

Newton Tony CE VC Primary School	
Sickness Absence Management Policy and Procedure for All Staff in Schools	
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Introduction

- 1 This policy and procedure covers the management of ill-health and sickness issues for Newton Tony CE VC Primary School. Specifically this covers the responsibilities of Governors, Headteachers and employees in managing sickness absence including both long term and frequent short term periods of absence.
- 2 This Policy and Procedure is to be used in conjunction with other School Policies and Procedures, including the Disciplinary Procedure and Capability Procedure if there are issues which overlap these policies.

Policy Statement

- 3 Newton Tony CE VC Primary School is committed to ensuring that this policy and its application reflect the School's Equal Opportunities at Work Policy. This means treating people fairly regardless of their colour, race, ethnic or national origin, language, religion or belief, gender or gender reassignment, marital status, sexuality, disability, age, or any illness or infection. In particular, Newton Tony CE VC Primary School recognises its responsibility to meet all its legal obligations for managing staff with underlying health issues in line with the Equality Act 2010 (Disability)
- 4 Newton Tony CE VC Primary School is committed to evaluating the effectiveness of this policy by recording, monitoring and analysing sickness absence levels in the school, with the aim of working towards a reduction in absence levels.
- 5 This policy applies to the handling of sickness absence both paid and unpaid. Entitlement to occupational sick pay is determined by the conditions of employment under which the member of staff is employed and compliance with the school's reporting of sickness absence procedures.
- 6 All information in relation to staff sickness absence will be held in accordance with the Data Protection Act, 1998.

Scope

- 7 The policy applies to all employees in Wiltshire schools including teachers and support staff as appointed in accordance with the Schools Standards and Framework Act 1998 and the Education Act 2002.

8. This policy and procedure does not apply in cases of poor performance where an employee's performance is not up to the standard required in the role. In these cases the school's **capability policy and procedure** should be used instead. The school's **capability policy and procedure** should also be used if the employee's disability or health issue is affecting their work but they are not absent from work due to sickness, following advice from occupational health regarding their illness / disability and an HR Advisor on the most suitable action.

Sickness absence reporting procedure

9. Headteachers must confirm and communicate how and when staff should let the school know of their absence from work and ensure that all their staff know, understand and apply these rules. This should be made clear for each of the work patterns that staff may work.
10. If an employee is unable to attend work because of illness, they must notify the Headteacher (or their nominee) as early as possible and within the agreed time scales and method set by the school on the first day of their illness. If the employee is physically able they should telephone the Headteacher (or their nominee in the school) themselves providing details of the nature of their illness and the likely duration.
11. From the 8th calendar day (including weekends and non-working days) of the employee's sickness absence the employee is required to submit a medical statement of fitness for work (fit note), signed by a registered doctor or other appropriate medical practitioner with a reason for absence. The fit note may explain that they are not fit for work or if they are fit for work, it may indicate whether they are able to carry out certain aspects of their role.
12. Further fit notes must be provided for the duration of the absence and run consecutively with no gaps. The Headteacher (or their nominee) must see the original fit note, take a copy and return the original fit note to the employee for their retention.
13. The Headteacher (or their nominee) will maintain reasonable regular contact with the employee throughout the period of absence and the employee should be available and contactable during their normal

working hours. The purpose of such is not to set or require work but could include enquiries on where work items can be found or to update employee on progress or outcomes. This may be done on occasions via a third party e.g. when an employee is in hospital and unable to contact the school. Further information on *how to report sickness* can be found in the toolkit.

14. If an employee fails to comply with the school's sickness reporting procedures this will be viewed as unauthorised absence and therefore treated as misconduct and will be investigated in line with the disciplinary policy and procedure. Failure to comply includes:
- Failure to notify the Headteacher (or his/her nominated person for such reporting) of any sickness absence.
 - Failure to supply a fit note on the 8th day of sickness absence and further fit notes to cover the period of absence may lead to the withholding of pay - a backdated fit note cannot be accepted unless in exceptional circumstances.

Return to work interview

15. After each and every episode of sickness absence the Headteacher / line manager must arrange and carry out a "return to work" interview with the employee as early as possible on the day they return.. At this meeting the Headteacher / line manager will complete the return to work interview form to record the discussions and any issues raised. These records should be kept by the Headteacher / line manager for a period of 12 months.
16. The aim of the meeting is to enable the Headteacher / line manager to identify any factors that might be contributing to the employee's absence and any reasonable adjustments or support required
17. Where the Headteacher / line manager identifies a clear pattern of sickness absence or where there is a cause for concern the employee will be referred to Occupational Health for advice. The employee must be notified in advance that they are being referred. Occupational Health referral forms are available on Schools HR Online - <http://schoolshr.wiltshire.gov.uk/index/schools-hr-forms.htm>

Episodes of sickness absence and trigger points

18. The Headteacher / line manager may take action at any point of a sickness absence if they feel it is causing concern but they are required

to take action if the trigger points as set out in this policy and procedure for both Short Term sickness and Long Term sickness Absence.

19. For the purpose of managing absence using trigger points an episode includes (but is not limited to) the following examples:

- An employee is feeling unwell at work and goes home ill after lunch - the afternoon will be recorded as sickness absence.
- An employee is feeling unwell in the morning and does not attend work until later that morning - the time before attending work will be recorded as sickness absence.
- An employee is feeling unwell and informs their Headteacher / line manager that they will not be attending work for the day - the day will be recorded as sickness absence.

20. If an employee is covered by the provisions of the Equality Act 2010 the trigger points will be treated on a case by case basis. The Headteacher / line manager will review the case and discuss it with a Schools HR Advisor for appropriate action.

21. Each time a school employee reaches a 'trigger point' the Headteacher / line manager should discuss the case and agree the appropriate action with the Schools HR Advisory team.

MANAGING SHORT TERM SICKNESS ABSENCE

22. Short term sickness absence is defined as absence where there are frequent short periods of absence. Examples include (but are not limited to) viral illnesses such as colds and flu.

23. The Headteacher may take appropriate action at any point regarding an employee's sickness absence if they feel that it is causing concern but they are required to take action if the employee reaches the following trigger points:

- 4* separate incidents of absence over a 6-month period; (*part-days or hours of absence will be treated as an episode*) or, Absences of 10 or more working days over a continuous 12-month period.

- **All absence, including days when employees have not worked their full contracted hours due to sickness, will be included in this calculation.*

Stage 1 - First sickness advisory meeting

24. If the Headteacher / line manager has concerns about an employee's absence or they meet the trigger points stated above, they will arrange to meet with the employee to discuss the absence. If the employee is absent from work it may be appropriate for this discussion to take place over the telephone.
25. Further guidance on sickness absence that causes concern is available in the guidance for headteacher – sickness absence management policy and procedure
26. At the meeting the Headteacher / line manager will discuss with the employee whether there is a need for a referral to occupational health. The referral will ensure that the employee has an opportunity to discuss their health in confidence with a health professional and any underlying health causes identified. The headteacher / line manager will liaise with the School HR Adviser if a referral is required.
27. It is a condition of employment that the employee is required to be available for an assessment with occupational health either face to face or by telephone. If the date/time of the appointment provided by occupational health is not suitable the employee should contact them to arrange an alternative date/time. If the employee fails to co-operate with the occupational health referral process, a decision regarding the way forward would be made by the Headteacher or staffing panel based on the available information.
28. Occupational health will provide a report to the Headteacher to advise them whether there are any underlying health causes relating to the employee's sickness absence. The report will contain advice about whether the employee is fit to return to work and their ability to maintain the required levels of attendance and the likely timescales for these to be achieved.
29. If it has been determined that a referral to Occupational Health is not appropriate at this stage, the Headteacher / line manager will set a review period (between 6-12 weeks) and discuss with the employee

how an acceptable level of attendance can be achieved. This will be reviewed at the stage 3 meeting detailed below.

Stage 2 - Second sickness advisory meeting

30. The employee will be invited to attend a second formal sickness advisory meeting with their Headteacher / line manager to discuss the occupational health report and to determine how they can achieve an acceptable level of attendance and if appropriate set a review period (between 6 – 12 weeks) for improvement. The headteacher will review the occupational health report and the recommendations made (e.g. reasonable adjustments).
31. The Headteacher will also outline the consequences of the employee's failure to make an improvement which may lead to any of the sanctions of the disciplinary policy and procedure including dismissal
32. After the meeting, the employee will be informed of the outcome of the meeting in writing and if a review period has been set. The letter will also confirm this period with the employee and the date of the review meeting

Stage 3 - Third sickness advisory meeting

33. The employee will be invited to attend a meeting at the end of the review period to discuss their case and whether they have made the required improvement in attendance
34. If the employee has made the required improvement the process will cease providing there is no repetition of poor attendance at work without an underlying health reason within the next 12 months. The next 12 months will therefore be a monitoring period.
35. If the employee has failed to make the required improvement and attendance has not been satisfactory, the Headteacher / line manager will decide whether to extend the review period for 1 month or advise the employee that a Formal Attendance Hearing will be set up. An occupational health review may be required to establish any new medical information prior to the Formal Attendance Hearing taking place.
36. If the employee has made the required improvement during the review period but has subsequently had a repetition of sickness absence

within a 12 month period, the Headteacher / line manager will decide whether to put in place a further 3 month review or arrange a Formal Attendance Hearing

37. After the meeting, the employee will be informed of the outcome of the meeting in writing and if applicable notified that the case will progress to a formal attendance hearing.

Stage 4 – Formal Attendance Hearing with a staffing panel

38. The employee will be required to attend a Formal Attendance Hearing if they have failed to make the required improvements in their attendance or have subsequently had a repetition of a period of short term absence within 12 months monitoring period). The Headteacher/Line Manager will present a report to the governors at the Formal Attendance

39. The employee will be given 5 working day's written notice and will be given the right to be accompanied by a Trade Union Representative or work colleague.

40. The Formal Attendance Hearing will be held as a governors staffing panel. A letter confirming the staffing panel's decision will be sent to the employee within 5 working days of the meeting. The outcome of the staffing panel held as a Formal Attendance Hearing will vary according to individual circumstances but can include any of the sanctions as below:

- Extend the review/monitoring period.
- Written warning – which will remain on file for 12 months.
- Final written warning – which will remain on file for 18 months.
- Dismissal (with notice)

MANAGING LONG TERM SICKNESS ABSENCE

41. Long term sickness is defined as absence where there is a longer period(s) of absence. It usually occurs with a higher number of days of sickness absence but over few episodes. Examples include (but are not limited to) significant medical conditions such as clinical depression, back conditions/injuries, multiple sclerosis and breaks or fractures to bones.

Trigger points for long term sickness absence are:

- if the employee has 28 days continuous absence (including non-working days and weekends) with no immediate or known prospect of a return to work;
- a serious and potentially long-term illness or injury is reported (e.g. back injury, clinical depression or stress);
- it has been reported that the absence is due to identifiable work-related issues.

Stage 1 – first sickness advisory meeting

42. If the Headteacher / line manager has concerns about an employee's absence or they meet the trigger points stated above, they will arrange to meet with the employee to discuss the absence. If the employee is absent from work it may be appropriate for this discussion to take place over the telephone.
43. The Headteacher / line manager will discuss with the employee whether it is appropriate for a referral to occupational health. The occupational referral will ensure that the employee has an opportunity to discuss their health in confidence with a health professional and any underlying health causes are identified. After the meeting, the employee will be informed of the outcome of the meeting in writing. The Headteacher will complete and submit the occupational health referral form.
44. The employee will be required to be available for an assessment with occupational health either face to face or by telephone.
45. If the date/time of the appointment provided by occupational health is not suitable the employee should contact them to arrange an alternative date/time. If the employee fails to co-operate with the occupational health referral process, a decision regarding the way forward would be made by the Headteacher or staffing panel based on the available information.
46. Occupational health will provide a report to the Headteacher/line manager to advise them whether there are any underlying health causes relating to the employee's sickness absence. The report will contain advice about whether the employee is fit to return to work, their ability to maintain the required levels of attendance and the likely timescales for these to be achieved.

Stage 2 – second sickness advisory meeting

47. The employee will be invited to attend a second sickness advisory meeting with their Headteacher / line manager to discuss / explore the occupational health advice and the options (stated below) available under the sickness absence management Policy and Procedure).

48. Options may include:

- option 1 – consideration of a further period of absence/review to enable recovery
- option 2 – returning to their existing post (including a phased return)
- option 3 – returning to their existing post (with reasonable adjustments)
- option 4 – consideration of redeployment on health grounds
- option 5 – ill health retirement (provided that criteria are met)
- option 6 – warning of termination of contract on grounds of work performance due to ill health

49. After the meeting, the employee will be informed of the outcome of the meeting in writing).

Option 1 – further period of review

50. Depending on occupational health advice a further review period of up to 12 weeks may be considered to review progress. This will enable the employee to seek treatment if required and allow the necessary support or reasonable adjustments to be in place to enable their return to work.

51. A further referral to occupational health may be required to ensure that an up to date assessment of the employee's health can be made and to identify timescales and prospects of a return to work.

52. Following this review period and occupational health referral (if appropriate) the Headteacher will arrange a further sickness advisory meeting to discuss the absence case and any progress with the employee.

Option 2 – returning to the employee's existing post (phased return)

53. If the employee is returning to work in their current post, occupational health may advise that this is done on a phased return basis for a period of between 2 – 6 weeks.

54. During phased return to work arrangements of up to 6 weeks the employee will not suffer a financial detriment providing that they adhere to the agreed arrangements and remain at work for the duration of the programme. The employee will be paid their usual contractual salary and the hours that the employee is absent from work during the phased return will not be reflected in their sickness absence record or deducted from their sickness entitlement.
55. The headteacher / line manager will meet with the employee to discuss their phased return to work arrangements and complete a phased return to work plan. A copy of the phased return to work plan should be included with the sickness advisory meeting outcome letter.
56. If the phased return to work is for more than 6 weeks, is unsuccessful or the employee requires a second phased return arrangement in a continuous 12 month period the Headteacher will discuss with the Schools HR Advisory Team how these phased return to work arrangements can be supported in terms of paid / unpaid time.
57. Once the employee has successfully completed their phased return the sickness absence process will cease but the Headteacher (or their nominee) will keep the well-being of the employee under review through supervision and one to one meetings. If there is a repetition of sickness absence within 12 months from the employee's return to work the Headteacher will consider, with advice from a Schools HR advisor, whether to refer the employee back to Occupational Health, put the employee on a three month review period or resume the sickness absence policy and arrange a formal attendance hearing

Option 3 – returning to the existing post (with reasonable adjustments)

58. The Headteacher will determine with the employee whether there are any reasonable adjustments to be made to support them in returning to their post).
59. Once the employee has returned to work with any required reasonable adjustments put in place the sickness absence process will cease but the Headteacher (or their nominee) will keep the employee's well-being under review through supervision and one to one meetings. If there is a repetition of sickness absence within 12 months from the employee's return to work the Headteacher will consider, with advice from the Schools HR advisor, whether to refer the employee back to

Occupational Health, put the employee on a three month review period or resume the sickness absence policy and arrange a formal attendance hearing

Option 4 – redeployment on health grounds

60. Based on occupational health advice, it may be necessary to consider redeployment of the employee on health grounds. However, this is not always possible to arrange within a school. If the employee is returning to different work in the school through a redeployment the Headteacher will consider whether this is carried out on a phased return basis for a period of between 2 – 6 weeks.

- Redeployment on health grounds must be mutually agreed and can only be considered after all the options (listed above) have been explored and determined as unsuitable and that the Sickness Absence Management Policy and Procedure has been followed.

61. If the employee has a condition that falls under the Equality Act 2010, the school will explore finding suitable alternative employment with a formal offer before dismissal is contemplated.

Option 5 – ill health retirement of teaching and support staff

62. Where it is not practical for the employee to return to their existing post with/without reasonable adjustments or redeployed into suitable alternative employment, occupational health may recommend ill health retirement.

63. Occupational health's recommendation for the employee's ill health retirement will be assessed against specific criteria and their eligibility will be assessed by a suitably qualified physician.

64. Occupational health will recommend that the employee is permanently unfit or unfit for the foreseeable future and are therefore unable to perform the duties of their post.

65. For support staff that belong to the local government pension scheme (LGPS) and have the required length of membership to the scheme they will be considered for an application for permanent ill health retirement following the recommendation from occupational health.

66. The support staff will need to meet specific criteria set by the LGPS and should refer to the ill health retirement procedure.
67. For teachers that belong to Teachers pension scheme (TPS) and have the required length of membership to the scheme they will be considered for an application for permanent ill health retirement following the recommendation from occupational health.
68. The teacher will need to meet specific criteria set by the TPS and should refer to the ill health retirement policy and procedure
69. There is a right of appeal against the occupational health decision for ill health retirement

Option 6 – termination of contract on grounds of ill health

70. If there are no suitable alternative options (listed above) or the employee has refused an alternative offer of employment, the Headteacher will consider terminating the employee's employment on the grounds of work performance due to ill health.

Stage 3 – third sickness advisory meeting

71. Once all options stated in the Sickness Absence Management Policy and Procedure have been explored, the Headteacher will discuss the absence case with the employee to determine that there are no further suitable alternative options
72. The Headteacher will confirm in writing using the "contemplation of dismissal checklist" form their reasons for recommending that the case be heard at a formal attendance hearing. The headteacher / line manager will also complete a "formal attendance hearing" report including any evidence in support of the case such as occupational health recommendations.
73. The employee will be required to attend a formal attendance hearing. The Headteacher/Line Manager will present a report to the governors at the Formal Attendance Hearing. The panel members will consider the employees continued employment. The consequences of which may lead to dismissal.

Stage 4 – Formal Attendance Hearing

74. The employee will be required to attend a Formal Attendance Hearing (which will be held as a governors staffing panel, if there is no defined reason for them not returning to work including:

- all alternative options (listed above) are not suitable
- they have refused any suitable alternative offer of employment

75. The employee will be given 5 working day's written notice of the hearing and they will have the right to be accompanied.

76. The outcome of this Formal Attendance Hearing may result in dismissal.

77. A letter confirming the staffing panel's decision will be sent to the employee within 5 working days of the meeting.

Appeals

78. The employee will have the right to appeal for both short term and long term sickness absence processes in accordance with the school's appeals policy.

Non-attendance at sickness meetings

79. Whilst the school will take all reasonable steps to assist the employee to return to work, it is not possible to wait indefinitely for a health condition to improve.

80. Employees should be available for contact from the school and to attend meetings during their normal working hours

81. If an employee fails to attend a sickness absence meeting, they will be contacted by the school to establish the reason for the non-attendance and they will be informed in writing of the date and time of the rescheduled meeting. The employee can send a representative to the meeting or make a written submission if they are unable to attend

82. If the employee fails to attend the re-scheduled meeting or fails to give reasons for their non-attendance the meeting may proceed in their absence. The case will be referred to occupational health to obtain up to date details of the sickness and a decision may then be taken on the basis of the available evidence.

83. If an employee is absent from work due to stress or depression, the school will look to follow these guidelines as it is in the best interests of all parties to not delay decisions relating to absence.

Disability and sickness absence (including reasonable adjustments)

84. The Equalities Act 2010 defines a disabled person as someone 'who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'.
85. If an employee wishes to do so, they are able to declare their disability by completing the Disability Self Declaration Form
86. Should they feel that they have a disability, as defined by the Equality Act 2010, they should inform the Headteacher who should take specialist advice by contacting Schools HR Advisory
87. If an employee is off sick due to their disability/impairment their absence will be recorded by completing the disability leave and sickness form
88. If an employee has a disability, the school is required by law to consider reasonable adjustments in the workplace Reasonable adjustments may include (but are not limited to):
- Provision of additional software or equipment such as a special chair, screen or an adapted keyboard;
 - Changing the working environment (e.g. making a door easier to open or changing the height of shelves);
 - Changing start and finish times or changing actual working hours
 - providing assistance (eg a support worker or a British sign language interpreter).
89. Advice on reasonable adjustments is available to the Headteacher by contacting a Schools HR adviser. Further advice on reasonable adjustments is also available through Access to Work (0345 2688489) who can provide advice and support to both employees and Headteachers.

Disability and time off to attend appointments

90. If an employee has a disability as defined by the Equality Act 2010 they may request to take time to attend an appointment relating to their impairment/disability by completing the Disability Leave and Sickness form . The time off will not be recorded as sickness absence and the school will record this time taken separately.

91. It is reasonable to authorise up to 20 episodes (pro rata for part time staff) in a year for time off to attend an appointment relating to an employee's impairment/disability.
92. The Headteacher may seek guidance via the School HR adviser, which may also lead to advice from occupational health regarding the health situation in relation to what constitutes reasonable time off to attend appointments.
93. Any time will be agreed subject to school's business requirements. Employees will be required to provide the Headteacher with a doctor's note outlining the circumstances.
94. Wherever possible, the employee should try to arrange appointments outside of their working hours or at the beginning/end of their working day so that business requirements are not adversely affected
95. Time taken should be used for appointments including (but not limited to):
- hospital, doctor or complementary medicine practitioner appointments or treatment;
 - assessment/tests;
 - training with guide/hearing/assistance dog;
 - counselling/therapeutic treatment.

Accessing and maintaining sickness records

96. Accurate records are not only mandatory for statutory sick pay but are essential for monitoring sickness/absence. The Headteacher is responsible for monitoring sickness absence in the school. All information will be processed in accordance with the Data Protection Act 1998.
97. Under the Access to Medical Records Act 1988 it is not possible for occupational health to request a medical report from any doctor who is responsible for an employee's physical or mental health without the individual's consent. Employees may be required to complete the access to medical reports consent form. If an employee gives this consent they also have the right:
- to see the medical report before it is supplied to occupational health;

- to ask the doctor to amend any part of the report which they consider to be inaccurate or misleading;
- if the doctor declines to amend the report, to attach a written statement giving their views on its content;
- to withdraw their consent to the report being supplied.

98. If the employee withholds their consent, decisions regarding the sickness absence case will be made upon the evidence available.

Injury/ill health through work activities

99. Employees have a responsibility for reporting all accidents or incidents at work and any work-related ill health. They should notify their Headteacher and complete the appropriate form:

100. Accidents and near misses resulting in injury and where no injury has been sustained must be reported by using the accident/near miss report and investigation form .

101. Incidents of verbal abuse, assault and anti-social behaviour which cause injury or distress must be reported using the personal incident reporting form.

102. If the employee sickness is a result of an injury or ill health through work activities, the Headteacher should ensure that this is recorded as an industrial injury.

103. The employee will continue to receive sick pay in line with their contractual entitlement to occupational sick pay (depending on length of service) which will reduce once they reach a trigger for reduced pay

104. Only in exceptional circumstances will an employee's entitlement to continued sick pay be considered and full pay extended beyond their normal entitlement date. This will be considered on a case by case basis and only following agreement by the Governing Body. Any such agreement would be until a set date and subject to review

Third party claims

105. If an employee is absent due to an accident or injury involving a third party where damages may be recoverable (i.e. road accidents) they will need to complete the potential third party notification form.

106. In these circumstances, the employee's normal sick pay may be regarded as a loan, pending receipt of damages from a third party.

107. If the employee's claim is successful and they receive damages, they will be required to refund any sickness pay received up to the total sickness allowance paid.
108. If the employee's claim is unsuccessful they will only be required to refund any pay received above their contractual sickness entitlement.
109. Where sickness allowance is repaid, the period of absence will be excluded from the calculation of future periods of sickness allowance.

Medical suspension

110. In certain circumstances the Headteacher / (Chair of governors for the Headteacher) may be required to suspend an employee from work on medical/health and safety grounds if they perceive there to be a risk either to them or others.
111. If an employee returns to work and the Headteacher feels that an employee is unfit to carry out their job role despite the employee stating that they are fit, they may decide to suspend the employee on medical grounds.
112. The Headteacher will discuss their concerns with the employee and seek advice from Schools HR Advisory team.
113. If an employee is suspended from work on medical/health and safety grounds, they will receive sick pay in line with their contractual entitlement to occupational sick pay and this period will count towards their contractual sickness entitlement.
114. The employee will have the right to appeal against this decision in line with the school's appeals policy.

Holiday entitlement during Sickness absence

115. During periods of long term sickness absence employees will be entitled to continue to accrue the contractual level of holiday entitlement.

Support staff who work whole year (not term time only)

116. For support staff who are contracted to work the whole year and has a pre booked holiday and still intends to take this time as annual leave because their sickness does not prevent them from taking annual leave they must inform their Headteacher / line manager of this intention so that sick pay may be suspended for the period of annual

leave and to enable this time to be accredited as 'annual leave'. On the employee's return from 'annual leave' sick pay will commence again.

117. If during a period of sickness absence they have been prevented from taking their pre-booked holiday they will need to contact the Headteacher to request to re-schedule this period of pre-booked annual leave. They will remain on sick leave and continue to receive sick pay.
118. If an employee does not have a pre-booked holiday during a period of sickness absence but wishes to take annual leave, they must agree this time with the Headteacher. During the period of annual leave their sick pay will be suspended and the annual leave taken will be deducted from their annual leave entitlement. On return from annual leave, sick pay and sick leave will re-commence.
119. If the employee is sick during a period of annual leave they can request that the days they are sick are rescheduled as sick leave rather than annual leave but the employee will need to provide proof of your sickness during their annual leave period.
120. An employee may carry forward up to 4 weeks (20 days) annual leave if they were unable to take annual leave because of sickness absence during the annual leave year. If they have already taken annual leave (including bank and public holidays) during the annual leave year, this will be deducted from the 4 weeks (20 days) that they are able to carry forward.

Teaching Staff

121. Teaching staff entitlements to sick pay are based on working days meaning teaching and non-teaching days within 'directed time'. Teachers are not expected to work during school closure periods and would normally take any holiday entitlements when the school is closed therefore it is unlikely that teachers would have any booked holiday during directed time. It can be assumed therefore that the sickness entitlement for teachers is not normally affected by annual leave.

Sick pay entitlement

Support staff

122. Entitlement to occupational sick pay is determined by the conditions of employment under which support staff are employed and their length of service with local government.

123. The maximum payable in any one 12 month period is:

During your 1 st year of service	1 month full pay (and after completing 4 months service you will receive 2 months half pay)
During your 2 nd year of service	2 months full pay and 2 months half pay
During your 3 rd year of service	4 months full pay and 4 months half pay
During your 4 th and 5 th year of service	5 months full pay and 5 months half pay
After 5 years' service	6 months full pay and 6 months half pay

Teaching staff

124. Provided the appropriate conditions are met, a teacher absent from duty because of illness (which includes injury or other disability) shall be entitled to receive in any one year sick pay as follows:

During the 1 st year of service	full pay for 25 working days (and, after completing 4 months' service, half pay for 50 working days);
During the 2 nd year of service	full pay for 50 working days and half pay for 50 working days
During the 3 rd year of service	full pay for 75 working days and half pay for 75 working days;
During the 4 th and successive years	full pay for 100 working days and half pay for 100 working days

125. For the purpose of calculating a teacher's entitlement during a year, a year is deemed to begin on 1st April and end on 31st March of the following year. Where a teacher starts service after 1st April in any year, the full entitlement for that year will be applicable. Where a teacher is on sick leave on 31st March in any year, no new entitlements shall begin until the teacher has resumed duty and the period from April

1st until the return to duty is regarded as part of the preceding year's entitlement for the purpose of this scheme. When a teacher moves to another employer, any sick pay paid during the current year by the previous employer shall be taken into account in calculating the amount and duration of sick pay payable by the new employer.

126. For the purpose of the sick pay scheme for teaching staff, "working days" means teaching and non-teaching days within "directed time", as specified in the School Teachers' Pay and Conditions Document.

All staff

127. Statutory Sick Pay is paid as part of sick pay whilst employees are in receipt of full pay entitlement. It is paid in addition to sick pay when the entitlement reduces to half pay, as long as when the two amounts are added together they do not exceed the employee's normal pay.

128. If an employee is employed on a temporary contract of less than 13 weeks duration and they have less than 13 weeks continuous service, they will not be entitled to occupational sick pay but may be entitled to Statutory Sick Pay. Employees should contact the Department for Work and Pensions (DWP) for further information.

129. For a new employee, Statutory Sick Pay may be affected by payments made to them by a previous employer. If an employee was issued with a leaver's statement form SSP 1(L) by his/her last employer, the employee should notify the Headteacher on appointment to the school. If they subsequently fall sick for 4 days or more within the first 8 weeks of employment they must pass this statement to the Headteacher no later than the seventh day of absence.

130. In certain circumstances, Statutory Sick Pay will not be payable by the school. If an employee is excluded from Statutory Sick Pay, they may be entitled to other sickness benefits. Their entitlement will depend on the national insurance contributions which they have paid, and the employee should contact the Department for Work and Pensions (DWP) for further information.

131. If an employee is on sick leave and in receipt of sick pay they are unable to undertake paid employment elsewhere. This may result in any of the sanctions of the disciplinary policy and procedure including dismissal.

132. If an employee holds multiple contracts with the school or a number of schools the nature of the illness will be considered to determine whether the employee is able to carry out these roles.

Medical appointments

133. Every effort should be made by employees to attend medical appointments (i.e. Doctor / Dentist appointments) in their own time. If this is not possible, how this time is taken should be agreed with the Headteacher.

134. If an employee needs to attend an emergency appointment (for example attending Accident & Emergency) in work time this should be recorded as sickness absence.

135. If an employee has a pre-planned appointment such as a scheduled operation this should also be recorded as sickness absence. Employees should inform the Headteacher as soon as possible of any medical arrangements.

Medical advice

136. Suggestions from doctors relating to support are provided as advice only and are not binding. In circumstances where occupational health advice recommends an alternative approach, this advice will take precedence over that of the doctor. It is for the employer to make the final decision as to whether the support identified by the doctor can be accommodated.

137. If it is not possible to accommodate a doctor's advice regarding support for an employee the Headteacher will explain this to the employee and agree a review date or return to work date. In these circumstances the fit note will be regarded as if the advice had been 'not fit for work' and the employee will be referred to occupational health for an assessment.

138. It would be impractical to obtain advice from occupational health on all cases involving adjustments recommended by medical practitioners. The Headteacher will discuss this with the employee and planned returns to work should be based on operational requirements and common sense. In complex cases or cases where an employee is not able to return to their full contractual duties within the agreed timeframe or no agreement can be reached then the Headteacher should seek further advice from the Schools HR Advisory team.

Right to be accompanied

139. An employee does not have the right to be accompanied at sickness advisory meetings but any requests will be considered on a case by case basis and it may be agreed that they may be accompanied.
140. The employee has the right to be accompanied at formal attendance hearings.

Roles and responsibilities

Employee responsibilities

141. Employees have a responsibility to co-operate with the procedures within this policy and to engage with the process at all times including:
- attending work regularly and to only make use of the sickness procedures when they are genuinely too ill to come to work
 - appropriately notifying the Headteacher (or nominated person) if they are not able to attend for work
 - maintaining regular contact with the Headteacher (or nominated person) whilst absent and advising them of any changes to their condition and attending meetings as and when required
 - sending in fit notes / medical notes to the Headteacher (or nominated person) in line with the policy and procedure
 - attending for occupational health assessments in support of their health
 - reporting any concerns that they have that might have a detrimental effect on their health, well being and ability to attend for work
142. Not engaging in activities or work elsewhere while they are absent that might have a detrimental impact on their recovery or that is some way not conducive to supporting their return to work. The employee should seek advice from the Headteacher in relation to taking paid employment or continuing in a second job elsewhere whilst they are absent.

Headteacher and school management responsibilities

143. All Headteachers (and other line managers in schools) have a responsibility to apply this policy and procedure fairly and consistently

to promote good health for their employees and to identify and remove significant risks from their work and working environment including:

- following the health, safety and welfare policy procedures and advice of the school;
- communicating the sickness absence management policy to all employees and ensuring that they are aware of the sickness reporting procedure;
- ensuring that employees know the school's protocol for notifying/confirming their sickness absence;
- maintaining contact with absent employees on a regular basis;
- conducting return to work interviews with each employee after each period of absence;
- monitoring the sickness absence levels of employees individually and as a group to identify where patterns of absence appear;
- considering the advice from occupational health and to decide on and implement the appropriate action with advice from Schools HR

144. Advisory if required;

- discussing the occupational health report with employees;
- investigating any absences not covered by a fit note if the reason for absence is in doubt;
- maintaining a record of all sickness absence management discussions with employees. These records should be maintained for a period of 12 months;
- processing all information in relation to employee absence in accordance with the Data Protection Act 1998;

Schools HR Advisory responsibilities

145. The role of Schools HR Advisory is to provide advice and guidance on this policy and procedure and to support the school management where appropriate. This may include attending formal absence meetings when this is required in complex cases.

Occupational Health responsibilities

146. Occupational Health has a responsibility for providing a professional assessment of the physical and psychological health of employees and their ability to carry out the tasks required of the job, keeping accurate records and providing suitable reports.

147. Occupational Health (with the employee's permission) may seek further medical information about their condition from their doctor or medical specialist, to ensure the most appropriate recommendations are forwarded to the school to maximise the support for an employee at work.

148. Occupational Health is not a treatment service, but an advisory service. Following an occupational health assessment a confidential report will be provided to the Headteacher with information to allow decisions to be made to support an employee's health at work. An individual is entitled to have a copy of their own report. It is the responsibility of the Headteacher to make decisions regarding appropriate action and implementation of the recommendations of occupational health.

Equality Impact Assessment

This policy has had an equality impact assessment conducted by a joint equality impact assessment panel and the results of these assessments are published on the Wiltshire Council website. If on reading this procedure you feel there are any equality and diversity issues, please contact a Schools HR Advisor who will, if necessary, ensure the policy/procedure is reviewed by the HR Policy Team

This model procedure will apply to both teaching and support staff working in Wiltshire Schools and has been agreed with the following recognised unions: ATL, NUT, NAHT, NASUWT, ASCL, Unison, Unite and GMB