



South East Cornwall Multi Academy Regional Trust

Staff Attendance Policy

Date	Changes
3/9/17	Original draft circulated to LGCs and Trust Board
26/3/18	All SMART-Trust policies which unions requested further consultation on were removed from sites and previous policies reinstated to enable establishment of a JCNC and a fresh round of consultation
14/12/18	Updated draft circulated
13/03/19	Copy sent to senior staff, unions, LGC, legal and Trust Board inviting comments
01/04/19	Consultation with unions in JCNC meeting at Liskeard
09/07/19	Consultation with unions in JCNC at Liskeard
19/09/19	Consultation with unions in JCNC at Liskeard
5/12/19	Approved by Trust Board

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Policy Statement

This policy is designed to encourage full attendance and the proper support of sickness absence.

Every academy in the MAT wishes to establish a positive attendance culture by providing a fair and consistent framework for handling staff absence and by promoting occupational health and staff welfare. When illness or injury occurs, the academy will respond in a supportive manner. Equally staff are responsible for caring for their own health, seeking medical help when appropriate, attending work unless unfit to do so and co-operating with the requirements of the attendance policy.

Scope

This policy applies to both teaching and support staff in all academies and centres operated by SMART.

Definition of terms

'School days' refer to days on which the academy is open.

'Sickness Absence', for the purposes of this procedure, refers to all occasions where a member of staff is absent because they are unfit for work.

The term 'Headteacher' is used as a shorthand for the Head of each organisation in the MAT. In the case of the Central Business Unit (CBU) and line management of Heads the 'Headteacher' can be taken to be the CEO and 'Governors' can be taken as Trust Board.

'Representative' refers to a work colleague or a trade union representative who has been certified by their union as being competent.

Review period

This policy will be reviewed biennially.

Responsibility

It is the Headteacher's responsibility to monitor sickness levels and actively manage attendance. The Health and Safety at Work Act requires the Trust Board to ensure, so far as it is reasonably practicable, the health, safety and welfare at work of all their employees. In cases of Headteacher illness the CEO acts in this line management role or, if dealing with staff the Headteacher manages, may nominate a Deputy.

In the context of a MAT, the Trust Board and the CEO hold the Headteachers and Local Governors to account.

Introduction

These guidelines have been developed by SMART Multi Academy Trust in consultation with recognised Trade Unions. This policy has been developed to promote a positive attendance culture, manage staff absence effectively and provide for the fair and consistent treatment of staff.

The provisions of the Equality Act 2010 will be applied throughout the implementation of this Policy. Headteachers and staff should consult the guidance found at [Equality Act Guidance for Schools](#). This provides protection for several employee characteristics covered by equality legislation:

- age – covers all age related issues
- disability, including making reasonable adjustments
- gender reassignment from the moment transition starts
- race,
- religion or belief,
- sex – things associated with being male or female,
- sexual orientation including feelings, sexuality as well as identity
- marriage and civil partnership status
- pregnancy and maternity

Procedures to follow for absence

The academy recognises that all members of staff may face periods of illness at times. At such times it is the responsibility of employees to ensure the Headteacher or nominated person is informed.

The academy has a duty of care to all employees and so requires the procedures in this in policy to be followed. Whilst on sick leave staff should take care not to do anything that may prejudice recovery.

First working day of absence

An employee who is unable to attend work because of sickness must follow the guidance given by each school and advise the Headteacher or nominated person by phone prior to the required time on each working day of absence as per the school's procedure. This must take place prior to the start of the school day. Each school has a requirement to communicate to employees the specific procedures for reporting absence.

If the academy is closed for a holiday, this contact should happen by email or other method if phone contact is not available. In such cases the member of staff should contact the academy on the next occasion they are fit for work even if this falls within the holiday period.

Each academy must make staff aware of the contact number and latest time by which they should be notified. For the CBU, the line manager must be notified. In

each case, the reason for absence and if known the expected return date should be given.

Staff who are unwell while at work should inform the Headteacher or nominated person before leaving for home.

Within one week of their return to work, staff should complete a self-certification form for any absences up to and including 7 calendar days and pass this to their line manager. This document will be kept in the employees file.

8th day of absence: Requiring 'Not fit for work' statements

On the 8th calendar day of absence you are required to provide a doctor's Statement of Fitness for Work ('[Fit Note](#)').

Should absence continue beyond the date given by the doctor, you are required to produce further statements.

Some employees may feel able to return to work before the expiry of a 'not fit for work' statement. See 'Returning to work'.

Longer Term Absence (4 or more weeks)

A number of supportive actions should be put in place where a member of staff has been absent, or is likely to be absent, for a prolonged period as a result of illness or injury. The following arrangements should be made: -

- **An agreed arrangement for continued contact** (see below); including, where appropriate, **regular review meetings** at an agreed frequency with the employee to discuss progress in recovery (subject to employee's fitness to engage in such meetings) in which notes are taken and shared with the employee
- **Occupational Health advice** is not formally required but is recommended (see below).

Agreed arrangements for continued contact: It is important that regular communication is established between the member of staff and the academy. Many members of staff who are unfit for work for a period of time wish to be kept up-to-date with academy news; similarly, the academy will wish to be regularly updated on the individual's progress. It is essential that the academy receives timely medical certificates. It will not always be appropriate for the Headteacher to be in direct contact with the absent member of staff. If this is the case a designated manager may act as a link, with the agreement of the Headteacher, the absent person or his/her 'representative'. The Headteacher or designated manager should maintain contact with the absent member of staff and monitor the situation effectively to maintain a reasonable understanding of the individual's absence. It is important that the Headteacher or nominated person adopts the correct balance as primarily the concern should be for her/his welfare and to offer

support and assistance and the Headteacher or nominated person must be careful not to give the member of staff the impression that s/he is being pressurised into returning to work when not fit to do so. It is important to recognise that individuals must be allowed reasonable time to recover from their illnesses, but it is also important that the Headteacher is kept informed of the individual's progress.

Regular review meetings: If it is necessary for the Headteacher or designated manager to meet with the absent member of staff, a mutually convenient meeting and frequency of meetings should be arranged. Headteachers are advised not to make unaccompanied home visits or to require staff to work from home. If the member of staff wishes, a 'representative' may be present at any such meeting or may represent them in their absence.

Occupational Health advice: It is good practice to seek a medical prognosis on the employee's health and advice on any supportive actions that may be undertaken by the academy; employees can also access the free [Fit for Work Service](#). It is expected that the Headteacher will, where practicable, act on the advice of OH to ensure the work environment is as suitable as possible for the return of the member of staff.

Employees

Whilst we accept that most staff follow the correct procedures. If, following an investigation, employees who knowingly and without good reason neglect to follow the procedure for notification may be regarded as absent without permission and may be subject to disciplinary action where deemed appropriate. Subject to a full investigation, sick pay may be withheld when notification procedures have not been followed.

Returning to Work

The Return to Work Meeting

A line manager or nominated person may be required to meet with the employee on their return to work. This 'return to work meeting' is required if the member of staff has had three cumulative days of absence since their last return to work meeting. These meetings provide an opportunity for the Headteacher or designated manager and the employee to discuss the reason for the absence(s) and agree any supportive measures to improve things. They should be conducted in a sensitive and confidential manner, using the Return to Work meeting form as a guide and a record.

If the absence was:

- long term,
- or stress related
- or due to a psychological disorder or epilepsy
- or accompanied by a 'may be fit for work' statement

then the return to work meeting will be prior to the pre-arranged return date so that the employee can invite their 'representative' to attend if they wish although this is not contingent on the meeting taking place. This also ensures that the Headteacher has had sufficient opportunity to, where necessary and when there is consent, seek advice from Occupational Health and consider the range of accommodations which may realistically be offered.

Headteachers are required to ensure a risk assessment is completed where necessary and actioned to protect the member of staff. The employee will be involved in drawing up the risk assessment and will receive full pay and benefits during that process should it result in a delay to their return to work. It is ultimately the responsibility of the Headteacher to confirm that an employee is able to return to work. Hence one possible outcome of this meeting is for the employee's return to be delayed until the Headteacher is confident that the correct conditions are in place to permit a return to work within a reasonable timeframe

Specific actions for each type of return to work

- a) **Following absences of 7 calendar days or fewer** – Staff must complete a 'Self-Certification' form stating the reason for their absence. A return to work meeting will be conducted when there have been 3 cumulative days of absence since the last return to work meeting.
- b) **Following an absence of four weeks or less and an expired 'fit note'** – the return to work meeting will be scheduled in for a mutually convenient time.
- c) **If the current 'fit note' has not yet expired** – There is no longer the need to request a fit for work declaration from the GP before allowing the employee to return to work. Whilst an employee may legitimately return to work prior to the expiry of

the fit note, the Headteacher is required to ensure the employees' fitness for work. If they are uncertain the Headteacher can seek advice from Occupational Health and complete a risk assessment. In these circumstances it is recommended that a meeting takes place with the employee with a view to confirming with the employee that they feel they are fit enough to return to work and reviewing the prognosis from Occupational Health including any recommendations regarding arrangements for the employee's return to work. This would include, where practicable, putting in place any OH recommendations.

d) Return to Work following a 'May be Fit for Work' statement - Many people with health conditions can, with some basic support from their employer, work as they recover from their condition. This helps the individual because for many people work can aid recovery and also benefits the employer by reducing sickness absence. A doctor will give a 'may be fit for work' statement if they think that their patient's health condition may allow them to work taking into account certain recommended adjustments at work where these can be accommodated by the employer. If an employee is too ill to work the doctor will sign the employee as 'not fit for work'.

Headteachers are advised to seek the advice of Occupational Health as they are required to consider and discuss the advice provided by the Doctor on the fit note with the employee with a view to agreeing a return to work and, where reasonably practicable, implementing the recommendations of the GP. These may include temporary changes such as: a phased return to work at full pay; altered hours; amended duties and/or workplace adaptations. If the suggestions are reasonable and practical the Headteacher should:

- agree a return to work date;
- agree any temporary work place adaptation including any changes to hours, job content and support and for how long;
- agree a date for review;
- monitor and review as agreed

There is no obligation on employers to comply with any suggested adaptations or adjustments specified by the GP on the Fit Note where it is not reasonably practicable to do so (NB: the obligations under the Equality Act 2010 for disability require employers to make reasonable adjustments at work to accommodate an employee's disability where one exists). Therefore, if the Headteacher cannot make the adaptations or adjustments to help a return to work, they should explain the reasons for this to the employee and then use the statement as if the doctor had advised 'not fit for work'. This explanation will be followed up in writing within 5 school days and can be appealed if the employee believes the decision is unreasonable.

e) Return to Work following a period of long term absence (> 4 weeks) -

Headteachers are advised to seek the advice of Occupational Health given that staff who have been away from the academy for an extended period of time may require phased requirements and other accommodations. Please see the advice in the section on 'may be fit for work' statements above for the suggested range of accommodations that may be discussed in the preceding return to work meeting.

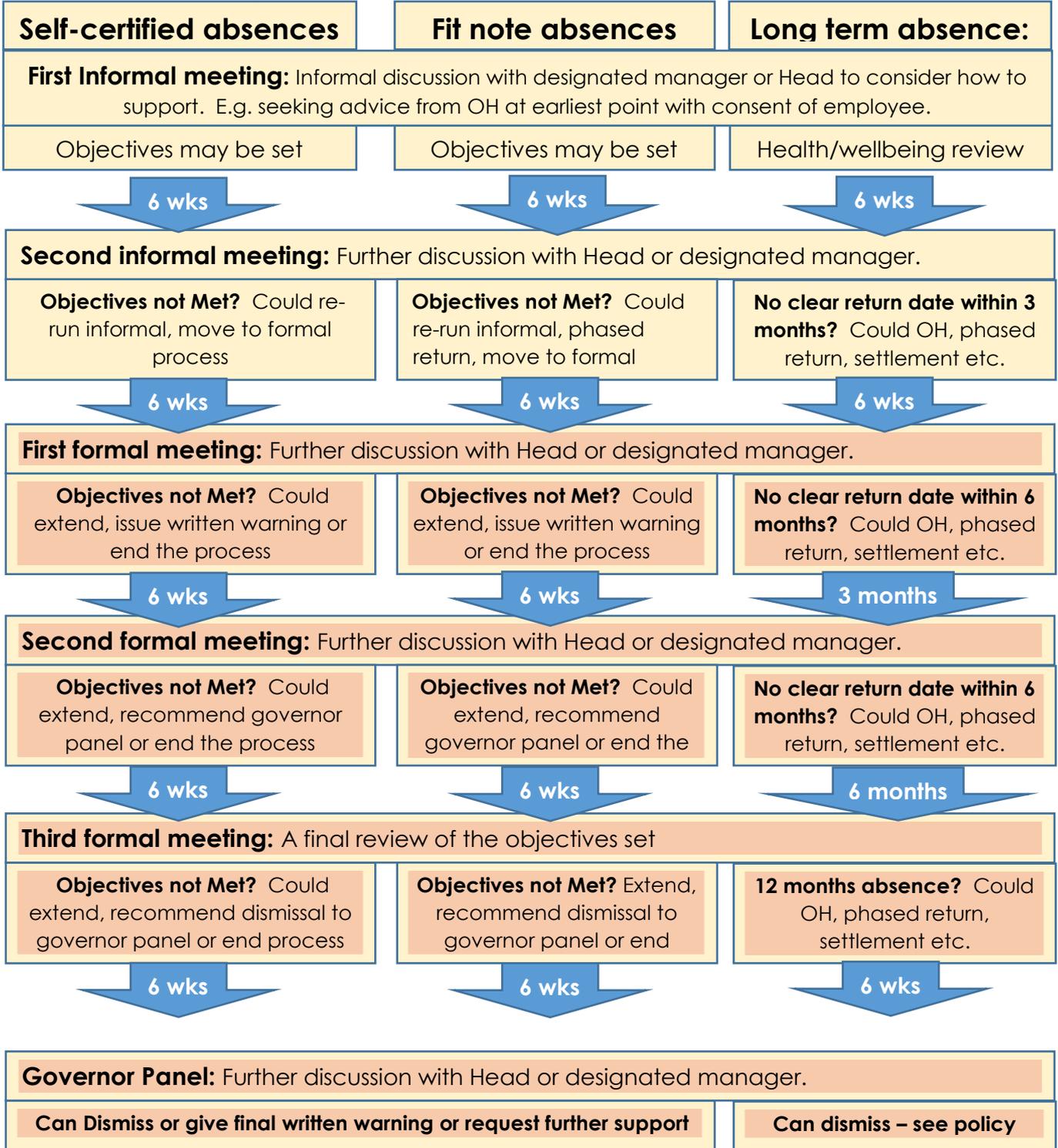
Absence Flow Chart

1st Day Absence – Contact nominated person as per the school's procedure on EVERY day of absence.

On return - complete a 'Self-Certificate' or doctors 'fit note' from 8th calendar day of absence"

You will have an informal return to work meeting after 3 absences

If further absences (e.g. 5 self-certified, 20 days' sick notes or 4 weeks continuous absence)



Informal Process

Absence review points

Issues of staff absence are so diverse that any system designed to accommodate them must be flexible, adaptable and reasonable. Hence the indicators described throughout this process are meant to provide a starting point for guidance. Headteachers should also consider if seeking the advice of Occupational Health may be helpful in each case. Broad guidance appears below.

For long term absences

- staff undergoing long term treatments for conditions such as cancer, require considerable care and compassion and every reasonable effort should be made to support them during absence and their phased return.
- the Headteacher/designated manager may decide to make arrangements for formal consideration to the prospect of the employee's continued employment in view of the ongoing lack of capability due to ill health. Before considering the option of terminating the member of staff's employment, the Headteacher will need to convene a stage 3 meeting involving a Governor panel such that Governors can be satisfied that the attendance is having an unsustainable detrimental impact on the academy.
- For those with a worsening condition, or when Occupational Health advises suitability or if unplanned further absence prevents attendance at meetings then the Headteacher can consider use of the formal process.

The First Informal Meeting

If the Headteacher or designated manager has reason to believe that support would be useful because there is a pattern to absence or if there have been a number of short absences in the year, for example five in a year or attendance could be on course to drop below 95% then these could indicate support is needed so the Headteacher should arrange to meet with the member of staff to:

- discuss concerns about the current level of absence;
- explore reasons for absence, inviting comments from the member of staff;
- find ways to resolve any problems that might improve attendance and identify areas of support and assistance;

At this stage the meeting should be informal, with an emphasis on counselling and support. Should a member of staff ask to be accompanied by a 'representative' at this stage, such a request should be agreed.

Following the meeting, notes will be circulated to all those present summarising within 5 school days:

- Specifically, which concerns evoked the meeting including attendance figures
- Action points for any agreed areas of assistance and support
- Agreed action points for any short term objectives to be attempted by the next meeting. In the case of self-certified absences this is likely to be ½ a term with attendance at least at 95% dependent on the issues. In the case of 'fit notes'

it is likely to be an agreed figure based on the known and likely pattern of illness. In the case of long term absence, it is likely to be a three month re-evaluation.

- Date for a review meeting

Second Informal Meeting

At this meeting the Headteacher or designated manager should determine whether any improvement has been made and may consider the following options.

- taking no further action if attendance is now satisfactory;
- requiring continued or further improvement in attendance over a reasonable specified period;
- ensuring that medical advice has been taken to establish whether treatment is needed and/or to establish whether absences are work-related;
- requesting a doctor's statement for further periods of absence;
- referring the employee to Occupational Health with employee consent;
- reviewing/monitoring work
- there may be warnings of more formal proceedings if attendance does not improve

A record of the meeting and agreed actions should be kept, noting the member of staff's responses. A copy should be given to the member of staff within 5 school days. In doing so the Headteacher or designated member of staff should take account and be sensitive to the health and welfare of the member of staff.

Formal Process

First Formal Meeting

If objectives set in the informal stages have not been met when there were clear opportunities to meet them or if procedures have knowingly not been followed correctly, this could trigger stage 1 – formal measures.

Those who are on long term sick leave for whom there is an expected end date following, for example, an operation and recovery period should not normally be escalated to the formal stage.

The member of staff should be informed of her/his right to be accompanied to a meeting, at any stage of this procedure, by a 'representative'.

Notification of all meetings at any stage in this procedure should be in writing, giving at least 10 days' notice of the date, time and place of the meeting and the reason for the meeting. The parties may, by mutual agreement, modify the time limits referred to in this procedure.

At all stages of the procedure consideration should be given to the need for medical advice from Occupational Health and the member of staff's medical condition should be monitored throughout the process. This may help in determining whether attendance is likely to improve if the member of staff remains in post.

The CEO and Trust Board also have the right to attend in such cases.

A detailed record of the interview at each stage of the procedure should be kept, including the member of staff's responses, and any agreed areas of support and assistance.

The Headteacher may delegate responsibility for the application of this procedure to a designated manager. Any concerns that the member of staff has about a particular manager's role in the process should be carefully considered when applying this procedure. An alternative member of staff may be allocated this role as a result.

If the member of staff cannot be present at formal meetings due to unplanned absence having been given at least 10 days' notice and at least one attempt to reschedule the meeting, then the Headteacher can conduct a meeting in their absence and ensure that notes are circulated to any 'representative' with an invitation to comment on the report.

What happens in this meeting?

A member of staff who has moved on to this stage is given the opportunity to meet formally with their Headteacher or designated manager and their 'representative' to present the evidence that their attendance is improving. The Headteacher or designated manager will lead the meeting and cover the following points:

- provide the staff member with an up to date record of absence and confirm its accuracy
- explore why the absence level continues to be unsatisfactory and the reasons for the absence, including inviting comment from the member of staff
- listen to the comments of the staff member and evidence they present
- explain concern at the absence level and the impact on the academy;
- offer any further help or guidance, e.g. changes that might be made to the staff member's working environment;
- seek an agreement that the member of staff will improve her/his attendance;
- the Headteacher should emphasise the level of absence remains unsatisfactory, the level of improvement required and the continued need for monitoring and specify the review period.

The Headteacher or designated manager should consider comments, circumstances and perspectives presented by the employee at the meeting and may consult Occupational Health as well SMART's HR advisor in this respect. Following these considerations, the Headteacher or designated manager should consider the following options: -

- no further action (where the employee's explanation and circumstances are such that the Headteacher or designated manager is satisfied that no further action is required under this Procedure);
- an extension to the informal review period; or
- to issue a formal written warning with a review after 6 months

The outcome of the meeting should be confirmed in writing to the member of staff within 5 school days. Where continued further review is required, reference should also be made to:

- any improvement required;
- the timescale for any improvement to be made (which must be of sufficient length to allow adequate time for improvement and assessment);
- The date for the next meeting which will be at least six weeks from this meeting.
- the likely consequences of a failure to improve;
- further monitoring and review meetings.

Where a written warning is issued, this should be confirmed in the outcome letter. Reference to the employee's right of appeal should also be made in the letter.

Second Formal Meeting

If, at the Stage 1 review meeting, the process was escalated and new objectives had been set, then at this meeting the Headteacher/designated manager should, determine if any improvement has been made against these objectives. They should make an assessment if measures are improving. If they are not improving at a sufficient rate, then further measures should be put in place which may include:

- explaining concern at the absence level and the impact on the academy;
- offer any further help or guidance or act on any further Occupational Health advice to ensure negotiated practicable measures are in place.
- agree new achievable objectives such as greater than 95% attendance each term depending on the condition, and an agreed new review period of at least 6 weeks.
- consider a wider range of supportive measures such as
 - Redeployment
 - Negotiation of new roles and responsibilities
 - Negotiated changes to working practices
- seek to obtain further medical reports or assessments
- escalate to a governor panel with a recommendation of final written warning or dismissal depending on the outcome of the third formal review meeting which must take place 6 weeks later and before the governor panel.

Third Formal Meeting

The role of this meeting is to determine if any formal objectives set in the second formal meeting have been met. In this meeting the Headteacher can:

- Recommend dismissal to the upcoming governor panel meeting
- Recommend that the final written warning is still appropriate
- Extend the process and set up a further formal meeting if progress and the response to support provided has been extremely favourable.

Governor Panel

A quorate LGC (or quorate Trust Board) should delegate the management of the case of an employee's long-term sickness absence to an appropriate committee of three appointed governors. It is essential that in making the resolution to delegate the case to the appropriate Committee, only the briefest of information is shared with the LGC. This will ensure that any Governors involved in considering the case at a later stage (i.e. either at a formal hearing or an appeal) will do so without prejudice and with absolute impartiality. If an appropriate Committee has not already been established the LGC will need to do so before progressing the matter further.

What happens in the Governor Panel

The case will be heard by a Panel of not less than 3 Governors or Trustees. A Trust Board representative, may also be requested to attend.

In advance of the meeting, the Panel will be provided with copies of any relevant documents in respect of the case (e.g. copies of medical reports, Headteacher's report regarding impact on the academy etc.). The employee and his/her 'representative' will also be provided with copies of the relevant documentation no later than 10 days before the meeting. The employee and/or his/her 'representative' may also make verbal and/or written submissions to the hearing. Where the employee intends to make written submissions to the meeting, he/she should endeavour to provide these no later than 5 school days before the hearing where possible.

The purpose of the Panel will be:

- If the employee is not able to be present despite at least one rescheduling
 - to consider the written evidence provided by the employee and others
- If the employee is present
 - to inform the member of staff of her/his attendance record and that it shows insufficient improvement;
 - explore the reasons for lack of improvement including any report from Occupational Health and invite the individual or her/his 'representative' to present her/his case as to why s/he should not be dismissed;
 - consider the comments, circumstances, evidence and perspectives presented by the employee;
- consider the feasibility of alternative working arrangements that would facilitate a satisfactory level of attendance from the employee that could be accommodated by the academy;

Additionally, the Headteacher may be required to attend the hearing to present to the Panel information on the process undertaken to date in respect of attempts to facilitate the employee's return to work, any considerations of redeployment that

may have been made, any relevant medical information (including medical reports) and the impact of the ongoing sickness absence on the operations of the academy.

Recommendations that the panel could make to the Trust Board include:

- A further period of review and defined objectives for a period of time.
- Alternative measures that may alleviate the impact on the academy.
- A final written warning which remains live for 6 months.
- On the balance of the evidence provided, the Panel of Governors may resolve to dismiss the member of staff.
- A rejection of the process and recommendations for changes in policy.
- A dismissal.

Informing the employee of the outcome

The Panel of Governors will decide, on the basis of evidence available, including any Occupational Health report, whether or not to recommend to the Trust Board that the member of staff is dismissed (subject to the individual's right to appeal).

A letter confirming the decision should be sent to the member of staff within 5 school days of the meeting. If the decision is to dismiss the member of staff she/he should be advised of her/his right of appeal.

Should the individual choose not to appeal within the specified period or the appeal is not upheld, the Committee Chair will advise the Chair of the Trust Board who will issue a dismissal letter to the individual with due notice. The dismissal letter will state the reasons for dismissal.

Appeals

Appeals against a dismissal or any formal warning must be made by the member of staff in writing to the Headteacher or, where the appellant is the Headteacher, to the Chair of the Governing Body, outlining the reason for the appeal within two calendar weeks of receiving written confirmation of the dismissal. Appeals will be heard, where practicable, within 20 school days of receipt of the appeal application.

Appeals against dismissal will be heard by a Panel comprising of Trustees. This Panel will exclude Governors or Trustees who have previously sat on the stage 3 Panel that made the recommendation to dismiss. Additionally, the number of people constituting the Appeals Panel cannot be less than the number that constituted that stage 3 Panel that made the recommendation to dismiss.

All documents that were considered by the stage 3 panel that made the recommendation to dismiss at the first meeting will be provided to the Appeals Panel. The employee and/or her/his 'representative' will also be provided with a copy of the relevant documents in advance of the hearing. The employee and/or his/her 'representative' may also make verbal and/or written submissions to the Appeals Panel at the appeal meeting. Where documents are submitted to the Appeals Panel, the employee and/or his/her 'representative' should endeavour to ensure

these are provided no less than one calendar week before the date of the appeal meeting.

The Appeals Panel, having considered the matter, may either uphold or overturn the decision of the previous stage 3 Panel of Governors. If the Appeals Panel decides to uphold the decision to dismiss the member of staff on grounds relating to capability due to ill health, the employee is entitled to written notice in accordance with his/her contract of employment or as an alternative, pay in lieu of notice may be considered for payment where this is agreed with all parties.

Termination of Employment

In all cases where an employee's contract of employment is terminated on the grounds of ill health, the termination date must take into account the contractual notice period. Regardless of the status of the employee's sick pay entitlement, full pay must be reinstated for the notice period so as to ensure no breach of contract occurs.

In accordance with the relevant case law employees may be entitled to receive payment for accrued statutory holiday entitlement where this has not been taken as a consequence of sickness absence.

Ill Health Retirement

In cases of chronic ill health, ill health retirement should be considered at the earliest stage after all other options relating to facilitated return to work, reasonable adjustments to work or redeployment have been exhausted. Employees will be made aware of further sources of advice in this regard.

Teaching Staff

Under the Teachers' Pensions Regulations, it is the teacher who instigates the approach to Teachers' Pensions for the payment of an ill health pension. Teachers' Pensions will then assess the medical evidence and make a decision on whether or not to award the pension. Their application would normally need to be supported by a consultant specialising in the medical condition that prevents their return to work.

If the teacher does not have a compelling case for an application for ill health retirement, or the Teachers' Pensions medical advisors do not support the application, the academy may still wish to terminate the teacher's employment on the grounds of lack of capability due to ill health.

Support Staff

If an employee is a member of the Local Government Pension Scheme (LGPS) and the Occupational Health Consultant **and** an independent registered medical practitioner (who is qualified in occupational health medicine) has confirmed that the member of staff is permanently incapable of performing her/his duties and has recommended ill health retirement, then the member of staff may be able to receive an immediate retirement pension. There are graded levels of benefit based on how likely an individual will be capable of obtaining gainful employment after they leave.

Managers are advised to seek guidance on behalf of the employee on whether an employee is a member of the LGPS and whether they would be entitled to an ill health pension from the Pensions Section. Estimates of benefits are not normally prepared until Occupational Health has recommended ill health retirement.

Dismissal on the grounds of Efficiency of the Service

Where an individual is suffering from ill health which is not sufficiently incapacitating to render him/her permanently incapable of working, it is unlikely that early retirement on the grounds of ill health will be granted by Teachers' Pensions or the MAT in the case of support staff. Eligible staff over the age of 50 may ask Governors to consider granting retirement in the interests of the efficiency of the service. However, such arrangements are discretionary and **only applied in exceptional circumstances in which the impact on the educational opportunities for children can be negligible.**

Process of involving Occupational Health

Occupational Health works with Headteachers/Governors and employees to promote good health and offering alternative medical advice aimed at maintaining and improving employees' physical and mental well-being.

When considering the absence of an individual the Headteacher and Governors must be sensitive to the reasons behind the absence. In order to consider the absence properly it is essential that appropriate medical advice has been sought. Headteachers are, therefore, encouraged to seek the advice of Occupational Health in any issue regarding attendance.

The Headteacher and Governors have an on-going responsibility to provide help and support to members of staff and to ensure the quality of education provided to children in their academy. The Headteacher and Governors have a duty of care for the welfare and health of their staff and must seek to balance these different responsibilities in a sensitive, supportive and reasonable manner. The Occupational Health service is designed to provide guidance, advice and support to both the employer and employee.

For teachers, including trainee teachers, guidance has been published called "[Fitness to Teach Occupational Health Guidance for the Training and Employment of Teachers](#)".

How to arrange an Occupational Health appointment

Any member of staff can be referred to Occupational Health by the Headteacher at any time by completing the Occupational Health Assessment referral form or alternatively the individual may self-refer for confidential advice. They do not have to be off work at the time.

When a decision is made to refer a member of staff to Occupational Health, the Headteacher (or designated manager) will inform SMART's HR Officer and should speak with/write to the member of staff (or their 'representative' where appropriate) explaining the reason for the referral and the role of Occupational Health. To avoid unnecessary stress for the employee, the Headteacher should explain that this is normal procedure and emphasise the supportive role of Occupational Health and inform the individual that she/he will be contacted by Occupational Health by telephone to assess their state of health and may be asked to attend an appointment with Occupational Health assuming their consent. The member of staff should be provided with a copy of the referral and the appropriate consent form.

Occupational Health will offer the individual an appointment to obtain appropriate information about the condition, and advise the Headteacher (or designated manager) and the individual on any significance it may have for work. The purpose is to obtain a clear medical view of the whole situation that can then inform management decisions and enable appropriate support to be offered to the individual. The need for further action can be ascertained, such as liaison with the

individual's GP or other health care workers to arrange further treatment or recommend a change in work patterns. With the employee's consent the Headteacher should consider these sources of advice to put in place measures to support the employee.

The initial Occupational Health involvement and the ongoing frequency will depend upon the medical condition. For example, if the individual is absent due to an operation which is covered by a Doctor's certificate, it would not be reasonable to refer the person to Occupational Health until after the individual has left hospital and has had some time to recover. However, if the person is absent due to work related stress, according to the Doctor's certificate, it is important to involve Occupational Health at an early stage. Subsequent Occupational Health appointments will be arranged by Occupational Health. It is important that the contact and communication are undertaken in a cooperative and supportive manner.

Headteachers may contact Occupational Health to ask for specific information of a non-confidential nature, or to give relevant background information that they feel may be helpful, which is general and not relatable to any member of staff. This is not only reasonable but is welcomed by Occupational Health as it enables them to build a rounded picture of the academy and the individual's place within it. Clearly Occupational Health will observe medical ethics and patient confidentiality, at all times.

Medical Reports compiled by the Occupational Health

The purpose of medical reports provided by Occupational Health are to advise managers on how an employee's health condition may impact on their work. Occupational Health is required to observe full medical confidentiality and therefore no clinical or personal details about the individual outside of the scope of this particular enquiry will be imparted to the Headteacher/manager. Occupational Health must obtain the member of staff's consent before an approach is made to her/his GP or consultant for further medical information. Under the Access to Medical Reports Act 1988, where it is necessary to obtain a report from the individual's GP or hospital, the member of staff must see this report before it is sent to Occupational Health. Where a member of staff refuses to give written permission to approach her/his doctor/specialist it may become necessary to make a decision without the benefit of medical opinion.

Following the initial referral, a provisional report will be made to the member of staff who will have the opportunity to challenge this and advise changes prior to the revised copy being shared with the Headteacher pending any further reports from specialists if necessary with the consent of the employee.

Meeting with the member of staff following an Occupational Health report

Following receipt of an Occupational Health report an opportunity should be set up to establish a meeting with the member of staff and their line manager or relevant manager. The member of staff has the right to invite a 'representative' to this meeting. Notes will be taken and circulated no more than 5 school days after the

meeting has taken place and at least 10 days' notice of the meeting date will also have been provided.

When this meeting is not part of the formal or informal attendance process the options for action afterwards may include:

- 1 Doing nothing additional other than maintaining current support.
- 2 Explore and, where practicable and affordable, put in place possible options for reasonable adjustments to temporary working arrangements to accommodate the employee's condition of health and that would facilitate a return to work or safer working.
- 3 Explore possible options for accommodating recommendations pertaining to the health of the employee including redeployment or changes in the pattern of work.

Where Occupational Health suggests that an employee is incapable of fulfilling her/his full range of duties (either permanently or within a reasonable timescale having regard to operational or other considerations), the Headteacher should instigate a stage 2 meeting.

Suspension from Duty on Medical Grounds

In accordance with the Education (Teachers' Qualifications & Health Standards) (England) Regulations 2003, a teacher who returns to duty from illness or injury must have the physical capacity to carry out the relevant activity (as defined in these regulations).

The Headteacher has the responsibility to ensure the safe return of employees and has the ability to not permit return to work even in the absence of medical advice.

In such cases the Headteacher would suspend the member of staff on medical grounds until further information and advice has been received. In such circumstances, the teacher should be notified of their position in writing within 5 school days of the meeting. If it is known that a teacher is a member of a trade union, efforts will be made to ensure that the union is given advance notice of this letter if the member of staff gives their consent.

Occupational Health Contacts

For all Occupational Health enquiries please contact the OH Enquiry Line:

Dobwalls, Liskeard, Looe, Trewidland	Saltash, Landulph
<ul style="list-style-type: none">• Telephone: (01872) 323138• Fax: (01872) 323827• Email: occupationalhealth@cornwall.gov.uk• Address: Occupational Health, Cornwall Council, Fowey Building, New County Hall, Truro, TR1 3AY.	IMASS Occupational Health Buckland House 12 William Prance Road Plymouth PL6 5WR 01752 835900

Further considerations in Managing Attendance

Attendance management should not be approached in isolation from other general management issues in academies. The following should also be considered:

The Equality Act 2010

Academies will need to comply with the provisions of the Equality Act 2010, which makes it unlawful to discriminate against people with disabilities in employment. Under the Act, a person is disabled if they have a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day to day activities. A long term effect of an impairment is one that a) has lasted at least 12 months; or b) where the total period for which it lasts, from the first time of the first onset, is likely to be 12 months; or c) which is likely to last for the rest of the life of the person affected. The person must have an impairment that is physical or mental.

There is a requirement on academies to make “reasonable adjustments” to accommodate the needs of staff, including making adjustments to premises and altering hours of work with the member of staff’s agreement.

There are many organisations providing information and advice on disability issues to disabled people, to their families, their carers and to employers. For example, the Commission for Equality and Human Rights provides a central source of information and advice to disabled people and employers.

Further advice on the scope and application of the Equality Act 2010 can be obtained from SMART’s HR officer.

Health and Safety

The Health and Safety at Work Act 1974 imposes a general obligation that "it shall be the duty of every employer to ensure, as far as is reasonably practicable, the health, safety and welfare of all his employees".

The Management of Health and Safety at Work Regulations 1992 require effective systems and action to be taken to identify, prevent and reduce risks to the health and safety of staff. Many of these employer responsibilities can only be implemented effectively with the active support of employees (who have a duty under the Act), the Headteacher and the Management Team. There are requirements to undertake risk assessments in the workplace to identify and eliminate or manage risks to staff.

Accidents at Work

The following types of incident must be reported to a member of staff nominated by the Headteacher: -

- minor injuries
- violent incidents (including verbal abuse and threats)
- over 3 day injuries
- major injuries
- death
- specified dangerous occurrences
- specified occupational diseases

Any accident and near misses should be recorded, and any requiring first aid treatment should be recorded in the First Aid Log. Please see provisions relating to pay in Burgundy book for teaching staff and Green book for support staff.

Work Related Stress

The effective management of stress requires employers to recognise that stress exists, putting in place adequate measures to prevent it happening and where able, to successfully prevent it utilising measures to control it.

Headteachers and Governors need to ensure that their staff have appropriate workloads, and support of a reasonable work/life balance, having regard to their health and welfare. The prevention of ill health due to stress and the maintenance of employee health and wellbeing through recognising and managing work related stress should be promoted and employees themselves have an important part in this.

Alcohol and Drug Problems

It may become apparent from a change in behaviour and/or deterioration in performance that there is an underlying problem. Whilst it is important not to jump to conclusions, behaviour and performance can be indicators of alcohol or drug use. Headteachers/Governors should note apparent changes with the individual. Should the individual's work performance suffer, it would be appropriate to discuss a referral to Occupational Health who can provide a range of support including referral to specialist services.

Terminal Illness

Any member of staff who has a terminal illness is exempt from the normal procedures for dealing with long term or frequent short term sickness. Instead Headteachers/managers are advised to contact SMART's HR officer at the earliest available opportunity, who will arrange for Occupational Health to write to the GP/Consultant to establish the exact medical position and life expectancy. This is extremely important in establishing the most beneficial course of action for the individual. Every care should be taken about the individual's wellbeing.

Occupational Sick Pay (OSP)

Support Staff

All staff are required to be medically screened before appointment so that they may be admitted to the appropriate sick pay scheme on commencement of service. Provided that a satisfactory report has been received from Occupational Health and sickness reporting procedures are followed, the academy will pay salary during sickness in accordance with the scale of entitlement shown below:

During the first year of service	1 month's full pay and (after completing 4 months' service) 2 months' half pay
During the second year of service	2 months' full pay and 2 months' half pay
During the third year of service	4 months' full pay and 4 months' half pay
During the fourth and fifth years of service	5 months' full pay and 5 months' half pay
After five years' service	6 months' full pay and 6 months' half pay

The period for which sick pay shall be paid, and the rate of sick pay in respect of any period of absence is calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the 12 months immediately preceding the first day of absence.

Teaching Staff

Under the Teachers' Regulations a teacher cannot be appointed or continue in employment unless s/he has the necessary health and physical capacity to do so. Provided that a satisfactory report has been received from Occupational Health and sickness reporting procedures are followed, the academy will pay salary during sickness in accordance with the scale of entitlement shown below:

During the first year of service	full pay for 25 working days and after completing four calendar months' service, half pay for 50 working days
During the second year of service	full pay for 50 working days and half pay for 50 working days
During the third year of service	full pay for 75 working days and half pay for 75 working days
During the fourth and subsequent years	full pay for 100 working days and half pay for 100 working days

Two half school days shall be deemed to be equivalent to one working day. For the purposes of calculating the allowance payable, the year shall be deemed to begin on 1 April of each year and end on 31 March of the following year.

Notification of Full Pay and/or Half Pay Ceasing

Academies must notify our payroll provider whenever a member of staff is absent on sick leave and the reason for the absence. This will ensure that accurate sickness records are maintained and that staff receive the correct amount of pay when on sick leave. The payroll provider will notify staff when sick pay is to reduce to half pay or ceases.

Medical Examinations

All members of staff should, if required by the Headteacher (or designated manager), attend a medical examination with Occupational Health. If a member of staff refuses to attend a medical examination the individual will risk losing his or her sick pay. The cost of medical reports obtained from GPs or Consultants will be borne by the academy.