



## **Sickness Absence Policy - Schools**

### **1. Introduction**

Blackburn with Darwen Schools are committed to promoting the health, safety and wellbeing of its staff. Therefore, 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 whilst balancing the needs of the School.

All management action under this policy should take into account the obligations of the Equality Act (EA). This covers a wide range of conditions including COVID-19. Additionally, managers should refer to their HR provider for advice and guidance on the complex issues around sickness and disability.

It should be noted that whilst the policy and associated 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. When any action is taken, including the progression or advancement of stages within the procedure, consideration should be given to the individual circumstances of the case including the employee's level of engagement with the process and another other key matters which maybe influencing the employee not attending work.

### **2. Scope**

The policy applies to all employees of the School.

### **3. Sickness Absence Procedure**

All absence should be managed with a consistent approach in line with the following procedure. However, it may be more appropriate to take a slightly different view on short-term and long-term absence. It is recognised that employees may have illnesses which may be long-term or terminal and the handling of cases of this type will need to be based on the individual circumstances of the absence. Please seek advice from your HR provider to ensure the most appropriate approach is taken.

In order to manage sickness absence effectively and consistently we will seek to support staff during periods of illness including using interventions and procedures to facilitate a return to work, retaining staff in employment and improving overall attendance.

The employee should be given reasonable notice of at least 2 working days to attend a meeting and where the formal stages are implemented and the employee is invited to a hearing, they should be provided with the right to be accompanied by a Trade Union representative or work colleague. Please note this does not extend to legal representation.

Where the employee or representative cannot attend on the date proposed and provides a good and valid reason for not attending, the meeting may be postponed to another day which will normally be within 5 working days of the original date of the meeting.



### **3.1 Management Intervention**

Under this policy employee absence will be reviewed and intervention will take place were:

- Any absence from work that is cause for concern, i.e. this could be the nature of the absence e.g. stress or repeated patterns of short-term absence.
- Over 4 weeks (20 days) of continuous absence, which for the purposes of this procedure is classed as long-term absence, this trigger is pro-rata for part time employees.

These points are a guide however, managers are expected to make an informed decision around the next steps should these triggers be exceeded or in any absence cases which are causing concern.

### **3.2 Absence Reporting**

All employees must inform their school of their absence at the earliest physical opportunity prior to, and no later than 1 hour after, their expected start time. (Employees should be made aware of any school specific requirements for reporting absence should there be any difference to these)

It is advised that managers should ensure that all absences are reported via MyView (where applicable) on the first day of absence and leave this as an open absence until the employee has returned to work. Delays in notifying your payroll provider of a sickness absence could create potential pay implications. Whenever a sickness is reported, dependent upon the nature of the illness, consideration should be given as to whether it is appropriate to temporarily offer another role or duties as an alternative to being absent.

### **3.3 Self-Certification and GP Certificates**

A self-certificate is required for every absence up to 7 consecutive days, including the rest days or weekend. On the 8th day of absence a medical certificate (Fit Note) from the employees' doctor should be submitted by the employee to their manager (or nominated manager) who should scan and / or store these locally.

### **3.4 Employee Support**

There is a range of support available to employees. Please see Sickness Absence Guidance for further information.

### **3.6. Return to Work (RTW)**

Return to Work meetings should be conducted following each occasion of absence whether short or long-term and a RTW Interview Form should be completed.

### **3.7 Welfare Meetings**

It is important that the employee is made aware that all attendance records are regularly reviewed and this may be done through a Welfare Meeting. The outcome of any Welfare Meeting should be confirmed in writing and if appropriate further review meetings arranged.

If the employee's attendance does not sufficiently improve, the attendance improvement stages of the procedure will commence. If felt necessary, more than one welfare meeting can be undertaken to support an employee.



When welfare meetings are being held, the employee does have the right to representation. However, it should be confirmed that this meeting is within the informal stages of the policy and is an opportunity for the manager and employee to meet to discuss any concerns and support that may be required.

**3.8 Stage 1 – Attendance Improvement** If there has been no acceptable improvement after the welfare meeting(s), or further triggers have been met, a Stage 1 Attendance Review Meeting should be arranged with notice. During the meeting, the manager should consider all information presented.

Notes of all meetings along with agreed actions and improvements targets will be taken. These will be provided to the employee for reference. The agreed actions are final and there are no rights of appeal.

If the manager remains concerned about the employee's attendance, improvement targets will be set with a monitoring period of between 1-3 months. Adjustments or other support may be agreed such as changes to working patterns, supporting counselling or other types of management support. The employee should be reminded that continued absence may ultimately affect their future employment with the School and also be informed that they are at Stage 1 in the process.

In Stage 1, if the employee wishes they have the right to representation.

**3.9 Stage 2 – Monitoring Period** If there has been no acceptable improvement after Stage 1, a further review meeting should be arranged. The meeting should follow the same format and considerations as the Stage 1 sickness review meeting above but in addition the manager should also consider any new information offered by the employee in relation to their condition. A review of the effectiveness of any support or assistance that has been put in place, along with any current medical information should be undertaken. If the manager remains concerned about the employees' attendance, further improvement targets should be agreed taking into account that the level of attendance is considered to be unsatisfactory and a significant and sustained improvement is required. The agreed actions are final and there are no rights of appeal.

The employee should be reminded again at this stage that continued absence may ultimately affect their future employment with the School and be informed that they are at Stage 2 in the process.

In Stage 2, if the employee wishes they will have the right to representation.

Depending on the individual case it may be appropriate for a manager to hold more than one Stage 2 meeting before considering moving to a Stage 3 meeting.

**3.10 Stage 3 - Case Review/Recommendation for Formal Capability Hearing** If there has been no acceptable improvement after Stage 2, a Stage 3 Case Review meeting should be arranged. The meeting should follow the same format and considerations as the Stage 2 formal meeting above. In addition, the manager should also consider any new information offered by the employee in relation to their condition and review the effectiveness of any support or adjustments that have been put into place. Up to date information from Occupational Health is advised.

After considering all the information discussed including the impact of the absence/absences on the School and depending upon the case history the manager may consider one of the following outcomes:



- A recommendation that the case proceeds to a Stage 4 Formal Capability Hearing and the case is considered for dismissal;
- A further period of review and targets for improvement set;

The outcome of the meeting should be confirmed in writing to the employee within 5 working days.

### **3.11 Stage 4 - Capability Hearing**

The employee will be given at least 10 working days advance notice of the Hearing which will be heard by a panel of School Governors. An invite letter will be sent to the employee detailing the purpose of the Hearing and that it will be held under the School's Sickness Absence Policy.

Management and the employee will mutually exchange all relevant written information that each party intends to rely upon during the hearing at least 10 clear working days' before the Hearing. Only in exceptional circumstances, and at the discretion of the Hearing Chair, will new documents be accepted at the Hearing. In the event that additional information is accepted on the day of the Hearing, relevant time will be allowed for reading and this time will be determined by the Chair.

Before reaching a decision the Panel will consider all the facts in relation to the case presented by both parties.

The potential outcomes the Panel may decide upon are:

- The employee should be given notice to dismiss them from the employment of the School on the grounds of capability;
- In certain circumstances pay in lieu of notice may be agreed.
- That the matter is referred back to the Manager for a further period of review and if appropriate they may recommend specific action such as further reasonable adjustments in accordance with the Equality Act.

The outcome of the Hearing will be confirmed by the Panel in writing to the employee within five working days. The employee has a right to appeal against the decision to dismiss on the grounds of capability and this must be submitted within 10 working days of receiving their outcome letter.

For all employees who are legally employed or engaged by a Community School, a letter from the Director of Children's Education will also be sent to confirm the Panel's decision that their employment has been ended on the grounds of capability. This letter will be issued within 10 working days of the Capability Hearing taking place.

### **4. Dismissal Appeals**

Appeals must be received within 10 working days of the employee receiving written notification of the decision and they must state the grounds, in full, on which the decision should be reviewed. For these appeals, a Panel who has not been involved in the case will hear the appeal. The Hearing will be held at a convenient date ideally within a month of receiving the appeal. The decision of the Panel hearing the appeal is final and will be confirmed in writing no later than 5 working days after the hearing.

### **5. 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. Advice must be sought from your HR Provider at this stage.



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, the manager is required to consider the overall impact of the absence(s) on the School taking into account factors such as continuity of education, impact on other colleagues and costs. This consideration may need to be balanced with the need to provide employment for the employee.

Managers should seek advice from their HR provider and each case will depend on the particular circumstances.

## **6. Further Advice & Guidance**

This document provides further information on how to effectively support and manage employees' absence. If you require further advice regarding the application of this policy and guidance please contact your HR provider. If BwD School HR Team are your provider please contact the Advice Line on 01254 588973 or email [SchoolHrTeam@blackburn.gov.uk](mailto:SchoolHrTeam@blackburn.gov.uk).

### **Document Control**

<b>Approving Body</b>	SPDG/LJNCC
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