstances of the employee.
- The School will do everything it reasonably can to support employees diagnosed with a terminal illness.
- Any adjustments or adaptations, which are reasonable to assist each individual employee in returning to work, will be given thorough consideration, and implemented where possible.
- Where adjustments are no longer sustainable, employees will be given the opportunity to explore reasonable redeployment alternatives prior to any decisions being made about their ongoing employment.
- A decision to dismiss an employee due to their sickness absence must not be reached without following the Sickness Absence Policy.

3.2 Related law

This policy and the accompanying guidance documents comply, and will operate in accordance, with the following legislation:

- Access to Medical Reports Act 1988
- Employment Rights Act 1996
- Employment Relations Act 1999
- Equality Act 2010
- Data Protection Act 2018
- Working Time Regulations 1998 (SI 1998/1833)
- General Data Protection Regulation (2016/679 EU)

3.3 Definition of disability

The definition of 'disability', for employment purposes, is contained in the Equality Act 2010: a person is 'disabled' if they have 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.

'Long-term' means that the condition must last, or be likely to last, for more than 12 months, or is likely to last for the rest of the life of the person affected.

To be covered under the Equality Act, a condition doesn't have to be clinically well-recognised or diagnosed. Headteachers / managers should focus on the effects an employee is experiencing at work, not on the disability or condition from which those symptoms may emerge.

Some employees with a disability or condition which could potentially be covered by the Equality Act may not necessarily identify as or consider themselves to be 'disabled', even though they may still need adjustments to support them in the workplace. In practice, this means that headteachers / managers may need to make Reasonable Adjustments for employees who do not say or think they are 'disabled'.

4. Situations where more than one policy applies

All WSCC policies are written within a common framework, namely, an informal stage, followed by a formal process, consisting of three further stages. This means that, in all but the most exceptional cases, all employee issues will be managed using a staged approach involving a number of meetings.

In some situations, there may be more than one concern about an employee. For example, the issues of capability in role and attendance levels impacted by sickness absence. In such circumstances and to avoid duplication, a practical approach may be taken to group issues together and manage them through a single activity, having due regard to the processes and language in the relevant policies. Of course, the School can also choose to manage multiple issues with the same employee separately should it wish to do so.

Further detailed advice on this can be found in **Guidance Document Six** titled '**Managing Combined Performance and Attendance Issues**' that accompanies this Policy.

Note: if a Headteacher believes that they are managing multiple issues for the same employee, they must seek the advice of HR Professional Support before proceeding.

5. Reporting and monitoring

Employees must contact their Headteacher / manager on their first day of absence, usually by telephone, to let them know that they are unwell, and to provide an expected return date.

Employees should endeavour to speak to their Headteacher / manager, rather than leave a message with a colleague.

Note: some schools operate a 'sickness absence reporting line'. All information about sickness absence must be treated confidentially.

The employee must keep their Headteacher / manager updated on a regular basis.

Only in exceptional cases should someone other than the employee be making the call.

If the absence exceeds seven calendar days, the employee must produce a Statement of Fitness for Work from their doctor and further statements if the absence continues.

Note: The Department for Work and Pensions (DWP) document titled '[Getting The Most Out Of The Fit Note: Guidance For Employers And Line Managers](#)' sets out further information on the Statement of Fitness for Work. Its content includes: the basics of the 'Fit Note', what to do if a 'Fit Note' is received, how to support employees back to work and an explanation of the different sections of the 'Fit Note'.

Headteachers / managers are responsible for reporting all periods of sickness absence.

Headteachers / managers will have access to various tools that provide them with information about sickness absence in the School (e.g. corporate reports from West Sussex and reports from SIMS).

These reports may alert the Headteacher / manager to employees in the School whose sickness absence has met one of the three thresholds (or 'triggers') listed below:

- **First Threshold** - four absences of any length in four months
- **Second Threshold** - eight or more workdays in the last twelve months
- **Third Threshold** - a long-term absence of more than twenty-one days.

Headteachers / managers should review all the available information and determine the appropriate actions that may be required. This should include taking any necessary steps that may be required to support an individual employee.

Note 1: the use of sickness absence thresholds (or 'triggers') can sometimes be perceived negatively (e.g. as a form of 'punishment' or a route to taking 'punitive measures'). That is not their purpose. They are an important piece of management information available to Headteachers / managers to alert them to situations where their School's employees may require help and support with their health and wellbeing in the workplace.

Note 2: the sickness absence thresholds (or 'triggers') listed above may be modified by the School as a reasonable adjustment where an individual employee's absence is related to a disability.

Note 3: absence related to gender reassignment, pregnancy or pregnancy-related illness will not be taken into account when considering whether a sickness absence threshold (or 'trigger') has been met.

6. Return to work meetings

Following each period of sickness absence, an employee and their Headteacher / manager must have a 'return to work conversation'. Normally, this will be done face-to-face on the day the employee returns to work.

The purpose of this meeting is:

- For the Headteacher / manager to welcome the employee back to work.
- For the Headteacher / manager to find out how the employee is feeling and confirm that they are indeed well enough to return to work.
- For the Headteacher / manager to update the employee on any work-related matters in the School.
- To provide the employee with an opportunity to highlight to the Headteacher / manager any longer term or recurring problems should they wish to do so.
- Confirm the implementation of any agreed alterations or adjustments.

For advice and guidance, please see the **Return To Work Form** which is available to download from West Sussex Services for Schools.

7. Making adaptations and adjustments

Short-term adaptations

When an employee has been to see their GP during a period of absence, they may have been given a Statement of Fitness For Work (sometimes referred to as a 'Fit Note'). This may indicate that the employee is fit to return to work, subject to certain temporary adjustments.

These can be in the form of a phased return to work, changes to working hours, changes to duties, changes to the workplace or making arrangements for an occupational health assessment. The employee and the Headteacher / manager should discuss these temporary changes. Headteachers / managers are encouraged to accommodate these short-term changes, where possible, to enable the employee to be able to return to work.

If the school is unable to accommodate these changes, the employee remains on sick leave until they are fully recovered.

Full information about temporary changes can be found in **Guidance Document Three** titled '**Statement of Fitness For Work and Short-Term and Long-Term Reasonable Adjustments**'.

Longer term adjustments

In other situations, the employee may require longer-term adaptations to their workplace or working practices. These are known as Reasonable Adjustments and are part of a School's responsibility under the Equality Act.

The School's Occupational Health service can make suggestions to the employee's Headteacher / manager where Reasonable Adjustments may be beneficial and aid an earlier return to work or earlier phased return to work. Further information on where Occupational Health may be able to help is included in **Guidance Document Three**.

When considering if the adjustments can be put in place, the Headteacher / manager needs to ask the following:

- Will the adjustments enable the employee to carry out their role? and
- Are they viable for the department / School?

If Reasonable Adjustments are put in place, the Headteacher / manager and the employee should meet regularly to review the effectiveness of the arrangements.

Raising matters of sickness absence with employees with a disability

If an employee with a disability has a period of sickness absence which is directly related to their disability, this should be recorded as 'Disability Related Sickness Absence'.

If the Headteacher / manager subsequently needs to review or discuss the employee's absence record, they can consider which absence has arisen as a result of the employee's disability. This may lead to a conversation about adjustments and which absence is unrelated, and therefore should be reviewed using the more

traditional procedures, set out in this policy.

It is important to note that the Headteacher / manager can raise issues with an employee about all of their sickness absence, both disability related and non-disability related; but that the way in which it is discussed, and the types of targets which are put in place, may be different for disability and non-disability related absences.

Planned absences

If an employee knows in advance that they are going to be absent, for example, if they have to undergo an operation, then they can plan and discuss their absence in advance.

The absence will be reported and monitored and the employee and Headteacher / manager will have regular contact, but the nature of the conversations (which are confidential) will be different where there is already prior knowledge and an expectation of the length of the employee's absence.

8. The Phased Return To Work

A Phased Return To Work could be recommended by the employee's General Practitioner (GP) or Occupational Health.

During a Phased Return To Work, the employee will receive their full salary for a period of up to six weeks while they build up to normal working hours. During this period of phased return, the Headteacher / manager and the employee will regularly meet and evaluate how the Phased Return To Work is progressing.

If, after six weeks, the employee is still unable to complete their usual working hours, the case must be reviewed by Occupational Health. In exceptional cases, and if the employee is making good progress, there is discretion for the Headteacher / manager, in consultation with Human Resources Professional Support, to continue with the phased return for a further six weeks.

However, if the employee has made little or no progress, then the employee will either go back onto sick leave or be paid for the hours they are able to work.

9. Terminal illness

It is important that as an organisation and as individuals, we support those that are diagnosed with a terminal illness and do all we can to remove avoidable stress and worry.

We will provide those diagnosed with a terminal illness with job security/protection, and the right to choose the best course of action for themselves and their families.

To support an individual in these circumstances we will:

- Speak with them as soon as they are ready, to understand their situation, and what support we can provide.
- Respect their wishes about informing colleagues and providing support with this, if required.
- Ensure that they are aware of all support that is available at work, for example through Occupational Health and the Employee Assistance

Programme.

- Make sure that they understand their workplace rights including sick pay, ill health retirement, death in service, pension and other benefits they could be eligible/entitled to, as this will help them make a decision that is right for them.
- Ensure we understand their condition, how it might impact their work and how we can support them to continue working if this is what they wish to do. In these circumstances we will, if required:
 - implement any Reasonable Adjustments; and
 - have regular discussions to ensure that any additional adjustments that may be needed as a condition progresses are identified and implemented in a timely way.

10. Managing repeated absence

Refer to **Guidance Document One** titled '**Managing Patterns Of Repeated Short-Term Absence**' for a step-by-step guide to the procedure.

- If a Headteacher / manager notices a pattern of repeated short-term absence, or a sickness absence report indicates that a threshold or 'trigger' has been met, they will ask the employee to attend an **Informal Meeting** to discuss their level of sickness absence. Following this Informal Meeting about sickness absence, the Headteacher / manager *may* decide to write to the employee summarising any concerns, expectations, agreed actions (e.g. a referral to Occupational Health and any improvements required), a timescale, monitoring arrangements and any dates for review. This can be done via email and does not need a formal letter or form to be used. **Note:** the Headteacher / manager should take a sensible, pragmatic approach about the need to write to the employee, based on the employee's circumstances and discussion held at the Informal Meeting.
- If a pattern of repeated short-term absence continues, the Headteacher / manager will initiate a **formal procedure**, which involves a series of three meetings (Level One, Level Two and Level Three). The Headteacher / manager and employee will agree clear targets for improvement which are SMART (Specific, Measurable, Attainable, Realistic and Timely). If after the review meeting there is no improvement further targets will be set.
- In situations where there are issues with the employee's performance in the role, performance targets can also be included in the improvement plans.
- During the formal procedure, employees will be referred to Occupational Health, to ensure that there are no underlying health problems, and to provide health care advice. **Note:** The Headteacher / manager must clearly explain to the employee the reason(s) why an Occupational Health referral is being made.
- If an employee's attendance has improved, and the formal proceedings have been completed but attendance subsequently worsens, then the Headteacher / manager may resume the formal procedure at the stage where it had previously ended. **Note:** the formal procedure can only be resumed if no more than 9 months have elapsed since it previously ended. If more than 9 months have elapsed since the previous formal procedure ended then a new formal procedure must be initiated.
- In cases where an employee's pattern of repeated short-term absence remains unacceptable, the employee may be dismissed. The employee has the right to appeal against dismissal to the School's Governing Body.
- At all stages in the formal procedure, the employee has the right to be accompanied by a companion, either a work colleague or a Trade Union representative / official.

- For meetings at Level Two and Level Three, an adviser from the HR Professional Support Team will be present.

11. Managing long-term absence

Refer to **Guidance Document Two** titled '**Managing Periods Of Long-Term Sickness Absence**' for more information.

Line managers must initiate the following formal procedure for WSCC employees after 21 days absence or when it becomes likely that the absence will last for more than 21 days. At this stage the employee must be briefed to tell their GP that they are in a process of assessment for a return to work with their employer which will include a referral to their employer's Occupational Health provider.

Long Term Sickness Absence procedure

This formal procedure normally commences as soon as it becomes clear that an employee's absence will be for longer than 21 days. It takes the format of a series of three meetings at a suitable, mutually agreed venue for example, the employee's work location or the employee's home.

- The Headteacher / manager and the employee should speak regularly to ensure that the employee continues to feel part of the School
- During this formal procedure, the Headteacher and the employee will meet, with a view to discussing all possible options for the employee to return to work. The employee will be referred to Occupational Health and an Advice Letter will be sent to the Headteacher / manager with the employee's consent.
- At all stages in the formal procedure, the employee has the right to be accompanied by a companion, either a workplace colleague or a Trade Union representative / official.
- For meetings at Level Two and Level Three, an adviser from the HR Professional Support Team will be present.
- If the Occupational Health Advice Letter states that the employee will be able to return to work, the Headteacher / manager and the employee will agree a return to work plan, and will consider the means to do so, including looking at redeployment options, if recommended.
- However, in situations where there is no realistic chance of the employee returning to work, or if all other options have been explored, including redeployment and Ill Health Retirement, the employee will be dismissed. In these circumstances, the employee will be given the right to appeal the decision to the School's Governing Body.

Note: the formal procedure set out above may also apply to employees who are in work with long-term health conditions, where Reasonable Adjustments have been made but which are no longer sustainable. Refer to **Guidance Document Five** titled '**Managing Situations Where Reasonable Adjustments Are No Longer Sustainable**' for further information.

12. Staying in contact during the absence

It is the responsibility of both the employee and the Headteacher / manager to agree and ensure that there is regular communication during any period of sickness absence to discuss health-related matters.

It is important that the Headteacher / manager knows how the employee is, and when they are likely to return; and it is important that the employee does not feel out of touch with work while they are recovering.

In some circumstances (for example, in cases where the employee is suffering from a stress related condition) it can be difficult for the employee and the Headteacher / manager to speak. In these situations, it is helpful to appoint someone to act as a contact point between the two.

Employees on long-term periods of sick leave will be required to attend meetings with their Headteacher / manager. Although there may be times when meetings need to be postponed for health reasons, frequent postponements will be challenged, and meetings can take place without the employee being present.

13. Rates of sick pay (NJC and Teachers only)

Note - the information in this section must be read together with the following details but especially in sickness absence cases resulting from infectious diseases and accidents at work:

- For **teachers** refer to section 4 of the Burgundy Book titled 'Sick Pay Scheme'.
- For **NJC/support staff** refer to section 10 of the Green Book titled 'Sickness Scheme'.

See 'Sources Of Help' below for more information about where these two documents can be found.

Teachers' Sick Pay Entitlement

A teacher absent from work because of illness is entitled to pay in accordance with the following scale:

Length of Service	Allowance
During first year of service	25 working days full pay and (after completing four months service) and 50 days half pay
During second year of service	50 working days full pay and 50 working days half pay
During third year of service	75 working days full pay and 75 working days half pay
During fourth and successive years of service	100 working days full pay and 100 working days half pay

For the purposes of calculating entitlement to sick leave, the year shall be deemed to begin on April 1 of each year and end on March 31 of the following year. In the case of a teacher who is absent owing to illness on March 31 of any year, such teacher shall not begin new entitlement to sick leave in respect of the following year until he/she has

resumed teaching duties; the period between 1 April until the return to duty being deemed to be part of the preceding year for the purpose of this scheme.

These allowances are a charge upon the school's budget, and the Governing Body has the discretion to extend the above entitlements in exceptional circumstances; advice on this should be sought from the HR Professional Support.

Any employment with previous Local Authority employers counts as qualifying service for this purpose and does not have to be continuous. Sickness allowance will be paid after deduction of Statutory Sick Pay benefit etc received under statute. These deductions will be made whether or not such benefits are received.

Sick Pay Entitlement for School Support Staff on NJC (Green Book) terms and conditions, including Hay

A support member of staff absent from work because of illness is entitled to pay in accordance with the following scale:

Length of Service	Allowance
Date of joining to four months of service	1 month of full pay
From four months of service to one year	1 month of full pay and 2 months half pay
During second year of service	2 months full pay and 2 months half pay
During third year of service	4 months full pay and 4 months half pay
During fourth and fifth years of service	5 months full pay and 5 months half pay
After five years of service	6 months full pay and 6 months half pay

These allowances are a charge upon the school's budget, and the Governing Body has the discretion to extend the above entitlements in exceptional circumstances; advice on this should be sought from HR Professional Support.

Continuous employment with previous Local Authority employers counts as qualifying service for this purpose. Sickness allowance will be paid after deduction of Statutory Sick Pay benefit received under statute. These deductions will be made whether or not such benefits are received.

14. Summary of Headteacher / manager responsibilities

The responsibilities of Headteachers / managers are to:

- Report all periods of sickness absence.
- Manage and monitor levels of sickness absence within the School, and act when there

are concerns.

- Communicate regularly with staff who are absent and manage their period of absence.
- Act sensitively, confidentially and with integrity.
- Be open and honest.
- Take a proactive stance in the management of sickness absence.

15. Summary of employee responsibilities

Employees are responsible for:

- Ensuring their Headteacher / manager knows that they are unwell.
- Maintaining regular contact with their Headteacher / manager.
- Working with their Headteacher / manager to aid a return to work.
- Being open and honest.

16. Sources of help

For Headteachers / managers:

- [West Sussex Services for Schools](#) (access limited to Headteachers, Business Managers and School Bursars)
- The Employee Assistance Programme (EAP) provided by Health Assured:
 - Telephone support is available 24 hours a day, 365 days a year via the free phone number **0800 030 5182**. Callers will need to confirm their organisation as West Sussex County Council and the name of the School that they work at.
 - The [EAP website](#) unlocks a wealth of information, self-help guides and webinars on a range of issues. Username: **Wellbeing** Password: **Support**
 - The My Healthy Advantage app can be downloaded from the App Store or Google Play, enter the following employer code when prompted: **MHA000088**.
- HR Professional Support (where this service has been purchased):
 - Email: hr.professional.support@westsussex.gov.uk
 - Telephone: 0330 22 22422
- Occupational Health (OH) service provided by Health Management Limited:
 - To make an OH referral Headteachers / managers will need to access and register to use the OH service provider's online system. Details of how to do this are available on West Sussex Services for Schools.
 - If Headteachers / managers are unsure about the need for a OH referral or they need information about a specific OH referral that's already been raised, they can contact the OH service provider as follows:
 - Email: South.01@healthmanltd.com
 - Telephone: 01273 976021
 - Headteachers / managers can also use the National OH Advice Line to seek advice on all general OH issues before making a referral: 01273 555666 (9.00am - 5.30pm)
 - If Headteachers / managers need advice about the recommendations made in an Advice Letter they should contact HR Professional Support.
 - **Note:** Headteachers / managers should not make Ill Health Retirement referrals these should be discussed with and raised by HR Professional Support.
- The DWP document titled '[Getting The Most Out Of The Fit Note: Guidance For Employers And Line Managers](#)'.
- The **Green Book** (national agreement on pay and conditions of service for support staff and other non-teaching members of staff) and the **Burgundy Book** (the national conditions of service for school teachers in England and Wales) are both available on West Sussex Services for Schools under 'Pay and Conditions'.

For employees:

- The DWP document titled '[The Fit Note: Guidance For Patients And Employees](#)'.
- The Employee Assistance Programme (EAP) provided by Health Assured:
 - Telephone support is available 24 hours a day, 365 days a year via the free phone number **0800 030 5182**. Callers will need to confirm their organisation as West Sussex County Council and the name of the School that they work at.
 - The [EAP website](#) unlocks a wealth of information, self-help guides and webinars on a range of issues. Username: **Wellbeing** Password: **Support**
 - The My Healthy Advantage app can be downloaded from the App Store or Google Play, enter the following employer code when prompted: **MHA000088**.
- Their Trade Union
 - **Note:** a list of Trade Union representatives for ASCL, NAHT, NASUWT, NEU, VOICE (teachers' unions) and UNISON (support staff) known collectively as 'The County Secretaries' is available on West Sussex Services for Schools (WSSfS). WSSfS can be accessed by Headteachers, Bursars and Business Managers only and School employees can request a copy of this list from them.

17. Document history

Document originally written by: Human Resources (VE LJM of HR Policy and Practice)

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