

Schools Sick Absence Management Procedure and Guidance

1. Introduction

- 1.1 Employees are the most valuable resource in Brighton & Hove Schools and the aim of the Sick Absence Management Procedure is to promote the highest possible attendance levels to enable excellent service delivery to the schools community. It is also important to manage attendance because of the impact absence can have on colleagues at work.
- 1.2 The procedure is designed to encourage employees to seek support and advice to improve their health and well-being and therefore to meet standards of attendance.
- 1.3 The procedure applies to all employees in schools with the exception of employees who are still within their induction or probationary period where other arrangements apply.
- 1.4 *The role of the Headteacher as set out in this document will be undertaken either by the Headteacher or by a member of the Senior Management/Leadership team who has line management responsibility for the employee concerned, depending on local management responsibilities.*
- 1.5 *If the sick absence relates to the Headteacher, the management role will be undertaken by the Chair of the Governors (see the separate Headteacher Sickness Absence Protocol for further details on managing Headteacher sickness absence).*
- 1.6 Headteachers have a legal duty under the Equality Act 2010 to consider, and where possible, provide reasonable adjustments to employees with disabilities.

2. Responsibilities

- 2.1 Headteachers are responsible for promoting high levels of attendance in their teams. They have a duty of care and a responsibility for good working conditions, work practices and work behaviours. Headteachers are responsible for ensuring regular supportive contact with employees who have an extended absence, and for working constructively with employees who need to improve their attendance. Headteachers are responsible for fair and consistent management and support to those who are unwell. Headteachers should be flexible wherever operationally possible to facilitate a sustained return to work. Headteachers are responsible for advising employees when their absence is causing concern and for managing any employee attendance problems.
- 2.3 The HR Coaching and Advice team supports the effective management of attendance by providing advice and support to Headteachers on the operation of the procedures. HR also provides expert sources of advice on Health and Safety, Occupational Health, and Employee Counselling via [HR Contacts](#).
- 2.4 Individual employees have a personal responsibility to take all reasonable measures to ensure their fitness for work. If absences are work related, employees have a responsibility to be proactive in raising concerns as part of the normal staff/Headteacher relationship. If employees have a medical condition which may affect their work, (which may not be apparent to others), they should discuss this and any adjustments needed with their Headteacher.

3. How sick absence is defined

3.1 A sick absence is any absence from work where the employee is unfit through a medical condition, or an accident, or receiving medical treatment. The following circumstances are not included as sick absence:

- authorised unpaid or paid leave for hospital or doctors' appointments at which no actual treatment is to be provided.
- elective treatment which is not medically required such as laser eyesight correction, cosmetic procedures and other non-essential treatments.
- authorised leave for dentists' appointments which cannot be arranged out of school working hours.

4. Health checks during the recruitment process

4.1 Guidance on how to ensure that new recruits will be fit to carry out job related requirements is provided in the [Recruitment Policy](#).

5. Attendance during Probation Periods

5.1 It is the responsibility of the Headteacher to advise new employees, on the first day of employment or as soon as possible during the first week, about the sickness notification procedure, stressing the need for good attendance. This should be reinforced through the induction programme.

5.2 Probationers will have their attendance managed through the probationary arrangements applying to their post. The Headteacher should discuss all incidents of sick absence with the employee during the probationary reviews/interviews and explain that appointment cannot be confirmed unless attendance is satisfactory.

6. Confidentiality

6.1 All personal records and any discussions held relating to employees' absence will be treated in strict confidence. Access to medical records, including sick notes, absence and interview records, is restricted to the Headteacher on a "need to know" basis. Headteachers and their administrators should take care not to disclose reasons for absence to anyone else.

6.2 Employees may request confidentiality if the reasons for sick absence are personal or private. This may make it difficult to explain the sick absence to a Headteacher. If this is the case the employee may tell an HR officer in confidence, and HR or Occupational Health will advise the Headteacher where necessary of the nature of the condition, so that adjustments may be planned.

7. Health appointments

7.1 Employees are required to make every effort to arrange medical appointments in their own time outside normal/core working hours.

7.2. When employees are unable to make appointments in their own time, and at the discretion of the Headteacher, paid time off to attend such appointments may be allowed. Where an employee requests time off he/she must notify his/her Headteacher in reasonable time.

7.3. Paid time off will be allowed to attend medical appointments for life threatening illnesses.

7.4. If a disabled employee needs consultations or treatment to improve or manage a disability while they are at work, paid time off should be considered as part of planned and agreed reasonable adjustments. See [appendix 1](#).

8. Industrial Injuries and accidents

8.1. An employee who is absent as a result of an accident where damages may be received from a third party, may receive Occupational Sick Pay as an advance. This is because part of any payment claimed from a third party will usually cover loss of earnings. Information on how to deal with [sick absence related to industrial injuries and accidents caused by third parties](#) is given in appendix 2.

9. Notifying sick absence

9.1. Arrangements on [notifying sick absence](#) form part of an employee's contract of employment and should be followed by all employees. They are at appendix 3.

9.2. Employees must fill in a self-certification form for all sick absence up to and including the seventh calendar day of absence. They must produce a doctor's statement of fitness from the eighth consecutive day of absence.

9.3. If employees are absent without making contact, or when certificates are not produced on time, the Headteacher should try to contact the employee to check their well-being. However, in the absence of contact or an acceptable explanation, Headteachers should record the absence as "uncertified" and therefore unpaid, and contact HR without delay. HR will alert Payroll to stop pay if the individual is absent without leave. The Headteacher must write to the employee that any uncertified absence will be unpaid and that unless the employee gets in contact, they may be subject to action under the [Disciplinary Procedure](#) and their employment may be terminated.

9.4. If the Headteacher has evidence that the absence is not due to sickness, then s/he should contact HR and investigate under the Council's [Disciplinary Procedure](#).

10. Recording and monitoring

10.1. Headteachers are responsible for keeping accurate records on employees' sick absence in line with the current process for their School. This includes date(s) and reason(s) for the sickness and whether the sickness is pregnancy or disability-related or not. Headteachers should keep notes in confidence of the key points and outcomes of any formal or informal discussions with an employee about his/her sick absence. Notes of formal discussions about attendance issues should also be copied to the employee. This will ensure that there is no confusion over what has taken place, and that an accurate record of events and advice or decisions is maintained for future reference. Headteachers are also responsible for keeping all self-certificates and medical certificates in a secure filing system. When an employee leaves his/her post these records should be sent to HR and will be placed on the employee's personal file.

11. Occupational sick pay

11.1. Entitlement to occupational sick pay is set out in the individual contract of employment.

11.2. An employee may be dismissed before s/he has exhausted any outstanding entitlement to occupational sick pay.

12. Disability- related sick absence

- 12.1 Under the Equality Act 2010, employees must not be unlawfully discriminated against in relation to their disability-related sickness absence.
- 12.2 Headteachers must consider and implement [reasonable adjustments](#) where appropriate and at the same time manage disability related absence like any other absence – fairly, transparently and with reference to council policy.
- 12.3 Where absence is attributable to disability, Headteachers should hold discussions with the employee to assess how reasonable adjustments are working, or where further changes need to be made to support the employee. Such discussions should take place regularly during informal meetings with the employee such as in one-to-one meetings etc. and should not be reserved just for a review meeting.
- 12.4 Where absence or work performance due to disability is causing operational concerns, advice should be sought from Occupational Health. Further advice is given in the fact sheet on [disability and the management of absence](#).
- 12.5 Advice is given in the [HIV/AIDS Awareness Guidance](#) on how Headteachers should support HIV positive employees and comply with schools policies and legislation.

13. Maternity related sick absence

- 13.1 Headteachers need to ensure that employees are not discriminated against as a result of maternity related sickness absence. Maternity related sick absence during protected periods must not be taken into account as grounds for subsequent dismissal. The protected period is from notification of inception of pregnancy to the end of the woman's maternity leave. There is also legal protection from detriment or dismissal in connection with pregnancy. It is advisable to consult Occupational Health if it is not clear whether the absence is related to maternity.
- 13.2 Although there is no right to paid time off for fertility treatment, it is advised to treat such requests to take time off sympathetically. Employees should discuss their need for time off with their manager in advance to allow for cover arrangements.

14. Stress and mental health issues

- 14.1 Where Headteachers are concerned that an employee may be suffering from a mental health problem (for example when they seem depressed and withdrawn) it is important to talk to the employee and offer support. See [School Staff Wellbeing Framework](#) (appendix 5) for advice and expert sources of help.

15. Managing Sick Absence

- 15.1 The following section sets out Headteachers' roles and responsibilities in dealing with sick absence. It enables Headteachers to ensure that employees are dealt with fairly and consistently and that a positive attendance culture is developed.

16. Return to work discussion – this meeting does not form part of the formal procedure

- 16.1 On the employee's first day back from any period of sick absence, or as soon as possible thereafter, the Headteacher must meet or at least telephone the employee to

discuss his/her sickness. Guidance on the return to work discussion and the self certification form to be completed by the employee (for absences shorter than 8 days) are provided in the [Return to Work Discussion Form](#) (appendix 4)

- 16.2 If the employee has reached an attendance concern level this should form part of the return to work discussion and the employee told whether it is intended to hold a formal Absence Review meeting under the Procedure (see section on Attendance Concern Levels below).

17. Attendance Concern Levels

- 17.1 Whenever an employee's sick absence level reaches the following attendance concern levels, the Headteacher should consider, having regard to the circumstances, whether or not the employee is required to attend a formal Absence Review meeting under the Sick Absence Management Procedure:

- 3 separate spells of sick absence in any six month period
- 10 or more days of sick absence in any six month period

- 17.2 It is not necessary to convene formal Absence Review meetings under the Procedure where it is clear from the return to work discussions and previous attendance record that:

- the employee's future attendance levels are likely to be satisfactory
- the employee has a disability and there is a short term attendance issue which will be resolved
- the employee has a disability and there is a longer term issue where a reasonable adjustment could be to accept a slightly higher level of absence compared to a similar employee who does not have a disability
- the employee has been absent due to a newly diagnosed condition/illness that is covered under the Equality Act.

For other examples, see [appendix 8](#). This is not an exhaustive list.

- 17.3 However, if the Headteacher is not satisfied that future attendance will be satisfactory, then the employee should be advised that he/she is required to attend an Absence Review meeting as part of formal Sick Absence Management Procedure.

18. The Formal Sick Absence Management Procedure

Absence Review Meeting – stage one

- 18.1 Headteachers should set up a meeting in a suitable place for a confidential discussion and give five working days notice in writing of this meeting. A [model letter](#) is given at appendix 6, which should be sent to the employee with the [Absence Review Meeting Guidance](#) (appendix 7). The employee has the right to be represented at this meeting by a union representative or a work colleague. It is the employee's responsibility to arrange representation. However, prolonged delay due to the lack of availability of a representative should not be accepted as a reason for postponement. [Headteacher guidance](#) on the absence review meeting is provided at appendix 8.

- 18.2. In addition to the discussion of actions planned to support an improvement in attendance, the employee will be advised, unless there are clear reasons to withhold action, that

- they are being given a first stage warning about their attendance;

- that this warning will be confirmed in writing;
- this marks the beginning of a formal rolling twelve month sick absence management process;
- there is a right of appeal against the warning.

The employee should be informed that should their sick absence again reach the attendance concern levels during the twelve month period from the date of the [written warning](#), a stage two absence review meeting will be held unless there are clear reasons not to do so.

18.3 Headteachers have the discretion to decide that a warning is inappropriate or not required. For examples, see paragraph 17.2 above and the [Headteacher guidance](#). If no formal action is to be taken, this should be confirmed in writing to the individual within five working days. However, if further absence causes the attendance concern levels to be reached, the manager will need to hold another meeting and will include within this discussion the absences previously reviewed. It is likely that a stage one warning would be applicable at this subsequent meeting unless there is clear evidence that:

- appropriate reasonable adjustments which would have improved attendance were not in place
- the employee's future attendance will be satisfactory.

18.4 The stage one warning will expire after 12 months if attendance is satisfactory.

18.5 If there is further absence which means that attendance concern levels are again reached, the Headteacher will need to consider convening another meeting with the employee. The general principle is that for the purposes of calculating whether attendance concern levels have again been reached, absences for which a previous formal warning have been given should not be included.

19. Absence Review Meeting – stage two of formal procedure

19.1 The stage two absence review meeting will take the same format as a stage one meeting. The purpose of the meeting will be to review the effectiveness of any actions which have taken place to improve the employee's attendance, and to plan further actions which need to take place. If appropriate, a referral or follow up appointment should be arranged with Occupational Health. Unless there are clear reasons to withhold or delay the action (see paragraph 17.2 above and appendix 8), the employee should be advised that they will be sent a stage two written warning and that should their attendance level prompt a stage three review, their continued employment will be at risk. Where absences may be as a result of an underlying medical condition or disability advice should be sought from HR before issuing a warning. This meeting should be followed up where required by a written warning within 5 working days of the meeting, which will include the right of [appeal](#) (see appendix 13). A [model letter](#) for a stage two warning is given at appendix 12. A copy of this letter should be sent to HR to be placed on the employee's file.

19.2. If the employee's attendance is satisfactory during the following twelve months, all warnings will elapse. However, if sick absence again reaches the attendance concern levels during that period, the procedures set out in paragraph 22 onwards should be followed.

20. Managing extended sick absences

- 20.1 During an employee's extended sick absence the Headteacher must make every effort to maintain regular contact with the employee, for example at least once a month, arranging future contact as appropriate. This is to ensure that the employee does not feel isolated and unsupported, and to enable the Headteacher to maintain an accurate picture of the employee's circumstances. The employee must keep the Headteacher informed of progress, and submit medical certificates on time.
- 20.2 The Headteacher should be proactive in seeking HR and Occupational Health advice from the outset if it seems likely that the employee's absence may be extended.
- 20.3 If the absence appears to be a mental health related issue; i.e. stress (personal or work related), anxiety or depression, and the condition is likely to continue for more than 7 days, then referral to Occupational Health should be made immediately. This is because early specialist support has been shown to be very effective in managing these conditions.
- 20.4 For the same reason, refer to Occupational Health if the absence appears to be due to a musculo-skeletal condition, and is likely to last more than 14 days.
- 20.5 All extended absences must be referred to HR for advice by 28 days.
- 20.6 Headteachers should undertake a risk assessment in conjunction with the employee as part of the planning for their return to work. Where the individual has been absent due to stress/depression, a stress risk assessment must be carried out.
- 20.7 Return to Work discussions must be held after any period of extended absence. Headteachers need to consider any occupational health recommendations, reasonable adjustments and/or any other support the employee may need to help them return to work. They will also need to decide whether or not it is appropriate, given the circumstances, to convene a formal Absence Review meeting under the Procedure.

21. Occupational Health referral

- 21.1 Where it is not clear that the employee will be able to return to work or to perform the same job within a reasonable and well-defined period, the Headteacher should refer the employee to Occupational Health for a medical opinion. The Headteacher should complete the [Occupational Health Service Health Enquiry Referral Form](#), ensuring that all sections are completed in full.
- 21.2 A [model letter](#) proposing a visit is at appendix 14. The employee may wish to ask their union representative or work colleague to attend the home visit/meeting place. Prior to any meeting the Headteacher should contact the employee to explain its purpose. It is important that the Headteacher keeps notes of the discussion and writes to the employee to confirm any actions arising from the meeting, such as appointments with Occupational Health.
- 21.3 If an absence is extended into a third month, a case review should take place between the Headteacher and HR (and Occupational Health when practicable and appropriate). This review should consider progress and any actions which need to take place, for example Occupational Health writing to the employee's doctor or specialist for further information, or planning for [reasonable adjustments](#) to support a return to work.

- 21.4 If Occupational Health advice suggests that the employee is unlikely to be able to return to his/her existing job within a reasonable period, the Headteacher should consider, with HR advice, the need to hold a stage 3 capability hearing to consider redeployment or dismissal. Where redeployment is the recommendation, the redeployment process can start prior to the hearing, with the active involvement of the employee, in order to maximise the opportunities of finding a suitable job match.
- 21.5 If Occupational Health advises that the employee is unlikely to be able to return to their job or a similar role, and where the employee is a pension fund member, options for ill health retirement may be considered. HR will advise on applying for ill health retirement.
- 21.6 If the Occupational Health report indicates that the employee will be fit to return to work within a reasonable period the Headteacher should meet with the employee to discuss the recommendations made in the report including arrangements for his/her return to work.
- 21.7 If Occupational Health advises that the employee is not fully fit but that s/he should, for an interim period, return to work on reduced hours or reduced duties, the Headteacher should wherever possible agree an appropriate temporary working arrangement or other adjustments. It is advisable to confirm the arrangements and any end dates in writing.
- 21.8 If Occupational Health advises that the employee is not capable of returning to their post, but that s/he would be fit for other duties, the Headteacher should ensure that a full report of the employee's occupational suitability is made and with the support of HR, should seek redeployment opportunities for the employee without delay. The employee should co-operate with this process. However, if no redeployment can be made within a reasonable period of search (not less than one month) then consideration should be given to a stage three capability hearing. Redeployment searches will continue while a hearing date is being arranged.

22. Action to be taken before a Stage Three Capability Hearing is held

- 22.1 Following a stage two warning, if sick absence again reaches the attendance concern levels, it may be necessary to consider a stage 3 capability hearing, where both management and employee will be given the opportunity to state their case to a properly constituted committee of Governors authorised to take decisions on dismissal (or to the Headteacher where powers of dismissal have been delegated to the headteacher by the Governing Body). Before this hearing is convened, the Headteacher should ensure that any relevant health enquiries and reports have been obtained from Occupational Health.
- 22.2 On receipt of the Occupational Health report, a meeting with the employee should take place to discuss the contents of that report. The key issue is the capability of the employee to attend work and to give regular service, and whether there is any evidence that sufficient improvement is likely. In the light of the contents of that report, and information which is put forward during the meeting, the Headteacher should inform the employee if a stage three hearing is being convened in which their continued employment may be at risk.
- 22.3 Regardless of whether previous warnings have been given, if an employee's overall attendance record causes sufficient concern, consideration should be given to holding a stage three capability hearing. Advice should be sought from HR and Occupational Health. The employee should be advised that this option is being considered.

23. Stage Three Capability Hearing

- 23.1 The stage three hearing will take the form of a formal meeting between the employee, the 'Presenting Headteacher', a properly constituted committee of Governors authorised to take decisions on dismissal and a representative from HR. The employee has the right to be accompanied at the meeting by their trade union representative or a companion who is a schools colleague. The written notification of the time and date of the Hearing and a copy of the case papers to be presented by the Headteacher will be sent to the employee and to their representative/companion by 5 working days before the hearing.
- 23.2 Any papers the employee or his/her representative/companion wishes to present at the stage 3 hearing should be submitted to the Headteacher and the hearing Governors at least four days in advance of the hearing together with a list of any witnesses s/he intends to call.
- 23.3 Where the employee's chosen representative/companion cannot attend on the hearing date proposed, the employee can ask for an alternative time and date provided the key parties can attend on a date within a short time of the original hearing date.
- 23.4 At the stage three capability hearing, the presenting Headteacher should:
- Outline the employee's absence record, including the assessment or advice from Occupational Health
 - Specify the standards of attendance that were expected of the employee in relation to attendance concern levels
 - Demonstrate the support and advice given towards improvement (where applicable)
 - Outline any assistance or remedial action taken by the Headteacher
 - In cases where the employee's absence is related wholly or in part to a disability, set out how the school has considered or made reasonable adjustments wherever practicable.
 - Confirm that levels of attendance have not improved to an acceptable level.
- 23.5 The hearing Panel will:
- Give the employee and/or their representative the opportunity to state their case and any information to be taken into consideration.
 - Adjourn to consider the evidence presented by both sides.
- 23.6 At the end of the stage 3 hearing, the hearing Panel has the opportunity to consider the following decisions:
- Dismissal of the employee on the grounds of a lack of capability to attend (whether this is related to frequent short absences, extended absence(s), reduced physical/mental capability or a combination of these factors)
 - Dismissal of the employee on the grounds of a lack of capability unless an alternative redeployment suitable to his/her abilities can be identified within the period of notice.
 - Dismissal on the grounds of permanent ill-health (where supported by medical certification)
 - A final formal warning followed by a specified review period.
 - No dismissal or warning required, and/or recommendations for action
- 23.7 The employee will be informed in person by the hearing Panel of the outcome at the conclusion of the hearing. Exceptionally, the Panel may defer giving a decision for a short period if issues arise at the meeting requiring fuller investigation or consideration.

23.8 A letter giving written confirmation of the decision must be sent to the employee within five working days of the conclusion of the hearing. A copy of this letter should be sent to the appropriate Human Resources officer for the employee's personal file.

24. Appeals against dismissal

24.1 The employee may appeal against his/her dismissal to the committee of governors authorised to hear appeals against dismissal. The appeal must be made in writing, on the [appeal form](#) at appendix 13, and should clearly state the ground(s) for the appeal. The appeal form must be submitted to the Chair of the Governors within five working days of the employee receiving the written decision to dismiss him/her.

24.2 On receipt of the appeal form, the Chair of the Governors will arrange for the Governors' appeal panel to be convened as soon as reasonably practicable, to hear the appeal.

24.3 The appeal panel will be advised by an adviser from Human Resources.

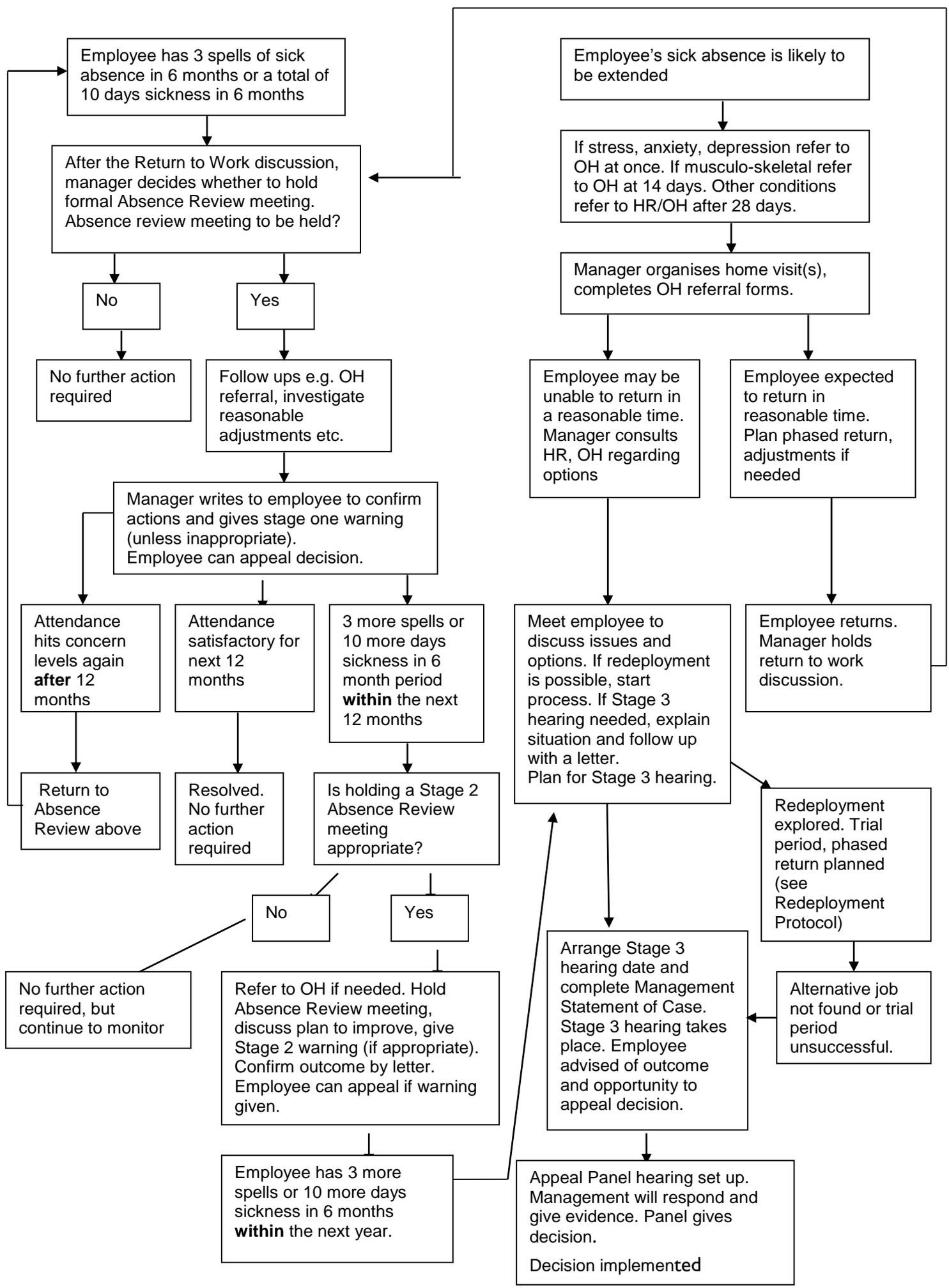
24.4 The parties will be given at least five working days' notice in writing of the date of the appeal hearing. The procedure which the panel will follow is at [appendix 16](#).

24.5 A letter giving written confirmation of the decision of the Appeal Panel will be sent to the employee within five working days of the hearing being held.

24.6 A copy of the letter should be sent to Human Resources for inclusion in the employee's personal file.

24.7 The Dismissal Appeal Panel is the final level of appeal.

24.8 A flowchart is shown below to show the key steps of the Sick Absence Management Procedure.



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The Equality Act and disability related absence

1. The Equality Act provides disabled people with legal protection against discrimination. The Act defined disability as a "physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out normal day-to-day activities". A substantial adverse effect is one which is "more than trivial" rather than "very large". Day-to-day activities may include mobility, sensory impairment and so on but there is no defined list.
2. The definition covers physical, mental or sensory impairments. Mental impairment includes mental illnesses as well as conditions that affect mental functioning, including learning disabilities.
3. For a disability to be classed as long term it should have an effect which has lasted at least 12 months; or is likely to last for a total period of at least 12 months; or is likely to last for the rest of the person's life.
4. Addiction to alcohol, drugs or nicotine or any other substances are not classed as impairments, although consequential impairments may be, for example depression, cirrhosis of the liver or lung cancer.
5. Employees diagnosed with progressive conditions such as HIV/AIDS, multiple sclerosis and cancer will be protected by the Act once the condition is diagnosed even if the illness has not had an adverse effect on their ability to carry out normal day-to-day activities. This includes those who are in remission from cancer or who have been successfully treated.
6. When an employee says that they have a disability, this must be carefully logged on his/her personal file so there can be no confusion over the point in time at which the manager had actual knowledge. If a third party, such as a colleague or representative brings this to the attention of the manager, the manager must take steps to seek clarification from the employee.
7. When a manager becomes aware that an employee has a disability, s/he should also consider whether a risk assessment needs to be carried out, and to progress any requirement.
8. The Equality Act (1 October 2010), makes a number of additions to discrimination laws. Employers are now prevented from asking candidates questions about their health that are unrelated to the job role. It will mean in particular that those with a medical condition or a disability will not be forced to disclose their condition prior to the offer of employment, unless it hinders their ability to do the job. For example, it will not be considered relevant to ask an applicant for a job such as a home care support worker for their medical history, but it will still be appropriate to ascertain whether any disability would affect the intrinsic skills required of the job. If so it would then be necessary to consider whether any adjustments are possible to enable them to carry out the job.

The Act also extends the law on direct discrimination to include discrimination by association (i.e. where a dependant relative is disabled). Reasonable adjustments must be considered in relation to flexible working requests to care for disabled or elderly relatives.

The concept of indirect discrimination relating to disability must also be considered. For example, if an office reorganisation is planned and the changes are harder for a disabled person to meet than a non disabled person then that is indirect discrimination.

The term disability-related discrimination is replaced by "discrimination arising from disability", widening the scope of actions which can be considered as related to the disability.

As part of the harmonisation of existing discrimination legislation, employers will be prohibited from discriminating against a disabled person by treating them unfavourably where that treatment is "not a proportionate means of achieving a legitimate aim". Under the previous Disability Discrimination Act, employers only had to show that the treatment was "justified". There is therefore more responsibility for the employer to make every effort to make adjustments.

Employment Tribunals have recently adopted the practice of relying far more on the employee's perception and account of the effect of their disability and are less insistent on an expert medical report.

1. Industrial Injury related sick absence

1.1 Headteachers need to ensure that the Health & Safety procedure for reporting accidents is followed where an absence is a result of an alleged industrial injury. An employee can apply to have an accident at work declared as an industrial injury and if necessary apply for disability benefits by completing claim form BI 100A, available from the Department for Work and Pensions (DWP) or the disability benefits section of Directgov. It is the DWP responsibility to decide whether or not to accept claims. Sickness entitlement for industrial injuries is treated as a separate entitlement to normal occupational sick pay so only previous periods of industrial injury allowance within the preceding 12 month period count against the sickness entitlement.

2. Third Party accident related sick absence

2.1 An employee who is absent as a result of an accident where damages may be receivable from a third party, will be paid Occupational Sick Pay as an advance. It is a requirement of receiving this advance, that an employee signs a form of undertaking to include as special damages a claim for the full extent of such advance payments in any claim for damages made against a third party and to refund to the council the amount of damages received in respect of such advance payments. A completed self certificate is still required.

3. Model letter to be used where an employee is incapacitated by an accident and where damages may be claimed from a third party. This letter will need to be amended according to individual circumstances.

Dear

Staff incapacitated by an Accident for which a Third Party may be responsible or partly responsible

When you are absent as a result of an accident you are not entitled to sick pay if damages are receivable from a third party.

As regards the accident in which you were involved in onand which resulted in your absence from work, it would appear that damages may be receivable from a third party.

You are advised to seek legal advice, particularly as injuries may cause continuing incapacity or conditions which are not immediately apparent. (Union members may have legal cover).

The Council, taking the circumstances into account, may advance to you a sum not exceeding the sick pay which would normally be payable, subject to your undertaking to refund to the Council the total amount of such an advance should you receive damages from a third party. Where the full advance is not recoverable in the damages received, the proportion for repayment will be determined by the Council in accordance with your Conditions of Service and any other relevant information.

If you wish to apply for an advance to be made to you pending the settlement of your claim against the other party, you should sign in the presence of a witness (who should insert their name and address), the attached form of request and undertaking and return one copy to this office.

Yours sincerely
HR Manager

4. Form of Undertaking for loan of monies equivalent to sick pay entitlement following an accident where damages may be claimed from a Third Party

School:

Name :

Post title:

Following my accident on _____ I request that a loan equivalent to sick pay be made to me, in accordance with the Conditions of Service applicable to my employment, for the period of any resulting absence from work.

If this loan is made to me then I undertake:

- That if I receive damages (whether awarded by a court or from an agreed settlement) in respect of the accident, I will immediately refund to the Council the total amount of the loan.
- That if I receive only a proportion of my claim on settlement, then the proportion of the loan that I am to repay shall be determined by the Council in accordance with the Conditions of Service applicable to my appointment, and taking account of any relevant information supplied by my solicitor or other agent.

Date: Signed:

Witness:

Name: Signature of witness:

Address:

.....

Notifying Sick absence – Rules for all Employees

First Day:

Local instructions on contact arrangements, times and and local rules should be followed. Otherwise you must call your supervisor/ line manager as soon as possible, and within the time specified in your contract. Unless there are exceptional circumstances (e.g. emergency hospitalisation), you must report your absence personally and to your line manager (or designated alternative contact). You must also give details of when you became unfit to work and if you know it, the likely date of your return to work.

Fourth Calendar Day:

If you are still unfit to work on the fourth day you must inform your supervisor/manager of your continuing absence. You must also give an indication of the likely date of your return to work.

Eighth Calendar Day:

If you are sick for more than seven consecutive days (including Saturdays and Sundays and days you would not normally work) you must notify your supervisor/manager, obtain from your doctor a Statement of Fitness for Work form Med 3 (referred to as a 'medical certificate' for ease of understanding), and send it to your supervisor/manager without delay.

Continuing Sickness:

If your sickness continues beyond the date given on the doctor's statement of fitness for work (medical certificate) you must obtain further doctor's statements as often as required. These must be sent to your supervisor/manager as soon as possible. Your manager will wish to keep in contact with you and you should provide preferred contact details by this stage.

If your doctor's statement covers longer than 14 days or you have had to obtain more than one statement during your absence, you must ask your doctor for a final statement of fitness confirming that you are fit to resume your duties and give it to your manager.

Accidents and Injuries caused by Third Parties

An employee who is absent as a result of an accident where damages may be received from a third party will be paid Occupational Sick Pay as an advance (see appendix 14 of the Sick Absence Management Procedure).

Return to Work:

When you are back at work, you must contact your supervisor/manager and sign the appropriate sick absence self-certification/return to work discussion form. Late notification of sick absence and late submission of doctor's statements may result in pay being withheld or delayed.

Be aware that making a false declaration of sick absence is a serious matter and may result in disciplinary action, including dismissal, being taken against you.

Failure to provide doctor's statements in accordance with these arrangements may result in disciplinary action, including dismissal, being taken against you.

The Council reserves the right to require you to take a medical examination at any time regarding your fitness or otherwise for work.

If you have to go to a hospital or clinic as an in-patient, you should send in a doctor's statement on entry and on being allowed home, instead of the regular doctor's certificates.

Self-certification / Return to Work Discussion Form

Self-Certification (to be completed by the employee)

Name: **School/Department:**

First day of sickness:.....am/pm **Last day of sickness:**..... am/pm

(First and last days of sickness should be actual dates of sickness even if these include non working days)

Reason for absence: **Number of working days/hours off:**

- Is the absence considered to be work-related or due to an industrial injury/disease? YES/NO
- Was the absence caused by a third party (i.e. traffic accident)? YES/NO
- Is the absence considered to be related to a disability YES/NO
- For women only, is the sick absence considered to be pregnancy related? YES/NO

A doctor's statement must be obtained for a sickness period exceeding 7 days.

Please note that the provision of any deliberately false information may result in disciplinary action including the possibility of dismissal being taken against you.

Signed by employee:..... **Date:**.....

Return to Work discussion (to be completed by the line manager)

Potential Discussion points include:-

- Was the absence reported in accordance with our policy?
- Has medical advice been taken?
- Is the employee fully fit now?
- Is a recurrence likely?
- Is there an underlying medical condition?
- Are there any patterns/trends with sick absence?
- Are any adjustments required?
- Is any other support required?
- Is a referral to Occupational Health required
- Has the employee reached an absence concern level – if so, need to consider, given the circumstances, whether you need to inform employee of need to arrange formal review meeting
- Confirm how the work was covered during their absence
- Update the employee on what has happened in their absence

Notes of interview with employee:

Manager name **Signed**..... **Date**.....

Employee name **Signed**..... **Date**.....

BRIGHTON & HOVE CITY COUNCIL

School Staff Wellbeing Framework

Change Control Details				
Date dd/mm/yy	Version	Description of changes	Sheets modified	Amended by
January 08	1.0	Document created	n/a	JP
2.12.10	2.0	Review of document – in line with corporate branding	All	KB

Author	Janice Percy	Author Title	Lead Health & Safety Business Partner
Owner	Hilary Ellis	Owner Title	Head of Health, Safety & Wellbeing

Review Frequency	Every 12 months		
Last Review	Dec 2010	Next Review	Dec 2011

Staff Wellbeing Framework

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This document has been prepared for Brighton & Hove City Council using a suite of documents, which require local interpretation and adaptation to individual schools circumstances.

1. INTRODUCTION

- 1.1 Brighton & Hove City Council recognises its responsibility as an employer under the Health & Safety at Work Act 1974 to ensure, so far as is reasonably practicable the health, safety and welfare at work of all employees. This duty extends to the provision of a healthy workplace and working environment. .
- 1.2 This document sets out a framework including linked policies and procedures which schools can use and adapt in matters relating to developing arrangements for staff wellbeing. It provides guidance to assist schools in developing policies to manage and monitor staff wellbeing. Staff are more likely to flourish in an environment free of unnecessary anxiety, stress and fear and where the contribution of all employees is valued. This framework incorporates a range of issues including:
- Worklife balance – A guidance document
 - Stress – A guidance document
 - Dignity and Respect at Work (anti- bullying and harassment) - A Policy & Procedure
- 1.3 If staff are to provide an atmosphere conducive to pupil achievement, they need to be emotionally healthy themselves. This framework should be adopted to take a whole school approach to creating a healthy, positive working environment that puts the wellbeing and effectiveness of staff right at the heart of the school.

2. LEGAL IMPLICATIONS

- 2.1 **The Health & Safety at Work Act 1974** states that an employer has a duty to ensure the health and safety (this includes mental health) of their employees whilst at work:
- 2.2 The **Management of Health and Safety at Work regulations 1999** place a duty on an employer to conduct a risk assessment to ensure that all risks to health and safety of their employees are assessed and interventions put in place to minimise or control exposure to those risks.
- 2.3 **Other legislation:** Although not an exhaustive list below is a summary of other relevant legislation which may have an impact on schools wellbeing arrangements
- Working time regulations 1999
 - Employment Act 2002
 - Education Act 1996
 - Employment relations Act 1999
 - Equality Act 2010
 - Employment Rights Act 1996
 - Safer Recruitment Pack

3. RESPONSIBILITIES

3.1 Overall City Council responsibility

Brighton & Hove City Council has responsibility for ensuring the health safety and welfare of its employees and others who could be affected by its undertakings. As part of this responsibility the City Council is providing a framework document which schools should adapt to meet their own needs. In Voluntary Aided schools the Governing Body has this responsibility.

3.2 School responsibility

The Governing Body through the head teacher must ensure that a policy is developed and a nominated member of staff is assigned the role of 'wellbeing coordinator' to act as a focal point for staff issues and concerns. The **headteacher** should ensure all staff are aware of the school wellbeing policy and arrangements. Safety representatives must be meaningfully consulted on any changes to work practices that could impact on staff wellbeing. Governors are responsible for monitoring this process

3.3 Responsibility of Staff (including supply staff)

All staff have a responsibility to co-operate with the school management team to assist in the implementation of this framework. Staff must take responsibility for their own actions and behaviours, including taking account of the affect these may have on others.

3.4 Function of Safety Reps

Safety reps are responsible for representing staff members and for assisting in developing wellbeing arrangements for schools. Safety reps must be consulted in the development, application and monitoring of school wellbeing arrangements.

4. POLICIES & ARRANGEMENTS

4.1 Worklife Balance

Worklife balance is about helping staff combine work with their personal interests outside work. Each of these interests makes demands and this can lead to role conflict, itself a cause of stress. A satisfactory worklife balance gives greater control of working lives and a stronger sense of ownership.

The Worklife Balance Guide should be used as part of developing overall wellbeing arrangements. It is available on The Wave and offers guidance together with suggested interventions which schools can adopt for their own local arrangements.

Other useful contacts include: **Worklife Support**, www.worklifesupport.com

Tel: 0845 873 5680 Email: info@worklifesupport.com, this is a social enterprise established in 1999 by the national charity Teacher Support Network. The organisation can assist schools in developing their own wellbeing programmes.

4.2 Stress

The Health and Safety Executive (HSE) defines stress as “the adverse reaction people have to excessive pressure or other types of demand placed on them.” This makes an important distinction between pressure, which can be a positive state if managed correctly and stress which can be detrimental to health.

The Stress Standard and related Guidance is available on The Wave and offers help to managers, headteachers, governors and all staff to identify and deal with workplace stress issues.

Other useful information can be found by accessing the Health and Safety Executive website at www.hse.gov.uk/stress. A particularly useful source of information is contained in the ***HSE Tackling Stress -The Management Standards approach*** document. The leaflet contains notes on good practice which are not compulsory but which you may find helpful in considering what measures need to be implemented locally.

4.3 Dignity and Respect at Work Policy

All employees have the right to work in an environment in which the dignity of all individuals is respected and is free from discrimination, harassment and bullying. It is the responsibility of all staff to treat each other fairly and with mutual respect. The contribution of all employees in contributing to the efficient delivery of quality services will be valued.

The Dignity and Respect at Work Policy contained within this framework should be used in developing wellbeing arrangements. It is also available on The Wave and provides help to managers and all other staff to identify, challenge and deal with any incidents of harassment and bullying.

Work –related Violence and Aggression Guidance provides advice and information to Headteachers, Governors and Managers on dealing with violent or aggressive behaviours within the workplace. There is also a ***Violence & Abuse Management Plan*** available on the Wave to help identify hazards and to assess and implement controls needed.

Codes of Conduct; Grievance Policy; Discipline Policy; Whistle blowing Policy – These policies and procedures provide a framework to help you to manage issues and concerns in a fair, consistent and timely manner. These documents are available on The Wave within the Human Resources Section of the Schools tab.

5. ACCIDENT & INCIDENT REPORTING

All accidents, incidents and near misses must be reported to the Health, Safety & Wellbeing team, (available on The Wave), within five days of the incident occurring.

Health, Safety & Wellbeing Contact:

Address: Kings House, Grand Ave, Hove, BN2 3SR

Telephone: 01273 291530

Fax: 01273 293598

This is extremely important - the Health, Safety & Wellbeing team will evaluate the form and decide whether, in the case of an accident, it would need a **RIDDOR** form submitted to the HSE (within 10 days of the accident). The Health, Safety & Wellbeing Team do this on behalf of schools – do not report directly to the HSE.

RIDDOR means the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 and it requires the reporting of certain work-related accidents, diseases and dangerous occurrences to the HSE. It applies to all work activities but not to all incidents.

We need to report:

- Deaths
- Major injuries
- Accidents resulting in over 3 day injury
- Some diseases
- Dangerous occurrences
- Gas incidents

More information on **RIDDOR** and a more detailed explanation on what needs to be reported can be found at www.hse.gov.uk

Any incidence of verbal / written abuse should be reported within the school. Significant verbal/ written abuse and violence must be reported using the HS3 reporting form which is available within the health and safety section of The Wave. **All Violent and or Significant Abusive incidents must be reported on the HS3 form.**

It is essential that the member of staff concerned feels that the complaint has been properly handled.

If the incident was so serious that it posed a threat to an employee's personal safety, the perpetrator will need to be placed on the Clients of Concern Register (CCR). This is a database of service users/ members of the public which are a potential risk to council staff. All HS3 forms must be sent to the Health, Safety & Wellbeing Team regardless of whether the incident fits the criteria for inclusion on the Clients of Concern Register.

Reporting, investigating and analysing workplace accidents and incidents is essential to ensure legal compliance and to assist in identifying trends and remedial measures required to prevent further occurrences.

6. USEFUL CONTACTS & FURTHER INFORMATION

Team	Contact Number	Further Advice
Human Resources	293492	Flexible working, dignity at work, employment contracts & occupational health (including counselling services)
Health, Safety & Wellbeing	291530	Accident / incident reporting and investigation, risk assessment, health & safety training
School Workforce & Governor Support	293466	Training courses
Staff Associations: <ul style="list-style-type: none"> • ATL (Louise Davies) • NASUWT (Jacqueline Sell) • NUT (Paul Shellard) • NAHT (Adrian Carver) • UNISON (Denise Knutson) • GMB (Lynne Henshaw) • ASCL (Paula Sargent) 	ldavies@e-sussex.atl.org.uk jacqueline.sell@nasuwt.net member@stephpaul.freeseve.co.uk adrian.carver@downsview.brighton-hove.sch.uk Denise.Knutson@brighton-hove.gov.uk Lynne.henshaw@brighton-hove.gov.uk psargent@patchamhigh.org.uk	

7. Schools Wellbeing Action Plan

Task	Objective	Persons Responsible	Timescale	Success Criteria
Develop a school wellbeing policy	To identify arrangements for worklife balance, stress and Dignity and Respect at work	Headteacher, governors		
Nominate a co-ordinator with responsibility for developing wellbeing arrangements for the school	To coordinate, manage and monitor wellbeing arrangements	Governors & headteacher		
Identify training needs of staff	To ensure staff have knowledge, understanding & skills to implement policy	Headteacher / CPD coordinator		
Establish a school wellbeing group	To monitor compliance and develop wellbeing procedures and interventions	Headteacher		
Identify and implement communication procedures for wellbeing issues	To ensure all staff are familiar with reporting procedures to enable analysis of data	Headteacher		
Incorporate the wellbeing policy and relevant procedures into the school development plan, performance management arrangements	To ensure all school policies consider wellbeing issues	Headteacher		

Invitation to attend formal Absence Review meeting

Dear

Absence review meeting - stage one/stage two - *insert date, time and place*

I am writing to ask you to come to an absence review meeting on the above date as part of the School's sick absence management procedure.

I am enclosing a copy of your sickness record which shows the record of your absence(s) in the period (*insert period*). The purpose of the formal interview is to discuss your sickness record at work, which is giving cause for concern. Please read the accompanying Guidance Notes which will explain the purpose of the meeting and give suggestions to help you to prepare for the meeting. This will help us to have a useful meeting and discuss any actions you may be able to take, or any support or sources of advice which we can provide to help you improve your attendance.

You have the right to be accompanied or represented at the interview by either your trade union representative or a colleague who works for the Council. It is your personal responsibility to arrange your own representation.

Please confirm that you will be able to attend at the time stated.

Yours sincerely

Headteacher
Cc HR Advisor
cc trade union representative (if employee is represented member)

**Staff Guidance on preparing for an Absence
Review Meeting with your Headteacher/(line manager as appropriate)**

Why have I been called to an absence review meeting and what will be discussed?

Your Headteacher has called you to a meeting because staff records show that the time you have had off work on sick leave in the last 6 months has reached the monitoring standards set out in School sick absence management procedures. These are:

- 3 separate spells of absence in any six month period
- 10 or more days' absence in any six month period

In holding the meeting, your Headteacher is following the procedure set out by the School/Council, and is simply doing his or her job. The purpose of the meeting is to check that you are taking all the steps necessary to help you manage any health or attendance problems you may have, and to facilitate any support that the School/Council can give you as a good employer.

At the meeting, your Headteacher will not criticise you for your absence or question the genuineness of the time off. It is a problem solving meeting designed to ensure that you are getting all the help you need to improve your attendance in the future. For example, if you have been feeling rundown or are experiencing pain, your Headteacher will want to make sure you are getting medical advice and treatment. If you do not wish to disclose personal or medical information, simply say that you do not want to go into detail.

If some or all of your absence is related to a disability that you have and you are not sure that your Headteacher is fully aware of this, take the opportunity to explain this and raise any adjustments you need that would help you at work. This is particularly important if your disability is not obvious.

The absence review meeting is a stage of the formal sick absence management procedure. You may bring your union representative or a colleague to the meeting if you wish for support in discussing issues with your Headteacher. The sick absence management procedure is available to read on the People First pages of The Wave. Your Headteacher can let you have a copy if you do not have access to the Council intranet.

Preparing for the meeting

So that **you** can get the most out of the meeting, it is worth considering this checklist, and making your own notes if you wish to in preparation.

Is your sick absence record correct? (*Sometimes information about the nature, reasons or duration of absences is missing or needs updating*).

What do you think have been the causes for your absence(s)? Have you had any medical diagnosis?

.....

Is there anything else that you think has contributed to your sickness?

.....

.....

Is there anything that could prevent a recurrence of this?

- That **you** could do?
.....
.....
- That your **Headteacher** could do?
.....
.....
.....
- Are there any issues in the **workplace** (physical environment, relationships with colleagues, workload etc) that could be improved to help to prevent a recurrence?
.....
.....
.....
- Is there any other support that may be helpful (eg the Council provides a free confidential counselling service covering personal as well as work related issues).
.....
.....
.....

What will you do differently now to help prevent further sick absence?

.....
.....
.....

What support (if any) will you need to do this successfully?

.....
.....
.....

Are there any adjustments you need, such as physical aids or a modification to your situation at work?

.....
.....
.....

Are there any questions or concerns you want to raise with your Headteacher?

.....
.....
.....
.....
.....
.....
.....

Headteacher/senior manager Guidance on Absence Review Meetings

1.1 The purpose of the absence review meeting is to check that the employee and the employer are taking all the steps necessary to improve any health or attendance problems s/he may have, and to provide and facilitate any support to ensure that satisfactory attendance levels are met in the future. At the end of the meeting, there should be a plan of actions by the employee and in some cases also by the manager with the purpose of reducing further absence. The meeting should also ensure that the employee is aware that his/her attendance has fallen below required standards.

1.2 Where the employee has returned from a longer spell of certificated illness or medical treatment, the discussion should focus on ensuring that the staff member receives any support or adjustments needed in the workplace to return to full fitness and effective working. If more specialist guidance is required but has not yet been obtained on rehabilitation or adjustments, the employee should be referred to Occupational Health. Information for Headteachers on the Occupational Health service is at appendix 9. A fact sheet on using Occupational Health effectively is available [here](#).

1.3 The employee should be referred to Occupational Health in the following circumstances:

- Their health problem appears to be related to the type of job they do or the work environment
- Advice is needed on the workstation placement or on [reasonable adjustments](#)
- They have a musculo-skeletal condition
- Their illness(es) are for stress, anxiety or depression
- There is a recurring or persistent medical condition
- There are repeated short absences for similar reasons

1.4 Where a referral to Occupational Health is made, employees and their Headteacher should complete the Occupational Health Service Health Enquiry Referral Form (appendix 10) and employees should be given the accompanying Health Enquiry Process - Information for Employees. (appendix 11).

1.5 If it becomes clear during the absence review meeting that referral to Occupational Health may be beneficial, the Headteacher should cover any other issues during the meeting, and then it should be reconvened when the Occupational Health referral has taken place and the employee and the manager have had an opportunity to read the Occupational Health report.

1.6 If an employee has returned to work following a significant illness or operation, the manager should agree return to work adjustments such as a phased return to avoid the need for the employee to take further sick leave related to their recovery needs. A fact sheet on the role of flexible working in the management of absence is available [here](#).

1.7 Advice should be sought from Occupational Health where deterioration in attendance due to a disability is causing concern. A fact sheet is available here on [disability and the management of absence](#).

Headteachers are advised to give a written warning following the meeting to ensure that employees understand that their attendance has fallen below Council standards and will be monitored under a formal process. This should be confirmed in writing within 7 calendar days of the meeting, and will include the right of appeal. A stage one [model letter](#) is provided at appendix 12.

1.8. There is discretion not to give a written warning where there is clear evidence that unsatisfactory attendance is unlikely to recur, for example:

- The absence(s) represent a spell of illness which is unusual and unlikely to recur in an otherwise excellent attendance record by a long term employee:
- The absence(s) relate solely to a non-recurring illness/condition which has been successfully treated (e.g. fracture, routine operation)
- A disabled employee is experiencing short term absences as a result of changes in their medication aimed at improving their condition
- Occasional absences are an accepted part of the condition which a disabled person has and the service area is able to support these operationally
- An employee has been absent due to a newly diagnosed condition/illness that is covered under the Equality Act.

The Health Enquiry Process - Information for Headteachers

The Health Enquiry Process is designed to support you by providing specific information regarding the impact an employee's health may have upon their ability to perform their duties, and to advise on any adjustments that may be required to facilitate their performance of these duties.

The Occupational Health Service management report produced following a Health Enquiry will also advise if or when an employee can be expected to return to work, if they are currently absent due to sickness. This will enable you to make the appropriate management decisions. The Occupational Health Service management report will not contain any clinical information regarding the nature of the employee's illness, unless the employee consents to this.

In order to get the most from this management report, it is essential that you provide Human Resources and the Occupational Health Service with as much information as possible relating to the employee who is the subject of the Health Enquiry. Without all the information requested on the Health Enquiry form (such as job descriptions, sick absence record, background information), it is not possible for the Occupational Health Service to provide you with a specific informed response. If you have any queries regarding the completion of the form, please contact Human Resources or the Occupational Health Service.

When an employee is absent due to sickness

The Sick Absence Management Procedure is designed to help you effectively manage an employee's absence and to facilitate their speedy and safe return to work. It is vitally important that you use this procedure, and that you follow the timescales outlined in the procedure.

The Clinical Standards Advisory Group (CASG) advises that employees who have been off sick for over six months with back pain have only a 50% chance of returning to work; after a year that reduces to 25%¹. By following the correct procedure, you will maximise the chances of that individual returning to work.

The Occupational Health Service cannot give Headteachers any clinical details regarding the nature of an employee's medical condition² and so we would encourage you to have open and honest discussions with the employee regarding their absence and their ability to perform their duties.

When an employee remains at work, but there is a change in the condition of their health

A Health Enquiry will inform you of the impact a change in the employee's health may have upon their ability to perform their duties, and will advise on any adjustments that may be required to facilitate their performance of these duties.

Health Referral Process

1. When concern is raised regarding an employee's health in relation to their work activities, the health referral process begins. It is not just when an employee's absence(s) have reached the concern levels set out in the sick absence management procedure.
2. Please ensure that the referral form is completed as fully as possible. The health referral process is designed to support you by providing specific information regarding the impact an

¹ Clinical Standards Advisory Group (CASG), report on back pain 1994

² This information is protected by the Access to Medical Reports Act 1988, and cannot be disclosed without the employee's explicit written consent.

employee's health may have upon their ability to perform their duties, and to advise on any adjustments that may be required to facilitate their performance of these duties.

3. The Occupational Health Service management report produced following a health referral will also advise if or when an employee can be expected to return to work, if they are currently absent due to sickness. This will enable you to make the appropriate management decisions. The report will not contain any clinical information.
4. In order to get the most from this management report, it is essential that you provide HR and the Occupational Health Service with as much information as possible relating to the employee who is the subject of the Health Enquiry. It is important that all sections of the health enquiry form are completed in full and associated documents supplied such as job descriptions, sick absence record, background information and any additional memos. Please ensure that the employee and Headteacher declarations are signed and a copy of the completed health enquiry form and associated documents are supplied to the employee being referred **prior** to their appointment with Occupational Health. Without all the information requested on the Health Enquiry form, it is not possible for the Occupational Health Service to provide you with a specific informed response.
5. Please bear in mind that whilst all information provided is treated in strict confidence, any employee can make a request in writing under the Access to Medical Records Act 1988 for copies of the medical records held about them to be released.
6. If you have any queries regarding the completion of the form, or the supplementary information provided which accompanies it, please contact your HR contact or the Occupational Health Service.
7. Following the Occupational Health Service assessment, there may be a requirement to contact the employee's GP or specialist for further information. The employee's consent should be obtained through the OH Service Informed Consent Form available on the the Wave or through Human Resources.

Occupational Health Referral Form

The original BHCC OH referral form has been replaced by a Team Prevent OH referral form which can be found on the Wave at this address:

<http://wave4schools.brighton-hove.gov.uk/LGCSDocumentLibrary/Health%20and%20safety/Occupational%20Health/Team%20Prevent%20Management%20Referral%20Form.doc>

Outcome of Stage One Absence Review Meeting

(This model letter will need to be amended according to individual circumstances).

Dear

Following our discussion on(date) regarding your sick absence from work, under stage one of the schools' sick absence management procedure I am writing to confirm the points we discussed.

Your sick absence records show that you have taken spell(s), covering a total of working days lost, over the last months. As your level of sickness is unsatisfactory, we discussed the reasons for your absences *and the actions planned to help you make an improvement in your attendance to reach the required standard (if appropriate).*

Either – (where there are reasons to seek a medical view)

As your absences indicate that you may have an underlying medical condition, it is our policy to refer you to the Occupational Health Service in order to obtain occupational health advice. *Thank you for completing/we will need to complete* the consent forms explaining the process, confidentiality and so on. In most cases, an appointment will be made for you with our qualified occupational health nurse or doctor. When you have received the medical report, I will set up a continuation meeting with you so that we can discuss the advice and recommendations given.

Or – (Where a warning is unnecessary)

I am writing to confirm that following our discussions it is not necessary to take any formal action regarding your attendance.

Or – (In the majority of cases this warning is advised unless there are clear reasons to withhold action – see para. Xx of the Procedure)

Following our discussion at the stage one meeting, I am confirming that this is a stage one warning under the Schools sick absence management procedure. This means that if your level of sick absence again reaches attendance concern levels during the next twelve months, a stage two meeting will be convened, unless there are clear reasons not to do so. At a stage two meeting consideration may be given to a more serious warning about your attendance.

You have the right to appeal against the decision to give you a stage one warning, and if so, the appeal should be made in writing on the attached form within 5 working days of the date of this letter.

A copy of this letter and any accompanying notes will be placed on your personal file. Please be assured that, as your line manager, your welfare is my concern and it is my job to help you with any work-related issues which may affect your health. Should you wish to discuss any matter in confidence please contact me or HR for further assistance.

Signed.....

Headteacher/manager name

Date.....

Cc trade union representative (if the employee is a member)

Outcome of Stage 2 Absence Review Meeting

Model letter

Dear

Following our discussion on(date) regarding your sick absence from work, under stage two of the Council's sick absence management procedure I am writing to confirm the points we discussed.

Your sick absence records show that you have taken spell(s), covering a total of working days lost, over the last months. As your level of sickness is unsatisfactory, we discussed the reasons for your absences *and the actions planned to help you make an improvement in your attendance to reach the required standard (if appropriate)*.

Either – (where there are reasons to seek a medical view or a further referral to Occupational Health)

As your absences indicate that you may have an underlying medical condition, it is our policy to refer you to the Occupational Health Service in order to obtain occupational health advice.

Thank you for completing/we will need to complete the consent forms explaining the process, confidentiality and so on. In most cases, an appointment will be made for you with our qualified occupational health nurse or doctor. When you have received the medical report, I will set up a continuation meeting with you so that we can discuss the advice and recommendations given.

Alternatively,

We agreed that a further referral to Occupational Health would be helpful and I have asked HR to book a follow-up appointment for you as soon as possible. When you have received the medical report, I will set up a continuation meeting with you so that we can discuss the advice and recommendations given.

Or – (very unusually if a stage 2 interview)

I am writing to confirm that following our discussions it is not necessary for me to take any formal action regarding your attendance.

Or – (In the majority of cases this warning is advised unless there are clear reasons to withhold action)

Following our discussion at the stage one meeting, I am confirming that this is a stage two warning under the Council Sick Absence Management procedure. This means that if your level of sick absence again reaches attendance concern levels during the next twelve months, a stage three meeting may be convened, at which point your continued employment may be at risk.

You have the right to appeal against the decision to give you a stage two warning, and if so, the appeal should be made in writing on the attached form within 5 working days of the date of this letter.

A copy of this letter and any accompanying notes will be placed on your personal file. Please be assured that, as your line manager, your welfare is my concern and it is my job to help you with any work-related issues which may affect your health. Should you wish to discuss any matter in confidence please contact me or HR for further assistance.

Signed.....
Headteacher/Manager name
.....Date.....

Cc trade union representative (if employee is represented)

Model letter arranging Home Visit/meeting.

This model letter is an example and will need to be amended according to individual circumstances

PRIVATE & CONFIDENTIAL

Date:
Our Ref:
Your Ref:
Phone: (01273) + phone number
Fax: (01273) + fax number

e-mail: Type e-mail address here

Dear

I am sorry that your illness continues to prevent you from returning to work, and sincerely hope that it will not be too long before your health improves. All of your friends and colleagues here atsend their regards and warmest wishes for a speedy recovery.

I would very much like to come and see you, either at home or at a meeting place which suits you and would ask you to contact me onin order to arrange a mutually convenient date and time to meet. If you wish, you may have a colleague or union representative with you.

It is School policy to keep in touch with employees who are on extended sick leave, but if you have any questions or concerns, do let me know when you ring.

(I would also like to refer you to our Occupational Health Service for their advice and I will bring information and referral forms with me).

I look forward to both hearing from you and seeing you soon.

Yours sincerely

HEADTEACHER/MANAGER

c.c. Personal File
c.c. Trade Union Representative (if employee is a member)

Format for an Appeal Panel Hearing

1. The Appeal Panel Chairman will introduce those present to the employee.
2. He/she should explain the purpose of the appeal hearing, how it will be conducted and what powers the appeal panel has;
3. The appellant (or his/her representative/companion) to state their case and may call witnesses;
4. Management may ask questions of the appellant (or his/her representative/companion) to seek clarification of the appellant's case;
5. The Appeal Panel may ask questions of the appellant (or his/her representative/companion) to seek clarification of the appellant's case;
6. Management will state their case in the presence of the appellant and his/her representative/companion and may call witnesses;
7. The appellant (or his/her representative/companion) may ask questions of management or their witnesses to seek clarification of management's case;
8. The Appeal Panel may ask questions of management or their witnesses to seek clarification of the management case;
9. Management will summarise their case;
10. The appellant (or his/her representative/companion) will summarise his/her case;
11. Management and appellant (and his/her representative/companion) and any witnesses will withdraw;
12. The Appeal Panel and its adviser will deliberate in private, recalling management or the appellant (and his/her representative/companion) to clarify any points of uncertainty on evidence already given. If recall is necessary both parties are to return, even if only one is concerned with the point giving rise to the doubt;
13. Having given careful consideration of all the evidence presented, the Appeal Panel will make a decision on whether the appeal should be upheld or rejected and then reconvene the appeal hearing to advise the employee in person of the decision or to let them know that they will be notified of the decision by letter;
14. The employee should be informed that he/she will receive confirmation of the decision in writing within five working days;
15. A copy of the letter should be sent to the relevant HR manager to include in the employee's personal file.