**St Joseph’s Catholic Primary School, Malmesbury**

**Sickness Absence Policy and Procedure**

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***“Walking in the footsteps of Jesus, loving and serving together”***

This model procedure will apply to both teaching and non-teaching staff working in Wiltshire schools and has been agreed with the following recognised unions: NEU, NAHT, NASUWT, ASCL, Unison, Unite and GMB

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**Sickness absence management policy and procedure**

**Introduction**

1. The policy and procedure covers the management of health and sickness issues.
2. It covers the responsibilities of Headteachers or their nominee and employees in promoting good health and in managing both [short term](http://thewire.wiltshire.council/hrdirect/sicknessabsencetimeoff/sickness/sicknessabsencemanagementpolicy.htm#managingshorttermsicknessabsence) and [long term](http://thewire.wiltshire.council/hrdirect/sicknessabsencetimeoff/sickness/sicknessabsencemanagementpolicy.htm#managinglongtermsicknessabsence) sickness absence.
3. Where the Head Teacher is the subject of the procedure, the Chair of the Governing Body or other designated Governor, will replace the Head Teacher in initiating any action, which has to be taken. In such cases the Chair of Governors should notify and contact their HR Advisor (Schools) for advice before any action is taken.
4. This policy applies to the management of both paid and unpaid sickness absence. 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.
5. St Joseph’s Catholic Primary School takes the health and well-being of their employees seriously. This and further information is detailed in the [Employee health and well-being](http://thewire.wiltshire.council/hrdirect/occhealthandsafety/employeehealthandwellbeing.htm) guidance on Right Choice.
6. Headteachers or their nominee have a responsibility for their employees’ wellbeing and should use their regular meetings and day to day contact as a way of checking with individual employees if they have any issues including health concerns.
7. Employees are encouraged to bring to the attention of their Headteacher or their nominee any health concerns they may have, which can be mental or physical health issues, at an early stage so that possible options can be considered before they may become more serious.

[**Who does it apply to?**](http://thewire.wiltshire.council/)

1. This policy applies to all St Joseph’s Catholic Primary School employees, unless a separate contractual policy applies to a transferred employee to whom separate TUPE terms and conditions of employment apply. It applies to teachers and support staff as appointed in accordance with the Schools Standards and Framework Act 1998 and the Education Act 2002.

[**When does it apply?**](http://thewire.wiltshire.council/)

1. This policy and procedure apply where you are absent from work for a health-related reason and includes being off sick for both frequent short periods or long periods of time.

[**When does it not apply?**](http://thewire.wiltshire.council/)

1. This policy and procedure do not apply in cases of poor performance where your performance is not up to the standard required in the role. In this case the [Teachers](http://thewire.wiltshire.council/hrdirect/conductandperformance/improvingworkperformance/improvingworkperformancepolicyandprocedure.htm) Appraisal/Capability Policy and Procedure should be used. These procedures should also be used if you have a disability or health issue which is affecting your work, but you are not off sick.

[**Data Protection and GDPR (General Data Protection Regulations)**](http://thewire.wiltshire.council/)

1. St Joseph’s Catholic Primary School processes personal data in regard to this policy in accordance with the General Data Protection Regulations (GDPR). Further details on how your data is used and the basis for processing it is provided in the [insert name of school’s] privacy notice.
2. Data collected is held securely and only disclosed to individuals for the purpose of completing the policy. Inappropriate access or disclosure of employee data may constitute a data breach and must be reported in accordance with [insert name of school’s] Data Protection policy. Any such breaches may result in an investigation and could lead to disciplinary action.

[**Reporting sickness**](http://thewire.wiltshire.council/)

1. If you are unable to attend work because of illness, you must notify your Headteacher or their nominee as early as possible and within the agreed time set for school on the first day of your illness. If you are physically able you should telephone the headteacher or their nominee providing details of the nature of your illness and the likely duration.
2. It is not acceptable to send a text/email or leave a message with a work colleague.
3. Your Headteacher or their nominee will maintain regular contact with you throughout the period of absence and you should be available/contactable during your normal working hours.
4. From the 8th calendar day (including weekends and non-working days) of your sickness absence onwards you are required to submit a ‘’statement of fitness for work’’ also known as a fit note. As well as being issued by doctors, fit notes can be issued by nurses, occupational therapists, pharmacists and physiotherapists who have assessed your fitness for work. Fit notes cannot be issued on request or via over-the-counter services without assessment. The fit note may state that you are not fit for work or may be fit for work with suggested recommendations.
5. Fit notes should run consecutively with no gaps.  Only in exceptional circumstances will a retrospective fit note be accepted.
6. Fit notes may be issued in paper form or digitally. The headteacher or their nominee will need to see the original of any paper copy.
7. If you are absent from work for no apparent reason this will be classed as an unauthorised absence.
8. If you fail to comply with the sickness reporting procedures this will be viewed as unauthorised absence and therefore treated as misconduct and will be investigated in line with the school’s disciplinary procedure Failure to comply includes:
* failure to notify your Headteacher or their nominee of any sickness absence:
* failure to supply a fit note on the 8th day of sickness absence and over covering the period of absence. This may lead to the withholding of pay. A backdated fit note cannot be accepted unless in exceptional circumstances.

[**Return to work interview**](http://thewire.wiltshire.council/)

1. After each and every episode of sickness absence you will have a return to work interview with your Headteacher or their nominee as early as possible on the day that you return. At this meeting your Headteacher or their nominee will complete the **Toolkit - Return to work interview form** to record the discussions and any issues raised. These should be kept by your Headteacher or their nominee for a period of 12 months.
2. The aim of this meeting is to enable your Headteacher or their nominee to identify any factors that might be contributing to your absence and any preventative measures or support required.
3. Where your Headteacher or their nominee identifies a clear pattern of sickness absence or where there is a cause for concern you may be referred to occupational health for advice.

[**Trigger points**](http://thewire.wiltshire.council/)

1. Your Headteacher or their nominee may take action at any point regarding your sickness absence if they feel it is causing concern, but they are required to take action if you reach the agreed trigger points set out in this policy and procedure for both short-term sickness and long-term sickness absence.
2. For the purpose of managing absence using trigger points, an episode includes (but is not limited to) the following:
* you are feeling unwell at work and go home ill after lunch. The afternoon will be recorded as sickness absence
* you are feeling unwell in the morning and do not attend work until later that morning. The time before attending work will be recorded as sickness absence
* you are feeling unwell and inform your Headteacher or their nominee that you will not be attending work for the day. The day will be recorded as sickness absence.
1. If you have a disability under the Equality Act 2010 trigger points will be treated on a case by case basis. Your Headteacher or their nominee will review your case and discuss with HR for appropriate action.

**Managing short term sickness absence**

1. 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.
2. Trigger points for this sickness absence are:
* 4 periods 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 off work over a continuous 12-month period.

**Stage 1 – first sickness advisory meeting**

1. If your Headteacher or their nominee has concerns about your absence or you meet the trigger points stated above, they will arrange to meet with you to discuss your absence.  If you are absent from work, it may be appropriate for this discussion to take place over the telephone.
2. Further guidance on sickness absence that causes concern is available in the **Toolkit** [**guidance for Headteachers - sickness absence management policy and procedure**](http://thewire.wiltshire.council/hrdirect/sicknessabsencetimeoff/sickness/absencemanagementmanagerguidance.htm)
3. Your Headteacher or their nominee will discuss with you whether there is a need for a referral to occupational health. The referral will ensure that you have an opportunity to discuss your health in confidence with a health professional and any underlying health causes are identified. Your Headteacher or their nominee will liaise directly with occupational health and complete the **Toolkit Occupational Health Referral Form**
4. If appropriate, you will be required to make yourself available for an assessment with occupational health either face to face or by telephone. If the date/time of appointment provided by occupational health is not suitable you should contact them to arrange an alternative. If you fail to co-operate with the occupational health referral process, a decision may be made by your Headteacher or their nominee based upon the available information.
5. Occupational health will provide a report to your Headteacher or their nominee to advise them whether there are any underlying health causes relating to your absence. The report will contain advice regarding whether you are fit to return to work, your ability to maintain required levels of attendance and the likely timescales for these to be achieved.
6. If it has been determined that a referral to occupational health is not appropriate, your Headteacher or their nominee will set a review period (between 6-12 weeks) and discuss with you 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**

1. You will be invited to attend a meeting with your Headteacher or their nominee to discuss the occupational health report and to determine how you can achieve an acceptable level of attendance and if appropriate set a review period (between 6-12 weeks) for improvement.  Your Headteacher or their nominee will review the occupational health report and the recommendations made (e.g., reasonable adjustments)
2. Your Headteacher or their nominee will outline the consequences of failing to make an improvement which may lead to any of the sanctions of the disciplinary policy and procedure including dismissal.
3. You 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 you and the date of the review meeting.

**Stage 3 – third sickness advisory meeting**

1. You will be invited to attend a meeting at the end of the review period to discuss your case and whether you have made the required improvement in attendance.
2. If you have 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.
3. If you have failed to make the required improvement and attendance has not been satisfactory your Headteacher or their nominee will decide whether to extend the review period for 1 month or advise you that a formal attendance hearing will be set up.
4. If you have made the required improvement during the review period but have subsequently had a repetition of sickness absence within a 12-month period, your Headteacher or their nominee will decide whether to put in place a further 3-month review or arrange a formal attendance hearing.
5. You will be informed of the outcome of the meeting in writing and if applicable notified that your case will progress to a formal attendance hearing.

**Stage 4 – formal attendance hearing**

1. You will be required to attend a formal attendance hearing if you have failed to make the required improvements in your attendance or have subsequently had a repetition of a period of short-term absence within 12 months.
2. You will be given 5 working day’s written notice of the hearing and you will have the right to be accompanied.
3. The formal attendance hearing will be held via a panel of governors.
4. The outcome of the formal attendance hearing may result in any of the following sanctions (depending upon the sickness absence case):
	* Extend the review/monitoring period.
	* Written warning – which will remain on file for12 months.
	* Final written warning – which will remain on file for 18 months.
	* Dismissal (with notice)
5. A letter confirming the decision will be sent to you within 5 working days of the meeting.

**Managing long term sickness absence**

1. 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.
2. Trigger points for this sickness absence are:
* if you have 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**

1. If your Headteacher or their nominee has concerns about your absence or you meet the trigger points stated above, they will arrange to meet with you to discuss your absence.  If you are absent from work, it may be appropriate for this discussion to take place over the telephone.
2. Further guidance on sickness absence that causes concern is available in the **Toolkit** [**guidance for Headteachers - sickness absence management policy and procedure**](http://thewire.wiltshire.council/hrdirect/sicknessabsencetimeoff/sickness/absencemanagementmanagerguidance.htm)**.**
3. Your Headteacher or their nominee will discuss with you whether it is appropriate for a referral to occupational health. The occupational health referral will ensure that you have an opportunity to discuss your health in confidence with a health professional and any underlying health causes are identified. Your Headteacher or their nominee will liaise directly with occupational health and complete the **Toolkit Occupational Health Referral Form.**
4. You will be required to make yourself available for an assessment with occupational health either face to face or by telephone.
5. If the date/time of appointment provided by occupational health is not suitable you should contact them to arrange an alternative. If you fail to co-operate with the occupational health referral process, a decision may be made by your Headteacher or their nominee based upon the available information.
6. Occupational health will provide a report to your Headteacher or their nominee to advise them whether there are any underlying health causes relating to your absence. The report will contain advice regarding whether you are fit to return to work, your ability to maintain required levels of attendance and the likely timescales for these to be achieved.

**Stage 2 – second sickness advisory meeting**

1. Once your Headteacher or their nominee has received the occupational health report, you will be invited to attend a second sickness advisory meeting to discuss/explore this occupational health advice and the options (stated below) available under the sickness absence management policy and procedure. Options may include:

**Option 1 – consideration of a further period of absence/review to enable your recovery**

1. Depending on occupational health advice a further review period of up to 12 weeks may be considered to review progress. This will enable you to seek treatment if required and allow the necessary support or reasonable adjustments to be in place to enable your return to work.
2. A further referral to occupational health may be required to ensure that an up to date assessment of your health can be made and to identify timescales and prospects of a return to work.
3. Your Headteacher or their nominee, following this review period and occupational health referral (if appropriate) will arrange a further sickness advisory meeting to discuss your case and progress with you.

**Option 2 – returning to your existing post (including a phased return)**

1. If you are returning to work in your current post, occupational health may advise that this is done on a phased return basis for a period of between 2 – 6 weeks.
2. During phased return to work arrangements of up to 6 weeks you will not suffer a financial detriment providing that you adhere to the agreed arrangements and remain at work for the duration of the programme. You will be paid your usual contractual salary and the hours that you are absent from work as part of the agreed phased return arrangement will not be reflected in your sickness absence record or deducted from your sickness entitlement.
3. Your Headteacher or their nominee will meet with you to discuss your phased return to work arrangements and complete the **Toolkit Template Phased return to work plan.**  A copy of the phased return to work plan should be included in your sickness advisory meeting outcome letter and a copy sent to HRSchools@wiltshire.gov.uk to enable monitoring of sickness absence entries and correct sickness and salary payments.
4. If, in exceptional circumstances and in agreement with HR, your phased return to work plan is extended beyond 6 weeks your Headteacher will complete the **Toolkit** [**Template extended phased return to work plan**](http://thewire.wiltshire.council/absencemanagementextendedphasedreturntoworkplan.docx) and send a copy to HRSchools@wiltshire.gov.uk.
5. If your phased return to work is more than 6 weeks, is unsuccessful or you require a second phased return arrangement in a continuous 12 month period your Headteacher or their nominee will discuss with HR how these phased return to work arrangements are supported in terms of paid/unpaid time.
6. Your pay will be adjusted depending upon the hours that you work and your sickness entitlement before returning to work for the additional weeks (beyond 6 weeks).
7. Once you have successfully completed your phased return the sickness absence process will cease but your Headteacher or their nominee will keep your well-being under review through supervision and one to one meeting(s).  If there is a repetition of sickness absence within 12 months from your return to work your Headteacher or their nominee will consider whether you need to be referred back to Occupational Health, put on a three-month review period or resume the sickness absence policy and arrange a formal attendance hearing

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

1. Your Headteacher or their nominee will determine with you whether there are any reasonable adjustments to be made to support you in returning to your post.
2. Once you have returned to work and any required reasonable adjustments have been put in place the sickness absence process will cease but your Headteacher or their nominee will keep your well-being under review through supervision and one to one meeting(s).  If there is a repetition of sickness absence within 12 months from your return to work your Headteacher or their nominee will consider whether you need to be referred back to Occupational Health, put on a three-month review period or resume the sickness absence policy and arrange a formal attendance hearing

**Option 4 – consideration of redeployment on health grounds**

1. Based on occupational health advice, it may be necessary to consider redeployment on health grounds. If you are returning to work through redeployment the Headteacher will consider whether this is carried out on a phased return basis for a period of between 2 – 6 weeks.
2. 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.
3. You have 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 (provided that criteria are met)**

1. Where it is not practical for you to return to your existing post with/without reasonable adjustments or redeployed into suitable alternative employment, occupational health may recommend ill health retirement.
2. Occupational health’s recommendation for your ill health retirement will be assessed against specific criteria and your eligibility will be assessed by a suitably qualified physician.
3. Occupational health will recommend that you are permanently unfit or unfit for the foreseeable future and are therefore unable to perform the duties of your post.
4. If you belong to the local government pension scheme (LGPS) and have the required length of membership to the scheme, then you will be considered for an application for permanent ill health retirement following the recommendation from occupational health.
5. You will need to meet specific criteria set by the LGPS and should refer to the ill health retirement procedure.
6. 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.
7. The teacher will need to meet specific criteria set by the TPS and should refer to the ill health retirement policy and procedure
8. There is a right of appeal against the occupational health decision for ill health retirement.

**Option 6 – warning of termination of contract on grounds of work performance due to ill health**

1. If there are no suitable alternative options (listed above) or you have refused a suitable alternative offer of employment your Headteacher or their nominee will consider terminating your employment on the grounds of work performance due to ill health.

**Stage 3 – third sickness advisory meeting**

1. Once all options stated in the sickness absence management policy and procedure have been explored, your Headteacher or their nominee will discuss your case with you to determine that there are no further suitable alternative options.
2. Your Headteacher or their nominee will confirm in a written contemplation of dismissal using the **Toolkit Headteacher contemplation for dismissal checklist** their reasons for recommending that your case be heard at a formal attendance hearing.  Your Headteacher or their nominee will also complete a **Toolkit Headteachers formal attendance hearing report** including any evidence in support of the case such as occupational health recommendations.
3. You will be required to attend a formal attendance hearing, chaired by a panel of governors to consider your continued employment. The consequences of which may lead to dismissal.

**Stage 4 – formal attendance hearing**

1. You will be required to attend a formal attendance hearing if there is no defined reason for you not returning to work including:
* all alternative options (listed above) are not suitable
* or you have refused an alternative offer of employment
1. You will be given 5 working day’s written notice of the hearing and you will have the right to be accompanied.
2. The formal attendance hearing will be held with a panel of governors.
3. The outcome of the formal attendance hearing may result in your dismissal (with notice)
4. A letter confirming the decision will be sent to you within 5 working days of the meeting.

[**Appeals**](http://thewire.wiltshire.council/)

1. You have the right to appeal for both the short term and long term sickness absence processes in accordance with the school's appeals policy and procedure.

[**Non-attendance at sickness absence meetings**](http://thewire.wiltshire.council/)

1. Whilst St Joseph’s Catholic Primary School will take all reasonable steps to assist you to return to work, it is not possible to wait indefinitely for your condition to improve.
2. You should be available for contact from your Headteacher or their nominee and to attend meetings during your normal working hours.
3. If you fail to attend a sickness meeting, you will be contacted to establish the reason for the non-attendance and you will be informed in writing of the rescheduled meeting.
4. If you fail to attend the re-scheduled meeting or fail to give reasons for your non-attendance the meeting may proceed in your absence. Your case will be referred to occupational health to obtain up to date details of your sickness and a decision may be taken on the basis of the available evidence.
5. If you are absent from work due to stress/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**](http://thewire.wiltshire.council/)

1. The Equality 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’.
2. If you wish to do so, you are able to declare your disability by completing the **Toolkit Disability self-declaration form.**
3. Should you feel that you have a disability as defined by the Equality Act 2010 you should inform your Headteacher or their nominee who should take specialist advice by contacting their HR Advisor.
4. If you are off sick due to your disability/impairment your absence will be recorded separately (in addition to on the HR/Payroll system) by the Toolkit Disability related sickness absence form being completed.  This is in addition to your absence being recorded on the school’s HR/payroll system. Disability/impairment sickness will still count towards your overall sickness absence but by it being recorded separately it will be taken into consideration should you be involved in a formal attendance hearing.
5. If you have a disability, St Joseph’s Catholic Primary School is required by law to make 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
* allowing a more flexible approach to working hours such as changing start and finish times at work or changing the actual hours of work
* changing the working environment (e.g., making a door easier to open or changing the height of shelves)
* providing assistance (e.g., a support worker or a British sign language interpreter)
1. Advice on reasonable adjustments is available to Headteachers or their nominee through Occupational Health and initial referrals for advice should be through this route. Further advice on reasonable adjustments is also available through Access to Work who can provide advice and support to both employees and Headteachers or their nominee.

[**Disability and time off to attend medical appointments**](http://thewire.wiltshire.council/)

1. If you have a disability as defined by the Equality Act 2010 you may request to take time to attend an appointment relating to your impairment/disability by completing the **Toolkit Disability Leave Form Time Off to Attend Appointments.** The time off will not be recorded as sickness absence and your Headteacher or their nominee will record this time taken separately.
2. It is reasonable to authorise up to 20 episodes (pro-rata for part time) in a year for time off to attend in an appointment relating to your impairment/disability.
3. Your Headteacher or their nominee may seek guidance from occupational health regarding your health situation in relation to what constitutes reasonable time off to attend appointments.
4. Any time will be agreed subject to business requirements. You will be required to provide your Headteacher or their nominee with a doctor’s note outlining the circumstances.
5. Wherever possible, you should try to arrange appointments outside of your normal working hours or at the beginning/end of your working day (using flexi-time, annual leave or unpaid leave) so that business requirements are not adversely affected.
6. 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**](http://thewire.wiltshire.council/)

1. Accurate records are not only mandatory for statutory sick pay but are essential for monitoring sickness/absence. Your Headteacher or their nominee will be responsible for monitoring sickness absence on an individual and group basis. All information will be processed in accordance with the Data Protection Act 1998.
2. 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 your physical or mental health without your consent. You may be required to complete the **Toolkit Access to Medical Reports Consent Form**. If you give this consent, you 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 you consider to be inaccurate or misleading
* if the doctor declines to amend the report, to attach a written statement giving your views on its content
* to withhold your consent to the report being supplied
1. If you withhold your consent, decisions regarding your sickness absence case will be made upon the evidence available.

[**Injury/ill health through work activities**](http://thewire.wiltshire.council/)

1. You and the Headteacher have a responsibility for reporting all accidents or incidents at work and any work-related ill health. You should notify your Headteacher or their nominee and complete the appropriate form:
* accidents resulting in injury must be reported by using the school’s accident and incident form.
* incidents of verbal abuse, assault and anti-social behaviour which cause injury or distress must be reported using the school’s accident and incident form.

Specific types of illness directly linked to occupational exposure must be notified to the Health and Safety Executive via [HSE Report Form for Illness and Disease](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnotifications.hse.gov.uk%2Friddorforms%2FDisease&data=02%7C01%7CJanice.Hiscock%40wiltshire.gov.uk%7C9f4ef03e17c14880c81008d7ea8cb99f%7C5546e75e3be14813b0ff26651ea2fe19%7C0%7C0%7C637235762730887707&sdata=Q3tpeb3IMDZLy7JCdhWta3qjufOubpzZLMuG48Jq3k8%3D&reserved=0) and for maintained schools to the Occupational Health Service via occhealth@wiltshire.gov.uk . Notifiable illnesses and diseases include:

* + covid-19 - but only where there is a clear link to exposure during a work activity as assessed by the Headteacher and verified by a medical practitioner.
	+ carpal tunnel syndrome
	+ severe cramp of the hand or forearm
	+ occupational dermatitis
	+ hand-arm vibration syndrome
	+ occupational asthma
	+ tendonitis or tenosynovitis of the hand or forearm
	+ any occupational cancer
	+ any disease attributed to an occupational exposure to a biological agent.
1. If your sickness is a result of an injury or ill health through work activities, your Headteacher or their nominee should ensure that this is recorded as an industrial injury on your HR/payroll records.
2. You will continue to receive sick pay in line with your contractual entitlement to occupational sick pay (depending on length of service) which will reduce once you reach a trigger for reduced pay.
3. Only in exceptional circumstances will your entitlement to continued sick pay be considered and full pay extended beyond your normal entitlement date This will be considered on a case by case basis and only following agreement by a panel of governors in conjunction with occupational health.  Any such agreement would be until a set date and subject to review.

[**Third party claims**](http://thewire.wiltshire.council/)

1. If you are absent due to an accident or injury involving a third party where damages may be recoverable (i.e., road accidents) you will need to complete the **Toolkit Potential Third Party Notification Form**.
2. In these circumstances, your normal sick pay may be regarded as a loan, pending receipt of damages from a third party.
3. If your claim is successful and you receive damages, you will be required to refund any sickness pay received up to the total sickness allowance paid.
4. If your claim is unsuccessful you will only be required to refund any pay received above your contractual sickness entitlement.
5. Where sickness pay is repaid, the period of absence will be excluded from the calculation of future periods of sickness allowance.

[**Medical suspension**](http://thewire.wiltshire.council/)

1. In certain circumstances your Headteacher or their nominee may be required to suspend you from work on medical/health and safety grounds if they perceive there to be a risk either to you or others.
2. If you return to work and your Headteacher or their nominee feels that you are unfit to carry out your job role despite being declared fit, they may decide to suspend you on medical grounds.
3. Your Headteacher or their nominee will discuss their concerns with you and seek advice from their HR Advisor and/or Occupational Health.
4. If you are suspended from work on medical/health and safety grounds, you will receive sick pay in line with your contractual entitlement to occupational sick pay and this period will count towards your contractual sickness entitlement.
5. You have the right to appeal against this decision in line with the Appeals procedure.

[**Holiday entitlement during sickness absence**](http://thewire.wiltshire.council/)

1. You will be entitled to accrue the contractual level of holiday entitlement during periods of sickness absence. For employees employed on a term time basis, all annual leave will be taken in closure periods.

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

1. If you are contracted to work the whole year and have a pre-booked holiday which you intend to take during a period of sickness absence, then this time will be taken as annual leave because your sickness does not prevent you from taking your annual leave. You must inform your Headteacher or their nominee 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 your return from ‘annual leave’ sick pay will commence again.
2. If during a period of sickness absence, you have been prevented from taking your pre-booked holiday, you will need to contact your Headteacher or their nominee to request to re-schedule this period of pre-booked annual leave. You will remain on sick leave and continue to receive sick pay.
3. If you do not have a pre-booked holiday during a period of sickness absence but wish to take annual leave, you must agree this time with the Headteacher or their nominee. During the period of annual leave, your sick pay will be suspended, and the annual leave taken will be deducted from your annual leave entitlement. On return from your annual leave, your sick pay and sick leave will re-commence.
4. If you are sick during a period of annual leave you can request that the days you are sick are rescheduled as sick leave rather than annual leave however, you will need to provide proof of your sickness during your annual leave period.
5. You may carry forward up to 4 weeks (20 days) annual leave if you were unable to take annual leave because of sickness absence during the annual leave year. If you 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 you are able to carry forward.

Teaching Staff

1. Your 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**](http://thewire.wiltshire.council/)

Support Staff

1. Entitlement to occupational sick pay is determined by the conditions of employment under which you are employed and your length of service with local government. The maximum payable in any one 12-month period are:

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| **During your 1st year of service**  | 1-month full pay (and after completing 4 months service you will receive 2 months half pay |
| **During your 2nd year of service** | 2 months full pay and 2 months half pay |
| **During your 3rd year of service** | 4 months full pay and 4 months half pay |
| **During your 4th and 5th 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

1. 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:

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

1. 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.
2. 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

1. Statutory sick pay is paid as part of your sick pay whilst you are in receipt of your full pay entitlement. It is paid in addition to your sick pay when your entitlement reduces to half pay, as long as when the two amounts are added together they do not exceed your normal pay.
2. If you are employed on a temporary contract of less than 13 weeks duration and you have less than 13 weeks continuous service, you will not be entitled to occupational sick pay but may be entitled to statutory sick pay. You should contact the Department for Work and Pensions (DWP) for further information.
3. If you are a new employee, Statutory Sick Pay may be affected by payments made to you by a previous employer. If you were issued with a leaver’s statement form SSP 1(L), you should notify your Headteacher or their nominee on your appointment with [insert name of school]. If you fall sick for 4 days or more within the first 8 weeks of employment you must pass this statement to your Headteacher or their nominee no later than the seventh day of absence.
4. In certain circumstances, Statutory Sick Pay will not be payable by the school. If you are excluded from Statutory Sick Pay, you may be entitled to other sickness benefits. Your entitlement will depend on the national insurance contributions which you have paid, and you should contact the Department for Work and Pensions (DWP) for further information.
5. If you are on sick leave and in receipt of sick pay you are unable to take paid employment or continue in a second job elsewhere (outside of [insert name of school) without seeking advice from your Headteacher or their nominee. If you do not seek advice, this may result in any of the sanctions of the disciplinary policy and procedure including dismissal.
6. Your Headteacher or their nominee (in conjunction with occupational health / HR) will determine whether the paid employment may have a detrimental effect upon your recovery or return to work.
7. If you hold multiple contracts with St Joseph’s Catholic Primary School the nature of your illness will be considered to determine whether you are able to carry out these roles.

[**Medical appointments**](http://thewire.wiltshire.council/)

1. Every effort should be made to attend health appointments (e.g., Doctor / Dentist / Physiotherapy/ Osteopathy etc) either outside of working or taken as annual leave/unpaid leave (in agreement with your Headteacher or their nominee). If this is not possible, how this time is taken should be agreed with your Headteacher or their nominee, who may in exceptional circumstances, agree that this can be taken as paid time.
2. If you need to attend an emergency appointment (for example attending Accident and Emergency) this should be recorded as sickness absence.
3. If you have a pre-planned appointment such as a scheduled operation, this should be recorded as sickness absence. You should inform your Headteacher or their nominee as soon as possible of the arrangements.

[**Medical advice**](http://thewire.wiltshire.council/)

1. Suggestions from doctors or other health professionals 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 or health professional. It is for the employer to make the final decision as to whether the support identified by the doctor or health professional can be accommodated.
2. If it is not possible to accommodate the doctor or health professional’s advice regarding support your Headteacher or their nominee will explain this 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 you will be referred to occupational health for an assessment.
3. It would be impractical to obtain advice from occupational health on all cases involving adjustments recommended by medical practitioners. Your Headteacher or their nominee will discuss this with you and planned returns to work should be based on operational requirements and common sense. In complex cases or cases where you are not able to return to your full contractual duties within the agreed timeframe or no agreement can be reached then your Headteacher or their nominee should seek further advice from your HR case adviser or occupational health.

[**Right to be accompanied**](http://thewire.wiltshire.council/)

1. You do 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 you may be accompanied.
2. You have the right to be accompanied at formal attendance hearings.
3. Please see the **Toolkit Guidance on Right to be Accompanied** for further information

[**Roles and responsibilities**](http://thewire.wiltshire.council/)

**Employee responsibilities**

1. You 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 you are genuinely too ill to come to work
* appropriately notifying your Headteacher [or their nominee] if you are not able to attend for work
* maintaining regular contact with your Headteacher [or their nominee] whilst absent and advising them of any changes to your condition and attending meetings as and when required
* sending in fit notes / medical notes to your Headteacher [or their nominee] in line with the policy and procedure
* attending for occupational health assessments in support of your health
* reporting any concerns that you have that might have a detrimental effect on your health, well-being and ability to attend for work
* not engaging in activities or work elsewhere while you are absent that might have a detrimental impact on your recovery or that is some way not conducive to supporting your return to work.  You should seek advice from your Headteacher or their nominee in relation to taking paid employment or continuing in a second job elsewhere whilst you are absent

**Headteacher responsibilities**

1. All Headteachers or their nominee 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
* communicating the sickness absence management policy to all employees and ensuring that they are aware of the sickness reporting procedure
* ensuring that employees know [insert name of 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 HR 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 your 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.

**HR responsibilities**

1. The role of HR is to promote advice and guidance on this policy and procedure and to support the Headteacher or their nominee where appropriate. This may include attending formal absence meetings when required in complex cases.

**Occupational health responsibilities**

1. 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.
2. Occupational health (with your permission) may seek further medical information about your condition from you doctor or medical specialist, to ensure the most appropriate recommendations are forwarded to your Headteacher or their nominee to maximise the support for you at work.
3. Occupational health is not a treatment service, but an advisory service. Following your occupational health assessment, a confidential report will be provided to your Headteacher or their nominee with information to allow decisions to be made to support your health at work. You are entitled to have a copy of this report. It is the responsibility of the Headteacher or their nominee to make decisions regarding appropriate action and implementation of the recommendations of occupational health.

**Local Authority Advisory Rights**

**Community & Voluntary Controlled Schools**

1. The LA, through a representative, (usually a Schools HR Advisor) has an entitlement to attend (which it may decide not to exercise) for the purposes of giving advice at all proceedings relating to any decision that someone working at the school should be dismissed. Any advice given by the LA representative (usually a Schools HR Advisor) must be considered by those concerned before making a decision.

**Foundation & Voluntary Aided Schools**

1. The LA does not have an automatic statutory right to attend dismissal proceedings, but the governing body may accord the LA rights to attend and give advice. Where the LA is accorded advisory rights, any advice given (usually by a Schools HR Advisor) must be considered by those concerned before making a decision. Wherever a school chooses to buy Schools HR Advisory Services they will be deemed to have accorded advisory rights to the LA.

**Equality Impact Assessment**

1. 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.

**Related policies and procedures**

1. There are a number of related policies and procedures that you should be aware of including:
* Disciplinary policy and procedure
* Capability policy and procedure
* Employee well being
* Time off for family emergencies
* Leave for carers
* Maternity policy
* Transgender guidance – transitioning at work

**Arrangements for monitoring, evaluation and review**

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| --- | --- |
| Responsible body for monitoring & evaluation: | FGB |
| Policy reviewed by: | FGB |
| Policy review & approval date: | September 2022 |
| Next review date: | September 2023 |