


Ysgol Maesydderwen



Sickness Absence Policy

Type: Local Authority

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CYNGOR SIR POWYS COUNTY COUNCIL
Ysgol Maesydderwen
Absence Management (Sickness Absence)
Policy and Procedures for Teachers

This Policy/Procedure has been agreed by the following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff:

GMB, Unison, NASUWT, NUT, NAHT, Voice, UCAC

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CYNGOR SIR POWYS COUNTY COUNCIL

Absence Management (Sickness Absence) Policy for Teachers

1. Introduction

- 1.1 The purpose of this policy is to provide support for Teachers when they are unable to attend work due to sickness. Powys County Council wishes to encourage and ensure all staff attend work regularly. The School recognise that most employees will occasionally have genuine and acceptable reasons to be absent from work and endeavours to institute fair and effective procedures for dealing with absences.
- 1.2 Of paramount importance to the Governing Body, and Powys County Council (the LEA) is the health, safety and welfare of all its employees. The aim of improving our corporate health involves promoting the health and wellbeing of those who live and work in Powys. Improving our corporate health will only be achieved with a practical commitment to improving the health and wellbeing of our employees. Employee welfare and rehabilitation should form a major part of any consideration of sickness absence issues and should be the starting point in addressing long-term or inconsistent short-term absence issues.
- 1.3 Further details of the teachers sick pay scheme can be found in the conditions of service for school teachers in England and Wales revised August 2000, section 4 (referred to as the Burgundy book).

Advice and support on the application of this policy is available from the Schools' HR team 01597 826066 or schoolshr@powys.gov.uk

2. General Principles

- 2.1 The key principles of absence management are maximising and encouraging regular attendance at work, developing a clear understanding of the absence management policy, identifying and addressing issues causing sickness absence including workplace issues, encouraging open communication with, head teachers, governors, head-teachers, employees, Trade Unions / Professional Associations and the LEA. Following these principles will go some way to lifting the barriers associated with non-attendance at work, and improving the effectiveness of dealing with absence management issues.
- 2.2 Genuine illness cannot be avoided. It is therefore the responsibility of all head teachers, (or allocated through proper delegation to an appropriate persons) to actively manage all employees who fail to attend work due to illness. In the case of the absence of the head teacher, the chair of the governing body manages the head-teacher's absence, who should contact the HR department of the LEA for support.
- 2.3 There may be circumstances when absence is an issue that formal absence or medical capability / disciplinary action is required. If this becomes evident, the absence capability process must be followed.

In managing absence, Head Teachers, and the Chair of Governors should ensure that they have considered that many absences from work may arise from work practices, including:

- Increased workload;
- Excessive working hours;
- Inflexible working arrangements;
- Poor working conditions;
- Absence of/unsuitable adjustments for disabled employees;
- Bullying/harassment;
- Stress;
- Workplace hazards.

3. Statutory guidance

The Education (Teachers' Qualifications and Health Standards (Wales) Regulations 1999;
Health and Safety at Work Act 1974;
The Management of Health and Safety at Work Regulations 1999;
The Burgundy Book Sick pay scheme, section 10.

4. Roles and Responsibilities

4.1 Headteacher

The head teacher is responsible for the day to day management of sickness absence and will be referred to throughout this document accordingly. It is recognised that the head teacher's responsibility can be delegated or allocated through proper delegation to an appropriate person(s).

4.2 The Governing Body

The Governing body is responsible for the implementation and monitoring of the school's absence management policy. The Governing Body is responsible for health and well-being of the head teacher. If the Headteacher becomes ill, the Chair of Governors will immediately contact the named HR Advisor for the school. That person will then contact the LEA.

All the support mechanisms noted within this document are applicable to Head teachers as well as other teaching staff.

4.3 Employees

All employees have a contractual duty under their terms and conditions of employment to be at work and abuse of the Sick Pay Scheme may result in disciplinary action being taken when employees are not genuinely sick or absent from work for some other authorised reason.

Where Deputy Headteacher is stated within this document, this may refer to any designated person as deemed appropriate by the schools' management team or school's governing body.

4.4 Trade Union Representatives

Trade Union Representatives are responsible for advising and supporting their members during formal processes when requested. Members may also wish to seek advice at informal stage.

4.5 Occupational Health Service

The Occupational Health Service provides information to managers and employees on health matters affecting work. The service strives to provide a confidential, efficient and effective service. This involves working with individuals, managers, Unions and other interested parties. Caer Health Services Ltd are the providers to Powys County Council and the team currently consists of three Occupational Health Advisors, and two Occupational Health Physicians.

4.6 Health and Safety

Powys County Council has a Corporate Health and Safety team who provide advice and guidance on workplace health and safety issues. These issues are very diverse and include guidance on issues such as:

- Asbestos;
- Construction;
- Fire;
- Manual handling;
- Risk Assessment.

And occupational health issues such as:

- Stress;
- Substance abuse;
- Immunisation arrangements;
- Occupational related diseases.

4.7 Schools HR Team

The schools HR team will offer support and assistance to head teachers' to implement the Sickness absence policy in accordance with the relevant Service Level Agreement.

5. Absence Notification Procedures

- 5.1 On the first day of absence it is the employee's responsibility to notify their Head Teacher or other designated person. Where practicable this notification must be made prior to the start of the school day or earlier where reasonably practicable on the first day of absence. In the case of the Head Teacher's absence, notification should be provided to the Deputy Headteacher. If the Headteacher becomes absent due to illness, the Headteacher should notify the Deputy Headteacher, who will in

turn notify the Chair of Governors. If there is no Deputy Headteacher, the Headteacher will notify the Chair of Governors directly of his/her absence.

If the employee is unable to make contact directly then it would be acceptable for a relative or friend to notify the Head Teacher or the designated person of their absence.

5.2 On the first day that absence is notified, the employee (or relative or friend) must provide the following:

- A broad description of the illness;
- The date the illness began;
- The expected duration of the illness;
- In cases where the relative or friend has notified the absence, a time when the employee will make contact, if able.

5.3 If unable to return to work, not later than the fourth working day of absence, the employee must again notify their Head Teacher of their continuing ill health. This further notification must contain:

- The expected duration of the absence;
- Confirmation if medical attention / advice has been sought;
- At this point, the Headteacher may also suggest what support can be offered, e.g., Occupational Health.

All periods of absence from the first day of absence up to 7 calendar days must be supported by a self-certificate SC1 ([See Appendix 1](#)).

If an individual does not follow the absence reporting procedure by notifying their Head Teacher or nominated, or fails to provide a self-certification form (SC1) to explain the reason for their absence, this may result in the absence being treated as unauthorised, and therefore unpaid. Failure to follow the absence reporting procedures without good cause may result in disciplinary action being taken.

5.5 If an employee is absent for more than 7 calendar days, a medical certificate will be required from the employee's doctor. This medical certificate should be submitted to the Head Teacher, together with the completed self-certification form (SC1). In cases where a Doctor's Statement covers the first seven days of absence, this self-certification is not necessary. The medical certificate must have been signed by the doctor, dated when it was completed, give the diagnosis of the disorder causing absence from work and to what date/duration they are to refrain from work. This certificate, once seen by the Head Teacher, should be sent to the Employment Services Department. It is the employee's responsibility to ensure they submit such documents to the Head Teacher and it is the Head Teacher's responsibility to ensure these documents are forwarded to Employment Services.

Failure to submit the medical certificate to his/her Head Teacher may result in payment not being made, and the absence being recorded as unauthorised until such time as a valid medical certificate is received.

For the avoidance of doubt, any member of staff who is absent from work for any period beyond 7 consecutive calendar days is required to submit a fit note. This includes employees who are on a period of long-term absence, regardless of the

length of the absence. If medical certificates are not provided, absences will be recorded as unauthorised and disciplinary action up to and including dismissal may follow.

6. Sickness during School Closure periods

- 6.1 An employee falling sick during a school closure period, and who intends to claim sickness benefits must notify the school of the absence in accordance with the notification procedures. Sick leave entitlements as set out in the Burgundy Book apply to the 195 contractual working days.
- 6.2 Teachers absent due to sickness continue to receive full or half pay, as appropriate, through weekends, half-term breaks, bank holidays and the longer Christmas, Easter and Summer breaks; however, these periods do not count against their sick leave entitlements. Teachers whose sick leave extends into the school holiday must continue to submit medical certificates, as required, even though the school is closed.

When a teacher is ill preceding a closure period, he / she shall be deemed to have returned to duty on the day he/she is medically authorised to do so.

7. Sickness Records/Sick Pay

- 7.1 Monitoring sickness absence requires accurate and reliable records to be kept via the communication form. It is the responsibility of the Head Teacher to ensure sickness is recorded and reported to the Governors. It is also the responsibility of the Head Teacher to ensure that the Notification of Absence and Return to Duty form is completed and submitted to Employment Services immediately on the employees return to work. In the case of Long-term Absence, the first date of absence should be notified to Employment Services on the Notification of Absence and Return to Duty form. Thereafter, medical certificates should be retained by the school and details entered on Trent. On the employee's return to work, Employment Services must be notified of the return via the Notification Absence and Return to Duty form ([see Appendix 12](#)) plus details pertaining to any phased return to work agreement using the Graduated Return to Work Form (Appendix 7).
- 7.2 If sickness absences are not recorded accurately by Schools, not only does it make the calculation of mandatory statistical analysis by the Human Resources Department inaccurate, it also means that trends or patterns are difficult to identify, which subsequently makes the holistic absence management process difficult. In addition, it makes the identification of workplace/job design causes of sickness absence difficult to assess.

While all efforts will be made by the HR department to identify trends that require actions, the ultimate responsibility lies with the Head Teacher (or in the case of the absence of the Head Teacher, the Chair of Governors) to notify HR that additional support or resources are needed to proactively manage sickness absence issues. It is essential that Head Teachers notify HR when an employee has been absent for four consecutive weeks, or when the Head Teacher believes that formal action is required for periods of short-term absence. This early intervention from HR may help reduce the overall sickness period and demonstrates a proactive approach to dealing with sickness. The Council's HR department will effectively monitor and identify trends including workplace/job design causes of ill-health absence.

- 7.3 Paid sick leave is available to employees to allow them to recover from ill health. Employees are required to co-operate with medical advice and to ensure they do not act in a way which adversely affects their recovery. Details of sick pay entitlement for teachers can be found at [Appendix 8](#).

Sick pay is a financial provision and not a provision that in any way indicates the amount of absence to which an employee is entitled.

8. Managing Sickness

- 8.1 There is a need to monitor and manage all sickness absence. On most occasions that an employee is sick it will be for a valid bona fide reason. In such circumstances any enquiry into their health and subsequently the Return to Work Interview should always be conducted with the employee's welfare in mind. In the context of employee welfare, enquiries should include identification of any workplace/job design issues contributing to sickness absence.

When considering any action that may include disciplinary action, the Head Teacher should first of all consider which category the absence falls under and if it is forming part of an identifiable trend. This may include disciplinary action regarding absence issues.

8.2 ***Short-term absence***

This is defined as occasional spells of short-term sickness that may not necessarily be related. For example 1 or 2 spells in a year with up to 10 days lost in a rolling year. (That is to say the period looked at should be the year leading up to the latest period of absence).

8.3 ***Short-term regular***

Regular spells of short-term sickness and again not necessarily related, for example 3 or more spells of absence in a rolling year with 10 or more days lost.

8.4 ***Short-term persistent***

Regular periods of short-term absence, which may be related For example, 3 or more related periods of absence in a 6 month period.

8.5 ***Long-term specific***

Protracted period of absence as a result of an operation or a diagnosed problem or condition.

8.6 ***Long-term progressive***

Where an employee's condition/absence is known to be unlikely to improve and increased absence of over 4 weeks is predicted.

8.7 ***Domestic issues***

Absence that is of a personal nature or connected with someone else in the family. In such cases enquiries into someone's absence should be made with due regard to support available in other policies in order to seek a remedy.

8.8 ***Work-related issues***

It is the responsibility of the Head Teacher to report any absence that they or the employee believes to be a work-related absence to the HR Service. An immediate referral to Occupational Health is also recommended in these circumstances.

8.9 Accidents, Injury or Assault at work

In cases of absence due to accident, injury or assault attested by an approved medical practitioner, (through Powys County Council Occupational Health Service) to have arisen out of and the course of the teacher's employment and subject to the provision of self-certificates and/or doctors statements, full pay will be allowed for a period of up to 6 months and treated as sick pay pursuant to the Burgundy Book. In certain circumstances, consideration may be given to the extension of this period on a case-by-case basis.

- 8.10 It is not the Head Teacher's responsibility to determine if an absence should be certified as an industrial injury. If any member of staff claims to be absent as a result of industrial injury or an accident at work, immediate guidance should be sought from the Principal HR Adviser.

For each and every occasion that an employee is absent, the Head Teacher must consider the information they are provided with relating to the absence.

Firstly, the member of staff should have followed the correct absence reporting procedure by informing the appropriate person of their absence.

The Head Teacher will then need to consider the reason for the absence, how long it will be for and what the member of staff's attendance has been like prior to the latest absence. When the employee returns to work, the Head Teacher, with HR support, should hold a Return to Work Interview, Head Teachers should ensure that they have all the relevant information and have considered their past record. The Head Teacher would want to obtain historical information such as previous absence history, previous Occupational Health reports, and any previous modifications to support attendance.

9. Return to Work Discussions

- 9.1 Return to work discussions should be on a 1:1 basis, and informal in their nature, primarily with support in mind. Whatever the period of absence or cause of the absence, the necessity or appropriateness of a return to work interview should be considered. The returning employee's Head Teacher/manager should carry this out as soon as is practicably possible, but no later than 14 days after the return ([see Appendix 2 for the form to be used](#)). It is good practice to hold such a meeting where additional information can be obtained and the immediate benefits to complying are:

- The meeting should always be based on taking an interest in the employee's welfare;
- Information shared by the employee at the meeting can lead to support from Powys County Council (consideration of flexible working options perhaps, or a referral to Occupational Health, or discussions with the confidential counselling service);
- The Head Teacher should make brief and confidential notes at the meeting, signed by both parties. These notes should be filed in the employees personnel file. These will act as a reminder should an issue over attendance develop in the future. However, if either party does not agree with a point, this will not be noted on the record nor placed on the employee's file.

- 9.2 If the Head Teacher feels that the reason for the absence may cause them or the employee embarrassment, for example, a male talking to a female member of staff, then they should consider offering to have an appropriate colleague present to support them. Employees will be able to request that any return to work interview is conducted by an appropriate person of the same gender.

The following is a guide to what Head Teachers should consider covering at the meeting:

- Welcome back and hope they are feeling better;
- Confirmation that work covered during absence or work outstanding and update on any work issues that may have arisen during absence;
- Confirmation of the broad description of the illness;
- Confirmation that the employee followed the correct absence reporting procedure;
- Confirmation that either the employee's self-certification form or for more than seven days' continuous absence, a doctor's certificate has been received;
- If there have been other absences in the past 6 months then the Head Teacher may need to refer to their attendance record and, if there is concern that a trend may be emerging, let them know of their concern. It is always worth remembering that whilst Head Teachers are displaying concern for an employee's absence they must bear in mind that they have an obligation for the welfare of all staff.
- Managers will also need to consider whether repeated absences are as a result of the workplace situation or job design and what steps are being taken to address this.
- The outcome of the meeting must be agreed between the Head Teacher and the member of staff and an action-point note kept in the employee's personnel file.

- 9.3 The outcome of the meeting should always be confirmed in writing. This way, there can be no disagreement at a future date as to what was discussed or agreed.

Not all absences will result in formal action. However the employee should be notified if their regular pattern of non-attendance at work is giving cause for concern ([See appendix 3](#)).

If formal action is contemplated then the employee must be offered the opportunity to be accompanied by a colleague or trade union official at meetings to discuss the issues to be addressed.

10. Welfare Meeting

- 10.1 It is essential that contact is maintained during an employee's absence. When it is perceived that an absence will be long term (longer than 4 weeks) a welfare meeting should be arranged by the Head Teacher, supported by the HR Advisor. Welfare meetings should not normally be completed any more frequently than every four weeks during an employee's absence. In certain circumstances it may be necessary to agree the frequency of future meetings. If for any reason the employee expresses reluctance to maintain contact with their Head Teacher during the period of the absence, the Human Resources department should be contacted without delay and the reason explored. It is the Head Teacher's responsibility to endeavour to maintain contact with the employee during their absence and conduct

welfare meetings, based upon the need for updated information and taking into account the wishes of the employee. Should this not be possible for any reason, the Human Resources department should be advised without delay.

It is legitimate that in some circumstances that an employee may not wish to enter into this process.

10.2 The meeting should have an informal air but as a guide, the following should be covered:

- Asking after the employee's welfare and whether there is any progress in recovery;
- How and what the treatment is;
- When the employee is next due to see the doctor;
- How they and their family are coping whilst they are off;
- Position in relation to sick pay entitlement;
- What the prognosis is in relation to a return to work;
- Whether there are any modifications can be made to support a return to work;
- Whether there is anything the employee wants to ask.
- Consideration of what action/contact is appropriate after the initial meeting and agree it with the employee.

10.3 After the meeting:

- Make a file note summarising the meeting for the employee's personnel file;

- Confirm discussions with the employee in writing following the contact.

11. Occupational Health/Medical Referral

11.1 In all cases of absence related to sickness, the Authority reserves the right to insist on the member of staff having a medical examination by a medical practitioner nominated by the Authority. In such instances the employee will be referred to the Occupational Health Service Adviser.

- OHS can give independent specialist medical opinions;
- OHS can make recommendations on suitable reasonable adjustments;
- OHS can estimate the prognosis of a suitable return to work date;
- OHS can confirm whether the individual's illness falls under the Equality Act 2010;
- OHS can confirm an individual's period of absence is commensurate with their illness;
- Medical examinations may be with the OHS Adviser;

- The OHS adviser may recommend and insist upon further examination by appropriately qualified medical physicians / clinicians / or Occupational Health physicians.

11.2 It is important to remember that the Occupational Health Service is an integral part of Powys County Council's absence management procedure. The OH Service is invaluable in providing advice in relation to preventing absences and supporting employees in their return to work. Head Teachers may want to reassure staff that the genuine nature of their illness is not in question but that long periods of absence have become difficult for the School and the Authority to continue to support. OH is able to provide an independent opinion to support the employee during absence and to assist the Council in managing attendance.

Although Occupational Health will give opinions and make recommendations to support employees in their return to work, they are not in a position to determine whether these recommendations are reasonably practical. This will be done by the Head Teacher in conjunction with HR and any other suitably qualified individual such as the Health and Safety Adviser, or other independent government bodies such as Access to Work. It must be noted that although clinical opinions might be expressed, it is not the responsibility of the Occupational Health Service to make decisions regarding retirement on the grounds of ill-health. The final decision on eligibility for ill-health retirement lies with Pension Medical Advisers.

11.3 After a period of no later than 8 weeks' continuous absence, or less in circumstances of short term repetitive absence (defined as 3 absences in a rolling 6 month period), or where it is necessary to consider the possible long term effects that any type of absence may have on the Education provision within the school, a referral to Occupational Health should be made ([see Appendix 5](#)).

It is important that Head Teachers provide OHS with as much information as possible about the employee's absence/illness. In the absence of relevant detail they will only be in a position to provide a response based on the information available.

11.3 When making an OHS referral, Head Teachers should use the standard referral forms ([see appendix 5](#)), and should consider asking additional questions based on the following areas;

- The employee's fitness to return to work (a job description should be provided by the Head Teacher with the referral form);
- Whether a return to work would be within the foreseeable future;
- What is the reason for the absence?
- The possibility of redeployment;
- What duties can the employee undertake?
- The possibility of partial or restricted duties;
- Are there reasonable modifications that could be considered?
- What guidance has been received from the Human Resources Department?
- The necessity for medical advice;
- The obligation of the employee to submit to a medical examination;
- Support from the Staff Counsellor;
- Is a phased return to work appropriate?

11.4 It is imperative that an employee attends Occupational Health appointments that have been allocated to them. If an employee is unable to attend at the given time,

they must contact Occupational Health immediately to arrange an alternative appointment. Failure to attend two Occupational Health appointments without prior notice may invoke the disciplinary procedure and occupational sick pay may be withheld. Failure to attend OH may result in a decision being taken in respect of an employee's employment position without the benefit of an OH or medical opinion.

Only Occupational Health can request a medical report from an employee's own doctor or other medical practitioner. Requesting such a report is normal as there will be occasions when the information supplied on a doctor's sick certificate is insufficient for the Council or the Occupational Health Practitioner to provide adequate advice on how to manage an individual's sickness absence.

Consent is required from employees under the Access to Medical Records Act before a medical report can be obtained. Under this Act, employees have the right to see any medical report and suggest amendments before it is provided to the Authority, and it could take up to 21 days before a medical report is provided once it is requested.

The types of questions that would be asked of an employee's Doctor or Consultant are:

- The nature of employee's illness;
- A likely recovery date or return to work;
- What are the effects of the condition in respect of the employee's ability to carry out day-to-day activities?
- What are the effects of the condition in respect of the employee's ability to do his/her job?
- Will there be any changes in the effect of the condition with regard to the employee's ability to do her/his job?
- Will training assist?
- Will changes in hours or duties assist?
- Would help from another person assist?

11.5 There may be more specific questions asked, dependent upon how much the employee has been willing or able to share during the welfare visiting process or through OHS. Managers may feel that any specific questions need to put to the doctor or consultant and they should refer such requests to HR or Occupational Health. Please note that it may be inappropriate to ask certain questions and sensitivity should be applied.

Head Teachers will receive a report from occupation health following a referral ([Appendix 13](#)).

12. Appointments with the Council's own Doctor

12.1 The decision to request an employee to see the Council's own doctor can only be taken in consultation with Human Resources and Occupational Health. The Authority reserves the right to insist on employees having such a medical examination.

The times when it may be appropriate to consider referring an employee to see the Council's doctor are:

- When access to medical records has been refused;
- When a medical report requires interpretation or is technically complicated;
- Where an opinion as to the employee's longer-term outlook in returning to work is required;
- Where there is a request for 'reasonable adjustment or modification' in the workplace;
- Where an opinion is required in relation to Ill Health Retirement;
- When an additional medical report is required prior to implementing the absence capability process;
- When there is a dispute over the employee's fitness or ability to return to work.
- Following a request for transfer during ill health absence.

12.2 Failure to attend the Council's own doctor's appointments without prior notice may invoke the disciplinary procedure and payment may be withheld. Failure to attend the Doctor may result in a decision being taken in respect of an employee's employment position without the benefit of an OH or medical opinion.

13. Reasonable Adjustments / Modifications

13.1 There will be occasions when an employee returns to work from an illness, or reports even without having been absent, that they may require adjustments / modifications to be made in the workplace. This could include physical and or environmental issues such as a modified chair, larger monitor, building access arrangements, or changes in hours or working time. In such circumstances the flow chart in [Appendix 6](#) should be observed.

13.2 It may be prudent to involve the government body "Access to Work" through the Employment Service JobCentreplus, A4E, or the Shaw Trust who can offer valuable guidance and often financial support to the Council to assist employees in returning to work. Such involvement needs to be at the request of the employee and advice can be provided on this via the Human Resources Department or the Health and Safety Department.

Modification to a job could involve many different outcomes including:

- Reduction in hours;
- Change of location;
- Changing the physical environment;
- Reviewing job description.

Such modifications can only be agreed with the involvement of Health and Safety conducting a risk assessment, an OHS opinion and an opinion from HR in terms of whether the modifications are reasonable and practical. The school must consider the implications of the Equality Act 2010 [Appendix 9](#).

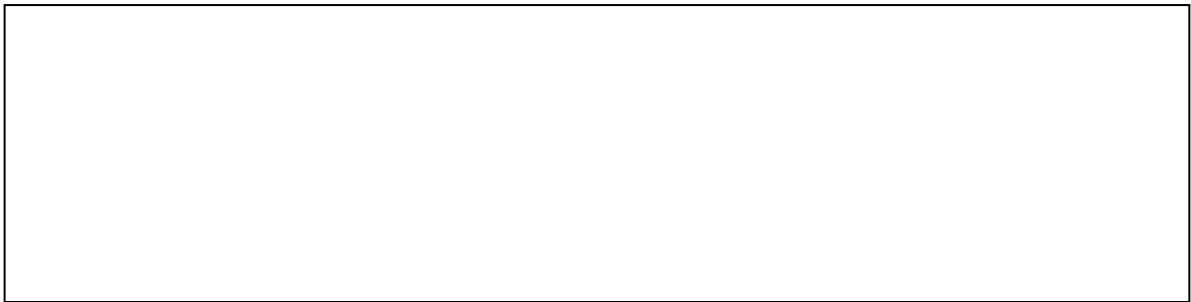
The above examples are not exclusive or exhaustive. What Head Teachers are looking to achieve from making adjustments or modifications is to ensure that they have done all that is reasonable to support an employee, providing the school can accommodate such modifications.

For further information in relation to modifications you should refer to the Health and Safety Policy, and the Ill-Health Capability Policy for guidance on good practice.

14. Personal Problems - Counselling Service

14.1 The type of matters that a member of staff may want to talk to a Counsellor about could include:

- Financial;
- Marital/family;
- Work/career/stress;
- Emotional/personal;
- Childcare/Eldercare;
- Drugs/alcohol.



14.2 Powys County Council engages the service of two qualified counsellors. The service is free and confidential to all employees, and they can talk about anything that is worrying them. Managers should, where possible, take the initiative and advise employees of the counselling service and recommend, when appropriate, that the service is available.

14.3 A leaflet detailing the service can be obtained from the Occupational Health Department. The contacts numbers for the Counsellors are:

North and Central Powys - 01691 670505

South Powys - 01497 812258

15. Graduated Return to Work

15.1 Detailed guidance on a graduated return to work can be obtained from Occupational Health, HR, or in the relevant section of the personnel manual. This brief is for general guidance.

Following an extended period of sickness, or when employees report a disability, a graduated return to work may be considered. A graduated return to work can either be:

- At the employee's request;
- On guidance from OH or a medical practitioner;
- A process to be determined by the Head Teacher.

- 15.2 In any case when a graduated return to work is requested or recommended, sympathetic consideration must be given. The purpose of a graduated return to work is to help the employee return to full duties as soon as possible. The scheme is of benefit to both the School and the employee and will be carefully monitored. It is subject to medical advice and review in all instances.
- 15.3 The graduated return to work must be agreed by the Head Teacher and the employee; and will be subject to the employee's GP confirming that the employee is fit to return to work.
- 15.4 The working pattern must be agreed in advance, and in all circumstances be agreed with the Head Teacher. Wherever possible, the return should be with a minimum return to work of two days in the first week, moving to a full return to work and a full return to duties by the end of the 4th week. Subject to the nature of the illness that has prevented a return to work and only with the express permission of Occupational Health, it may be possible to extend the graduated return to work period to 6 weeks. This agreement will always be subject to review and if the employee is unable to commit to the graduated return they must be advised to return to their GP for advice in relation to their fitness and ability to return to work.
- 15.5 The Graduated Return to Work after Long-term Absence RW1 form ([Appendix 7](#)) will be completed by the Council's Occupational Health Adviser. The Occupational Health Adviser will write to the Head Teacher and the employee's GP to confirm the return to work details. The Head Teacher must also notify Employment Services on the Return to Work form RW1 ([Appendix 7](#)) of the graduated return to work. The Head Teacher must also complete a Return to Work Interview ([Appendix 2](#)). Although Occupational Health may recommend a graduated return to work this must be agreed by the Head Teacher before this takes place.
- 15.6 At the end of the graduated return to work process the Head Teacher must inform HR and Occupational Health that the employee has returned to full duties.
- 15.7 If at the end of the period the employee has not returned to full duties more permanent arrangements should be made with the employee to obtain a new contract of employment to reflect the hours that they are capable of working. This could include:
- Temporary or permanent reduction in hours;
 - Job share;
 - Alternative employment;
 - Absence Capability procedures;
 - Specific considerations under the Equality Act 2010.

16. III-Health Capability/Disciplinary Process

16.1 III-health capability management, in essence, is taking disciplinary action up to and including dismissal, either following an employee's continuous absence from work due to ill health, or frequent short-term absences as a result of ill-health associated with absence.

If formal disciplinary action is required following periods of unacceptable short-term or long-term absence, it is important to communicate to the employee that the formal action is not a punishment for having a genuine medical condition, but for

Non-attendance at work which is a contractual responsibility for all.

In addition, if the matter is one where the employee may be dismissed, there has to be medical reports either from the employee's own Doctor and/or from some other medical practitioner and there may also be a report from the Council's Doctor, and certainly a report from Occupational Health. The Council Doctor's report or OHS report may be as a result of a 'desk top' review of reports received from the employee's own Doctor and/or Consultant, Occupational Health and welfare visits, or it may be as a result of an examination carried out by the Council's Doctor, or OHS.

Consideration will be given to embarking on the formal procedure outlined below after the informal route has been exhausted/or is not appropriate.

16.2 **Formal Interview Procedure**

Where an individual's absence level meets one or more of the following trigger points **and is a cause for concern**, the Headteacher/Line Manager will interview the employee. Investigation and all procedures relating to a disciplinary hearing for reason of absence must be carried out in line with the Schools disciplinary procedures. The outcome of a disciplinary hearing regarding absence could be: no action; a letter confirming that a meeting has been held and the explanation(s) provided accepted; a verbal warning; a stage 2 or final stage 3 warning or dismissal.

- 16.3 When contemplating any formal action for reason of absence, sufficient prior notice must be given to the Human Resources Department and the case discussed and reviewed in full. One of the first considerations that a Head Teacher needs to take into account is the history of the employee's absence. As described earlier, the absence may be a one-off or a number of absences. Additionally, absences may be for a number of reasons or a recurring problem. Therefore a review of the employee's history needs to be carried out and this should be done whilst taking advice from Human Resources.

The School/LEA Trigger Points will be as follows:

- An employee accumulates 10 working days absence in the previous 12 months. This number of days should be pro rata for part time employees.
- An employee's absence shows a repetitive pattern e.g. absence at the same time every week or every term or every year; or immediately, preceding or following a period of holiday.
- Four periods of sickness absences occur within one year.
- An employees' overall sickness record seems unreasonable, including periods of longer term absences that may be related or unrelated but which are of an intermittent nature.

16.4 **Stage 1: Initial Interview**

The employee will be informed by letter of the date, time and location of the interview, the nature of the matter to be discussed, together with details of the individual's sickness record. The individual will have the right to be accompanied by a Trade

Union representative or colleague. Officers of the Education Department will attend if requested. The date of the interview must be at least 7 days after the date of the letter. Where possible this date should be negotiated and agreed with all parties.

16.5 At the interview, some or all of the following will be discussed:

- absence record – explore the reasons of absence and what is the prognosis for the future;
- Consider areas of support such as reasonable adjustment, flexible working, further training etc.
- consider counselling or referral to Occupational Health Service where this has not already occurred, or other action such as seeking further medical opinion either by the employer or the employee;
- Set targets for improvement and review date. The review period should be sufficient for the employee to show a sustained improvement in attendance. This period would normally be up to 12 months.
- caution employee that current level of sickness absence is giving concern and advise that if the absence levels do not improve, their employment could be at risk;
- the Headteacher/Line Manager will write to the employee within 7 working days of the meeting, confirming the points discussed and the outcome including targets set and review date.

16.6 **Stage 2: Final Interview**

If there is an insufficient improvement to the employee's sickness absence record, a final interview will be convened by the Headteacher/Line Manager in accordance with Stage 1 above. (16.4)

16.7 The purpose of this meeting will be to:

- review sickness absence to date;
- reaffirm the issues discussed at previous meetings;
- identify support if appropriate;
- set further targets for improvement with review date;
- caution employee that current level of sickness continues to give concern and is unacceptable;
- discuss alternative working practices e.g. reduction of hours;
- consider ill-health early retirement, where applicable;
- advise that if there is insufficient improvement, the matter will be referred to the Dismissal Committee of the Governing Body in order for them to consider the employees continued employment;
- Headteacher/Line Manager will write to the employee within 7 working days of the meeting, confirming the points discussed and the outcome.

16.8 **Stage 3: Governing Body Hearing**

If on review, an employee's absence level continues to be unacceptable, the Headteacher should refer the matter to the Governing Body Dismissal Committee.

Prior to the hearing, the Headteacher should obtain as much medical evidence as possible. Only the Governing Body may make a determination to terminate the employment of a member of staff.

The Governing Body must have constituted a Staff Dismissal Committee comprising a minimum of three members. This Committee must have delegated plenary powers in order to execute this duty. The following points need to be borne in mind at the time of the review:

- As with any potential disciplinary meeting, a full investigation needs to be carried out. The person who may be taking any decision over disciplinary action cannot conduct the investigation;
- Head Teachers must be consistent in any approach that may lead to disciplinary action;
- Care needs to be taken that Head Teachers do not take action that could be seen as discrimination on the grounds of a person's health ([Please refer to Equality Act 2010 Guidance, Appendices 6, 9 & 10](#));
- The council has a duty of care to those employees who may be suffering ill-health as a result of the workplace or job design and these aspects should be considered fully before embarking on the ill-health capability procedure.

16.9 Procedure for Hearing

The employee must be informed by letter, of the date, time and location of the hearing and of his/her right to be accompanied by a trade union representative or working colleague. The date of the hearing must be at least 7 days after the date of the letter. Where possible this date should be negotiated and agreed with all parties.

16.10 The Headteacher should prepare a statement giving:

- a) full details of the absence record;
- b) any other relevant documentary evidence.

This report is to be sent under confidential cover in advance of the meeting to the member of staff concerned not less than 7 days before the meeting. The report will be given to members of the Committee at the start of the hearing. If the employee wishes to introduce documentary evidence, he may also do so at this stage, but it is necessary that the Headteacher be provided with a copy of that documentary evidence at least 24 hours before the start of the hearing.

The Director of Education is entitled to attend and advise at any such meetings and must be extended an invitation to attend with the usual 7 days' notice given to members of the Committee.

The proceedings of the hearing shall be as follows:

- i) The Headteacher's statement is to be given to the Committee, together with any documentary evidence which the employee might wish to introduce.
- ii) The Headteacher will outline the medical record, any further relevant information and introduce any witnesses necessary.

- iii) The employee and/or his representative will be invited to offer his explanation, call witnesses if appropriate, or speak in mitigation.
- iv) The various parties (i.e. the employee or his representative, the Committee, the Headteacher or their Advisers) will be allowed to ask questions at any convenient point in the proceedings, which should be kept as informal as possible.
- v) Both the employee or his representative and the Headteacher will be allowed to make a concluding statement.
- vi) All those present, except for the Committee and their Adviser(s), shall be instructed to withdraw whilst the Committee considers the matter. The Director of Education remains present to give advice only. He should then withdraw whilst the Governing Body make their decision.
- vii) In assessing the future employment of the employee, Governors will take into account the following:
 - a) the absence record and any medical evidence available;
 - b) the nature of the illness(es);
 - c) the likelihood of future absence through ill health;
 - d) the effect on the education of the pupils;
 - e) the effect on other employees;
 - f) the effect on the efficient management of the school including financial implications;
 - g) the possibility of alternative employment being found, and accepted;
 - h) any other previous support/action taken;
 - i) any representations made by the employee and/or their representative.
 - j) Past disciplinary action (letter of confirmation of warning if current).
- viii) If they consider there are sufficient grounds, they may make the determination to dismiss on the basis of a failure to attend work on grounds of ill health.
- ix) Where they are unable to make a decision, they may defer the matter.
- x) After the Committee has completed their deliberations, the parties will be recalled and advised of the conclusions reached. If the determination to dismiss is made, the employee will be notified of his rights of appeal and will be sent written confirmation of the decision, the reasons, and of his rights of appeal.

17. The Capability Appeals Procedure

The employee will have a right of appeal against the determination of the Staff Dismissal Committee to dismiss. The Appeal must be in writing to the Headteacher within 7 days of receipt of the letter confirming the outcome.

- 17.1 The Governing Body should constitute an Appeals Committee comprising of equal or more members than the Dismissal Committee. No Governors on the Dismissal Committee can be on the Appeals Committee. The Appeal Hearing should be convened as soon as possible.
- 17.2 The Director of Education or his representative shall have the right to be present throughout the meeting to advise the Governing Body and is entitled to the same

notice of the meeting as members of the Governing Body. At least 7 days' notice of the time and date of the meeting shall be given to the member of staff, Governors and Director of Education. Where possible this date should be negotiated and agreed with all parties.

17.3 The Appeals Body should operate as follows:

- i) Where an appeal has been lodged, the various parties and their representative should be called in simultaneously before the Appeals Committee.
- ii) The Headteacher will then present the case, including a brief statement of the employees' employment details, calling any witnesses.
- iii) The Governing Body and the Appellant or his representative will then be entitled to question the Headteacher and any witnesses on the case so presented.
- iv) The Appellant or his representative will then present his case calling any witnesses.
- v) The Governing Body and the Headteacher will then be entitled to question the Appellant and his witnesses.
- vi) Both parties can then make any closing remarks, with the Headteacher going first. No new evidence is to be produced at this stage.
- vii) All the parties other than the Governing Body and the Director of Education will withdraw while the Governing Body consider the matter. The Director of Education remains present to give advice only. He should then withdraw whilst the Governing Body make their decision. viii) The Governing Body may, if they wish, recall the parties to clarify any points, but in any such event, must recall the Director of Education, the Headteacher and the Appellant, notwithstanding that only one party is to be questioned.
- ix) After a decision has been reached, the parties should be recalled and the Governing Body's decision announced. This will then be confirmed in writing at the earliest opportunity to the employee and the Director of Education.
- x) If the decision is to confirm the termination of employment, the Director of Education will formally terminate the employee's contract. Statutory notice will be given normally as Payment in Lieu of Notice.

18. Absence Capability Dismissal

18.1 Where dismissal is being considered it may be that it is carried out with a termination of employment of one of two types;

- Summary dismissal;
- Dismissal with Notice.

19. Summary Dismissal

19.1 Such cases would be where the disciplinary hearing believes that the reason for absence is unacceptable (where the employee is not believed and there is no supporting evidence such as a doctor's certificate).

19.2 There may be occasions where an employee is absent and makes no contact with the School or LEA as to why they are absent. In such circumstances it would be a matter of writing to the employee under the process described below:

- A letter to the employee noting their absence and non-contact with work, and requesting that they contact the Headteacher immediately;
- If there is no response to the first letter, a second letter should be sent, again referring to the previous letter. In this letter, the employee should also be advised that they are required to attend a disciplinary meeting, the outcome of which could be their dismissal from the School. The reason for this meeting would be their non-attendance and failure to follow the absence reporting procedure. The letter should contain a copy of the first letter and a copy of the timesheets showing them being recorded as absent. The usual right to be accompanied at the meeting would be included in the letter. The letter would also state that should they fail to contact the School, or not attend the meeting, a decision will be made in their absence;
- The outcome may be the termination of their contract and a letter would be sent to the employee confirming the decision with the usual right of appeal.

Suggested letters can be found at Appendix 11.

20. Dismissal with Notice

20.1 There are occasions where an employee is unwell and try as they might they cannot regain the health that would allow them to return to work. For all such situations, a medical opinion should be available describing the employee's suitability to return to work either now or in the near future. If a return to work is not achievable, payment for termination of employment with notice will be made. This is generally referred to as a capability dismissal.

20.2 In all cases where an employee is unable to resume their normal duties, there must be endeavours to seek suitable alternative employment with the Council. Any such position(s) should be communicated to the employee for them to consider, either by the Headteacher or HR department, seeking alternative employment is the responsibility of the employee. The Human Resources department together with the support of a trade union representative will facilitate and provide support during the application process if necessary. It is worthy of note that alternative employment is not guaranteed but all reasonable considerations will be explored.

20.3 Except for summary dismissals, if employment is terminated for reasons of permanent incapacity or for some other reason related to sickness absence, the teacher shall be paid full salary for the notice period with normal deduction only.

21. Third Party Insurance Claims

21.1 Employees who successfully make a third party insurance claim due to an accident which has resulted in absence from work will be required to refund Powys County Council in respect of payment made in advance to them in the form of occupational sick pay.

22. Abuse of the Sickness Scheme

22.1 Occupational Sick Pay may be suspended if it is considered that

- An employee is abusing the sickness scheme
- Their absence from work is due to their own misconduct.
- The conditions of the scheme have not been observed.
- Their absence is a result of deliberate conduct prejudicial to recovery
- An employee's absence is as a result of their own misconduct or neglect while engaged in activities for private gain or professional sporting activities,
- Has been guilty of conduct prejudicial to recovery.
- This will not affect an employee's entitlement to Statutory Sick Pay.

22.2 If Occupational Sick Pay is suspended the employee will be given full reasons as to why and provided with the right of appeal to the Head of Schools. Statutory Sick Pay will be payable when applicable on the provision of a valid medical certificate.

22.3 Repeated abuse of the sick pay scheme will be addressed through the Schools disciplinary policy.

23. III Health Retirement

23.1 **Please note:** it is possible that the absence capability process may commence and be completed prior to a decision being made on any request for ill health retirement. For example:

- Full consultation with employee in relation to absence including:
- Welfare Visits
- OHS Referral
- Medical Reports
- Concluded and agreed that no modifications or alternative employment available
- Outcome - Capability Termination of Employment (Reason for termination continued absence from work due to ill health).

24. The Equality Act 2010

24.1 Powys County Council will ensure that no individual will be treated less favourably for a reason relating to a disability, in accordance with the Equality Act, unless such treatment can be "justified" under the Act. Discussion must take place with the individual and their representative and HR advice must be taken.

24.2 The Act applies to all staff who can demonstrate that they have a disability within the meaning of the Act. Any revisions relating to the Equality Act will be included in any future policies. The Equality Act defines a disability as:

"A person has a disability if they have a physical or mental impairment which has lasted or is likely to last for at least 12 months or for the rest of the person's life and where the impairment has a substantial adverse effect on their ability to carry out normal day to day activities."

The activities which are affected must include one or more of the following: -

- Mobility;
- Manual dexterity;
- Continence;
- Physical co-ordination;
- Ability to lift, carry or move everyday objects;
- Memory or ability to concentrate, learn or understand;
- Perception of the risk of physical danger;
- Speech, hearing or eyesight.

Entitlement occurs if an effect is not substantial, but is likely to become so with time and the person would then be entitled to cover.

A long-term effect means an effect which: -

- Has lasted at least 12 months;
- Is likely to last for a total of at least 12 months;
- Is likely to last for the remainder of a person's life, even if the person is not expected to live for 12 months.

24.3 Where adaptations or adjustments are recommended by a medical practitioner to support a disabled employee to carry out their job, these will be implemented where reasonable.

Cancer, HIV infections, and Multiple Sclerosis are deemed disabilities from the point of diagnosis. Progressive conditions and those with fluctuating or recurring effects will amount to disabilities in certain circumstances.

24.4 Pregnant employees

Pregnancy and maternity are protected characteristics under the Equality Act 2010. Therefore a woman should not receive unfavourable treatment in relation to her pregnancy or illness suffered as a result of her pregnancy.

While the same sickness absence levels will trigger review meetings with pregnant employees, pregnancy related sickness absence will not be counted when reviewing the employee's sickness absence record.

24.5 Gender Reassignment

The Equality Act provides protection for people who are in the process of transitioning from one gender to another.

The school will not treat transgender people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

While the Equality Act does not say how much time must be allowed for absence because of gender reassignment, the school will:

- Discuss with an employee how much time they will need to take off;
- Accommodate those needs in so far as they are able.

Appendix 1

Cyngor Sir Powys County Council

Sickness – Self Certificate form (SC1)

This form must be complete by all employees who have been absent from work due to sickness.

It must be used to account for **all** absences between four and seven days. In cases where a Doctor's statement covers the first seven days of absence this self-certification form is not necessary.

The sickness week comprises of seven days – Saturday and Sunday must be included.

STATUTORY SICK PAY

EMPLOYEE'S STATEMENT OF SICKNESS

Please fill in this form and return it to your Headteacher as soon as possible. This form assists in deciding whether to pay you Statutory Sick Pay (SSP). SSP is money that you may be able to receive if you are sick for 4 consecutive days or more.

Your personal and employment details	
SCHOOL	
Name	
Job Title	
Date of Birth	
Staff Number	

Reason for Absence (words like unwell are not acceptable)	
Date __/__/____	Day_____

Either:

Date Returned to work	
Date __/__/____	Day_____

Please remember, if you are sick for more than 7 days you will be asked to provide a Doctor's sickness certificate [Form Med 3]. This may also be referred to as a medical certificate, doctor's statement, sick note or sick line.

I declare that the information above is complete and correct, I understand that by providing false information or making a false claim for Occupational Sick Pay disciplinary action may be taken against me.

Your signature_____ **Date** __/__/__

If your absence is due to an accident please complete the details below.

**EMPLOYEE'S ADDITIONAL STATEMENT OF SICKNESS SC1
(ACCIDENT)**

Please give full details of how the accident happened

Please detail the injury (s) you sustained

Please describe how the injury (s) prevent you returning to work

Was the injury the result of an accident which involved a third party	YES / NO
If YES please provide any additional information and complete the form of undertaking below	

Form of Undertaking for payment of Sickness Allowance following injury as a result of an accident
--

Having sustained an injury as a result of an accident which involved a third party, I (enter full name) _____

of (enter full address) _____

_____ hereby request Powys County Council to advance me a sum not exceeding the sickness allowance under my conditions of service during the period(s) of absence in respect of this accident, and if my request is accepted I UNDERTAKE to refund to Powys County Council the total amount of such allowances received by me in respect of this accident.

I further UNDERTAKE to NOTIFY Powys County Council when I submit any claim for damages in respect of this accident against a third party and to notify the amount of any damages received.

Signature _____

Date _____

Witnessed by

Name _____ Signature _____

Address _____

Occupation _____

Appendix 2

Cyngor Sir Powys County Council

Return to Work Interview
This form must be completed where a return to work interview is deemed necessary and appropriate

Your personal and employment details	
Full Name	
Department	
Job Title	
Date of Birth	
Staff Number	

Period of Sickness – Time, Date and Day you became unfit for work (including Saturday or Sunday)
Time _____ am / pm Date ___/___/___ Day _____

Returning to work – Time, Date and Day you became fit for work (including Saturday or Sunday)
Time _____ am / pm Date ___/___/___ Day _____

Is the return to work a structured / graduated return? Yes / No
This MUST be agreed with the Headteacher and the working pattern submitted to Payroll with this form (See appendix 7)

Reason for absence

Medical Certificate Received
Yes / No – Provide Details

Was medical attention / advice sought
Yes / No – Provide Details

Has the employee followed the correct absence reporting procedures?
Yes / No – Provide Details

Is the employee fit enough to return to work and to undertake their full range of duties? If no, indicate what work they could do under "additional comments" below.
Yes / No – Provide Details

Was the absence related to a previous absence?
Yes / No – Provide Details

Is there a likelihood of a re-occurrence?
Yes / No – Provide Details

Are there any underlying problems relating to the above and can any assistance be given to the employee by the Council?
Yes / No – Provide Details

Additional comments/recommendations/further action required (e.g. Counselling, refer to OHS, hours of work etc.)
Yes / No – Provide Details

Will the employee be making a third party claim in respect of this absence?
Yes / No – Provide Details

Implications of further absence and explanation of the Managing Sickness Policy & Procedure given to employee.
Yes / No – Provide Details

Total number of absences in last 12 months
Is further formal action required?

Declaration I declare that the above statement is true and accurate to the best of my knowledge. I understand that to give false or misleading information will lead to disciplinary action in accordance with Powys County Council's Disciplinary Procedure.
Signed: (Employee) _____ Date: _____
Signed: (Headteacher) _____ Date: _____

Appendix 3

Letter to be used following a meeting to discuss absence, when clear concerns have been identified and raised but no formal action will be progressed at this time.

Employee reference number

Name

1 address

2 address

3 address

Post code

Date

Dear (name)

Further to our meeting on (date) at (address) which was necessary to discuss your attendance record over the last (state number of weeks). During this period you have been absent from work for a total of (state total number of days) days on (state number of occasions but would normally be 3) separate occasions.

At the meeting we agreed that *(Head Teacher to complete to reflect the agreed outcomes at the meeting)*

Yours sincerely

Head Teacher

Appendix 4

Letter to employee arranging a welfare visit

Employee reference number

Name

1 address

2 address

3 address

Post code

Date

Dear (name)

I note from our records that you have been absent from work due to sickness from (Date).

In order that we can discuss your absence and welfare and how the School might be able to facilitate a return to work I propose to visit you at home on _____ accompanied by _____.

If this is inconvenient for you please contact me by *(5 days before visit is scheduled)* in order that we can agree alternative arrangements.

You are entitled to have a member of your family, friend or representative available at any such meeting.

Yours sincerely

Head Teacher

Letter to employee following visit when no contact was made.

Employee reference number

Name

1 address

2 address

3 address

Post code

Date

Dear (name)

I refer to my letter of _____ making arrangements to visit you today to discuss your absence from work.

When I called to visit you were not at home. Given that I had received no notification to cancel our meeting, I am naturally concerned about you and your absence from work.

I would therefore ask that you contact me immediately in order that we can make alternative arrangements to meet to discuss your absence.

Yours sincerely

Head Teacher

Letter to employee following welfare visit.

Employee reference number

Name

1 address

2 address

3 address

Post code

Date

Dear (name)

Further to our meeting on (date) at (address of where meeting took place) I am writing to confirm the (point(s)) discussed.

You have been absent since (date) and the reason for this absence was given as (note reason for absence).

**You should include here any appropriate details of the absence or treatment and when they will either be returning to work or when they will next be visiting their doctor or consultant.*

I would like to thank you for meeting with me and I hope that you make progress to being able to return to work. Should you need to speak to me concerning your absence or any other matter relating to your work please contact me on (contact number).

Yours sincerely

Head Teacher

Appendix 5

OCCUPATIONAL HEALTH REFERRAL FORM

This form is designed to assist Head Teachers to positively manage individuals at work

Employee's Name:	D.O.B (DD/MM/YYYY)
Home AddressPost Code.....	Contact Telephone numbers: Home..... Work..... Mobile.....
Job Title	Payroll No.

Has the referral been discussed with the employee? It must be explained to the employee that referral/attendance at Occupational Health is in line with Council policy, and that information disclosed to the Occupational Health professional may be disclosed to the Head Teacher and the HR department, who will make a decision based on that information. YES/NO.

*If **NO**, this must be undertaken before sending the form to Occupational Health.*

*It is essential that an **UP-TO-DATE JOB DESCRIPTION** is provided and that the employee knows that this referral is being arranged and understands the reasons why.*

THIS SECTION TO BE COMPLETED IN FULL	
Print Name(Headteacher)	Signature Headteacher
Date/...../.....	Contact numbers: Work.....Mobile.....

To the Headteacher:

If you are unsure about when to make a referral or about when it is appropriate to do so please contact Human Resources Department (01597 826153) to arrange contact with Occupational Health.

In order to assist you to manage this individual please fill in the brief outline of problem and tick the questions you would like answering (see reverse), and add any additional information you feel is relevant in the additional comments section. The more information available will allow a more detailed assessment.

Brief outline of the problem:

DECLARATION TO BE COMPLETED BY EMPLOYEE

I have been advised by my Head Teacher of the referral to Occupational Health and the procedure for disclosure. I am aware that this form will be submitted in confidence to the Human Resource Department prior to an Occupational Health appointment.

Print Name	Signature
Date/...../.....	

To Human Resources:

Print Name:	Date:
Signature:	

Please tick the appropriate question(s) you would like answering

What is the current condition, prognosis and outcomes of any investigations?
Additional comments
<input type="checkbox"/> When is the likelihood of return to work?
Additional comments
<input type="checkbox"/> Is the person fit to undertake their present/proposed duties?
Additional comments
<input type="checkbox"/> Does the individual have a disability and how does this affect them with regard their work activities?
Additional comments
<input type="checkbox"/> What reasonable adjustments are needed in the workplace to accommodate the disability / rehabilitation of this individual?
Additional comments
<input type="checkbox"/> Is there likely to be any further sickness absence?
Additional comments
<input type="checkbox"/> Are there any underlying health problems?
Additional comments
<input type="checkbox"/> Is ill-health retirement an option / indicated?
Additional comments
If GP sick notes have been provided, what are the reasons stated for the absence?
Any other questions / information (use separate sheet if necessary)
Please provide details of sickness absence:

**Within last
month:**.....

Days.....

Episodes.....

**Within last 3
months:**.....

Days.....

Episodes.....

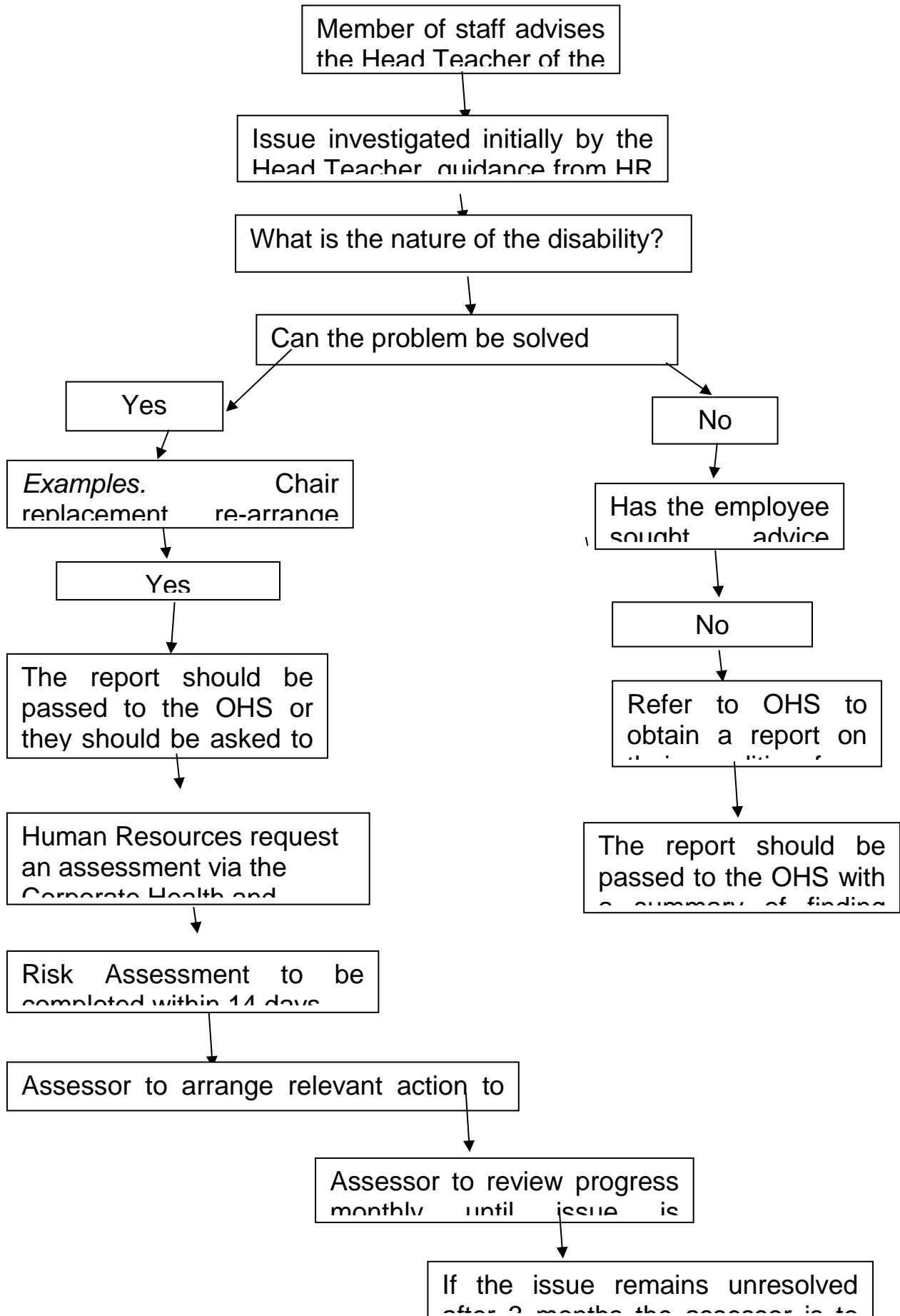
**Within last 12
months:**.....

Days.....

Episodes.....

Appendix 6

Reasonable Adjustments / Modifications



Appendix 7



Graduated Return to Work

Name: _____

Date: _____

School: _____

Location: _____

Reason for absence: _____

Period of absence From: _____ To: _____

Head Teacher and employees agreed return to work structure (Please circle all working days)

- (a) Mon Tues Wed Thur Fri From _____ To _____
- (b) Mon Tues Wed Thur Fri From _____ To _____
- (c) Mon Tues Wed Thur Fri From _____ To _____
- (d) Mon Tues Wed Thur Fri From _____ To _____
- (e) Mon Tues Wed Thur Fri From _____ To _____
- (f) Mon Tues Wed Thur Fri From _____ To _____

Signed _____
Employee

For HR Use Only

Payroll No: _____

Signed fit for work by G.P. Approved Rejected

G.P. Informed Headteacher's agreement in writing

Other advised conditions: _____

Signed _____
Occupational Health Adviser - 01597 826153

Date _____

Appendix 8

Occupational Sick Pay Entitlements

Employees (including temporary employees) absent from duty owing to illness (including injury or other disability) may be entitled to receive an allowance as follows:

During 1st year of service	Full pay for 25 working days and after completing four calendar months, half pay for 50 working days.
During 2nd year of service	Full pay for 50 working days, and then half pay for 50 working days.
During 3rd year of service	Full pay for 75 working days and half pay for 75 working days
During 4th and subsequent years of service	Full pay for 100 working days and half pay for 100 working days.

For the purpose of this scheme working days means teaching and non-teaching days within “directed time” as specified under paragraph 40 of the School Teachers Pay and conditions document.

Sick pay will include, where appropriate statutory sick pay and shall not exceed the full ordinary pay of the teacher under the contract of employment.

Appendix 9

Ill-Health Retirement Process Employee Guide

More information can be obtained by contacting:
www.teacherspensions.co.uk or the HR department.

If you are still employed you should get the two forms required for your application from your employer. One form is for you to complete with your employer, the other is for the medical evidence to support your application.

If you are no longer employed as a teacher you can download the forms from the [Forms and Leaflets](#) section of the Teachers Pensions website.

If you are in employment or have ceased employment within the last 12 months, both forms should be returned to your employer, who will forward them on to TP. If you have been out of employment for more than 12 months, you should send both forms directly to TP.

Employers and their occupational health advisers must look at ways of helping you return to work, e.g. re-deployment, part-time working or a transfer to a post with less responsibility, or consider other workplace adjustments, before concluding that ill-health retirement may be appropriate.

You and your employer's occupational health advisor, in conjunction with your medical practitioner, need to provide the medical evidence and complete the application forms.

If you left pensionable teaching within 12 months of submitting your application, the medical information sections of your application form must be completed by your ex-employer.

What happens after TP receives my application?

Your application will be assessed by medical advisers who are qualified occupational physicians who will make the recommendation on whether or not to grant you ill-health benefits.

- If your application is accepted, you must cease employment immediately.
- If your application is accepted and you are in pensionable employment, benefits are due from the day after your last day of pensionable employment.
- If you are accepted after leaving pensionable employment benefits will be due, depending on circumstances, either:
 - the day after your last day of pensionable employment;
 - the day on which you became incapacitated; or
- the day six months before the date of the last medical report used to accept your application.
- Your pension is paid monthly in arrears on the day before your birthday.

Ill-Health Retirement Process Employer Guide

You and your occupational health advisers must look at ways of helping members to remain in or return to work, e.g. re-deployment, part time working or a transfer to a post with less responsibility, or consider other workplace adjustments, before concluding that ill-health retirement may be appropriate.

Where a teacher is under normal retirement age and applies for ill-health benefits the ill health application form and medical evidence form should be completed and returned to TP. Both forms must be submitted together.

In order for the application to be valid, the declaration on the application form must be signed and dated by the applicant and the certification must be completed by you.

All applications and supporting medical evidence will be assessed by the Medical Advisors appointed by the DCSF. Where they judge that the teacher is permanently unfit to teach TP will ask you to complete a form to provide service and salary details.

Ill health benefits can be granted by the Secretary of State to the DCSF if he is satisfied that the applicant has become permanently incapable of any teaching until normal retirement age (i.e age 60 or 65). There are 2 different levels of benefits that can be awarded:

- Total Incapacity Benefits (TIB) and
- Partial Incapacity Benefits (PIB).

TIB is awarded if the member is assessed as being unable to undertake any type of gainful employment. PIB is awarded if the member is assessed as being permanently unable to teach but can do other work. If the member is awarded TIB their service will be enhanced but if they receive PIB it will not be enhanced. Provided the member applies within 6 months of either leaving pensionable employment or ceasing the payment of "Combined contributions" (old regulation C9 – Current Added Years) or Additional Contributions for Reservists (C10) on grounds of incapacity, the application will be considered under the TIB criteria. If the member has been on a period of sick leave, maternity, paternity or adoption leave, or a career break which immediately followed a period of pensionable employment, the application must be made before the sick leave or period of absence ends. If the member does not apply for ill health benefits within these timescales, an application for ill health benefits can still be made but the service used will not be enhanced and the deferred (or past) member has to meet the TIB criteria i.e. the past member must be unable to undertake any gainful employment.

Benefits cannot be awarded to a member who has been barred for misconduct or who is under investigation by the DCSF with a view to barring. If, after the investigation is complete, the member is not subsequently barred, then an application will be considered.

The member must not have applied for phased retirement, premature retirement or actuarially reduced benefits in respect of the same period of employment. However, if phased retirement, premature retirement benefits or actuarially reduced benefits have been awarded in respect of an earlier period of service and the member subsequently taken up further employment in pensionable teaching service and

later suffers a subsequent breakdown in health, the member is eligible to apply for ill health benefits.

In all circumstances the member must have completed the appropriate qualifying periods.

2. The application process

An application for ill health benefits must be submitted to TP through the employer, unless the applicant left teaching employment more than 12 months ago. In such case, the form should be submitted direct to TP.

Where the medical evidence form has been completed by a specialist or GP, it should be sent to your Occupational Health Adviser, along with any supporting reports or correspondence. The application must be assessed by the employer's Occupational Health Adviser for completeness.

If the view of the Occupational Health Adviser is that the application does not contain enough medical information to enable the DCSF Medical Adviser to make a recommendation, the applicant must be given the opportunity to consider what more could be provided. Ultimately, it is for the applicant to decide what is included.

When a condition is severe enough to warrant ill health retirement, whether this be a psychiatric or physical complaint, it is not unreasonable to expect that the applicant should have had the benefit of a specialist opinion. It would greatly help in the consideration of the application, if the medical information is provided by a specialist. If this is not possible, or the applicant has not been referred to a specialist, then the form should be completed by the applicant's GP or your occupational health physician. Copies of all specialist reports or hospital correspondence relating to the present illness(s) should, however, be included.

All applications for ill health retirement will be considered on the basis of the medical information submitted with the application. It will not be possible for TP to obtain such reports on the applicant's behalf at a later date.

3. After the decision of the DCSF Medical Advisers

You and the member will be notified by letter of the Medical Adviser's decision. Where the application has been accepted, and the member is still actively teaching then you should arrange for this to cease with immediate effect. Details of the member's pensionable service should be supplied from the date you last made your annual return to the last day of pensionable service.

Where the application is rejected members have the right to appeal against this decision and should follow the appeal process, details of which are sent to the member on rejection.

4. Other information

Commutation – If the member is seriously ill and having followed this application process, the DCSF Medical Advisor concludes that life expectancy is less than a year, the member may request that the retirement pension be commuted to a lump sum payment if the member requests it. This would be equal to five times the annual pension.

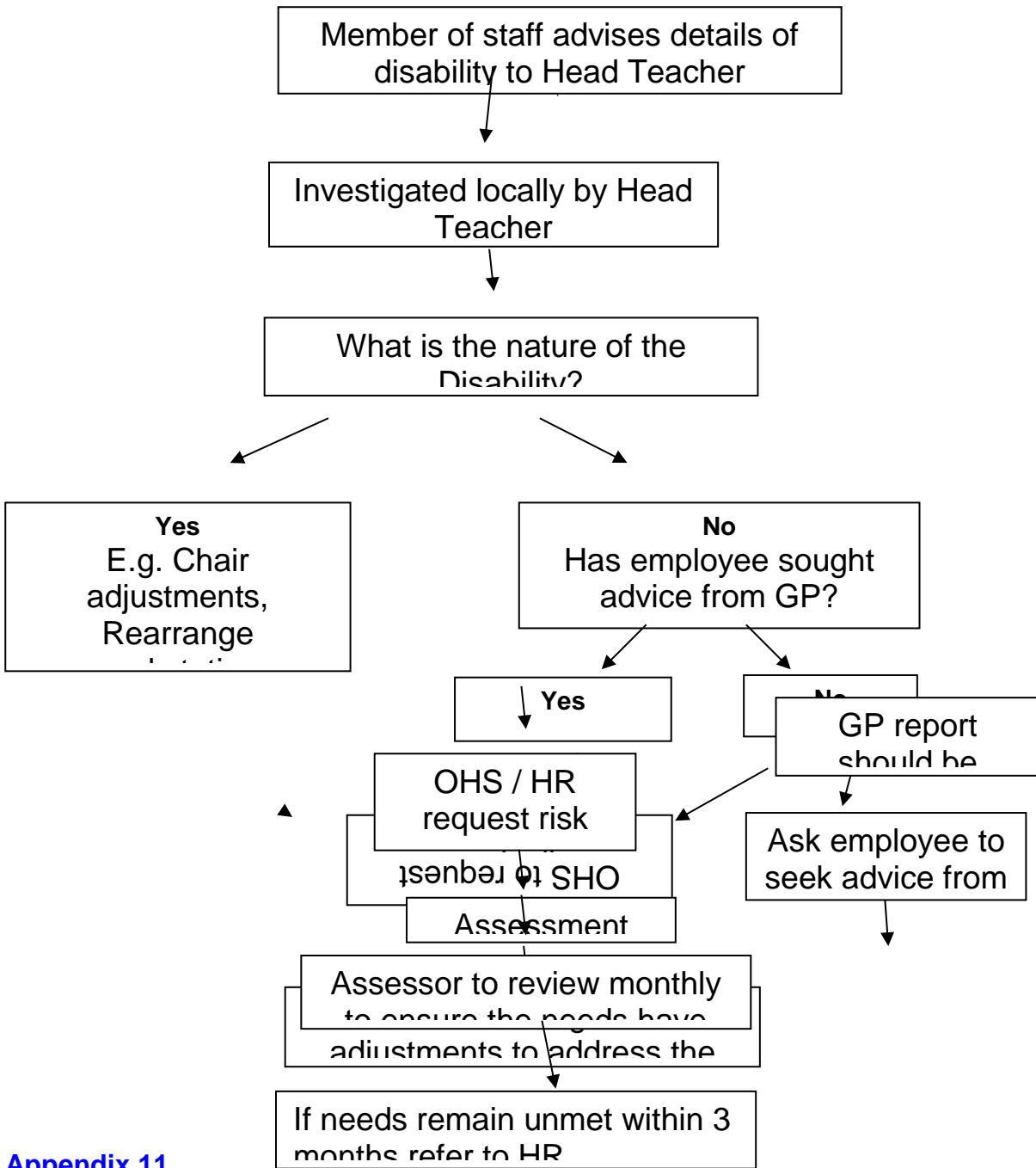
Short service incapacity grant – Where a teacher is under 75 and has to leave pensionable employment through ill-health but does not have sufficient service to qualify for ill health benefits, a short service incapacity grant may become payable.

As with an ill health application both forms should be completed. An application cannot be processed until both forms are received in TP.

Re-employment – Where a member has been accepted as unfit for teaching and subsequently returns to teaching for even 1 day after the award of ill health benefits this will result in the immediate cessation of pension payments. You must be satisfied that a person who has retired for reasons of ill health is medically fit to resume teaching.

Appendix 10

REPORTING DISABILITY FLOWCHART



Appendix 11

'Absent with No Contact' letters

Letter 1

Name
1 address
Post code

Date

Dear (name)

I note from our records that you have been absent from work since (date) and have made no contact to inform the School of the reason for your unauthorised absence.

In order that we may discuss the reason for your absence I propose that we meet on (date) at (time) at (location). I must advise you that, dependant upon your explanation for your period of unauthorised absence and your reasons for non-communication, disciplinary action may be taken against you.

Please confirm that you will be attending this meeting by telephoning me on (telephone number).

Yours sincerely
Head Teacher
ABNOC1

Letter 2

Name

1 address

Post code

Date

Dear (name)

I refer to my previous letters to you dated (date of letter ABNOC1), in which you were asked to attend a meeting to discuss your unauthorised absence from work and noted that you have made no contact with the Council.

You have failed to attend the meeting and have failed to inform the School for the reason for your absence.

I now write to request your attendance at a meeting of the Governing Body's Staff Disciplinary Committee, the purpose of which is to discuss your reasons for absence and your lack of contact with the School. The meeting will take place on (date) at (time) at (location).

As an alternative to attending the meeting, you can send in a written submission which will be considered at the meeting. You may also make a written submission and also attend the meeting.

I have included with this letter copies of documents that will be referred to in our meeting. The documents are:

(List here the documents included with the letter)

This meeting may result in disciplinary action being taken against you. Due to the seriousness of the situation, this could include termination of your employment, and I would remind you of your right to be accompanied by an appropriate fellow member of staff, or by an official of a trade union, who is reasonably available and agrees to take part in the meeting.

Should you fail to make written submissions and/or fail to attend this meeting or inform the School of why you are unable to attend the meeting a decision regarding your employment with the School may be made in your absence on the evidence available.

Yours sincerely

Head Teacher

(Absent no contact letter 2 ABNOC2)

Letter 3

Name
1 address
Post code

Date

Dear (name)

I refer to the previous letters from the Headteacher dated (date of letter ABNOC1), (date of letter ABNOC2). You were asked to attend a disciplinary meeting to discuss your unauthorised absence and failure to contact the Council. The letter explained to you that should you fail to attend this meeting a decision could be made in your absence on the evidence available.

It is the decision of the Staff Disciplinary Committee to recommend to the LEA that they terminate your employment with effect from (insert a date) due to your [continued absence and/or failure to explain adequately or not at all *] the reason for your absence.

(Insert details of the facts taken into account and a fuller explanation of the decision).

Any outstanding monies due to you and your P45 will be forwarded to your home address.

Should you consider this decision to be unfair then you have the right to appeal to the Governing Body's Staff Appeal Committee. If you wish to do so you should write to -----, the Clerk to the Governing Body at ----- within fifteen days of the date of this letter clearly stating the grounds of your appeal.

Yours sincerely

Chair of Staff Disciplinary Committee

(Absent no contact dismiss letter)

Appendix 12

Cyngor Sir Powys County Council

Notification Absence and Return to Duty

To Payroll Section
This form must be completed on a return to work for ALL employees regardless of the length of absence

Your personal and employment details	
School	
Name	
Job Title	
Date of Birth	
Staff Number	

Reasons For absence	If unpaid leave please state number of hours to deduct and the reason for the deduction.

Period of Sickness – Date and Day you became unfit for work (including Saturday or Sunday)
Date <u> / / </u> Day <u> </u>

Returning to work – Date and Day you became fit for work (including Saturday or Sunday)
Date <u> / / </u> Day <u> </u>

Additional information to be completed in respect of absence due to **sickness**

First Day of absence	Day			
Last day of sickness	Day			

Note these days may not necessarily be the first / last working days absent (eg, if absence began or ended on a Saturday / Sunday or school closure period)

Name (Head Teacher)	Signature	Date

Appendix 13

**Cyngor Sir Powys County Council
Occupational Health Report**

Corporate and Democratic Support Services Directorate

**Occupational Health Memorandum
Private and Confidential - Not for disclosure**

From	Name Occupational Health	To	Name	Headteacher
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Reference	(Employee Name)
Date	(Date)
Job Title	(Job Title)

Job Description seen by Occupational Health	Yes / No	1 st Date Absence (Long Term Absence only)	
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Confirm reason for referral to OHS

Diagnosis of medical condition

Physical / Mental restrictions imposed on duties resulting from medical diagnosis

Prognosis in relation to medical condition

Prognosis in relation to ability to return to work

Prognosis in relation to ability to return to alternative work

Detail reasonable modifications / adjustments for consideration to support a return to work

Specific response to additional questions raised by Headteacher

Graduated return to work to be considered – Details below, complete & attach appendix 7

Employee comments following consultation with OHS

Has additional Medical advice been sought from GP / Consultant – Details below

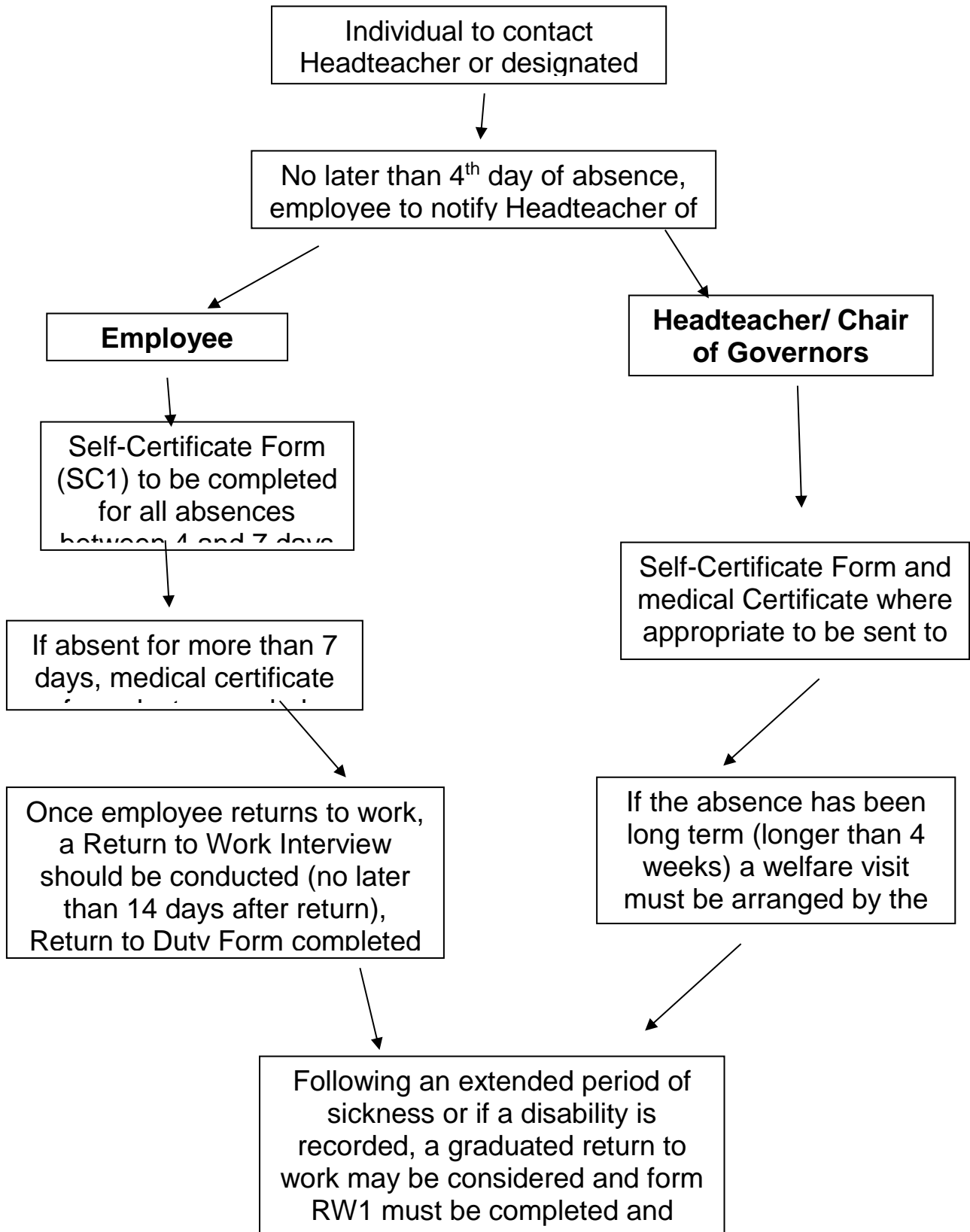
Potential implications in relation to Equality Act – Details below

Expected Return to work date	Next Review date with OHS

Name	Date

APPENDIX 14

ABSENCE MANAGEMENT FLOWCHART



Flowcharts regarding Reasonable Adjustments/Modifications and Reporting Disability can be found in Appendix 6 and Appendix 10