



SOUTH WEST ESSEX
COMMUNITY EDUCATION TRUST

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Sickness Absence Management Procedure

1. Introduction

This Procedure sets out the obligations and entitlements of employees who are absent due to ill-health and the procedures that will be followed to support and manage sickness absence.

1.1 Policy statement

The Trust is committed to promoting good health and wellbeing amongst its entire staff and recognises its statutory responsibilities in relation to health and safety and the Equality Act 2010.

The sickness absence management procedure balances the needs of the establishment with the interests of individual employees. It is based on the following principles:

- To achieve a high level of attendance
- To provide a safe and healthy environment where employees feel that their contribution is valued
- To treat all staff with dignity and sensitivity, fairly and consistently
- To minimise disruption to the operation of the school and reduce additional staffing costs
- To maintain adequate sickness absence monitoring procedures and records
- To distinguish between genuine sickness absence issues and issues of competence and conduct and address these in a fair manner
- To ensure all staff are aware of the procedure for managing sickness absence

1.2 Communication

Two-way communication is expected and is key to effective absence management. Employees will be expected to keep in regular contact with their manager school to provide information about their absence. The employer, for its part, will maintain contact with the employee to inform them of key work issues (where appropriate) to support the employee during the absence, and to facilitate an early return where possible.

Contact will be supportive and constructive and the degree and nature of the contact will depend upon the nature of the ill health and will be agreed between the parties, I. Particular consideration will be given to the nature and content of any contact with the employee in cases where the absence is due to stress. In exceptional circumstances, where appropriate and agreed between the parties, contact may be through a third party.

2. Scope

This procedure is applicable to all staff employed at the school except those who are undergoing a probationary period. While the principles will apply to this category of staff, it may be necessary to foreshorten the procedure in keeping with the particular circumstances of employment.

3. Roles and responsibilities

3.1 It is the responsibility of the Trust to:

- Monitor and review policies and procedures which safeguard the health, safety and welfare of staff and ensure they are implemented in a fair and reasonable manner

- Ensure the Chief Executive Officer implements the absence management procedures in the case of the absence of the head teacher
- Establish an appeals committee as required
- Ensure managers have sufficient interpersonal skills and procedural knowledge to deal with absence issues
- Monitor and regularly review levels of absence

3.2 It is the responsibility of the head teacher and other line managers to:

- Ensure that full attention is given to staff health, safety and welfare and to develop systems of work to minimise ill health and consequent absence
- Ensure pre-employment health checks are carried out
- Monitor and regularly review levels of absence and take action as appropriate
- Ensure employees are aware of absence management procedures, including reporting requirements
- Implement the absence management procedures fairly, sensitively and confidentially
- Make initial decisions related to warnings and dismissals
- Keep in regular contact with the employee to provide support, obtain information about their health and keep them up-to-date on key work issues as appropriate

3.3 It is the responsibility of all staff to:

- Safeguard and maintain their own health and attend work when fit to do so
- Properly report sickness absence in line with this procedure
- Ensure medical advice and treatment, where appropriate, are received as quickly as possible in order to facilitate a return to work
- Co-operate with referrals to an occupational health adviser as required
- Comply and co-operate with the absence management procedure
- Inform their line manager in general terms of any health issues including the effects, prognosis and developments that impact on their ability to perform their normal duties
- Keep in touch, as appropriate, with their designated contact during periods of absence.

3.4 Other parties may have a role within sickness absence management, for example

- Occupational Health Services, other medical advisers (for example consultants, GPs, specialists)
- HR Consultants
- Trade Unions / Professional Associations
- Specific roles and responsibilities are outlined in this procedure.

4. The procedure

4.1 Reporting sickness absence

4.1.1 When and to whom to report sickness absence

The employee must make contact with their line manager by no later than 8am on the first day of the absence. Contact should be made by telephone and in person unless there are particular reasons why this is not possible.

Further contact must be made on subsequent days as agreed with the manager. Regular contact must be maintained to inform about progress and likely duration of absence.

4.1.2 What to report

When contacting the school, the employee is responsible for reporting the following information:

- The nature of the illness and its likely duration
- Any work matter that needs attention during the absence
- When the illness commenced
- If the absence results from an accident at work, details of the person to whom the accident was initially reported.

4.1.3 Sickness and annual leave / closure periods

Where an employee falls sick during a period of planned annual leave, on a bank holiday or during a period of annual leave or closure period, they must report the sickness immediately or as soon as contact can be made with the school. Normal certification requirements apply during these periods. Statutory annual leave entitlements continue to accrue during periods of sickness and appropriate arrangements will be made on the employee's return to work to accommodate such accrued untaken leave. If an employee does not return to work they will be reimbursed for any accrued untaken statutory leave.

Where an employee who works 52.14 weeks is on a period of certified long term sick leave and they wish to take a period of annual leave they must follow normal notice requirements for requesting the period of leave. If the period of annual leave is approved, the employee's period of sickness will be interrupted by the period of annual leave and will resume once the period of annual leave has concluded. Employee's will receive their normal pay for periods of annual leave and will revert to the appropriate level of sick pay thereafter.

4.2 Sickness certification

Self-certification and Doctors' Fit Notes must be provided in accordance with statutory and contractual requirements below. These timescales do not remove the requirement on all employees to continue to notify/report absence in line with agreed arrangements as set out in section 4.1 above.

A GP Fit Note is may not be required where a Government Fit to Work Service Return to Work Plan is accepted by the school (see 4.5 below).

4.2.1 Local Government Services and other support staff

A self-certification form (Appendix A) must be provided from day one of the absence and thereafter to cover up to and including the seventh calendar day of absence. A Fit Note will be required from the eighth calendar day onwards.

4.2.2 Teaching Staff

A self-certification form (Appendix A) must be provided from the fourth calendar day and thereafter to cover up to and including the seventh calendar day of absence. A Fit Note will be required from the eighth calendar day onwards.

4.3 Returning to work

Where practicable, one day's notice should be given of fitness to return to work.

An employee will be expected to return to work immediately following the expiry of a Fit Note, unless a new note is obtained. It is open to an employee to return to work before the expiry of a Fit Note if they, and the school, consider this appropriate. An appropriate risk assessment may be completed in these circumstances. A sample risk assessment form can be found at appendix E.

4.3.1 Fitness to return to work during a closure period or planned annual leave

Where an employee is unwell prior to a school closure or during a period of planned annual leave becomes fit to return to work they must inform the school/ as soon as practicable.

4.3.2 Return to work meeting

A return to work meeting will normally be conducted by the line manager as soon as possible following an employee's return to work following any period of absence. The purpose of this meeting is to discuss the period of absence, update the employee on work related matters and to identify any additional support that may be required. A return to work form is available at Appendix B.

4.4 Sick Pay allowances

Details of any entitlement to contractual sick pay are set out in employees' contract of employment. Subject to service and earnings qualifications, staff may also have an entitlement to Statutory Sick Pay, which will be included in their contractual sick pay where appropriate. The scale of contractual allowances for full-time staff (pro-rata for part-time staff) is set out below:

4.4.1 Teaching staff

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

For the purpose of the contractual sick pay scheme, "service" includes all aggregated teaching service

4.4.2 Local Government Services staff

During the first year of service:	Full pay for 1 month and (after completing four months' service) half pay for 2 months.
During the second year of service:	Full pay for 2 months and half pay for 2 months.
During the third year of service:	Full pay for 4 months and half pay for 4 months.
During the fourth year of service:	Full pay for 5 months and half pay for 5 months.
After 5 years' service:	Full pay for 6 months and half pay for 6 months.

For the purpose of the contractual sick pay scheme, “service” refers to continuous service with any public authority to which the Redundancy Payments Modification Order (local Government) 1983 (as amended) applies.

The sick pay entitlement is calculated based on the length of service the employee has accrued when the sickness absence commenced.

For Local Government Staff the period for which sick pay will be paid and the rate of sick pay for any period of sickness absence will be calculated by deducting any periods of paid sickness absence during the twelve months immediately before the first day of the absence from the sick pay entitlement set out.

4.4.3 Staff on other conditions of service

Staff on local conditions of service may have an entitlement to contractual sick pay and should refer to their contract of employment.

4.4.4 Extensions to sick pay

The Trust will consider any requests for an extension to sick pay on a case by case basis.

4.4.5 Accidents at work

Support staff - where an employee suffers an accident, injury or assault arising out of, or in the course of employment, they will be paid a sum equivalent to their sick pay entitlement and this period shall not count against their sick pay entitlement.

Where the employee exhausts their injury at work entitlement and are still absent from work due to the injury, then they will receive no further pay. They would however be entitled to sick pay under the sickness scheme if they are absent due to illness at a later date, as long as it does not relate to the same injury at work.

Teaching staff - where a teacher suffers an accident, injury or assault arising out of, or in the course of employment, they will be entitled to full pay for a period not exceeding 6 calendar months. This period shall not count against their sick pay entitlement. Where the teacher remains absent beyond 6 months, they will then be entitled to their normal sick pay entitlement as determined by their length of service and any previous sickness absence.

All accidents or injuries at work must be reported and recorded through the accident reporting procedure.

4.4.6 Third party accident compensation claims

Where employees are absent as the result of an accident for which damages may be recoverable from a third party, they must inform their line manager as soon as possible. The employer may recover all or a proportion of the costs of sick pay / accident pay from the damages received by the employee.

4.5 Medical referral

The school may, as appropriate, require a referral to an Occupational Health Advisor where an employee’s absence or other issues indicate a potential health concern. In these circumstances, the employee will be advised of the process and the reasons for the referral. Details of the referral process are available at Appendix C.

This guidance applies to the ECC Occupational Health service. Other occupational services may operate differently.

Employees who are off sick for 4 weeks or more should inform their GP that their employer has an Occupational Health Service to avoid the need for an additional referral being made to the Government Fit to Work Service. If your GP does refer you to the Government Fit for Work Service, you can find further information about what this will mean here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389283/fit-for-work-employees-guide.pdf

4.5.1 Co-operating with a referral to an Occupational Health Adviser

Employees are obliged to attend appropriate appointments with an Occupational Health Adviser. Where an employee refuses to consent to the Occupational Health Adviser contacting their GP, decisions, which may have implications for their future employment, will be taken on the basis of the information available at the time.

4.6 Medical suspension

In certain circumstances, where it is felt that an employee is not fit to attend work, the head teacher or Chair of Trustees may suspend an employee on medical grounds. Any such suspension will be on full normal pay. – normal pay may be sick pay where the period is covered by a Doctor's Fit Note. Suspension will be lifted, where appropriate, by the Chief Executive Officer only after advice has been sought from an Occupational Health Adviser.

4.7 Reasonable adjustments

An important element of managing health and disability issues is the need to explore reasonable adjustments/alternative employment, and these options will be discussed with employees as necessary with a view to facilitating continued employment and/or an early return to work. These issues may be addressed as part of the general management of ill health matters and/or in the light of recommendations made by a GP on a Fit Note or by an Occupational Health Advisor.

Reasonable adjustments may include:

- Phased return to work
 - A gradual increase over a defined period of time, in the intensity of work duties or working hour.
 - Altered hours
 - A change to the hours worked e.g. a later start time. This does not necessarily mean working fewer hours.
- Amended Duties
 - An amendment to duties to take account of a medical issue.
- Workplace Adaptions
 - A workplace is adapted to take account of a medical issue for example, adapted specialised equipment, changed location of work.

Adjustments to facilitate an early return to work will be for a limited period which will be specified and which will usually not exceed 6 weeks.

The advice on Fit Notes or from Occupational Health Advisors is not legally binding and it will be for the employer and employee to discuss how to act on this advice.

Where reasonable adjustments cannot be accommodated the employee will be deemed to be off sick for the duration of the Fit Note. It is not necessary for an employee to obtain a new Fit Note until the expiry of the original.

4.7.1 Pay during reasonable adjustments

Where an employee returns on reduced working hours for a limited phased return, they will receive normal pay for the time worked. For any normal hours not worked, SSP and contractual sick pay will be paid in accordance with the individual's outstanding sick pay entitlements. If an employee returns to work on their normal hours but carry out partial duties, they will receive full normal pay for the agreed period. Any period of phased return that is connected to the previous period of sickness is considered part of that sickness absence.

4.7.2 Longer term adjustments

If the employee cannot return to their full normal duties within a reasonable period, there will need to be a discussion about the long term effects of their health condition on their job, taking into account responsibilities under the Equality Act 2010. Temporary or permanent changes to the contract may be made in consultation with the employee, with advice where appropriate from Occupational Health and Human Resources. Salary will be adjusted in line with any change of contract.

4.8 Time off for other reasons

Employees must not take sick leave for reasons other than their own ill health. If an employee takes sick leave which does not relate to their own ill health this may constitute a disciplinary issue and will be handled in accordance with the Disciplinary and Dismissal Procedure.

As part of its commitment to supporting the health and wellbeing of employees, the school has a Leave of Absence Procedure setting out the approach to leave of absence for reasons other than sickness.

Employees should normally arrange non-urgent personal medical appointments for the doctor, dentist, hospital, clinic (for example ante-natal) and elective procedures, outside of their normal working time wherever possible. However, where this is not possible and in urgent cases, requests for leave of absence will be considered sympathetically on a case by case basis and in line with the school's Leave of Absence Procedure.

4.9 Misconduct

Incidents of failure to comply with the requirements of the sickness absence management procedure and/or the submission of false sick claims may be investigated under the disciplinary and dismissal procedure.

4.10 Drug and alcohol misuse

Employees are encouraged to disclose drug/alcohol problems so that the school can support them. Where drug or alcohol misuse is suspected or admitted, a meeting will be sought with the employee to decide upon an appropriate course of action. Where possible and appropriate, drug and alcohol misuse will be treated as an ill-health issue and as such will be dealt with under the sickness absence management procedure. Employees will be expected, and supported, to follow an appropriate programme of support/rehabilitation.

Employees should not arrive at work under the influence of drugs and/or alcohol or any other substance that may impair their ability to carry out their duties. If, in the reasonable opinion of the employer, an employee presents him/herself for work and the employer considers they are not able to carry out their duties (as they are under the influence of alcohol/drugs or for any other reason) the employer may take appropriate action (including suspension where relevant).

Such cases will be investigated and dealt with as appropriate in line with the Disciplinary and Dismissal Procedure. Some examples of behaviour which may need to be dealt with under the disciplinary procedure include:

- Being drunk at work;
- Drinking alcohol at work;
- Drinking in between work periods which may have an adverse effect on performance (for example operating machinery, supervising others, driving, impacting detrimentally on the school's reputation etc);
- Stealing and other acts of dishonesty connected with drug misuse;
- Serious drugs offences committed in or out of the workplace;
- Drug trafficking / pushing;
- Failure or refusal to seek, accept or complete treatment.

4.11 Sickness absence recording

In accordance with the Data Protection Act 1998, employees' contracts of employment enable the school to record absence details for management purposes.

In certain circumstances, such records may be kept, without express permission, to enable the Trust to fulfil its statutory health, safety and welfare responsibilities. Impersonal aggregated data may also be collected and processed for certain internal and statutory monitoring purposes.

Fit notes provided by employees will be copied for school records and the original will be returned to the employee. Copies of self-certificates, Fit Notes and return to work forms will be held on employees' personal files. These records will be held in accordance with Data Protection Act principles.

5. Procedure for managing frequent short term sickness absence

A flowchart summarising the procedure is available at Appendix D.

The following procedure will apply where an employee's level of absence causes concern.

Normally, this will be when the following triggers have been reached, although individual employee's absence records will be considered on a case by case basis:

- Three periods of absence in two consecutive half terms, or
- Unacceptable regular patterns of absence, for example regular Monday or Friday absence.

5.1 Informal procedure

5.1.1 Informal stage

The line manager will address each individual period of absence at a relevant return to work meeting (see 4.3.2 above). Once the employee's absence level reaches the trigger point (see 5 above) the employee will be invited (normally in writing) to attend an informal absence review meeting. At this meeting:

An action plan will be agreed (including setting an appropriate target for attendance and referral to Occupational Health where appropriate)

A monitoring period will be set e.g. one term/two consecutive half terms
The employee will be alerted that they may enter formal process if no/ insufficient improvement

As soon as possible, following the informal absence review meeting, the employee will be given a written record of the key points and any action agreed. If the employee's attendance does not improve or deteriorates during the monitoring period, at the end of the monitoring period (or earlier if deemed appropriate) the line manager will consider whether to enter the formal procedure (see 5.2 below).

5.1.2 Referral to an Occupational Health Adviser

It may be appropriate to make a referral to an Occupational Health Adviser in order to obtain a professional view about the employee's health. This process and the reasons for it will be explained to the employee prior to the referral being made. An outline of the referral process is at Appendix C. Subsequent referrals will be made as and when required.

The employee and line manager will be informed of the outcome of the referral. If the employee is found to have a medical condition which is/appears to be the underlying cause of the persistent/patterns of short term absence, appropriate support and/or reasonable adjustments will be arranged. In cases where an employee has a Disability, attendance target may be adjusted as appropriate.

5.2 Formal procedure

5.2.1 Formal absence review hearing

If an employee's attendance record does not improve, is not sustained or deteriorates at the end of the monitoring period (or earlier if deemed appropriate), they will be required to attend a formal absence review hearing with their line manager (or Chair of Trustees in the case of CEO or COO absence). This marks the date of entry into the formal procedure. The employee will be given at least 5 working days written notice of the hearing and this will include the right to be accompanied by a trade union representative or work colleague. The employee should make every effort to attend this hearing and may make written and verbal representations.

The purpose of the formal absence review hearing is to:

- Review and discuss key issues relating to the employee's persistent/patterns of short term absence and their failure to meet the targets set for attendance within the required timescales
- Identify appropriate support, guidance and monitoring systems
- Issue a first warning (where appropriate) and set the length of the warning (e.g. 12 months) and to notify the employee of when interim review meetings will take place

Where a warning has been issued, the employee will be notified of their right to appeal.

Within 5 working days of the formal absence review hearing, the employee will be notified in writing of the outcome of the hearing.

Following the first formal absence review hearing, where a first warning has been issued, the employee will be required to attend interim review meetings as agreed with their manager. If, during the period of the warning, the employee's attendance improves to the required levels the formal process will conclude on the expiry of the warning.

If any subsequent periods of absence (which reach the trigger point) occur within 12 months of the expiry of the warning (the procedure will normally be resumed at the formal stage).

5.2.2 Further formal action

Where an employee's absence does not improve/deteriorates during the life of a warning, the employee will be invited to attend a further formal hearing with the employee's line manager (or Chair of Trustees in the case of CEO or COO absence).

The employee will be given at least 5 working days written notice of the hearing. An employee should make every effort to attend this hearing; they may make representations and may be accompanied by a trade union representative or work colleague. The outcome of the hearing could be a final warning about the level of absence (or an extension to the warning period where this is deemed appropriate). Within 5 working days of the further formal absence review hearing, the employee will be notified in writing of the outcome of the hearing.

Where a final warning has been issued, the employee will be required to attend interim review meetings to monitor the employee's attendance, as agreed with their manager. If, during the period of the final warning, the employee's attendance improves to the required levels the formal process will conclude on the expiry of the final warning.

Where absence levels do not improve or deteriorate during the life of a final warning, a further hearing (s) may be held, the outcome of which will normally be dismissal. Where dismissal is a possible outcome, the hearing(s) will be conducted by the Headteacher (or Chair of Trustees in the case of CEO or COO absence).

In exceptional circumstances, dismissal may occur without prior formal warnings. Warnings/dismissal under this procedure will normally be on the grounds of lack of capability due to ill-health.

If any subsequent periods of absence (which reach the trigger point) occur within 12 months of the expiry of the final warning the procedure will be resumed at the formal stage.

5.3 Appeals

The employee will have the right of appeal to the Trust against any formal sanctions/dismissal. Such an appeal must be made in writing, clearly setting out the grounds, to the headteacher, within 7 working days of receipt of the written notification of the outcome of the hearing, Employees may be asked for clarification of the grounds for their appeal where this is not clear.

All appeals will be heard by the Trust Appeal Committee. The decision of this Committee is final, subject to the employee's rights at law.

The employee will be given at least five working days' notice of the appeal hearing in writing and may be accompanied by a trade union representative or work colleague. Wherever possible the decision of the hearing will be notified verbally to the employee at the end of the hearing. In any case the employee will be issued with a written notification of the outcome within five working days of the hearing.

6. Long term sickness absence

Where an employee is on long-term sickness absence (usually defined as absence for 4 weeks or more), the following procedure will apply.

6.1 Referral to an Occupational Health Advisor

It will normally be appropriate to make a referral to an Occupational Health Adviser after 4 weeks of the absence depending on the nature of the illness, to provide information about the employee's long-term prognosis and to explore options to facilitate an early return to work where appropriate. This process and the reasons for it will be explained to the employee prior to the referral being made.. In certain circumstances, particularly those involving stress or depression, a referral may be made sooner, usually after 2 weeks absence, as evidence suggests that early intervention increases the chance of a successful return to work.

Subsequent referrals will be made as and when required, including prior to any formal hearing (see Section 6.4).

The employee and line manager/headteacher will be informed of the outcome of the referral.

If your GP has referred you to the Government Fit for Work Service, the school will consider, and discuss with you, any Return to Work Plan arising from such a referral, alongside any recommendations from its own Occupational Health Advisor.

6.2 Review meetings

Following a referral to an Occupational Health Adviser, the manager will arrange to meet with the employee to discuss the on-going absence. The purpose of the meeting will be to discuss the long-term prognosis and any strategies which may support the employee's return to work.

Depending on the nature of the ill health, and the prognosis, further such meetings may take place,

A written record will be made of the key points of any meetings and any action agreed and this will be shared with the employee.

6.3 Returning to work

Where an employee becomes fit to return to work, the line manager will normally arrange a re-integration meeting with them before their return to work. This meeting will normally be informal and its purpose will be to support the employee's return to work.

It will sometimes be necessary to make alternative working arrangements and/or consider redeployment, on a permanent or temporary basis, to facilitate an employee's return to work (see section 4.8).

Such issues will be discussed between the line manager and the employee (and trade union representative and HR Consultant as appropriate). Agreed arrangements will be confirmed in writing.

6.4 Formal action

At an appropriate stage (usually, but not exclusively before 12 months absence), the employer may consider that the absence is no longer sustainable. This may also be the case where there has been repeated long term absences.

In this case, suitable alternative employment options and ill health retirement (where the employee is in the Pension Scheme) will be explored where appropriate,

Where these options are not available, the matter may be considered at a formal hearing with the headteacher (the Chief Executive Officer in the case of headteacher absence) the outcome of which could be the termination of employment on the grounds of lack of capability due to ill-health. The employee will be given at least 5 working days written notice of the hearing and this will include the right to be accompanied by a trade union representative or work colleague. The employee should make every effort to attend this hearing and may make written and verbal representations. Where an employee's health prevents their attendance, the hearing may proceed in their absence and full account will be made of any written representations and/or presentations made on their behalf by their chosen representative,

The employee will be notified in writing of the outcome of the hearing within 5 working days. The notification will include notice where a decision is made to dismiss (employees are entitled to full normal pay for the period of notice) and details of the right of appeal.

6.5 Appeals

The employee will have the right of appeal to the Trust against dismissal. Such an appeal must be made in writing, clearly setting out the grounds, to the Chief Executive Officer, within 7 working days of receipt of the written notification of the outcome of the hearing. Employees may be asked for clarification of the grounds for their appeal where this is not clear.

All appeals will be heard by the Trust Appeal Committee. The decision of this Committee is final, subject to the employee's rights at law.

The employee will be given at least five working days' notice of the appeal hearing in writing and may be accompanied by a trade union representative or work colleague.

Wherever possible the decision of the hearing will be notified verbally to the employee at the end of the hearing. In any case the employee will be issued with a written notification of the outcome within five working days of the hearing.

7. Ill health retirement

An employee who is in the Local Government or Teachers' Pension Scheme may apply for Ill Health Retirement.

7.1 Teaching staff

A teacher may make an application for ill health retirement at any time. The application must be supported by medical evidence. This will ideally be provided by the employer's Occupational Health Service where they have been seen recently, but may be provided by an employee's GP/specialist. The decision to grant ill health retirement rests with Teachers' Pensions.

7.1.1 There are two levels of benefit:

- Partial Incapacity Benefits (PIB) – where an employee is deemed to be unfit to continue teaching, but fit to undertake other employment
- Total Incapacity Benefit (TIB) – where the employee is considered unfit for any employment.

Different benefits apply to each type of retirement.

7.1.2 Date of retirement

If an employee is deemed unfit by Teachers' Pensions, the last day of service must be agreed as soon as possible under the Regulations and normal contractual notice periods cease to apply.

7.2 Support Staff

In order to qualify for ill health retirement benefits, an Occupational Health Adviser is required to sign a Certificate of Permanent Incapacity indicating that the employee is permanently incapable of continuing in their role. The employer must then dismiss the employee on the grounds of ill health incapacity.

7.2.1 There are three levels of benefit:

Tier 1: The Certificate indicates that there is no reasonable prospect of the employee obtaining other gainful employment before their normal retirement age.

Tier 2: The Certificate indicates that although the employee is unlikely to be fit to obtain gainful employment within 3 years, it is likely that they will be fit to do so prior to the normal retirement age.

Tier 3: The Certificate indicates that it is likely that the employee will be fit to obtain other gainful employment within a period of 3 years. The pension benefit is payable for a maximum of 3 years. If the employee obtains gainful employment before the expiry of 3 years, their pension benefits will cease. A review will be conducted after 18 months and if the employee is deemed capable of obtaining gainful employment at that point, pension benefits will cease.

Different benefits apply to each Tier.

7.2.2 Retirement dismissal procedure

Where a Certificate of Permanent Incapacity is signed, the employee will be invited to a formal meeting with the head teacher/principal. An employee should make every effort to attend this meeting, may make representations and may be accompanied by a representative or other appropriate person. Any dismissal will be with contractual notice.

7.2.3 Appeals

An employee has the right of appeal against:

The decision to dismiss on the grounds of permanent incapacity, in which case they should notify their line manager / headteacher in writing, stating the grounds for the appeal within 5 days of the dismissal meeting. Any appeal will be heard by the Trust Staff Discipline / Dismissal Committee.

The medical opinion stated on the Certificate of Permanent Incapacity in which case they should notify their line manager / headteacher in writing, stating the grounds for the appeal as soon as possible after receiving the Certificate. This appeal will be dealt with by the Occupational Health Service and is separate from any appeal against a dismissal on the grounds of permanent incapacity. The outcome of any such medical appeal may affect any pension benefits they may have been entitled to, if any, but may not affect the decision to terminate their employment.

An employee may also contest a decision made in relation to the Local Government Pension Scheme under the internal disputes resolution procedure (IDRP). Details of this procedure will be notified to employees.

Appendix A – Self certificate form

Confidential

This certificate must be completed as follows:

Teachers – to cover the 4th to 7th day of every absence inclusive if not covered by a fit note.

Other staff – to cover the 1st to 7th day of every absence inclusive if not covered by a fit note.

Your sickness absence dates

Your name:

The date of your first day of illness:

The date of your last day of illness (this may not always be a working day):

The date you returned to work:

The number of consecutive calendar days you were not at work:

Your sickness absence

Please give a general outline of what caused your sickness / the symptoms you experienced:

The type of sickness absence

Is your sickness absence related to (please circle one):

Sickness	An accident or assault at work	Your work or working environment	A disability or impairment	An accident outside of work that you are seeking compensation for from a third party
	An incident form will need completing	An incident form will need completing		

The sickness absence reason

Sickness absence is reported using these 16 general categories. Please circle the main reason for this sickness absence.

Back and neck problems	Upper limb problems	Lower limb problems	Cancer*
Chest, respiratory	Eye, ear, nose, mouth/dental, throat	Genito-urinary/ gynaecological	Headache and migraine
Heart, blood pressure, circulation	Neurological (for example, epilepsy)	Operations, post-operative recovery and hospital treatments	Pregnancy related
Skin	Stomach, liver, kidney, digestion	Stress, depression and mental health	Viral infection

*Note that if the reason is cancer, this should always be recorded as a disability/impairment related sickness absence in the type of absence section above.

Please be aware that if you knowingly supply false information about your sickness absence, it will be dealt with under the Disciplinary and Dismissal Procedure and ultimately your employment could be at risk.

	Signature	Date
Employee		

The information on this form will be held in accordance with the Data Protection Act and may be used to provide statistical data.

Appendix B – Return to Work form

To be completed by the line manager following a return to work interview.

Confidential

Complete this part of the form before the return to work discussion			
Employee's name:			
Do you feel the local arrangements for reporting sickness absence were followed:	Yes	No	
If 'no', why?			
How long as the employee been absent on this occasion:			
How many calendar days has the employee been absent due to sickness in the last 12 months:			
How many separate periods of absence has the employee had due to sickness in the previous two consecutive half terms:			
Has the employee reached the trigger point for commencing the procedure for short term absence (i.e. three absences in two consecutive half terms or unacceptable regular patterns of absence):			
Was the sickness absence:	Self-certificated	Covered by fit note	Unauthorised

Complete this part of the form during the return to work discussion
The details of sickness / injury were:
The issues discussed were:
Complete this part of the form during the return to work discussion
The support / actions discussed were:

Other details you would like to make a note of:

Does an accident report form need completing?	Yes	No
Are any follow up actions required? (Give details if applicable e.g. arrange date for informal absence review)		

	Signature	Date
Manager		
Employee		

The information on this form will be held in accordance with the Data Protection Act.

Appendix C: Employee's fact sheet on referrals to Essex Occupational Health Service (other services may vary)

This information sheet seeks to provide answers to the most commonly asked questions about referrals to Essex Wellbeing/Occupational Health for an assessment

1. What is Occupational Health (OH)?

Occupational Health is an advisory service run by experienced, qualified medical and nursing advisers who are specialist in this field.

The role of Occupational Health is to support managers in ensuring your health is not harmed by your job and to make sure you are fit to carry out your role.

Occupational Health provides advice on reasonable adjustments and adaptations in the workplace that may enable you to work effectively without it impacting on your health. It is then up to your manager to consider this advice and decide whether it is practical or feasible to put these adjustments and adaptations in place.

Occupational Health is not able to give you treatment or diagnose your health problems; or have any influence over waiting lists. You still need to see your own Doctor for this.

Occupational Health is an impartial service and we cannot get directly involved in disagreements or other "management" issues.

2. Where is Occupational Health (OH)?

OH is located in Wellbeing Services - which is located on 2nd floor of B block in County Hall, Chelmsford. We also have a limited number of external clinics in Colchester, Harlow and Basildon. While we endeavour to make appointments at the most convenient site, numbers are limited and we cannot guarantee this. You may be offered an appointment at County Hall to expedite the referral process.

3. Why have I been referred?

You should be notified by your line manager/senior manager as to why you have been referred. There is a common misconception that employees are only referred when there is doubt about the legitimacy of their absences or when there are going to be disciplined or dismissed. This is not the case; OH is there for your benefit as well as for your manager.

4. Do I have to go?

The purpose of the referral is to see how the referring manager can support you at work. You do not have to attend the appointment at Occupational Health. However, in those circumstances, your employer would have no choice but to take decisions based on the incomplete information that was made available to them. It is in your interest to attend so that Occupational Health can provide advice to your manager based on all the facts.

5. What will Occupational Health do?

On arriving in OH you will be seen by one of the Occupational Health clinicians who will discuss the reasons for the referral and gather information from you, such as confidential health information, details about on-going treatment and investigations and identifying any possible barriers that may affect your ability to return to work. You may also be provided with advice about the management of your health condition(s).

The OH clinician will not normally undertake any intimate examinations that require the removal of any clothing except a coat.

6. What do I need to bring?

It may be helpful if you could bring with you: details of any medications you are on and the names and addresses of your GP and hospital specialists you are under the care of.

7. Will OH be contacting my GP or other medical practitioners who are treating me?

Occupational Health may wish to get further clinical information. In accordance with the Access to Medical Reports Act 1988 your consent will need to be obtained by the Occupational Health team before they request a report from your GP, hospital doctor / consultant (PTO) or any other medical specialist who is treating you. You do not have to give this consent. In those circumstances Occupational Health will base their report on the information they have, although this may be incomplete. It is advised that it would be in your best interests to ensure Occupational Health have a full picture of your state of health position so that they are able to provide clear advice to your manager about any support you require. You have the right to see a copy of the report from your doctor before it is sent to Occupational Health and you will be asked to formally notify this on the consent form that you will be asked to complete.

8. What is likely to be written in the manager's advice letter?

First and foremost, the advice letter will **not** normally include any specific medical details, unless you are happy for us to divulge such information. It is likely to contain an outline of the current situation such as the functional difficulties which may impact on attendance and/or performance, but the main contents will be answers to the questions in the referral and any OH recommendations that may assist your return to work or recovery. Your manager is not bound by this advice and needs to consider it in balance with other business needs.

It is not considered to be a verbatim report of the conversation between yourself and the clinician but a letter of advice and recommendations to your manager taking on board what was discussed between yourself and the OH clinician and discussions that the clinician may have had with their OH colleagues, your manager and if necessary the named HR consultant. All management advice letters will be sent by e-mail as a password-protected attachment unless requested. The password will be sent in a separate e mail on confirmation of receipt if it was not given to you during your consultation. Where e mail addresses are not available hard copies will be sent by post.

9. Do I have the right to see the report before it is sent to my manager?

Occupational Health will discuss the contents of the advice letter with you and you will be asked to sign a consent form. If you indicate the wish to see the report before it is sent to the referring manager, you will have up to 3 working days to respond with your feedback. If we do not get any feedback by 12.00 noon on the third day, the letter will automatically be released. Our role is purely to report back on health issues and how it impacts on work along with any advice on adjustments or means of support. If there are any work related issues we will only be briefly summarising this, in very general terms clearly collating what you reported with the information in the original referral.

10. Do I have the right to stop OH sending the advice letter?

By attending the appointment you have accepted the process and that a report will be made.

11. What can I do if I don't agree with what Occupational Health has said?

You can submit your own written comments to Occupational Health which will then be sent with the advice letter or alternatively you can send it directly to the referring manager.

12. What about confidentiality?

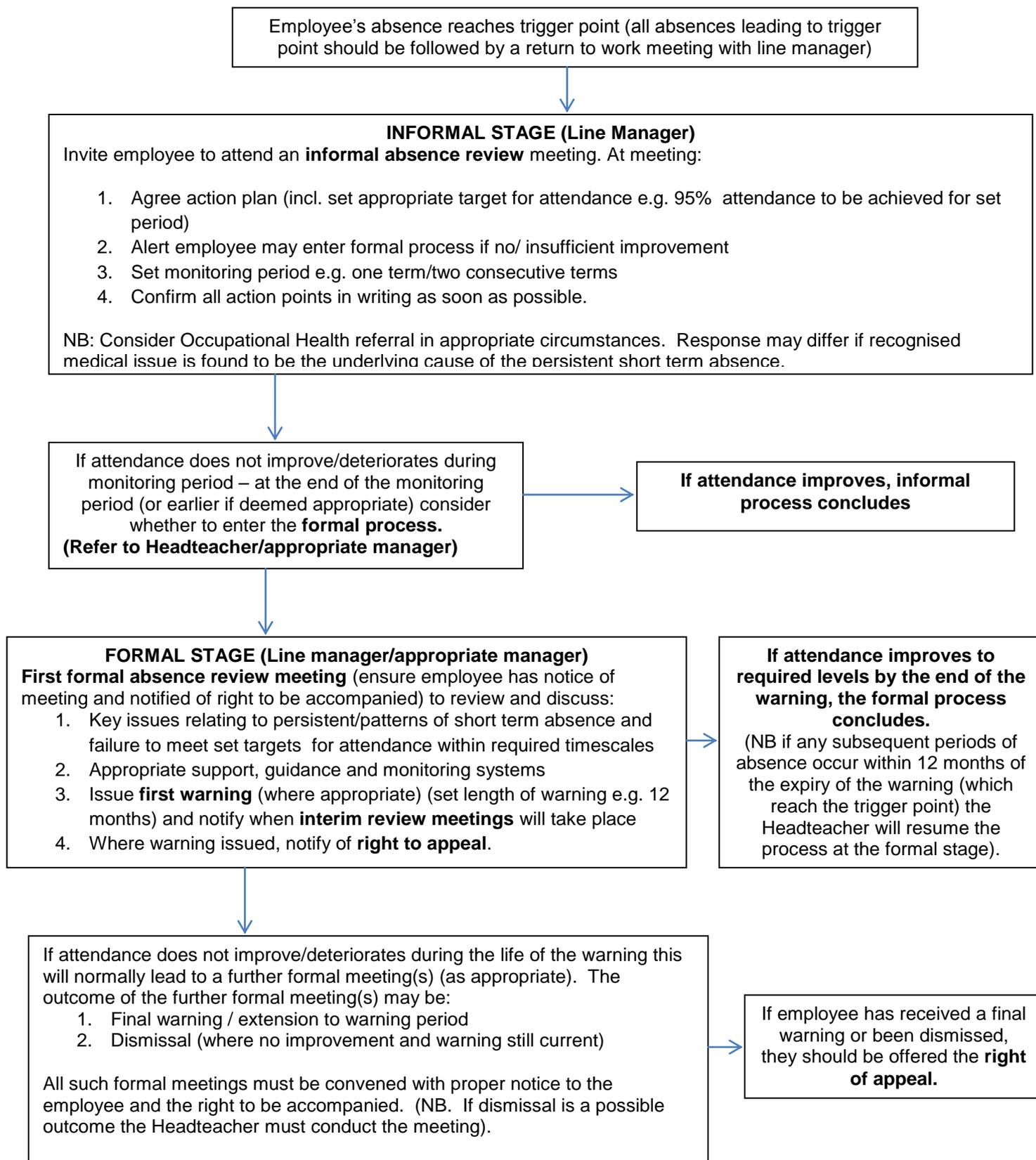
Medical information or sensitive personal issues will **not** be divulged without your consent. Otherwise everything else is potentially open to being released eg reasons given for

cancellations, work related issues, recommendations on reasonable adjustments and advice in relation to Equality Act 2010.

13. If I want to make a complaint what should I do?

If you wish to make a complaint you will need to put this in writing to the Wellbeing Manager, c/o Wellbeing Service, PO Box 11, County Hall, Chelmsford CM1 1LX.

Appendix D – Overview of the procedure for managing frequent short term absence



Appendix E – Sample risk assessment for employee returning from sick leave before expiry of fit note

CONFIDENTIAL: RISK ASSESSMENT relating to request to return to work on [date] _____ by employee [name] _____

An individual may return to work prior to the expiry of their fit note without going back to see their doctor (even if the doctor had indicated that they need to assess them again). This will not breach Employers Liability Compulsory Insurance, provided a suitable risk assessment has taken place.

1) When is the fit note due to expire?	
2) Did the fit note contain any recommendations relating to the employee and their return to work? If so give details including discussions with the employee	
3) When does the employee wish to return to work?	
4) Are they seeking any adjustments to their role to return early? Can these be accommodated?	
5) Have you considered/identified any possible risks associated with an early return to work? Give details.	
6) What measures will be undertaken to manage any such risks?	
7) What support and supervision will be available to the employee on their return?	
8) Has early return to work been agreed? Give details.	

SIGNED
HEADTEACHER/MANAGER _____ DATE: _____

To be kept on the personal file.