

SICKNESS ABSENCE GUIDANCE

1. Introduction

This policy is designed to help and encourage all employees to achieve and maintain appropriate and acceptable standards of attendance at work and to ensure that a fair, supportive and consistent approach is used in managing staff sickness absence and balancing the needs of employees with the requirements of the school.

The stages in this policy and the removal of cautions at the formal stages is to be seen as a supportive measure for those who may have conditions that will not improve with time. Headteachers are advised to obtain advice from their HR provider in these circumstances.

The School is committed to promoting the health, safety and wellbeing of its staff by:

- Managing all employees in a fair and reasonable manner in order to support and facilitate a return to work.
- Providing appropriate support to facilitate staff retention and return to work after illness, for example through a phased return, counselling, occupational health, flexible working, reasonable adjustments and in some cases redeployment;
- Tackling issues which may result in absence due to work related stress or dignity at work issues;
- Encouraging attendance, monitoring absence and the cost of sickness absence;
- Working with unions and health safety and wellbeing representatives to identify actions and preventative measures to promote the health, safety and wellbeing of staff; and
- Providing coaching and training for managers dealing with attendance issues.

All management action under this policy should take into account the obligations of the Equality Act (EA), previously DDA. Additionally, managers should refer to their HR Provider for advice and guidance on the complex issues around sickness and disability. COVID related illnesses may be covered by the EA.

It should be noted that whilst the policy and guidance documents provide guidance for managing sickness absence, it is unlikely to cover all situations. The nature of sickness absence is such that each case must be considered separately and the appropriate action applied. When any action is taken, including the progression or advancement of stages within the procedure, consideration should be given to the individual circumstances of that particular case.

The guidance applies to all employees of the School.

1.1 Support for Employees

A range of support is available to employees which include:

The Wellbeing Service

The Wellbeing Service offers guidance and support to individuals to help improve health and mental wellbeing and is available to staff within the School.

The Wellbeing Service will provide advice, guidance or practical support for lifestyle changes such as stopping smoking, drinking less or being more physically active, but also includes support for issues such as housing, employment and money management because we know that these concerns can affect individuals emotionally and by addressing them and accessing support it may enable a return to work.

The Wellbeing Service should be considered for supporting employees to return to work but also for prevention to avoid absence and support employees whilst they remain in work.

This service provides employees with the opportunity to make a self-referral or for Managers to make a referral as part of this absence management process. The Wellbeing Service is confidential, and information will not be shared with the School unless agreement with the employee has been given. Once a referral has been received employees will be contacted within 3 working days.

Employee Assistance Programme

The School provides various forms of support for employees. If your HR Service is provided by BwD, access to the Employee Assistance Programme is part of the services offered. Information in relation to this can be found on the intranet.

Occupational Health

Further information on referrals for employees to the Occupational Health Service is available via your HR Provider. For those schools with BwD HR services please seek support from a member of the BwD Schools HR Team who will be able to assist with making a referral for the employee.

Bereavement

Bereavement is a difficult time for any individual and further advice is covered within the Special Leave Policy. All supportive mechanisms should be reviewed on a flexible basis to support the individual, through working from home, annual leave, or alternative work, to enable a return to work and enable the individual time to recover. Further guidance is available in the Special Leave Policy on the School intranet pages.

Stress - Risk Assessment

To assist managers in the management of work related stress the School has access to a Self-Evaluation – Stress Indicator Tool and Stress Risk Assessment Form (including example control measures), based on the HSE Management Standards. This is available on the BwD intranet or by contacting a member of the School HR Team.

2. Employees with a Condition Covered by the Equality Act 2010

The School is committed to responding positively to the needs of current and new employees with disabilities and to employees who may acquire a disability during their employment. At each stage of this procedure it is important to consider whether an employee's condition and reason for absence may meet the definition of disability in accordance with the Equality Act. This should be determined through receipt of medical reports and legal advice where necessary. "Disability" may include conditions which are long-term and affect daily life, require on-going medication and adjustments to be made.

In accordance with professional recommendations, appropriate support and reasonable adjustments will be made to enable employees to function satisfactorily in their role. The School will also take into account and wherever practically possible, make reasonable adjustments in relation to sickness absence that is medically proven to be associated with a particular disability. Employees with disabilities may also want to initiate the Government Access to Work Scheme which can provide advice and practical support, and this can be accessed direct by the individual through their website www.gov.uk/access-to-work.

The Equality Act places additional responsibilities on employers where the employee suffers from a disability, and in practical terms this requires managers to consider making reasonable adjustments to an employee's working environment in order to accommodate them. It also requires due consideration not just to the needs of the individual but that of the service. However, even if

the employee's condition does not fall under the definition of a disability, it is advisable to see what can be done to improve the attendance and productivity of an employee within any business constraints. The requirement is for "reasonable" adjustments and this can depend on the individual situation and the size and resources of the organisation.

Possible reasonable adjustments may include:

- Making adjustments to premises or work stations or environments;
- Reallocating work;
- Redeployment to an alternative role or place of work;
- Flexibility of working hours, and allowing additional time off work for rehabilitation, assessment or treatment;
- Providing specialist training or equipment;
- Making instructions and manuals more accessible;
- Using a reader or interpreter;
- Providing more supervision or a buddy.

Management may also, upon receipt of medical information that indicates a return to work will not be possible, move to the latter stages of the process immediately e.g. hearing for potential capability dismissal.

3. Drug, Alcohol or Chemical Dependency

Drug, alcohol or chemical dependency will normally be dealt with as a sickness capability issue and the normal improving attendance processes will apply. However, if an employee is under the influence of non-prescribed drugs or has a chemical or alcohol dependency sufficient to be a health and safety risk, be deemed as unprofessional conduct or potentially bring the School into disrepute, the matter will be dealt with under the School's Disciplinary Policy.

4. Work Related Absences

Where an accident or injury occurs at work, it should be reported to the employee's manager as soon as possible. The incident should then be reported to the Health, Safety & Wellbeing Team via the online reporting system <https://incidentreporting.blackburn.gov.uk/home/add> on the intranet.

5. Doubtful Fitness to Attend Work

If the health of an employee who has attended work gives cause for concern, irrespective of whether they have been subject to a medical examination, the manager must take appropriate action to protect both the employee and the School. Employees should be referred back to their GP in the first instance, and it may be necessary for the manager to send the employee home on sick leave until the appointment is confirmed.

If the employee will not go home and the manager has serious concerns then there may be no alternative but to medically suspend the employee pending further medical advice. In these circumstances the employee will be paid normal pay until OH or a GP have determined if the employee is indeed unfit for work.

NOTE: Medical suspension will depend on the nature of that particular case and HR advice must be sought in these circumstances. If the employee is a Trade Union Representative the Full Time Officer should be advised of the intended course of action.

6. Other specific reasons for absence

Please ensure that appropriate time off is allowed during normal working hours for hospital appointments/treatments and doctor or dentist appointments. See Special Leave.

Elective Surgery

If an employee elects for a surgical procedure for non-medical reasons e.g. cosmetic or lifestyle reasons, then the time off for the procedure should be pre-booked through the employees leave entitlement or unpaid. Any resulting time off for normal recovery will not be covered by Occupational Sick Pay, however Statutory Sick Pay may still be payable subject to the production of an appropriate certificate.

If, however, the procedure has underlying medical issues, e.g. psychological wellbeing, future health risks and the employee can provide medical evidence to support this, Occupational Sick Pay will be paid for the period of absence.

If the employee is on long-term sick as a result of cosmetic/elective surgery, managers are required to manage the absence in line with the Improving Attendance Policy and Procedures.

- For Stress – see Stress Management Policy and Guidance
- For Pregnancy Related absences – see Maternity Policy and guidance
- For Fertility Treatment – see Special leave Policy

7. Unfit for the foreseeable future

In the case of an employee who has been identified as unfit for the foreseeable future, an Investigation Meeting should be arranged. The meeting should be arranged as soon as is reasonably practicable and the purpose is to consider any new/additional information that the employee may have obtained and to consider if there is a potential case for a dismissal on the grounds of capability. Advice must be sought from HR at this stage.

8. Critical/Terminal Illness

When managing long term absence the aim will be to assist the employee to recover and make a sustained return to work if possible. An employee who is absent due to long term illness must be treated fairly and sympathetically. However, there may come a time where the need to run the service efficiently has to be balanced with the need to provide employment for the employee.

In some cases of long-term absence the medical information may confirm that the employee is unable to return to work or attend work for a significant period of time. Depending upon the case, for example where the employee meets the definition of ill health retirement, and in agreement with the employee, it may be more appropriate to move to Stage 4 in the procedure and arrange a Capability Hearing for the matter to be considered by a Head/Chair of Governors. A mutual termination agreement is a further option that may be considered at this time.

Please seek advice from your HR provider and each case will depend on the particular circumstances.

9. Annual Leave and Sickness Absence

It is imperative that all sickness absence is treated as sickness absence and recorded correctly. This will ensure that all absence data is recorded correctly and consistently across the School and the appropriate supportive measures can be put into place.

If an employee falls ill during school holidays, they are expected to report in to their manager in accordance with normal School procedures.

In the circumstance where it is accepted that it has not been possible to take all leave within the leave year, a check will be made to ensure that the employee has received the minimum European statutory leave allowance for the previous leave year. If an employee is absent due to sickness on a bank holiday there is not provision for them to take that day at a future date.

Where the employment relationship is terminated, advice should be sought from your HR provider regarding the employee's entitlement to outstanding accrued leave. Arrangements can then be

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made for the employee to receive payment in lieu of the holidays which were not taken due to sickness.

10. Notice Periods

When an employee is dismissed on grounds of capability absence, they are entitled to the appropriate period of contractual or statutory notice (whichever is the greater) at their normal contractual pay. This is regardless of whether at that time the employee is on full pay, half pay or no pay. The employee will of course not be expected to attend work during their notice pay. The employees' final payment would also include any untaken leave entitlement..

11. Record Keeping and Confidentiality

It is essential that confidentiality is maintained regarding any information relating to an employee's sickness absence and health details. Only parties directly involved should have access to relevant information other than where such information is requested by law. Any failure to maintain confidentiality by an employee of the School will also be dealt with under the Disciplinary Policy.

Under GDPR individuals have the right to request and be granted access to any documents held about them personally on file or on a computer system. Such requests would be made through the completion of a Subject Access Request Form.

12. Sick Pay and Exclusions

Sickness payments will be made in accordance with the employee's contract and providing the notification rules have been followed. Examples may include 6 months full pay, 6 months half pay then SSP.

If there are any concerns regarding an employee not following the School's sickness reporting procedure the manager may consider whether or not to withhold payment of sick pay. This should only happen where the employee has had notice to the effect that they are not currently following the policy and as such their sick pay may be stopped. Wherever practically possible the employee should be given the opportunity to rectify the error within a reasonable timescale. Any changes to pay should be confirmed in writing

Where an employees' pay is to change as a result of the length of their absence i.e. their sick pay entitlement is to be reduced or has been exhausted, the employees pay will be adjusted accordingly by the School's HR Service provider. For those Schools who use BwD HR/Payroll services we will provide advance notification to Managers when an employees pay is to be reduced or stopped due to sickness absence.

13. Supporting attendance

Consider using the Schools flexible working options to allow employees to remain in work, yet balance home life and support wellbeing, this could include late starts, early finishes, subject to the monthly contracted hours being completed.

14. Phased return

Schools will consider a phased return to work following a lengthy period of absence due to sickness. Consideration will be given to amended duties, hours of work, reasonable adjustments etc. If reduced hours are worked during a phased return this will be on full pay for a period of up to 4 weeks. Regular reviews will be held during a period of phased return. It is recommended that you seek advice from your HR Provider.

15. Links to other Policies and guidance

This guidance should be read in conjunction with the Sickness Absence Policy .which provides further information on how to effectively support and manage employees' absence.

16. Further Advice & Guidance

Sickness Absence Guidance v1.0 – June 2021

If you require further advice regarding the application of this policy and guidance please contact your HR Provider. Where BwD HR and Payroll are the provider please contact the HR Advice Line on 01254 588973 or email schoolhrteam@blackburn.gov.uk

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Stage 1 – Action Plan	
* Employee in work – this is an example and not an exhaustive list	
Agreed objectives for Improvement:	<ul style="list-style-type: none"> No further sickness absences Fulfil contractual obligations for attendance
Actions to be taken by employee:	Commitment to improved health and wellbeing by: <ul style="list-style-type: none"> Appropriately following medical advice Adopting changes in lifestyle i.e. exercise, healthy eating Engage with support services offered by the BwD e.g. Employee Support, Wellbeing Service Attend Occupational health appointments Engage with Improving Attendance Process Be aware of corporate wellbeing initiatives Keep manager up to date with own health and wellbeing Engage with any Health, Safety and Wellbeing risk assessments
Actions to be taken by Manager:	<ul style="list-style-type: none"> Ensure employee has appropriate advice of support services Monitor sickness absence Ensure health and wellbeing is discussed regularly Consider reasonable adjustments Make appropriate referrals to external agencies Keep up to date with wellbeing initiatives and encourage employee participation Complete Wellness Action plan and carry out regular reviews Complete with any Health, Safety and Wellbeing risk assessments
Agreed dates for Action Plan to be reviewed:	