

Alston Moor Federation Absence and Wellbeing policy

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This policy is based upon the policy from Cumbria County Council

Introduction

This document sets out the absence wellbeing procedure to be followed by managers/head teachers when dealing with an employee's attendance at work. It has been developed to promote the health and wellbeing of all employees, to improve attendance and minimise absence effectively. The Council/School values the contributions of all employees and aims to maximise employee attendance to achieve our objectives as outlined within the Council/School Plan. The Council/School is committed to promoting healthy living for all staff and providing facilities to encourage this. Examples of this include:

- Providing a professional, confidential Occupational Health service
- Risk assessments for known health risks
- Promotion of good management/working practices
- Ergonomic assessments to ensure the working environment and equipment used is suitable
- The provision of a confidential counselling service

The aim of the absence and wellbeing procedure is to minimise absence levels across the Council/School, whilst also providing reasonable support to those absent, with the aim of assisting their return to work at the earliest opportunity.

Whilst it is recognised that instances of absence often need to be considered on a case by case basis, this procedure also aims to ensure that all employees are treated fairly and consistently.

Scope

This procedure applies to all permanent and fixed term County Council/Schools employees covered by Green book, Burgundy book and Grey book, casual workers and volunteers, including people engaged to work for the council through agencies.

It is expected that governing bodies of all community and voluntary controlled schools would adopt this procedure. Foundation and voluntary aided schools and academies are encouraged to do the same.

Principles

The Council/School has a duty to manage its services in the most cost effective and efficient manner. It is committed to the aim of maintaining the health, safety and wellbeing for its employees as far as practicable, while recognising that there may be circumstances where it is necessary to manage absence to secure full attendance at work.

This procedure is based on the following principles and will:

- Maximise employee attendance and engagement at work.
- Promote employee health, safety and welfare; encouraging and supporting employees to manage their own health, safety and wellbeing and to take responsibility for their attendance at work.
- Secure effective and efficient utilisation of all staffing resources

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- Explore reasons for employee absence in order to prevent or minimise the possibility of the absence reoccurring
 - Address any underlying employee welfare problems
 - Ensure appropriate occupational health and medical advice is obtained
 - Sustain harmonious employee relations
 - Comply with good employment practice and adhere to the law
 - Never ignore sickness absence
 - Ensure that short term absences do not go unnoticed
 - Ensure prompt action is taken if the absence is work-related
 - Keep accurate and up to date employee attendance records
 - Develop/maintain an atmosphere that encourages people to come to work
 - Deal with each person as an individual – getting to know them will assist in exercising managerial judgement
 - Handle attendance problems promptly and sensitively, in a supportive manner
 - Treat all staff fairly and consistently
 - Reduce the impact on other employees and teams in terms of increased workloads
 - Reduce agency costs and the need to use Externally provided workers

For statutory entitlements and discretionary time off see the time off booklet for guidance.

Process

The guidance for managing absence is set out in the appendices as detailed below:-

Appendix 1 – Green Book employees

Appendix 2 – Burgundy Book Employees

Appendix 3 – Grey book

Appendix 4 – Generic guidance

For Schools:

Name of School:		
Date by which School have adopted procedure:		
Signature of Chair of Governors		
Policy Type	Statutory	
Version Control		
Created by		
Agreed by		
Review date		
Agreed		

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1. Introduction

This guidance applies to employees where they are absent from work due to sickness. The procedure is intended to provide guidance to managers/head teachers and employees in relation to the management of sickness absence.

Sickness absence issues are often complex and unique. Absence must always be treated as genuine and managed compassionately within the parameters of this procedure. Whilst it is important that issues are dealt with in a fair way, specific interventions used and the timing of those interventions may differ from case to case.

Where employees are seconded to the Council/School from an external organisation they will be subject to the absence and wellbeing procedure applicable to their employer.

Where Council/School employees are seconded to an external organisation they will be subject to the Council/School's Absence and wellbeing procedure.

2. Roles and Responsibilities

Employees will;

- Make every effort to maintain satisfactory levels of attendance at work
- Take personal responsibility where appropriate for their own health and engage with any support offered (either through their own GP, the Council or another source such as the Occupational Health Service) to improve health conditions and ensure satisfactory attendance
- Maintain reasonable contact with their manager (or the next level of management if the manager is absent)
- Attend Occupational Health appointments unless unable to do so due to ill health or where the employee is in hospital
- Attend support meetings / absence management reviews as necessary
- Complete actions and targets as outlined in the action plan from the absence management meetings.

Managers will;

- Manage absence levels within their team to service targets
- Proactively manage the risks of high level of absence within their team by taking actions to mitigate and reduce risks
- Apply the procedure in a fair and consistent manner
- Ensure accurate absence records are created and upload relevant information (E.g. Fit Notes and Self-certifications) to iTrent for their team
- Conducting Return to Work interviews for all absences
- Maintain contact with the employee and support them throughout their absence
- Refer the employee to the Occupational Health Service and follow advice as appropriate
- Support the employee and make reasonable adjustments if necessary (reasonable adjustments may include extending triggers)
- Organise and chair all necessary absence management meetings with employees
- Consider alternative employment for the employee where necessary
- Attend appeals if necessary
- Seek advice from the People Management Service where appropriate to ensure that employees are treated fairly and consistently.

The People Management team will;

- Produce, review and monitor the application of this procedure to ensure fair and consistent application by managers
- Provide training for managers on managing absence
- Provide advice and support to managers and employees where necessary
- Review files and attend the stage 4 absence management meeting/case conference where there is a potential dismissal
- Produce Management Information to enable the Council to effectively manage absence levels
- Set, review and gain agreement to absence targets through appropriate governance routes
- Use Management Information to identify and proactively support services with absence levels above target to reduce the associated risks to the service, Directorate and Council
- Be responsible for monitoring the implementation of the guidance and reviewing the policy and associated guidance periodically to reflect changes in legislation and /or best practice.

3. Notification and Certification

Employees must phone in as soon as possible and normally within 1 hour of their expected start time or the manager/head teacher's normal arrival time. Employees who work on a roster providing a direct service to the public are asked to ring before the start of their shift wherever possible to give the manager/head teacher time to arrange cover.

If for any reason the manager/head teacher is unavailable the employee must leave a message with a telephone number to allow the manager/head teacher to call them back. Employees must make every effort to be available for the call back as long as this does not prevent them from seeking medical treatment/attention. There may be exceptional circumstances where it is appropriate for a next of kin to make contact e.g. the employee is in hospital. **To contact a colleague is not acceptable.**

During the telephone call the manager/head teacher will ask:

- Nature of the absence
- When the sickness began
- Expected date of return to work
- Any relevant information about current workload
- Telephone number for calling back
- If they can be of assistance
- If the absence is related to a disability, in order to assess if additional support could assist.

There may be some circumstances such as a breakdown of relationship between the manager and the employee which means it is not appropriate for the employee to contact the manager about their sickness absence. In these circumstances the manager should arrange for an alternative point of contact for the employee.

If the employee is still unfit for work after 3 days, they must contact the manager/head teacher again and provide an update. This information should be recorded on the contact sheet (PA9), as a record of support provided.

Employees may have a condition or impairment that they wish to keep confidential, and they are not obliged to disclose this; however the manager should respectfully encourage the employee to do so to enable the manager to provide an appropriate level of support.

Managers and employees need to ensure that every day of a period of absence is covered either by a self-certification form or a doctor's fit note. Any gaps will need to be accounted for otherwise pay will cease until the appropriate certification is produced.

An employee who is off sick for 7 days or less (including weekends) must complete a self-certification form to cover every day of the absence including half days, this can be done prior to, or at their Welcome Back to Work interview.

For sickness absence of 8 days or more (including weekends) a medical certificate (fit note) is needed, this should be sent by the employee to the manager/head teacher straightaway following issue by the medical practitioner.

For employees returning to work where the fit note contains restrictions to their normal work, managers/head teachers should see Appendix 4 Section 5.

Employees who fail to supply the relevant certificate(s) will lose their entitlement to both statutory sick pay and occupational sick pay for that absence, subject to the scheme rules. Where requested, managers/head teachers will endeavour to provide support for the prompt provision of the certificates. An employee's continued failure to supply certificates without good reason, may result in disciplinary action. In some circumstances an employee may ask a next of kin to deliver the certificates.

When completing a fit note a doctor has the choice between two options:

- Not fit for work
- May be fit for work

If the doctor selects "may be fit for work", one of the following four options has to be selected:

- Phased return to work
- Amended duties
- Altered hours
- Workplace adaptations

The doctor then has the option to make additional comments.

The manager/head teacher should arrange to meet with an employee who is assessed as "may be fit for work" and discuss with them the requirements of the fit note. Where it is possible to facilitate the requirements of the fit note, the return to work should be managed accordingly.

Where it is not possible to facilitate the requirements, the manager/head teacher must seek further advice from the Occupational Health Service and the People Management team/HR Provider before attempting to support a return to work.

There is no option on a fit note for a doctor to advise that an employee is fit for work and it is not necessary for an employee to be signed back to work by a doctor. If the employee wishes to return to work before the expiry of the fit note they could return to their doctor who may provide another certificate indicating that the employee “may be fit for work” with certain adjustments to the employee’s duties, hours or workplace.

An employee does not need to be fully fit to go back to work. For example, the manager/head teacher may agree to make some changes to help them return or, if the health condition no longer affects their ability to do their normal duties, they may be able to return even though they’ve only partly recovered. In these circumstances, or where an employee recovers from their illness or injury more quickly than expected, with the manager/head teacher’s agreement and support (and the relevant Occupational Health advice), they may go back to work or return to their normal duties before the expiry of their fit note. Managers/head teacher’s will complete a risk assessment and if it is thought that it is not safe for the employee to return or if this could be detrimental to their health and/or could worsen their condition, they will have to stay off work until the expiry of the fit note.

If managers/head teachers are unsure whether or not it would be appropriate for an employee to return to work, they must seek confirmation from a medical practitioner that the employee is fit and well enough to attend work.

Where managers/head teachers feel it is necessary, they will seek advice and guidance from the Occupational Health Service by logging a ticket on the Occupational Health Managers Portal.

Link to: <https://genohsisportal.cumbria.gov.uk/Portal/login.aspx?ReturnUrl=%2fPortal>

Schools will need to make their own arrangements for the provision of occupational health services and will need to contact their chosen provider.

4. Recording and record keeping

Accurate and prompt recording of information (duration and reason for absence) on the HR system (iTrent or equivalent school recording system). It is critical this happens as absence data forms the basis for managing and monitoring the sickness absence of employees at a local level.

Information should be inputted into the HR system on the day that the employee notifies the employer of their absence, and updated as and when a self-certification or a fit note is received. This is to enable managers/head teachers to have up to date information so they can seek advice and/or implement a timely referral to the Occupational Health Service, offer support and carry out reviews when employees reach absence triggers. The details of the medical certificate should be entered on to the HR system and the certificate uploaded as an attachment. Managers/head teachers who do not have the facility to scan and upload documents into the HR system should send hard copy certificates to the

Service Centre/HR Provider for them to upload to the person's record, making sure they note the employee's personal number on the certificate(s). Original fit notes must be destroyed once uploaded into the HR system.

For guidance on how to do this use:

iTrent User Guides – http://www.intouch.ccc/servicecentre/hr/itrent_myhr/default.asp

It is essential that managers/head teachers keep records of all discussions and meetings with employees regarding their sickness absence. This is to ensure that absence is managed effectively and fairly and records of earlier decisions and actions are readily available to inform future decisions. When an employee is absent due to sickness the manager/head teacher should complete a contact sheet (Template PA9), and where required, an action plan (PA10) for each employee to record all communication and meetings held, these documents may be shared with the employee if they request to see them.

Managers/head teachers should upload documentation associated with an absence into the HR system. Once uploaded hard copies need not be kept locally.

When the employee returns to work the manager/head teacher must close the absence on the HR system on the day they return to work.

5. Industrial Injury/Infection Control

If during the notification the employee states that their absence is due to an accident that happened at work, the manager/head teacher must ensure that an accident form is completed, and if necessary, an investigation is carried out.

Following a critical incident, such as an accident or an incident of violence in the work place, employees are reminded of the need to comply with the accident reporting procedure. In addition, the immediate impact of such events may not be felt until some time has elapsed and employees are recommended to access support if they experience symptoms such as anxiety, panic attacks, fear or any associated problems. Employees may also feel that sharing such concerns with their manager/head teacher may help.

Absence relating to industrial injury may not be counted towards absence triggers and sick pay entitlement in some circumstances. An employee who is prevented from attending work because of contact with infectious disease will be entitled to receive normal pay. The period of absence will not count towards sick pay entitlements and absence triggers. Advice should be sought from the People Management team/HR Provider and a referral made to the appropriate Occupational Health service. The manager/head teacher should ask the Occupational Health Service to advise if the absence was caused wholly by work.

Further information on accidents at work is available from the Health and Safety team and in Safety Procedure number 6. Schools will need to refer to their own health and safety procedure and equivalent arrangements.

6. Sources of support

Note: Schools should contact their own providers

Other resources that are available to managers in supporting employees in the prevention of sickness, absence and disability are:

- Health & Safety (departmental & corporate)

<http://www.intouch.ccc/healthandsafety/default.asp>

- Occupational Health Service referral (via managers)
- Face to face counselling service (via manager and Occupational Health Service)
- People Management team (01228 221231) **People Management Portal**
- If you wish to access additional support you can find details of national helplines and websites on InTouch at http://www.intouch.ccc/hr/attendance_wellbeing/default.asp or on the County Council website at <http://cumbria.gov.uk/employeeinformation/copingwithchange.asp>
- Trade Union safety representatives.

Where an absence is related to bullying or harassment please refer the employee to the following page: **Employee Support**

Where employees do not have access to intouch managers should print off the requested information for them.

7. The Occupational Health Service

Note: Schools should contact their own occupational health Service and follow their process.

The Occupational Health Service is available to advise managers at any time about how best to support an employee who is off sick. Managers are encouraged to contact the Occupational Health Service as soon as possible to agree the appropriateness of a referral to investigate clinical options and to speed up, or access treatment. Managers can seek advice from the Occupational Health Service by raising a ticket through the Occupational Health Service portal <https://genohsisportal.cumbria.gov.uk/Portal/login.aspx?ReturnUrl=%2fPortal>

When an employee reports absent from work and informs the manager that they are likely to be absent from work for 3 weeks or more, the manager should contact the Occupational Health Service for advice and, if necessary, make an immediate referral. For a mental health/stress related illness/condition, work related injury or musculoskeletal injury, the manager should make an immediate referral. The only exception is when, having sought advice, the manager is told that a referral is not needed (e.g. if an employee has a broken leg without complications). It is best practice to discuss the referral form with the individual before submission. Managers need to be aware that the individual will see the referral form at their visit.

The manager will complete a referral form and must provide as much information as possible, asking any specific questions they want answering so that the Occupational Health Service can then provide a thorough and detailed response. The Occupational Health Service will arrange

an appointment with the individual within 12 working days of receiving the referral, and also notify the manager of the date.

The Occupational Health Service may deem it necessary to refer the employee for counselling or physiotherapy. The employee will initially be given access to 4 sessions of counselling or physiotherapy, however the Occupational Health Service will advise if they need more sessions.

Where necessary, the Occupational Health Service will arrange for the individual to complete the Access to Medical Records declaration form and make a request to the employee's doctor and/or specialist for a medical report.

Employees are entitled to see the medical report written by the doctor/specialist before it is sent to the Occupational Health Service. If employees wish to see the report, they should contact their doctor and arrange to do so as soon as possible as this will ensure that the Council can assess what can be done to help from the earliest time. If the individual has not seen the report within 3 weeks of the doctor/specialist preparing the report, it will be sent to the Occupational Health Service anyway without the individual seeing it. An employee may request a copy of the doctor's report from the Occupational Health Service at any time.

Employees may be asked to attend a variety of medical assessments in addition to seeing the Occupational Health Service (e.g. Independent Medical Examination). Travel expenses will be met by the relevant Directorate and may be claimed in the normal way. The employee will be given reasonable notice of any appointment.

The manager / People Management advisor and employee will all receive a copy of the report from the Occupational Health Service. The manager should then arrange to meet with the employee to discuss the outcomes of the report and any recommendations, this may be at the next stage meeting.

Failure to co-operate with a referral to the Occupational Health Service, completion of the Access to Medical Records declaration form, or to attend medical assessments would mean that the Council would have to make decisions based on the information available. This could have a detrimental effect on the level of support that could be given. Repeated failure to attend appointments without good reason may result in employees losing their entitlement to sick pay and may result in disciplinary action (which could include dismissal). If the employee's absence, to which the appointment relates, is disability-related then consideration should be given to any reasonable adjustments that may be appropriate to facilitate the employee's attendance. There is no self-referral process.

8. Sick Pay Entitlements

Note: Schools should contact their own providers.

Sick Pay

The Council's Occupational Sick Pay (OSP) provisions are as follows:

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

The period during which OSP is 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 total number of days absence during the twelve months immediately before the first day of absence.

When an employee receives full pay, OSP is an amount which when added to Statutory Sick Pay (SSP) and Incapacity Benefit receivable, is equivalent to normal pay. In the case of half pay periods, OSP is an amount equal to half normal earnings plus an amount equivalent to SSP and Incapacity Benefit receivable, as long as this is not more than normal pay.

Once OSP has been exhausted, employees are entitled to SSP, subject to the regulations regarding that benefit, until 28 weeks sickness absence has elapsed, including the period of OSP.

Where it can clearly be shown that an abuse of the OSP scheme has occurred, the Council will suspend sick pay immediately. The Council reserves the right to reclaim the sick pay already paid. Abuse of the sickness scheme will be considered under the disciplinary procedure.

In rare circumstances, a manager/head teacher can seek approval from the Corporate Director of Resources and Transformation/Governing body to extend the employee's period of half pay for a maximum of 3 months, provided that the Occupational Health Service can confirm that the employee is likely to be fit to return to work by the end of the extended half pay period.

Sick Pay exclusions include:

- If an employee abuses the sickness scheme
- If the sickness/absence is due to or attributable to deliberate conduct which is harmful to the employee's recovery
- If the employee's absence has been caused by their own misconduct or neglect
- If the employee's absence is due to active participation in professional sport

- If the employee is injured while working in their own time on their own account for private gain or for another employer
- If an employee fails to attend the Occupational Health Service and medical appointments or maintain contact without good reason.

Where a third party is liable for the absence and an insurance contract payment will be made, the Council reserves the right to 'loan' occupational sick pay until a settlement is reached from the third party and this could mean the signing of a 'loan agreement.'

People Management/HR provider advice must be sought in circumstances where an employee who is off sick may be suspended under the disciplinary procedure.

9. 3rd Party Accidents

Note: Schools should check with their own provider the process for third party accidents.

If an employee has an accident outside of work and where a third party is liable for the absence and an insurance contract payment will be made, the Council/School reserves the right to 'loan' occupational sick pay until a settlement is reached from the third party and this could mean the signing of a 'loan agreement.'

An officer who is absent as a result of an accident shall not be entitled to an allowance if damages may be receivable from a third party in respect of such accident. In this event, the authority may, having regard to the circumstances of the case, advance to the officer a sum not exceeding the sickness allowance provided under the Scheme, subject to the officer undertaking to refund to the authority the total amount of such allowances or the proportion thereof represented in the amount of damages

Any such accident should be recorded as sickness in the normal way but their manager/head teacher shall have due regard for the fact that liability has been acknowledged by a third party when reviewing the overall sickness record. Managers/head teachers and employees should be aware that identification of liability could take a significant amount of time therefore accurate records should be kept.

10. Support Meeting

Where an employee has had absence of 3 occasions or a total of 8 days in a 12 month period then arrangements should be made to hold a support meeting. The employee's manager/head teacher, will make contact by letter to arrange a meeting to see what can be done to help. This meeting is intended to support the employee and discuss any matters relevant to the absence(s).

Normally this meeting should take place in the workplace, as this helps the employee to keep in touch with the workplace and prevents isolation. In exceptional cases, where it is not possible for the meeting to occur in the workplace (e.g. where the medical condition prevents this or travel is prohibitive) a meeting at another suitable venue should be arranged. If this is at the employee's home the manager/head teacher should be accompanied. The employee should be

advised that this meeting is informal, however employees may arrange to be accompanied by a trade union representative or work colleague of their choosing, provided this does not unduly delay the meeting.

Items to discuss:

- Update on absence
- Update from the Occupational Health Service if relevant
- Any reasonable adjustments or additional support required
- Advise the employee of any support available through national helplines and websites.
- Provide a copy of the Absence Management procedure and discuss the next steps of the process.
- Set appropriate targets (8 days or 3 occasions in a 12 month period)

The manager/head teacher should accurately record the content of the support meeting and any improvement targets set in the discussion on the employee's Action Plan (PA10).

The employee should be made aware that escalation from informal through to the relevant formal stage will occur without delay if the level of non-attendance reaches an unacceptable level as determined by the Council/School.

At this stage managers should take into account whether the employee is currently in receipt of Local Car User (LCU) allowance (this may not apply in schools) or other specific payments some of which may be related to attendance at work e.g. a market supplement. If the absence becomes long-term, consideration should be given as to whether these payments should be suspended as stated in the relevant guidance.

11. Short Term Absence

It is essential that the Council/School deals with frequent and persistent short term absence promptly, fairly and consistently to demonstrate to all employees that it regards absence as a serious matter. It is appropriate to use the formal process where informal approaches have failed to achieve the desired improvements in attendance, or where informal action is deemed not to be appropriate in the circumstances of the case.

The formal process should be followed in the order detailed below. However, where an employee reaches an acceptable level of attendance following one of the formal stages but the level of absence becomes unacceptable again within the duration of the warning, the Council/School reserves the right to enter the formal process at the point it ended previously.

11.1 Formal Process – Stage 1 Absence Management Meeting:

The purpose of the meeting is to review the level of sickness absence with the employee and seek ways to achieve more acceptable levels of attendance.

The employee has the right to be accompanied at the meeting by a trade union representative or work colleague and must be informed of this right.

The manager/head teacher should try to identify the cause of the absence and discuss ways to reduce further absence with the employee. This would normally include:

- A review of the employee's attendance record and the reasons for their sickness absence
- An opportunity to discuss whether the absences are linked to an underlying medical condition
- Discussion about whether the employee has asked for or received any support e.g. from their GP, hospital doctors, counsellors
- Discussion about whether any sickness problems may be work-related and if so, any adjustments that would help the employee to achieve an acceptable level of attendance at work.
- If a referral to the Occupational Health Service has not already been completed then a referral may need to be made as an outcome to the meeting.

Where the Occupational Health Service has suggested that the absences are linked to an underlying medical condition that meets the definition of a disability under the Equality Act 2010, the manager/head teacher and employee should discuss any reasonable adjustments that could be put in place to support the employee to achieve an acceptable level of future attendance at work. Advice can be sought from People Management/HR Provider and the Occupational Health Service.

During the meeting the manager/head teacher will advise the employee of the improvements required in relation to their attendance and the consequences of failing to achieve these. A reasonable target (4 days or 2 occasions in the next 6 months) will be set and a review meeting will be scheduled to assess progress against the required improvements. The manager/head teacher may also consider the following actions:

- Requesting the employee to submit a medical certificate from their GP for every instance of absence (if there is a cost to this then the Council/School will reimburse the employee)
- Other support mechanisms as identified in the meeting such as reasonable adjustments or other forms of support
- The employee may be issued with an Oral Warning. This reflects the fact that the employee has an unacceptably high level of sickness absence and in no way implies that the periods of absence are not considered to be genuine.

The manager/head teacher will send written confirmation of the outcome of the meeting and a copy will be placed on the employee's personnel file.

Where an Oral Warning had been issued, this will be 'live' for a period of 6 months and may be taken into consideration at a further stage in the process during that time. The employee has the right of appeal against the Oral Warning. The appeal should be made in writing to the

manager/head teacher, stating the reasons for the appeal, within 5 working days of notification of the warning. The appeal will be heard by the next level of manager. In a school setting the appeal will be heard by a panel of governors.

11.2 Formal Process – Stage 2 Absence Management Meeting:

A second meeting should be set up if the employee does not meet the targets set at the stage 1 absence meeting. The second meeting will re-confirm the issues discussed at the first review meeting and seek to identify the reasons for the employee's failure to achieve the required level of attendance.

The employee has the right to be accompanied by a trade union representative or work colleague and must be informed of this right.

The manager/head teacher should try to identify the cause of the absence and discuss ways to reduce further absence with the employee. This would normally include:

- A review of the employee's attendance record and the reasons for their sickness absence
- An opportunity to discuss whether the absences are linked to an underlying medical condition
- Discussion about whether the employee has asked for or received any support e.g. from their GP, hospital doctors, counsellors
- Discussion about whether any sickness problems may be work-related and if so, any adjustments that would help the employee to achieve an acceptable level of attendance at work.
- If a referral to the Occupational Health Service has not already been completed then a referral may need to be made as an outcome of the meeting.

The manager/head teacher will advise the employee of the improvements required in relation to their attendance and the consequences of failing to achieve these. A reasonable target will be set (usually 8 days or 3 occasions in 12 months) and a review meeting will be scheduled to assess progress against the required improvements. The manager/head teacher may also consider the following:

- Requesting the employee to submit a medical certificate from their GP for every instance of absence
- Other support mechanisms as identified in the meeting, such as reasonable adjustments or other forms of support
- The employee may be issued with a Written Warning. This reflects the fact that the employee has an unacceptably high level of sickness absence and in no way implies that the periods of absence are not considered to be genuine
- The manager should discuss the Alternative Employment Programme with the employee and if appropriate place on the programme.

The manager/head teacher will send written confirmation of the outcome of the meeting and a copy will be placed on the employee's personnel file.

Where a Written Warning had been issued, this will be 'live' for a period of 12 months and may be taken into consideration at a further stage in the process during that time. The employee has the right of appeal against the Written Warning. The appeal should be made in writing to the manager/head teacher stating the reasons for the appeal within 5 working days of notification of the warning. The appeal will be heard by the next level of manager. In a school setting the appeal will be heard by a panel of governors.

11.3 Formal Process – Stage 3 Absence Management Meeting

A third meeting should be set up if the employee does not meet the targets set at the stage 2 absence meeting. The third meeting will re-confirm the issues discussed at the other review meetings and seek to identify the reasons for the employee's failure to achieve the required level of attendance.

The employee has the right to be accompanied by a trade union representative or work colleague and must be informed of this right.

The manager/head teacher should try to identify the cause of the absence and discuss ways to reduce further absence with the employee. This would normally include:

- A review of the employee's attendance record and the reasons for their sickness absence
- An opportunity to discuss whether the absences are linked to an underlying medical condition
- Discussion about whether the employee has asked for or received any support e.g. from their GP, hospital doctors, counsellors
- Discussion about whether any sickness problems may be work-related and if so, any adjustments that would help the employee to achieve an acceptable level of attendance at work.
- If a referral to the Occupational Health Service has not already been completed then a referral may need to be made as an outcome of the meeting.

The manager/head teacher will advise the employee of the improvements required in relation to their attendance and the consequences of failing to achieve these. A reasonable target will be set (usually 8 days or 3 occasions in any of the next 2 years) and a review meeting will be scheduled to assess progress against the required improvements. The manager/head teacher may also consider the following:

- Requesting the employee to submit a medical certificate from their GP for every instance of absence
- Other support mechanisms as identified in the meeting such as reasonable adjustments or other forms of support
- The employee may be issued with a Final Written Warning. This reflects the fact that the employee has an unacceptably high level of sickness absence and in no way implies that the periods of absence are not considered to be genuine.
- If not already done so, the employee should be placed on the Alternative Employment programme as this may affect the case at stage 4.

- It may be appropriate to refer the employee to the Occupational Health Service for an assessment for ill health retirement.

At this stage the manager/head teacher must also advise the employee that no significant improvement in their level of absence will result in a stage 4 absence meeting that may lead to their dismissal.

The manager/head teacher will send written confirmation of the outcome of the meeting and a copy will be placed on the employee's personnel file.

Where a Final Written Warning had been issued, this will be 'live' for a period of 24 months and may be taken into consideration at a further stage in the process during that time. The employee has the right of appeal against the Final Written Warning. The appeal should be made in writing to the manager/head teacher stating the reasons for the appeal within 5 working days of notification of the warning. The appeal will be heard by the next level of manager. In a school setting the appeal will be heard by a panel of governors.

11.4 Formal Process – Stage 4 Absence Management Meeting

If, having been through stages 1, 2, and 3 of the formal process and associated improvement plans, the sickness absence of the employee remains at an unacceptable level; a stage 4 absence meeting will be convened. This meeting will be chaired by the relevant senior manager/panel of governors.

The employee may be accompanied at the meeting by a trade union representative or work colleague and must be informed of this right.

The manager/head teacher who has managed the employee through the earlier stages of the process should also attend this meeting to present their case. A People Management/HR Provider representative will also attend the meeting in order to provide advice to the senior manager/panel of governors. The purpose of the meeting is to consider whether there are further actions that can be taken by the Council/School to assist the employee in continuing their employment.

If the senior manager/panel of governors concludes that the employee and the process have been managed fairly, that the required level of attendance is fair and achievable and that the employee has been given all reasonable opportunity to improve to an acceptable standard but failed to do so, they will be able to consider action including to terminate the employee's employment, with appropriate contractual notice, for failure to meet an acceptable level of attendance.

In reaching their decision, the senior manager/panel of governors will consider such issues as:

- The impact of the employee's absence on service delivery
- The employee's absence record
- The actions that have been taken to support the employee in trying to improve their attendance
- Advice received from the Occupational Health Service and, where applicable, the employee's own GP or specialist

The senior manager/panel of governors will confirm the decision in writing and the employee will have the right to appeal within 5 working days of notification of the decision. The employee must set out the reasons for their appeal in writing and the appeal will be heard by staffing committee/appeal panel of the governing body.

12 Long Term Absence

Long term sickness absence is normally absence which lasts for 28 calendar days or more. Long term cases are often linked to an underlying medical reason; however this may not always apply. Long term absence may be due to a disability and managers should be aware of the provisions of the Equality Act 2010, particularly the duty of reasonable adjustments when considering dealing with long term absence.

It should be noted that sickness absence issues are often complex and unique. Whilst it is important that issues are dealt with in fair way, the specific interventions used and the timing of those interventions may differ from case to case. The following procedure is provided for guidance purposes.

It is essential that the Council/School deals with long-term absence in a fair and consistent way to demonstrate to all employees that it regards absence as a serious matter. It is appropriate to use the formal process where there is evidence to suggest that the employee is unlikely to return to work in the foreseeable future.

12.1 Formal Process – Absence Management Meeting:

Having gained advice from the Occupational Health Service, the manager/head teacher should arrange a formal meeting with the employee. The employee has the right to be accompanied at the meeting by a trade union representative or work colleague.

The purpose of the meeting is to discuss the Occupational Health Service advice and from this, the prospects/timescale for the employee's return to work and/or ability to maintain an acceptable attendance level in the future. This will include, if appropriate, the consideration of which of the options below are most appropriate for the employee in light of the Occupational Health Service advice. A reasonable timescale should be set to explore the appropriate options and sufficient time should be given for the employee to consider the options. The employee should be informed in writing of the actions to be pursued and the timescale over which they would be considered.

Normally the following options would be considered in the order that they are listed below:

- a) Return to/continuation in existing post
- b) Return to/continuation in existing post with reasonable adjustments
- c) Phased return to work
- d) Redeployment to another post within the Council/School (AEP)
- e) Dismissal on health grounds – where an employee is dismissed on the grounds of ill health and they meet the qualifying criteria in the LGPS regulations then they may qualify for ill health retirement

More detailed advice on these options is contained below. Advice and support in pursuing these options is available from the People Management team/HR Provider.

If option a – d above are not feasible and dismissal on the grounds of ill health may be the only option left to the Council/School, the manager/head teacher should ensure that the employee is made aware of this fact at the earliest opportunity.

Given the time that it may take for a clear diagnosis of the employee's condition, or for a review of the effectiveness of any treatment, it may be that a number of formal meetings need to occur before final advice can be implemented. Whilst the Council/School will take all reasonable steps to assist the employee's return to work, it is not possible to wait indefinitely for an employee's condition to improve. These meetings should therefore set a date for return, subject to an employee's fitness to do so. Whilst each case will be judged on its particular circumstances, managers/head teachers should endeavour to ensure that appropriate action in line with the above options is actioned as soon as possible.

12.1.1 Return to existing post

This may be with a phased return to work – see below. In these circumstances, a manager/head teacher may consider setting a monitoring period and have a formal meeting with the employee and their representative to consider this.

12.1.2 Return to existing post with reasonable adjustments

Adjustments may include changes to hours, duties or location of the role, the use of particular equipment or improving access or facilities. Such adjustments can be made on a temporary or permanent basis.

The manager/head teacher will need to assess whether these changes can reasonably be accommodated without having a detrimental effect on the service.

As part of the consideration of such adjustments, further specialist advice may be sought from the Occupational Health Service or outside organisations such as the disability advisory service offered by Job Centre Plus, the RNIB or the Shaw Trust. This additional advice may be referred from the Occupational Health Service or approached directly by the manager/head teacher. Further information can be sought from the People Management team/HR Provider.

12.1.3 Phased Return to Work

Where an employee is returning to work to their own post (with or without reasonable adjustments) or is being redeployed into another post, the Occupational Health Service may advise that they should return on a phased return to work, where their hours are increased week by week until they reach the level of their usual contractual hours. Advice from People

Management/HR Provider should be obtained in order to ensure fair and consistent treatment of all employees.

The phased return to work arrangements can normally be agreed to be in place for anytime between 2-4 weeks. The phased return to work should be reviewed weekly to ensure that employee is supported and to agree if the phased return should be extended .

During formal “phased return to work” arrangements the employee will suffer no financial detriment by returning to work on this basis, providing that they adhere to the agreed arrangements for the duration of the programme.

If the employee had pre booked annual leave during a phased return to work programme, the phased return arrangement will be reviewed on the employees return from annual leave and may be extended by a period of time equal to the period of annual leave.

If sickness absence occurs during a phased return to work programme sick pay entitlements will be triggered. On the employee’s return to work the phased return arrangement will be reviewed and either continued, extended or ended as appropriate.

12.1.4 Redeployment (AEP)

In a school setting (for Community and Voluntary Controlled Schools only) the employee can access alternative employment support through the County Council. In order to assist you with alternative employment the head teacher must contact the Council’s Recruitment Team. All County Council vacancies can be accessed via the Council’s website www.cumbria.gov.uk/jobs.

Should the employee wish to apply for a vacancy, please telephone 01228 223333 for advice regarding this process.

If it is not possible for the employee to return to their post either with or without adjustments, the manager/head teacher should consider placing them on the Alternative Employment Programme. For Cumbria County Council employees this would relate to existing posts within the Council which become vacant but would not require the Council to create a post specifically for the purposes of redeployment. The employee may however be offered training to enable them to fulfil an alternative role.

When considering the Alternative Employment Programme, advice from the Occupational Health Service must be obtained in relation to the tasks the employee is capable of undertaking and on the type of posts that the employee would be fit to be redeployed into. It is also important to consult the employee on such matters.

The manager/head teacher would then set a timescale (usually up to 12 weeks) during which the employee would seek alternative employment. During the redeployment search the employee would have priority status and be considered before other applicants for a post (other than other candidates on the AEP for either health or redundancy reasons). For more information please see the Alternative Employment Programme guidance.

If a suitable alternative employment opportunity is identified, it may be appropriate to offer a trial period of up to 4 weeks. This will allow both the employee and the Council to see if the post is suitable.

Employees who refuse to consider or accept a suitable alternative employment opportunity should note that this may limit the Council/School's ability to continue their employment.

12.1.5 Application for Ill Health Retirement

Where an employee meets the criteria in the relevant pension scheme, consideration should be given to whether the employee is eligible, under the terms of their pension scheme, for ill health retirement. To enable access to the ill health retirement scheme under the terms of the LGPS it is necessary for the employee to be dismissed on the grounds of ill health.

The Local Government Pension Scheme operates a three tier provision for ill health, and applications will need to meet the specific criteria at one of the levels. For further information regarding ill health retirement please see the ill health retirement guidance on in-touch http://www.intouch.ccc/hr/pay_benefits/default.asp or seek advice from the People Management team. (For schools please refer to appropriate pension scheme for information.)

If the application for ill-health retirement does not meet the requirements of the pension scheme, advice on other possible options should be obtained from the People Management team/HR Provider. If the application for ill health retirement does not meet the requirements of the pension scheme and all other options have been explored, the manager/head teacher will continue to follow the absence management procedure.

If a manager/head teacher would like to request an assessment for ill health retirement they must make sure they have contacted the People Management team/HR Provider in the first instance.

Please note that if you pay AVC's (Additional Voluntary Contributions to your pension) and make a contribution from your final salary payment this WILL delay the payment of your pension. It is your responsibility to notify your AVC provider of your intention to leave the employment of the Council, so that you can be advised of the process and the anticipated timescales involved and the relevant arrangements can be made. Further information can be found at <https://www.yourpensionservice.org.uk/local-government-scheme/> . This includes a pre-retirement presentation available on their website at <https://www.yourpensionservice.org.uk/media/1144/pre-retirement-presentation.pdf>

12.2 Formal Process – Case Conference

The Council/School will only consider dismissing an employee on the grounds of capability due to ill health when it has considered all the available facts and medical reports, and where the appropriate options of returning to their post (with or without adjustments), redeployment, phased return to work have been examined and found not to be possible or applicable.

In these circumstances an employee will be required to attend a formal attendance hearing. The employee will be given 5 working days written notice of the meeting, advised of the right to be accompanied by a trade union representative or work colleague, notified of the nature of the concerns and possible outcome, and provided with all relevant documentation in relation to their sickness absence and any documentation requested that the individual deems relevant to their sickness absence.

The meeting will be chaired by a senior manager/panel of governors and a member of the People Management team/HR Provider will attend to provide support and advice. The manager/head teacher who oversaw the earlier stages of the formal process will also attend to present the case.

The senior manager/panel of governors will consider the following information:

- The steps taken to manage the employee's sickness absence to date
- The needs and resources of the Council in relation to the work which the employee is employed to undertake
- The effect of the employee's absence upon other employees and in particular those who are engaged in the same section
- The likely duration of the employee's illness
- Redeployment opportunities

Having considered the situation the senior manager/panel of governors may decide that there is no alternative but to terminate the employee's contract on the basis of ill health.

A letter confirming this decision must be sent to the employee within 5 working days of the meeting. The letter will set out the employee's contractual entitlement to notice pay and details of the right of appeal against dismissal. The employee must set out the reasons for their appeal in writing and the appeal will be heard by staffing committee/appeals panel of the governing body.

Please note that if you pay AVC's (Additional Voluntary Contributions to your pension) and make a contribution from your final salary payment this WILL delay the payment of your pension. It is your responsibility to notify your AVC provider of your intention to leave the employment of the Council, so that you can be advised of the process and the anticipated timescales involved and the relevant arrangements can be made. Further information can be found at [Your Pension Service](#). This includes a [pre-retirement presentation](#) available on their website.

13 Staffing Committee

Note: This does not apply to school based staff as their right of appeal is to the Appeals Panel of the Governing Body.

Preparation for the meeting: Guidance and requirements for management and employee representatives

1. Appeals against dismissal on the grounds of misconduct or capability are heard by the County Council's Staffing Committee. It is important that appeal meetings are conducted as thoroughly and efficiently as possible and that unnecessary adjournments and delays are avoided.
2. The Staffing Committee consists of up to five members. They will be advised by a Legal and People Management advisor. The People Management team will be responsible for the general arrangements for the appeal.
3. Prior to the appeal hearing a bundle of papers is prepared for presentation to the Committee by People Management. Both parties (management and employee) should produce a written statement of case together with any other supporting documents. This Statement of Case should be sent to the People Management Team for inclusion in the bundle of papers.
4. The People Management team will then collate and number the bundle of papers for submission at the appeal hearing. All papers for Staffing Committee will be presented in the same format.
5. Problems can be caused by the late submission of papers on the day of the meeting, especially if one side is taken by surprise and needs time to consider them. Time can also be wasted in the appeal meeting itself navigating around voluminous unpaginated (and sometimes repetitious) paperwork.

Requirements of representatives

6. For these reasons representatives are required:-
 - (i) to provide the People Management team, when requested, with a time estimate for the meeting, an indication of the number of witnesses they are calling, and the size of the paperwork, and to promptly supply their and their witnesses' availability;
 - (ii) to prepare a statement of their case and include it in the agreed bundle referred to at (iv)
 - (iii) to make sure that all the information therein is up to date and relevant, as some time may elapse between the statement of case being written and the date of the hearing;
 - (iv) to liaise with People Management so that *one* paginated bundle of *all* of the supporting documents that both representatives wish to rely on in presenting their respective cases is prepared. (It is emphasised that in agreeing a bundle representatives are not necessarily agreeing the veracity or relevance of any

document in the bundle – this is merely a mechanism for ensuring that any papers either representative wants to refer to are available and paginated in one bundle. It does not prevent a representative questioning a document at the meeting). In practice this means that parties will need to disclose a list of the documents they intend to rely on to each other well in advance of the appeal meeting as a first step towards preparing the bundle;

- (v) to arrange for a copy of the agreed bundle (including the statements of case) to be delivered to the People Management team at least 15 working days before the appeal for copying and distribution to the members of the Committee and their advisors;
- (vi) to confirm to any witnesses that are required to attend of the date, time and venue for the meeting as soon as possible after being notified of the same by the People Management team.

7. The final bundle will be issued to all parties 7 working days before the date of the hearing.
8. If following preparation of the bundle, documentation arises which a party wishes to rely on at the meeting, they should notify the other party as soon as possible, providing a copy. It is not expected that additional documentation will be produced on the day, and members will expect there to be a good reason for this, e.g. if a document has only come into existence since the bundle was produced.
9. It is emphasised that the Committee will not regard a document as evidence and take it into account simply because it forms part of the agreed bundle and has been supplied to members of the Committee in advance of the meeting. If representatives wish a document to be regarded as evidence in support of their case, either they or their witness(es) must refer the Committee to it at the appeal meeting. Members may not necessarily have read every document in detail, particularly where there is a large volume of documentation.

Appendix 2

Burgundy Book Guidance

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1. Introduction

This guidance applies to employees where they are absent from work due to sickness. The procedure is designed to establish a framework for the effective management of staff attendance in schools. It aims to enhance the delivery of education, whilst taking into account both the welfare of employees and the requirements of individual educational establishments.

It should be noted that sickness absence issues are often complex and unique. Absence must always be treated as genuine and managed compassionately within the parameters of this procedure. Whilst it is important that issues are dealt with in a fair way, specific interventions used and the timing of those interventions may differ from case to case.

Head teachers may delegate responsibility for dealing with different stages of this procedure to another senior member of staff depending on reporting arrangements within the school and the specific circumstances of individual absences. The chair of governors shall act as the nominated person in managing any absence of the head teacher except where, in his/her absence, the vice chair may also act.

Where employees are seconded to the school from an external organisation they will be subject to the absence Management procedure applicable to their employer.

Where school employees are seconded to an external organisation they will be subject to the school's absence management procedure.

2. Roles and responsibilities

The role of the head teacher and line managers is to manage the attendance of teaching staff and the effective operation of the absence management procedure. This will be achieved by:

- Acting fairly and consistently in applying the appropriate parts of this procedure.
- Ensuring appropriate contact is maintained with absent staff.
- Ensuring that accurate sickness records are maintained.
- Ensuring attendance support meetings are held when health review points are met. The degree of formality and length of the meeting will depend on the circumstances.
- Monitoring and regularly reviewing sickness absence in school.
- Ensuring all staff are made aware of this procedure for the management of staff attendance, and that they follow every aspect of the sickness absence notification procedures.
- Ensuring that employees are made aware that advice and support is available outside the school, including from occupational health services, trade unions and professional associations.

2.1 Role of the Governing Body

The role of the governing body is to ensure that:

- The school effectively implements the schools/academy's policy and procedure for the management of staff attendance.
- Management responsibilities are properly carried out under the procedure.

2.2 Role of Line Managers

The role of each line manager is to:

- Maintain contact with the employee throughout the absence and keep a note of all conversations and actions
- Liaise with the school/academy HR Manager to refer the employee to the occupational health provider as appropriate.
- Support the employee through the absence and make reasonable adjustments if necessary.
- Organise support and absence management meetings
- Provide the employee with the action plan and agree targets for either returning to work or for improving their absence levels with relevant occupational health advice, as appropriate.
- Attend appeals if necessary

2.3 Role of Employees

The role of each employee is to:

- Comply with the school's sickness notification procedure. (Section 3 below)
- Ensure medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work.
- Maintain regular contact as agreed with their line manager (or the next level of management if the line manager is absent or the absence is due to the manager)
- Attend occupational health appointments as necessary
- Attend support meetings/ absence management reviews as necessary
- Complete actions and targets as outlined in the action plan from the absence management meetings
- Keep in regular touch and inform the head teacher, or nominated person (or chair of governors in the case of a head teacher), of any significant developments affecting the absence.

3. Notification and Certification

Employees must follow the school's notification procedure. All staff should be made aware of the procedure which must be followed when they become unfit to attend work. If the school does not have a specific notification procedure they should follow the procedure below.

Employees must ring in no later than 7.30am on their first day of absence and notify the nominated person of their absence. Brief details of the reason for absence and, if possible, some indication of a return to work date should be given. The position in relation to current workload should be discussed in order to help with cover arrangements. Failure to notify can in some circumstances lead to teachers not being entitled to sick pay under the Burgundy Book provisions.

- In exceptional cases where an employee is incapacitated, a representative may telephone on their behalf.
- Text or email communication is not acceptable. Please note, all absences must be reported, directly to the nominated person. In cases where it has been necessary to leave a recorded message, employees should call back the same day to check if any further information is required to ensure cover in their absence.

- Teaching staff should keep the school informed about their absence and notify them by 2.00pm on the day before they are likely to return to work.
- Managers or the appointed nominee should maintain contact with the employee throughout the absence and keep a note of conversations and actions.
- If the absence is the result of an accident or an injury sustained at work, then this information must be made known. The employee should indicate if the incident has been reported, when it was reported and to whom.
- All staff are required to complete a self-certification to cover every day of absence for the first seven calendar days, including half days. Doctor's certification must be provided by all staff where sickness absence lasts beyond 7 calendar days. The doctor's certificate must be forwarded to the HR department or line manager, to reach them on or before the eighth day of absence.
- If more than one doctor's certificate is required for any period of absence, the employee must keep the nominated person informed of developments on a weekly basis. Certificates should be submitted sequentially and without undue delay. Certificates must cover the whole period of absence. In cases where it is not possible to submit a certificate in time for the expiration of the previous one, employees must inform their line manager or Human Resources department of the content of the new certificate.
- If an employee is absent with a mental health condition (including work related stress) or if the absence is likely to last longer than 4 weeks then the employee may be referred to occupational health. Once an occupational health report has been received, managers should discuss any recommendations with the employee and put in place any reasonable adjustments.
- The school /academy is keen to identify opportunities to support improved attendance. Employees are encouraged to speak their line manager or Human Resources department if issues either in or out of work are negatively impacting on attendance.
- Support is available via Human Resources, trade union representatives and professional associations for employees experiencing health related difficulties. Please see also information on available external support in the Stress Management Policy (Appendix 4, Section 7).

In all circumstances, where head teachers feel it is necessary, they will seek advice and guidance from the occupational health provider.

Managers and employees need to ensure that every day of a period of absence is covered either by a self-certification form or a doctor's fit note. Any gaps will need to be accounted for otherwise pay will cease until the appropriate certification is produced.

An employee who is off sick for 7 days or less (including weekends) must complete a self-certification form to cover every day of the absence including half days, this can be done prior to, or at their Welcome Back to Work interview.

For sickness absence of 8 days or more (including weekends) a medical certificate (fit note) is needed, this should be sent by the employee to the manager/head teacher straightaway following issue by the medical practitioner.

For employees returning to work where the fit note contains restrictions to their normal work managers/head teachers should see appendix 4 section 5.

Employees who fail to supply the relevant certificate(s) will lose their entitlement to both statutory sick pay and occupational sick pay for that absence, subject to the scheme rules. Where requested, managers/head teachers will endeavour to provide support for the prompt provision of the certificates. An employee's continued failure to supply certificates without good reason, may result in disciplinary action. In some circumstances an employee may ask a next of kin to deliver the certificates.

When completing a fit note a doctor has the choice between two options:

- Not fit for work
- May be fit for work

If the doctor selects "may be fit for work", one of the following four options has to be selected:

- Phased return to work
- Amended duties
- Altered hours
- Workplace adaptations

The doctor then has the option to make additional comments.

The manager/head teacher should arrange to meet with an employee who is assessed as "may be fit for work" and discuss with them the requirements of the fit note. Where it is possible to facilitate the requirements of the fit note, the return to work should be managed accordingly. Where it is not possible to facilitate the requirements, the manager/head teacher must seek further advice from the occupational health provider and the HR Provider before attempting to support a return to work.

There is no option on a fit note for a doctor to advise that an employee is fit for work and it is not necessary for an employee to be signed back to work by a doctor. If the employee wishes to return to work before the expiry of the fit note they could return to their doctor who may provide another certificate indicating that the employee "may be fit for work" with certain adjustments to the employee's duties, hours or workplace.

An employee does not need to be fully fit to go back to work. For example, the manager/head teacher may agree to make some changes to help them return or if the health condition no longer affects their ability to do their normal duties, they may be able to return even though they've only partly recovered. In these circumstances, or where an employee recovers from their illness or injury more quickly than expected, with the manager/head teachers agreement

and support (and relevant occupational health advice), they may go back to work or return to their normal duties before the expiry of their fit note. Managers/head teacher's will assess the risks and if it is thought that it is not safe for the employee to return or if this could be detrimental to their health and/or could worsen their condition, they will have to stay off work until the expiry of the fit note.

If managers/head teachers are unsure whether or not it would be appropriate for an employee to return to work, they must seek confirmation from a medical practitioner that the employee is fit and well enough to attend work.

Where managers/head teachers feel it is necessary, they will seek advice and guidance from the occupational health provider.

Link to: <https://genohsisportal.cumbria.gov.uk/Portal/login.aspx?ReturnUrl=%2fPortal>

Schools will need to make their own arrangements for the provision of occupational health services and will need to contact their chosen provider.

4. Health related appointments

There is an expectation that routine medical appointments should be made in the employee's own time. However, some appointments are allocated and discretion will be applied by the head teacher when such requests are received.

5. Industrial Injury/Infection Control

Where absences are due to a work related injury or ill-health:

- An additional reporting system should be triggered under the school's Health and Safety procedures.
- Appropriate steps shall be taken by the health and safety lead to investigate the circumstances and action taken, where reasonably practical, to prevent recurrence.
- Where a work related accident, injury and assault is the cause of absence, full pay will be allowed for up to 6 months and this will not be reckoned against normal sick pay entitlements.

6. Occupational Health

NB: the information provided may differ depending on the individual arrangements between the school and the occupational health provider.

The school's occupational health provider is available to advise head teachers at any time about how best to support an employee who is off sick. Head teachers are encouraged to contact the occupational health provider as soon as possible to agree the appropriateness of a referral to investigate clinical options and to speed up or access treatment.

When an employee reports absent from work and informs the head teacher that they are likely to be absent from work for 3 weeks or more the head teacher should contact the occupational health provider for advice and if necessary make an immediate referral. For a stress related illness/condition, work related injury or musculoskeletal injury the head teacher should make an

immediate referral. The only exception is when having sought advice, the head teacher is told that a referral is not needed (e.g. if an employee has a broken leg without complications). It is best practice to discuss the referral form with the individual before submission. Head teachers need to be aware that the individual will see the referral form at their visit.

The head teacher will complete a referral form and must provide as much information as possible, asking any specific questions they want answering so that the occupational health provider can then provide a thorough and detailed response.

Where necessary, the occupational health provider will arrange for the individual to complete the Access to Medical Records declaration form where pertinent to the current absence and make a request to the employee's doctor for a medical report.

Employees are entitled to see the medical report written by the doctor/specialist before it is sent to the occupational health provider. If employees wish to see the report, they should contact their doctor and arrange to do so as soon as possible as this will ensure that the headteacher can assess what can be done to help from the earliest time. An employee may request a copy of the doctor's report from the occupational health provider at any time.

Employees may be asked to attend a variety of medical assessments in addition to seeing the occupational health provider (e.g. Independent Medical Examination). Travel expenses will be met by the relevant School and may be claimed in the normal way. The employee will be given reasonable notice of any appointment.

The line manager / advisor and employee will all receive a copy of the report from the occupational health provider. The head teacher should then arrange to meet with the employee to discuss the outcomes of the report and any recommendations; this may be at the next stage meeting.

Failure to co-operate with a referral to the occupational health provider, completion of the Access to Medical Records declaration form where pertinent to the current absence, or to attend medical assessments would mean that the school would have to make decisions based on the information available. This could have a detrimental effect on the level of support that could be given.

7. Sick Pay Entitlements

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

During 1st year of service	full pay for 25 working days and (after completing 4 calendar month's service) half pay for 50 working days
During 2nd year of service working days	full pay for 50 working days and half pay for 50 working days
During 3rd year of service working days	full pay for 75 working days and half pay for 75 working days
During 4th and subsequent years of service 100 working days	full pay for 100 working days and half pay for 100 working days

HR advice should be sought where an employee who is off sick may be suspended as a result of a disciplinary procedure.

8. School Closure periods

For the purposes of sick pay and leave, 2 half school days shall be deemed to be equivalent to 1 working day. Whilst sickness during schools closure periods will not affect the period of a teacher's entitlements to sick leave, it will be relevant so far as deduction of benefit is concerned. Thus the same deductions applicable to a teacher in respect of sickness on working days will be applicable in respect of sickness during closure period.

The rate of sick pay applicable to a teacher in respect of sickness during the closure of a school is the rate applicable to him/her on the last day before the closure. Where a teacher, therefore, is ill immediately preceding a closure period and;

- He/she is on full pay
 - He/she shall continue on full sick pay, but the closure period is not counted against his/her entitlement
- He/she is on half pay
 - He/she shall continue on half sick pay, but the closure period is not counted against his/her entitlement
- He/she has exhausted his/her sick pay entitlement and is not receiving any pay
 - He/she shall continue to receive no pay

Where a teacher is either on half pay or is not receiving pay he/she may be put back on full (ordinary) pay by the procedure below.

When a teacher is ill immediately preceding a closure of the school, and has exhausted his/her sick leave entitlement, or is in less than full pay, and recovers during the closure period, such teacher shall be deemed, for the purpose of calculating the amount of salary due, to have returned to duty on the day he/she is authorised medically fit to do so by means of a doctor's statement obtained for that purpose, provided he/she actually returns to duty on the first day after the period of closure. Where a teacher in these circumstances does not return to duty on the first day after the closure period he/she shall refund such sum as the employer at their discretion may decide.

If, during the period of closure of a school a teacher falls ill and becomes entitled to statutory sick pay or becomes or would be entitled to claim any of the benefits referred to above, it shall be his/her duty to notify the employer thereof so that the employer may either pay statutory sick pay or make the appropriate deductions.

9. Support Meeting (Health review points)

An employee will receive an email advising them that they are close to reaching a health review point. Once a health review point is reached, **an Informal Attendance Support meeting** shall be conducted by the head teacher, deputy head teacher or a nominated person. The degree of formality and length of the meeting will depend on the circumstances.

Health review points will be measured as per a Burgundy Book year not an academic year.

Health review Points

- Sporadic sickness absence in excess of 10 working days (including uncertified or self-certified absence) in any 12-month period, accrued over 3 periods of absence or more.
- Periods of uncertified or self-certified sickness absence in excess of 3 periods in 4 months.
- Any levels of absence which show a trend or pattern.

The head teacher should accurately record the content of the support meeting and any improvement targets set in the discussion on the employee's action plan.

The employee should be made aware that escalation from informal through to the relevant formal stage will occur without delay if the level of non-attendance reaches an unacceptable level as determined by the school.

10. Short Term Absence

Where an employee has regular occasional days off due to sickness – often reported to be the result of a series of unrelated minor ailments – the procedure set out below shall be followed.

The formal process should be followed in the order detailed below. However, where an employee reaches an acceptable level of attendance following one of the formal stages but the level of absence becomes unacceptable again within the duration of the warning, the school reserves the right to enter the formal process at the point it ended previously.

10.1 Informal Attendance support meeting

If an employee reaches one of the health review points (detailed above), an Informal Attendance Support meeting will be scheduled and will be with the head teacher or an appropriate nominated person.

The aim of the Informal Attendance Support meeting is to support the employee to attain the required levels of attendance. It will include a discussion of the underlying reasons for sickness absence and agreement on the way forward. This may include a referral to occupational health, supportive action to address any work related issues identified, or the removal of the option to self-certify absences.

NB: To avoid discriminating against a disabled person, it is important to distinguish between general sickness and disability related sickness. Employees are encouraged to advise their manager of disability or potential disability related matters as soon as possible so that disability related absence can be taken into account when determining whether a support meeting is required at this stage.

Each Attendance Support Meeting will be different depending upon the individual circumstances of each case. It is important however, in relevant cases, that the employee appreciates that further absence could lead to formal action. The general structure for Attendance Support Meetings is summarised below.

Informal Attendance Support Meetings will usually cover the following:

- Details (dates, number of occurrences and reasons) of the absence/s will be summarised.
- The employee will be given the opportunity to provide any additional information.
- Where the sickness notification procedure was not followed, the employee will be reminded of the required process.
- The employee will be encouraged to raise any issues in or out of work, which may have contributed to the absence/s.
- Opportunities to support the employee in their initial return to work, or to maintain improved attendance will be discussed, with the employee being asked for suggestions.
- Any adjustments or follow up support agreed at the meeting will be recorded in a file note.

- Where applicable, the employee will be updated on any work related developments.
- Where appropriate, the employee may be reminded that failure to maintain acceptable levels of attendance may result in formal procedures being invoked.

10.2 Formal Process – Stage 1 Absence Management Meeting:

If an employee's short term absence does not improve, the employee will be invited to a formal absence management meeting unless there is good reason not to do so.

The employee will be given at least 5 working days' notice of the date and time of the absence management meeting. The notice will be in writing and will give details of the purpose of the meeting which will normally be to improve attendance to a more acceptable level. The letter will also detail the employee's right to representation (by a trade union representative or a work based colleague) and the possible outcomes of the meeting. Any relevant documentation should be enclosed.

The employee can submit medical evidence from his/her own GP or other medical practitioner. NB GP or other medical practitioners' reports should only be obtained by occupational health. It is recognised that there may be individual circumstances surrounding each absence and these will be taken into account.

During the meeting the following will be discussed:

- the employee's absence history
- the causes of the persistent absences
- what support can be provided
- what action will now be taken
- why the absence has had an impact on the department/School
- the improvements that will be expected

The meeting will be minuted and an oral warning will be issued to the employee where appropriate. This will remain current on the personnel file for 6 months.

The target will ordinarily be to establish an improvement over previous attendance. The specific circumstances will be considered in the absence management meeting, with a definition of what will constitute an acceptable level of improvement in that particular case being clarified.

If the target (usually 10 days or 3 occasions) is not met and there is a further period of absence immediate action will be taken. The school/academy will not be required to wait until the end of the review period. Instead the employee will immediately move to a stage 2 meeting.

The following additional measures will be considered:-

- Occupational health referral/assessment. Employees will be expected to assist the HR manager/head teacher in completing the referral but will not have to disclose any confidential medical information.

- Provision of support where appropriate, as determined by occupational health
- Removal of the option to self-certify absences

The head teacher will send written confirmation of the outcome of the meeting and a copy will be placed on the employee's personnel file.

Where an Oral Warning had been issued, this will be 'live' for a period of 6 months and may be taken into consideration at a further stage in the process during that time. The employee has the right of appeal against the Oral Warning. The appeal should be made in writing to the head teacher stating the reasons for the appeal within 5 working days of notification of the warning. The appeal will be heard by a panel of governors.

10.3 Formal Process – Stage 2 Absence Management Meeting:

The employee will be invited to a meeting if:

- the employee fails to meet the targets set at stage 1

The meeting should take place as soon as possible following the employee's return to work.

The employee will be given at least 5 working days' notice of the date and time of the absence management meeting. The notice will be in writing and will give details of the purpose of the meeting which will normally be to improve attendance to a more acceptable level. The letter will also detail the employee's right to representation (by a trade union representative or a work based colleague) and the possible outcomes of the meeting. Any relevant documentation should be enclosed.

The employee can submit medical evidence from his/her own GP or other medical practitioner. NB GP or other medical practitioners' reports should only be obtained by occupational health.

It is recognised that there may be individual circumstances surrounding each absence and these will be taken into account.

During the meeting the following will be discussed:

- the employee's absence history
- the causes of the persistent absences
- what support can be provided
- what action will now be taken
- why the absence has had an impact on the department/School
- the improvements that will be expected

If appropriate, a written warning will be issued. That warning will remain on the personnel file for no more than 12 months. The employee's attendance will be reviewed regularly during that period.

A new attendance target (usually no more than 10 days or 3 occasions of absence in 12 months) will be set. The target will ordinarily be to establish an improvement over previous attendance. The specific circumstances will be considered at the meeting with a definition of what will constitute an acceptable level of improvement in that particular case being clarified.

If not already implemented, the option to self-certify absence may be removed. If it is removed, the employee will need to have a medical certificate for each absence during the period of the warning otherwise the absence will be considered to be unauthorised and will lead to disciplinary action.

If not already completed, the employee will also be referred to occupational health so that an assessment can be made as to whether there is any underlying cause to the repetitive absence.

If attendance does not improve, the manager should take immediate action, rather than waiting for the end of the review period.

The head teacher will send written confirmation of the outcome of the meeting and a copy will be placed on the employee's personnel file.

Where a Written Warning had been issued, this will be 'live' for a period of 12 months and may be taken into consideration at a further stage in the process during that time. The employee has the right of appeal against the Written Warning. The appeal should be made in writing to the manager/head teacher stating the reasons for the appeal within 5 working days of notification of the warning. The appeal will be heard by a panel of governors.

10.4 Formal Process – Stage 3 Absence Management Meeting

The employee will be invited to a meeting if:

- the employee fails to meet the targets set at stage 2

The employee will be given at least 5 working days' notice of the date and time of the absence management meeting. The notice will be in writing and will give details of the purpose of the meeting which will normally be to improve attendance to a more acceptable level. The letter will also detail the employee's right to representation (by a trade union representative or a work based colleague) and the possible outcomes of the meeting. Any relevant documentation should be enclosed.

The employee can submit medical evidence from his/her own GP or other medical practitioner. NB GP or other medical practitioners' reports should only be obtained by occupational health.

It is recognised that there may be individual circumstances surrounding each absence and these will be taken into account.

During the meeting the following will be discussed:

- the employee's absence history
- the causes of the persistent absences
- what support can be provided
- what action will now be taken
- why the absence has had an impact on the department/school
- the improvements that will be expected

If appropriate, a final written warning will be issued to the employee where a target of no more than 10 days short term absences or up to 3 separate occasions in either of the next 2 years can be set.

The employee should be warned at this stage that failure to maintain improved attendance may result in a formal stage 4 meeting at which one of the outcomes could be dismissal.

If not already implemented, the option to self-certify absence will be removed. The employee will need to have a fit note for each absence during the period of the warning otherwise the absence will be considered to be unauthorised and will lead to disciplinary action.

If not already completed, the employee will also be referred to occupational health so that an assessment can be made as to whether there is any underlying cause to the repetitive absence.

If attendance does not improve, the head teacher should take immediate action, rather than waiting for the end of the review period.

The head teacher will send written confirmation of the outcome of the meeting and a copy will be placed on the employees personnel file.

Where a Final Written Warning had been issued, this will be 'live' for a period of 24 months and may be taken into consideration at a further stage in the process during that time. The employee has the right of appeal against the Final Written Warning. The appeal should be made in writing to the manager/head teacher stating the reasons for the appeal within 5 working days of notification of the warning. The appeal will be heard by a panel of governors.

10.5 Formal Process – Stage 4 Absence Management Meeting

If an employee fails to achieve the targets agreed following the issue of a Final Written Warning, the Head Teacher will arrange for a disciplinary meeting to take place without delay which will be chaired by a panel of governors.

The employee will be given at least 5 working days' notice of the date and time of the stage 4 absence management meeting. The notice will be in writing and will give details of the purpose of the meeting. The letter will also detail the employee's right to representation (by a trade union representative or a work based colleague) and the possible outcomes of the meeting. Any relevant documentation should be enclosed.

The employee should be made aware that one possible outcome of the meeting is that they may be dismissed.

The employee can submit medical evidence from his/her own GP or other medical practitioner. NB GP or other medical practitioners' reports should only be obtained by occupational health.

It is recognised that there may be individual circumstances surrounding each absence and these will be taken into account.

During the meeting the following will be discussed:

- the employee's absence history
- the causes of the persistent absences
- any advice received from occupational health
- what actions have been taken to support the employee in trying to reach an acceptable level of attendance
- the implications of such a decision in light of the disability provisions in the Equality Act 2010 and other employment legislation
- any representation made by the employee
- why the absence has had an impact on the department/School
- why the employee did not meet any previous targets set

If the decision is taken to dismiss an employee on the grounds of capability due to ill health, (s)he will be informed verbally and receive written confirmation of the reasons for the dismissal, the date on which the employment will terminate – allowing for the appropriate period of notice – and given information on their right of appeal.

The panel of governors will confirm the decision in writing and the employee will have the right to appeal within 5 working days of notification of the decision. The employee must set out the reasons for their appeal in writing and the appeal will be heard by an appeal panel of the governing body.

11. Long Term Absence

Long term absence is defined as absence lasting a considerable number of weeks. In many long term absence situations, the employee will recover and return to work. However, this may not always be the case. There are a number of possible outcomes when managing long term absence.

It is not always clear at the outset if the initial absence will be prolonged and it is important that regular communication is established between the employee and school.

Long term absence may be due to a disability and managers should be aware of the provisions of the Equality Act 2010, particularly the duty of reasonable adjustments when considering dealing with long term absence.

It should be noted that sickness absence issues are often complex and unique. Whilst it is important that issues are dealt with in fair way, the specific interventions used and the timing of those interventions may differ from case to case. The following procedure is provided for guidance purposes.

It is essential that the school deals with long-term absence in a fair and consistent way to demonstrate to all employees that it regards absence as a serious matter. It is appropriate to use the formal process where there is evidence to suggest that the employee is unlikely to return to work in the foreseeable future.

11.1 Support whilst the employee is absent:

11.1.1 If absence is longer than a week

It is expected that an employee will keep the school/academy informed about their absence, especially if a significant change occurs. Employees who continually fail to keep in touch may lose their entitlement to sick pay and may be considered under the disciplinary procedure.

Normally, an employee should keep in touch with and update their manager, or nominated person, on a weekly basis by telephone. Alternatively the employee may prefer the manager to make contact with them at pre-arranged times for these updates.

There may be circumstances when it would be medically detrimental for the head teacher to contact the employee, or where the individual employee may wish to be contacted by an alternative line manager. In such cases, the employee should contact their Trade union representative to discuss this as soon as possible. Similarly, where appropriate the school/academy may wish to contact a third party, such as a family member, where the employee cannot make personal contact.

In normal circumstances, the manager will make contact at their earliest opportunity, to offer support in cases of absence. The level and type of contact thereafter will be considered carefully by the manager, taking into account the employee's condition.

Contact with an employee can include:

- Writing to the employee offering their support.
- Providing updates on school news.
- Arranging a workplace or home visit, usually within the first 4 weeks of the absence
- Inviting employees to social and other non-work related events.

NB An individual may also welcome contact from colleagues to support them through their absence.

11.1.2 Meeting with manager

If the employee has been signed off for more than 4 weeks, nominated person may make contact either by telephone or by letter to arrange a meeting to see what can be done to help.

If possible this meeting should take place in the workplace, as this helps the employee to keep in touch with the workplace and prevents isolation. Where it is not possible for the meeting to occur in the workplace (e.g. where the medical condition prevents this), a meeting at another appropriate venue or with agreement from the employee and trade union representative a home visit should be arranged. Employees are responsible for ensuring that arrangements for travelling to/from meetings are not detrimental to their health.

If an employee wishes to be represented or accompanied (e.g. by a trade union representative, or a work colleague) at a meeting they should request this when the manager, or the person with whom the absent employee has been dealing, makes contact. Representation by anyone other than a trade union representative will be at the complete discretion of the school /academy.

At these meetings the manager will:

- Keep it informal and friendly
- Be sensitive to the employee's feelings
- Discuss the employee's absence
- Explain the process for referral to occupational health
- Discuss alternative support that might be available
- Agree further review dates with the employee. Depending on the nature of the incapacity the manager may wish to meet the employee monthly for an update and to assess how best to proceed.
- If and when appropriate, discuss the possibility of part time/reduced hours for a phased return based on medical need (for periods of longer than 4 weeks occupational health advice is needed to ensure an effective process).
- Provide copies of any relevant documents

11.1.3 Occupational Health and Medical Assessments

Occupational health advice may be sought at any time but a referral will usually be made after an absence which has lasted 4 weeks or if the absence is due to any mental health condition. The only exception is when having sought advice, the manager is told that a referral is not needed (e.g. if an employee has a broken leg without complications).

The manager will complete a Referral Form and must provide as much information as possible, and ask the questions which they want answering so that occupational health can then provide a detailed response. Occupational health will contact the employee to arrange an appointment and explain the purpose of the meeting.

Employees may be asked to attend a variety of medical assessments in addition to seeing occupational health (e.g. Independent Medical Examination).

Failure to co-operate with referral to occupational health, completion of the Access to Medical Records declaration form pertinent to the current absence, or to attend medical assessments would mean that the school/academy would have to make decisions based on the information available. This could have a detrimental effect on the level of support that could be given. Repeated failure to attend appointments without good reason may result in employees losing their entitlement to sick pay and may result in disciplinary action. The employee may also be invoiced for the cost of the occupational health appointment if the school is charged for non-attendance. If the employee's absence, to which the appointment relates, is disability-related then consideration should be given to any reasonable adjustments that may be appropriate to facilitate the employee's attendance.

11.1.4 Case Conferences

In some cases, the longer that an employee is absent, the more difficult it is for them to return, even when they have resumed fitness. Therefore, it is important that managers do not allow a situation to drift along indefinitely but actively manage it in a supportive and constructive way. If an employee has been absent for between 6 to 8 weeks and due to the reason for absence, and it is not clear that they will be back at work soon, the manager must consider all possible ways forward.

If the date for a return to work is not clear, a case conference will be held with those who are involved in managing and advising on the employee's absence. This may not apply to conditions such as a broken leg or hysterectomy when occupational health will already have advised on the normal duration of absence.

The case conference will normally take place in the workplace but a neutral venue may be considered if appropriate. The absent employee will be invited to attend, and will be entitled to bring a trade union representative or work based colleague, to identify the best way to progress from both employer and employee perspectives, based on the medical prognosis.

Resolving the absence could be achieved by one or more of the following:

- Consideration given to resolving the health issue.
- Consideration given to amending, adapting and changing aspects of the current job.

- Consideration given to redeployment.
- Consideration given to retraining.
- Any other workable options.

A case conference will give all interested parties the opportunity to fully understand the current situation, the various perspectives on the absence and to attempt to gain a mutually beneficial resolution.

It is recognised that it will not always be possible to achieve a resolution at this stage and further conferences and support may be appropriate throughout a more extensive period of absence.

Regular contact between the employee and manager must be maintained throughout the duration of the absence, to avoid the individual feeling isolated, and to ensure that all possible options are explored on an ongoing basis to try and enable the individual to return to work. The manager and employee must also keep in contact with occupational health, so that advice and support can be obtained on any significant changes to the employee's medical condition which may affect their options for redeployment/return to their job.

11.1.5 Work Reintegration & Recovery

Managers will do all that they can to help an employee return successfully to work.

If an employee becomes disabled, or an existing disability becomes worse, every effort will be made to keep an employee in service.

The following options are available to help achieve work re-integration whether an employee is disabled or not:

- Return to existing post, possibly with temporary or permanent adaptations/adjustments.
- Phased return to work either on reduced hours or light duties, for a 4 to 6 week period (extendable on the specific advice of occupational health) The employee will not have sickness absence recorded against them during this period as they will be deemed to have returned to work as normal for sick pay purposes.
- Re-deployment to an alternative post (which is currently vacant, it would not be possible to create a new post) potentially with retraining and adjustments to the post.

In addition, managers will:

- Consider paying for retraining.
- Support an eligible employee in accessing any benefits to which (s)he may be entitled.
- Undertake a job specific induction if required. This may include a risk assessment and medical examination.
- Ensure that they provide the appropriate support to facilitate an early return to full duties e.g. regular one to one meetings and occupational health support.
- Support the employee with any adaptations and other reasonable adjustments for those employees who are classed as disabled under the Equality Act 2010.

11.1.6 Case review Meeting

If despite the best efforts of those involved with the absence, redeployment/return to the current job is not possible, the manager will have to consider whether the individual can continue in employment, having exhausted their sick pay entitlement under the Burgundy Book.

The manager will ask the employee to attend a case review meeting to consider whether there are any further actions which the school/academy can take to assist the employee in continuing in employment or whether employment should be terminated due to the employee's incapability to undertake their duties effectively because of ill health.

As part of the preparation for the case review meeting, the head teacher must obtain up to date advice from occupational health.

Consideration of eligibility for payment of pension benefits is separate from making a decision about terminating employment. However, if an employee who is a pension scheme member wishes the school/academy to explore ill health retirement, it is helpful for all parties to know whether the individual meets the criteria to qualify for an ill health early retirement pension before the case review meeting is held, and that exhaustive attempts at redeployment have been made.

The case review meeting will be heard by the head teacher or Panel of governors. The employee will be given at least 5 working days' notice in writing of the date, time and place of the meeting. Employees will be advised of their right to be accompanied by a trade union representative or a work colleague.

The employee and/or their representative will be given the opportunity to state their case. Others who have been involved in trying to facilitate a return to work (either into the employee's own job or via redeployment) for example, the employee's line manager, or the school's/academy's HR provider will provide information on what actions have been taken.

When reaching a decision about whether or not to dismiss an employee on capability grounds, the head teacher will:

- Consider latest advice received from occupational health
- Be mindful of the likelihood of an eventual return to work e.g. after an operation.
- Consider the length of the absences and any periods of good health in between
- Consider the impact of the employee's absence on the School.
- Consider the implications of such a decision in light of the Equality Act 2010 and other such employment legislation
- Review what actions have been taken by the Trust to try to enable the employee to continue in employment
- Consider representations made by the employee and/or their representative

This list is not exhaustive and the weight attached to each will depend on the particular circumstances of each case, whilst balancing the needs of the employee and of the school or Trust.

Where the head teacher decides that capability dismissal is the appropriate outcome, the employee should be given their notice, and informed of their right of appeal.

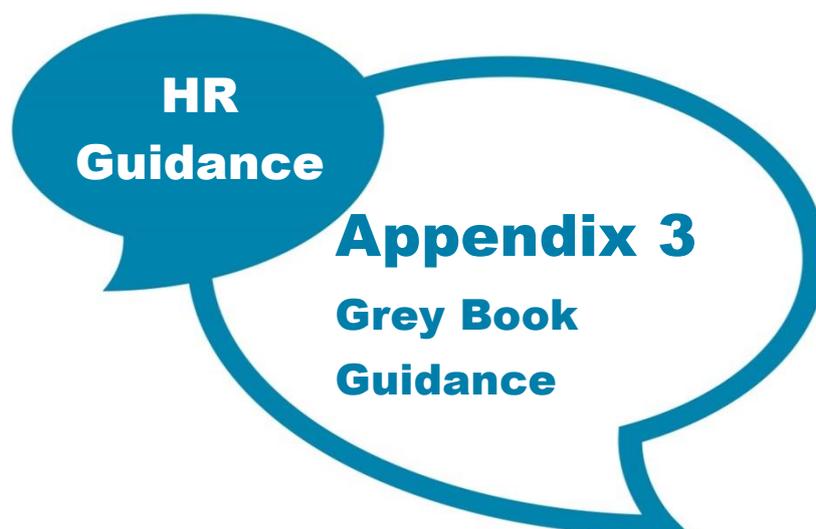
A letter confirming this decision must be sent to the employee within 5 working days of the meeting. The letter will set out the employee's contractual entitlement to notice pay and details of the right of appeal against dismissal. The employee must set out the reasons for their appeal in writing and the appeal will be heard by the appeals panel of the governing body.

11.1.7 Failure to Attend

If the employee or his/her companion cannot attend any meeting arranged under this procedure, the employee should inform the head teacher immediately and an alternative time for the meeting will be arranged.

Employees are expected to make every effort to attend any meeting arranged under this procedure, and failure to attend without good reason may be treated as misconduct in itself.

If an employee fails to attend without good reason, or is persistently unable to do so (for example, for health reasons), a decision may be taken in the employee's absence based on the available evidence. Before this course of action is taken, the employee will be given a final opportunity to attend a meeting and will be offered the opportunity to make written submissions and/or to submit medical evidence for consideration instead.



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1. Introduction

This guidance applies to employees where they are absent from work due to sickness. The procedure is intended to provide guidance to Managers and employees in relation to the management of sickness absence.

It should be noted that sickness absence issues are often complex and unique. Whilst it is important that issues are dealt with in a fair way, specific interventions used and the timing of those interventions may differ from case to case.

Where employees are seconded to the Council from an external organisation they will be subject to the Absence and Wellbeing Procedure applicable to their employer.

Where Council employees are seconded to an external organisation they will be subject to the Council's Absence Wellbeing Procedure.

2. Notification and Certification

Employees must ring in as soon as possible and normally within 1 hour of their expected start time. Employees who work on a rota providing a direct service to the public are asked to ring before the start of their shift wherever possible to give time to arrange cover.

Employees are required to ring the Sickness Absence Contact Number (0845 5211 943). This telephone call will be received by either Operational Resources or the Duty Manager who will take information from you relating to your sickness including;

- Nature of the absence
- When the sickness began
- Expected date of return to work
- Any relevant information about current workload or priorities
- Telephone number for calling back
- If they can be of assistance
- If the absence is related to a disability, in order to assess if additional support could assist

If for any reason the Manager/line is busy the employee must leave a message with a telephone number to allow the Manager/Operational Resources or Duty Manager to call back. Employees must make every effort to be available for the call back as long as this does not prevent them from seeking medical treatment/attention. There may be exceptional circumstances where it is appropriate for a next of kin to make contact e.g. the employee is in hospital. **To contact a colleague is not acceptable.**

If the employee is still unfit for work after 3 days, they must contact the Manager/Operational Resources or Duty Manager again and provide an update. This information should be recorded on the contact sheet (PA9), as a record of support provided.

Employees may have a condition or impairment that they wish to keep confidential and they are not obliged to disclose this, however the Manager must advise the employee that sharing this

information will enable the Line Manager to source specific Occupational Health service advice and appropriate support.

Managers and employees need to ensure that each day of a period of absence is covered either by a self-certification form or a doctor's fit note. Any gaps will need to be accounted for otherwise pay will cease until the appropriate certification is produced.

An employee who is off sick for 7 days or less (including weekends) must complete a self-certification form to cover each day of the absence including half days, this can be done prior to, or at their Welcome Back to Work interview.

For sickness absence of 8 days or more (including weekends) a medical certificate (fit note) is needed, this should be sent by the employee to the Manager immediately following issue by the medical practitioner.

Employees who fail to supply the relevant certificate(s) will lose their entitlement to both statutory sick pay and occupational sick pay for that absence, subject to the scheme rules. Where requested, Managers will endeavour to provide support for the prompt provision of the certificates. An employee's continued failure to supply certificates without good reason may result in disciplinary action.

When completing a fit note a Doctor has the choice between two options:

- Not fit for work
- May be fit for work

If the Doctor selects "may be fit for work", one of the following four options has to be selected:

- Phased return to work
- Amended duties (modified duties)
- Altered hours
- Workplace adaptations

The Doctor then has the option to make additional comments.

If necessary, the Occupational Health Manager should arrange to meet with an employee who is assessed as may be fit for work and discuss with them the requirements of the fit note.

Where the working environment is able to facilitate the requirements of the fit note the return to work should be managed accordingly. Where the working environment is not able to facilitate the requirements, the Manager must seek further advice from the Occupational Health service and the People Management team before attempting to support a return to work.

There is no option on a fit note for a doctor to advise that an employee is fit for work and it is not necessary for an employee to be signed back to work by a doctor once the expiry date has been reached. If the employee wishes to return to work before the expiry of the fit note they may choose, or the Service may request that they return to their doctor, who could provide another

certificate indicating that the employee “may be fit for work” with certain adjustments to the employee’s duties, hours or workplace. However, where the employee feels fully fit to return and the Service is confident that the appropriate levels of fitness and recovery have been achieved, the individual may return to work earlier than the fit note expiry date without the need for doctor’s advice.

An employee does not need to be fully fit to go back to work. For example, agreements may be put in place to make some changes to help staff return to work. If the health condition no longer affects their ability to do their normal duties, staff may be able to return to work even though they may not be fully fit. In these circumstances, or where an employee recovers from their illness or injury more quickly than expected, with the Managers agreement and support (and relevant Occupational Health Service advice), they may go back to work or return to their normal duties before the expiry of their fit note. Managers will assess the risks and if it is thought that it is not safe for the employee to return or if this could be detrimental to their health and/or could worsen their condition, they will have to stay off work until the expiry of the fit note.

If Managers are unsure whether or not it would be appropriate for an employee to return to work, they must seek confirmation from a medical practitioner that the employee is fit and well enough to attend work.

In all circumstances, where Managers feel it is necessary, they will seek advice and guidance from the Occupational Health Service by logging a ticket on the Portal.

<https://peoplemanagement.cumbria.gov.uk/helpdesk/WebObjects/Helpdesk.woa>

3. Recording and Record Keeping

Accurate and prompt recording of information (duration and reason for absence code) on the HR system (iTrent or equivalent Fire & Rescue Service recording system) is critical as the data forms the basis for managing and monitoring the sickness absence of employees at a local level.

Information should be input into the HR system on the day the employee notifies the employer of their absence and updated when a self-certification or a fit note is received. This is to enable Managers to have up to date information to allow them to seek advice and/or implement a timely referral to the Occupational Health service, offer support and carry out reviews when employees reach absence triggers. The details of the medical certificate should be entered onto the HR system and the certificate uploaded as an attachment. Managers who do not have the facility to scan and upload documents into the HR system should send hard copy certificates to the Service Centre for them to upload to the person’s record, making sure they note the employee’s personal number on the certificate(s). Original fit notes have to be destroyed once uploaded into the HR system. For guidance on how to do this use:

iTrent User Guides – People Manager Sickness Input

<http://www.intouch.ccc/eLibrary/Content/Intranet/536/671/5053/6001/4203216566.doc>

It is essential that Managers keep records of all discussions and meetings with employees regarding their sickness absence. This is to ensure that absence is managed effectively and fairly and records of earlier decisions and actions are readily available to inform future decisions. When an employee is absent due to sickness the Manager should complete a contact sheet (PA9), and where required an action plan (PA10) for each employee, to record all communication and meetings held, these documents may be shared with the employee if they request to see them.

Managers can upload documentation associated with an absence into the HR system. Once uploaded hard copies need not be kept locally.

When the employee returns to work the Manager must close the absence on the HR system on the day they return to work.

4. Injury arising out of authorised duties/ Industrial Injury/Infection Control

If during the initial notification of sickness the employee states that their absence is due to an accident that happened at work, the Manager must ensure that an accident form is completed and if necessary an investigation is carried out.

Following an incident such as an accident or an incident of violence in the work place, employees are reminded of the need to comply with the reporting procedure. In addition the immediate impact of such events may not be realised until a period of time has elapsed and employees are recommended to access support via national helplines and websites on inTouch at http://www.intouch.ccc/hr/attendance_wellbeing/default.asp or on the County Council website at <http://cumbria.gov.uk/employeeinformation/copingwithchange.asp> and/or access the counselling service if they experience symptoms such as anxiety, panic attacks, fear or any associated problems. Employees may also feel that sharing such concerns with their Manager may help.

Absence arising out of authorised duties or related to may not be counted towards absence triggers and sick pay entitlement in some circumstances. An employee who is prevented from attending work because of contact with an infectious disease will be entitled to receive normal pay. The period of absence will not count towards sick pay entitlements and absence triggers. Advice should be sought from People Management and a referral made to Occupational Health. The Manager should ask the Occupational Health Service to advise if the absence was caused wholly by work.

Further information on accidents at work is available from the Health and Safety team and in Safety Procedure No. 6.

5. Sources of Support

Other resources that are available to Managers in supporting employees in the prevention of sickness, absence and disability are:

- Health & Safety (departmental & corporate)

<http://www.intouch.ccc/healthandsafety/default.asp>

- Occupational Health Service referral (via Managers)
- Face to Face Counselling Service (via Manager and Occupational Health service)
- People Management Team
- National helplines and websites on inTouch at http://www.intouch.ccc/hr/attendance_wellbeing/default.asp or on the County Council website at <http://cumbria.gov.uk/employeeinformation/copingwithchange.asp>
- Trade Union Safety Representatives.

Where an absence is related to bullying or harassment please refer the employee to the following page: [Employee Support](#)

Where employees do not have access to intouch Managers should print off the requested information for them.

6. The Occupational Health Service

The Occupational Health Service is available to advise managers at any time about how best to support an employee who is off sick. Managers are encouraged to contact the Occupational Health service as soon as possible to agree the appropriateness of a referral to investigate clinical options and to speed up or access treatment. Managers can seek advice from the Occupational Health service by raising a ticket through the Occupational Health Service portal.

<https://peoplemanagement.cumbria.gov.uk/helpdesk/WebObjects/Helpdesk.woa>

When an employee reports absent from work and informs the Manager that they are likely to be absent from work for 3 weeks or more the Manager should contact the Occupational Health Service for advice and if necessary make an immediate referral. For a mental health/stress related illness/condition, work related injury or musculoskeletal injury the Manager should make an immediate referral. The only exception is when having sought advice, the Manager is told that a referral is not needed (e.g. if an employee has a broken leg without complications). It is best practice to discuss the referral form with the individual before submission. Managers need to be aware that the individual will see the referral form at their visit.

The Manager will complete a referral form and must provide as much information as possible, asking any specific questions they want answering to ensure the Occupational Health service can then provide a sufficient response,(the Occupational Health Service will arrange an

appointment with the individual within 12 working days of receiving the referral, and will also notify the manager of the date).

The Occupational Health Service may deem it necessary to refer the employee for counselling or physiotherapy. The employee will initially be given access to 4 sessions of counselling or physiotherapy, however the Occupational Health Service will advise if they need more sessions.

Where necessary, the Occupational Health Service will arrange for the individual to consent to complete the Access to Medical Records declaration form and make a request to the employee's Doctor for a medical report.

Employees are entitled to see the medical report written by the Doctor/Specialist before it is sent to the Occupational Health Service. If employees wish to see the report, they should contact their Doctor and arrange to do so as soon as possible as this will ensure that the Council can assess what can be done to help from the earliest time. If the individual has not seen the report within 3 weeks of the Doctor/Specialist preparing the report, it will be sent to the Occupational Health Service without the individual seeing it. An employee may request a copy of the Doctor report from the Occupational Health Service at any time.

Employees may be asked to attend a variety of medical assessments in addition to seeing the Occupational Health Service (e.g. Independent Medical Examination). Travel expenses will be met by the relevant Directorate and may be claimed in the normal way. The employee will be given reasonable notice of any appointment.

The Line Manager/advisor and employee will all receive a copy of the report from the Occupational Health Service. The Manager should then arrange to meet with the employee to discuss the outcomes of the report and any recommendations; this may be at the next stage meeting.

Failure to co-operate with a referral to the Occupational Health Service, completion of the Access to Medical Records declaration form, or to attend medical assessments would mean that the Council would have to make decisions based on the information available. This could have a detrimental effect on the level of support that could be given. Repeated failure to attend appointments without a satisfactory reason may result in employees losing their entitlement to sick pay and may result in disciplinary action (which could include up to or including dismissal).

If the employee's absence, to which the appointment relates, is disability-related then consideration should be given to any reasonable adjustments that may be appropriate to facilitate the employee's attendance.

When an employee has been absent from work due to 'work related stress' the Manager must organise to meet with the employee no later than 7 days after the absence has concluded in order to discuss the reasons for the absence and to plan support as appropriate.

Discussions must include

- Stress causes
- Action which can be taken to support the employee and minimise the likelihood of further stress episodes
- An agreed review date to identify whether a reduction in stress has been achieved – this date should not exceed 4 weeks. If concerns remain thereafter the Manager must contact People Management for advice.

Details of this meeting must be recorded in writing and a copy shared with the employee. This document must be uploaded on Trent.

In cases where the Manager is immediately concerned about the reasons which have been quoted by the employee as factors which have caused stress, the case should be raised as appropriate with the Station Manager and advice must be sought from People Management in order to manage the case.

7. Sick Pay Entitlements

An employee on authorised sick leave shall be entitled to full pay for six months in any twelve-month period. Thereafter the fire and rescue authority may reduce pay by up to half for six months.

An employee on authorised sick leave as a result of an illness or injury arising out of authorised duty shall be entitled to full pay for twelve months. Thereafter the fire and rescue authority may reduce pay by up to half for six months. Fire and rescue authorities have the discretion to extend the period of sick pay in exceptional cases. For On Call Fire Fighters, and in accordance with a Local Agreement, a single day's pay for the purposes of sick pay is calculated at a day rate of 1/365th of the previous 12 months earnings; regardless of the days lost due to sickness absence in the preceding 12 months. A day's pay includes the following elements:

- *Turn out*
- *Attendance*
- *Disturbance*
- *Gartan (other paid duties) e.g. medicals*
- *Gartan training*
- *Sick pay (previous twelve months)*

This does not include payment of retainer, monthly annual leave payments, monthly core training payments and monthly CPD payments.

Occupational sick pay may be withheld if the notification and certification procedures are not adhered to.

Sick Pay Exclusions include:

- If an employee abuses the sickness scheme
- If the sickness absence is due to or attributable to deliberate conduct which is harmful to the employee's recovery.
- If the employee's absence has been caused by their own misconduct or neglect
- If the employee's absence is due to active participation in professional sport
- If the employee is injured while working in their own time on their own account for private gain or for another employer

- If an employee fails to attend the Occupational Health service and medical appointments or maintain contact without good reason.

People Management advice must be sought in circumstances where an employee who is off sick may be suspended as a result of a disciplinary procedure.

Service Related Absence

When employees believe their absence is due to injuries or illness sustained at work s/he must report this to their Manager in accordance with service procedures. In this instance advice must be sought immediately after the incident from the Occupational Health Service. The service must be satisfied that the absence is service related. In some cases, the investigation may take some time, therefore the service reserves the right to temporarily treat an absence as service related, and to revert to treating it as non-service related (including in relation to sick pay entitlement) should any investigation conclude as such.

There is a box on the Gartan system where Work Related Sick (WRS) needs to be entered. WRS must be entered on the first line in the box so that the payroll system recognises the entry.

Absence in respect of normal sickness shall be recorded separately from absence in respect of illness or injury arising out of authorised duty.

8. 3rd Party Accidents

If an employee has an accident outside of work and where a third party is liable for the absence and an insurance contract payment will be made, the Council reserves the right to 'loan' Occupational Sick Pay (OSP) until a settlement is reached from the third party and this could mean the signing of a 'loan agreement.'

Where it is evident that the employee has or will receive a compensation payment (e.g. in receipt of insurance policies for accidental injury, income or mortgage protection), the Council reserves the right to ensure that pre-sickness income is not exceeded. Employees in receipt of such monies are required to declare it to the Council. In all cases, subject to the rules, SSP will be paid to employees but OSP will be adjusted to take into account other sources of money.

Any such accident should be recorded as sickness in the normal way but their Manager shall have due regard for the fact that liability has been acknowledged by a third party when reviewing the overall sickness record. Managers and employees should be aware that identification of liability could take a significant amount of time therefore accurate records should be kept.

9. Support Meeting

Where an employee's absence has reached 3 occasions or a total of 8 days in a 12 month rolling period then arrangements should be made to hold a support meeting. The employee's Manager, will make contact by letter to arrange a meeting to see what can be done to help. This meeting is intended to support the employee and discuss any matters relevant to the absence(s).

Normally this meeting should take place in the workplace, as this helps the employee to keep in touch with the workplace and prevents isolation. In exceptional cases, where it is not possible for the meeting to occur in the workplace (e.g. where the medical condition prevents this or travel is prohibitive) a meeting at another suitable venue should be arranged. If this is at the employee's home the Manager should be accompanied. The employee should be advised that this meeting is informal, however employees may arrange to be accompanied by a trade union representative or work colleague of their choosing, provided this does not unduly delay the meeting.

Items to discuss:

- Update on absence
- Update from the Occupational Health Service if relevant
- Any reasonable adjustments or additional support required
- Advise them of the National helplines and websites on inTouch at http://www.intouch.ccc/hr/attendance_wellbeing/default.asp or on the County Council website at <http://cumbria.gov.uk/employeeinformation/copingwithchange.asp>
- Provide a copy of the Absence Management procedure and discuss the next steps of the process.
- Set appropriate improvement targets (8 Days or 3 Occasions in a 12 month rolling period)

The Manager should accurately record the content of the support meeting and any improvement targets set in the discussion on the employee's Action Plan (PA10).

The employee should be made aware that escalation from informal through to the relevant formal stage will occur without delay if the level of non-attendance reaches an unacceptable level as determined by the Council.

10. Short Term Absence

It is essential that the Council deals with frequent and persistent short term absence promptly, fairly and consistently to demonstrate to all employees that it regards absence as a serious matter. It is appropriate to use the formal process where informal approaches have failed to achieve the desired improvements in attendance, or where informal action is deemed not to be appropriate in the circumstances of the case.

The formal process should be followed in the order detailed below. However where an employee reaches an acceptable level of attendance following one of the formal stages but the level of absence becomes unacceptable again, the Council reserves the right to re-enter the formal process at the point it ended previously.

10.1 Formal Process – Stage 1 Absence Meeting:

The purpose of the meeting is to review the level of sickness absence with the employee and seek ways to achieve more acceptable levels of attendance.

The employee has the right to be accompanied at the meeting by a Trade Union Representative or Work Colleague.

The Manager should try to identify the cause of the absence and discuss ways to reduce further absence with the employee. This would normally include:

- A review of the employees attendance record and the reasons for their sickness absence
- An opportunity to discuss whether the absences are linked to an underlying medical condition
- Discussion about whether the employee has asked for or received any support e.g. from their GP, Hospital Doctors, Counsellors
- Discussion about whether any sickness problems may be work-related and if so, any adjustments that would help the employee to achieve an acceptable level of attendance at work.
- If a referral to the Occupational Health Service has not already been completed then a referral may need to be made as an outcome to the meeting.

Where the Occupational Health Service has suggested that the absences are linked to an underlying medical condition that meets the definition of a disability under the Equalities Act 2010, the Manager and employee should discuss any reasonable adjustments that could be put in place to support the employee to achieve an acceptable level of future attendance at work. Advice can be sought from People Management and the Occupational Health Service.

Warnings given for non-compliance with absence triggers will be dealt with in accordance with CFRS disciplinary procedure.

The table below provides detail of who will conduct Absence Management meetings at each stage in the formal process.

Levels of Management Authority

1. The level of management required to conduct a formal Absence Management meeting at each stage of the process is as follows:

	<u>Potential Outcome</u>
<u>First Stage</u> Watch or Station Manager	Written warning
<u>Second Stage</u> Group Manager	Final Written Warning
<u>Third Stage</u> Area / Brigade Manager	Dismissal with notice

2. Managers must proceed with the formal absence management process. When the Manager believes that there are clear exceptional circumstances which would mean it was not appropriate to issue a warning or management action, the Operational Commander or Head of Department must be contacted and provided with the details in order that they can make the decision whether or not to allow an exception. Reasons for allowing an exception must be put in writing to the employee with a clear explanation as to why it has been decided that no formal action has been taken at that stage. It is advisable to discuss such situations with the People Management team.

During the stages of the absence management meetings the Manager will advise the employee of the improvements required in relation to their attendance and the consequences of failing to achieve these. A reasonable target (e.g. 8 days or 3 occasions in 12 months) will be set and a review meeting will be scheduled to assess progress against the required improvements. The Manager may also consider the following actions:

- Requesting the employee to submit a medical certificate from their GP for every instance of absence (if there is a cost to this then the Council will reimburse the employee)
- Other support mechanisms as identified in the meeting such as reasonable adjustments or other forms of support
- The employee may be issued with a Written Warning. This reflects the fact that the employee has an unacceptably high level of sickness absence.

The Manager will send written confirmation of the outcome of the meeting and a copy will be placed on the employee’s personnel file.

Where a Written Warning had been issued, this will be ‘live’ for a period of 6 months and may be taken into consideration at a further stage in the process during that time. The employee has the right of appeal against the Written Warning. The appeal should be made in writing to the

Manager stating the reasons for the appeal within 5 working days of notification of the warning. The appeal will be heard by the next level of Manager.

10.2 Formal Process – Stage 2 Absence Meeting:

A second meeting should be set up if the employee does not meet the targets set at the stage 1 absence meeting. The second meeting will re-confirm the issues discussed at the first review meeting and seek to identify the reasons for the employee's failure to achieve the required level of attendance.

The employee has the right to be accompanied by a Trade Union Representative or work colleague.

The Manager will advise the employee of the improvements required in relation to their attendance and the consequences of failing to achieve these. A reasonable target will be set and a review meeting will be scheduled to assess progress against the required improvements. The Manager may also consider the following:

- Requesting the employee to submit a medical certificate from their GP for every instance of absence
- Other support mechanisms as identified in the meeting such as reasonable adjustments or other forms of support
- The employee may be issued with a Final Written Warning. This reflects the fact that the employee has an unacceptably high level of sickness absence.
- The Manager should discuss the Alternative Employment programme with the employee and if appropriate place on the programme.
- It may be appropriate to refer the employee to the Occupational Health Service for an assessment for ill health retirement.

At this stage the Manager must also advise the employee that no significant improvement in their level of absence will result in a stage 3 absence meeting that may lead to their dismissal.

The Manager will send written confirmation of the outcome of the meeting and a copy will be placed on the employee's personnel file.

Where a Final Written Warning had been issued, this will be 'live' for a period of 18 months and may be taken into consideration at a further stage in the process during that time. The employee has the right of appeal against the Written Warning. The appeal should be made in writing to the Manager stating the reasons for the appeal within 5 working days of notification of the warning. The appeal will be heard by the next level of Manager.

10.3 Formal Process – Stage 3 Absence Meeting

This 3rd stage meeting should be set up if the employee does not meet the targets set at the stage 2 absence meeting. This meeting will be chaired by an Area/Brigade Manager.

The employee has the right to be accompanied by a Trade Union Representative or work colleague.

The Manager who has managed the employee through the earlier stages of the process should also attend this meeting to present the case. A People Management advisor will also attend the panel to advise. The purpose of the meeting is to determine whether there are further actions that can be taken by the Council to assist the employee in continuing their employment.

If the Senior Manager concludes that the employee and the process have been managed fairly, that the required level of attendance is fair and achievable and that the employee has been given all reasonable opportunity to improve to an acceptable standard but failed to do so, they will be able to consider action including termination of the employees employment with appropriate contractual notice, for failure to meet an acceptable level of attendance.

In reaching their decision, the Area/Brigade Manager will consider such issues as;

- The impact of the employee's absence on service delivery
- The employee's absence record
- The actions that have been taken to support the employee in trying to improve their attendance
- Advice received from the Occupational Health Service and where applicable the employees own GP or specialist.

The Area/Brigade Manager will confirm the decision in writing and the employee will have the right to appeal within 5 working days of notification of the decision. The employee must set out the reasons for their appeal in writing and the appeal will be heard by the Appeal Panel.

An appropriate Manager will attend the meeting at stage 3 in order to provide the background to the case including;

- 1 A chronology of the absences and actions taken by the Manager
- 2 Details and copies of Occupational Health Service referrals and reports
- 3 Copies of all correspondence/communication relating to the absence
- 4 Details of all interventions applied to resolve or reduce absences

11 Long Term Absence

Long term sickness absence is normally absence which lasts for 28 calendar days or more. When an individual has been off sick for 28 calendar days or longer the Line Manager must consider whether there is a need to organise an operational assessment once the employee returns to work.

Long term sickness cases are often linked to an underlying medical reason; however this may not always apply.

Like short term absence, long term absence should also be managed via the formal 3 stage process as detailed above however between formal meetings managers should maintain regular appropriate contact arrangements with the employee. Timescales for returning to work and triggers should be set in consideration of medical advice and based on the details of the particular case. Managers must seek advice from people management where guidance or advice is needed in relation to this matter.

Management of these cases may require more than the three meetings highlighted within the absence management process and such meetings should be set up in order to communicate and explore possible options to support the employee. Nevertheless should the triggers applied to the absence be reached then progression through the formal stages must apply.

On occasion employees may have a combination of both long term and short term absences as defined by the policy. In this scenario the principal remains that the absences shall be managed within the three stage process however the triggers set in response to each individual absence should appropriately reflect the medical circumstances of the particular absence.

Absence may be due to a disability and Managers should be aware of the provisions of the Equality Act 2010, particularly the duty of reasonable adjustments when considering dealing with long term absence.

It should be noted that sickness absence issues are often complex and unique. Whilst it is important that issues are dealt with in fair way, the specific interventions used and the timing of those interventions may differ from case to case. The following procedure is provided for guidance purposes.

It is essential that the Council deals with long-term absence in a fair and consistent way to demonstrate to all employees that it regards absence as a serious matter. It is appropriate to use the formal process where there is evidence to suggest that the employee is unlikely to return to work in the foreseeable future.

11.1 Formal Process – Absence Meeting:

Having gained advice from the Occupational Health Service, the Manager should arrange a formal meeting with the employee. The employee has the right to be accompanied at the meeting by a Trade Union Representative or work colleague.

The purpose of the meeting is to discuss the Occupational Health Service advice and from this, the prospects/timescale for the employee's return to work and/or ability to maintain an acceptable attendance level in the future. This will include, if appropriate, the consideration of which of the options below are most appropriate for the employee in light of the Occupational Health Service advice. A reasonable timescale should be set to explore the appropriate options and sufficient time should be given for the employee to consider the options. The employee should be informed in writing of the actions to be pursued and the timescale over which they would be considered.

Normally the following options would be considered in the order that they are listed below:

- f) Return to/continuation in existing post
- g) Return to/continuation in existing post with reasonable adjustments
- h) Phased return to work
- i) Modified Duties
- j) Redeployment to another post within the council (AEP)
- k) Dismissal on health grounds – where an employee is dismissed on the grounds of ill health and they meet the qualifying criteria in the LGPS regulations then they may qualify for ill health retirement

More detailed advice on these options is contained below. Advice and support in pursuing these options is available from the People Management team.

If option a – d above are not feasible and dismissal on the grounds of ill health may be the only option left to the Council, the Manager should ensure that the employee is made aware of this fact at the earliest opportunity.

Given the time that it may take for a clear diagnosis of the employee's condition, or for a review of the effectiveness of any treatment, it may be that a number of formal meetings need to occur before final advice can be implemented. Whilst the Council will take all reasonable steps to assist the employees return to work, it is not possible to wait indefinitely for an employee's condition to improve. These meetings should therefore set a date for return, subject to an employee's fitness to do so. Whilst each case will be judged on its particular circumstances, Managers should endeavour to ensure that appropriate action in line with the above options is actioned as soon as possible.

11.1.1 Return to Existing Post

This may be with a phased return to work – see below. In these circumstances, a Manager may consider setting a monitoring period and have a formal meeting with the employee and their representative to consider this.

In the cases of absences of 28 calendar days or more, your Manager will review and decide if you need to complete retraining before going back on the run.

11.1.2 Return to Existing Post with Reasonable Adjustments

Adjustments may include changes to hours, duties or location of the role, the use of particular equipment or improving access or facilities. Such adjustments can be made on a temporary or permanent basis but will necessarily be agreed with the employee.

The Manager will need to assess whether these changes can reasonably be accommodated without having a detrimental effect on the service.

As part of the consideration of such adjustments, further specialist advice may be sought from the Occupational Health Service or outside organisations such as the disability advisory service offered by Job Centre Plus, the RNIB or the Shaw Trust. This additional advice may be referred from the Occupational Health Service or approached directly by the Manager. Further information can be sought from the People Management Team.

11.1.3 Modified Duties

When an employee is returning to work from sickness absence the Occupational Health service may advise that they should return for a period of time on modified duties.

Modified duties means duties which have been changed to accommodate the limitations of a medical condition and are applied on a short term temporary basis only.

For Grey book employees who undertake operational duty, modified duties will be in place for a maximum period of 6 weeks (4 weeks on Category 2 and then moving to 2 weeks on Category 1). If the Occupational Health Service considers that these timescales cannot be achieved, employees will remain on sickness absence until such time the 6 week modified duty period can be achieved.

The application and appropriateness of modified duties must be directed through advice from the Occupational Health Service.

The two categories of modified duties are:

Category 1

FF's and Managers on Category 1 are deemed fit to undertake all general duties including:

- Driving
- Carrying out operational training and exercises

But not fit to respond to blue light incidents.

Firefighters can stay on category 1 for up to a **period of 2 weeks** at which point it would be expected they should be in a position to return to full operational duties

Category 2

FF's and Managers on Category 2 are deemed fit to undertake all general duties including

- Driving (where appropriate)
- Carrying out any rehabilitation programme advised by Occupational Health or the Fitness Advisor.

But not fit to carry out operational Training or Exercises

Firefighters can stay on this category for up to a **maximum period of 4 weeks** after which point it would be expected they should be in a position to move to Category 1 duties.

Employees may stay on category two for no longer than 4 weeks and no longer than 2 weeks on Category 1.

The transition from category 2 to category 1 must be approved by the Occupational Health service in order to ensure that the individual is fit to return to operational duty within the two week timescale.

These timescales cannot be extended and employees who are unable to return to work within the specified time period will be notified of the requirement to return to their GP to be signed off sick.

Operational employees will also be required to undertake any training deemed necessary to refresh their key skills in order to maintain their competencies – the timescales for this will depend on their length of absence.

Regular operational employees will undertake modified duties at a suitable location as determined by management, and for any number of hours up to their maximum contracted hours per week (subject to any restrictions recommended by Occupational Health. While on modified duties individuals will be required to work a day based working pattern which will also enable organisation of any required training.

On call employees will undertake modified duties in accordance with the availability they have given on their Availability Contract (Form 124a). This will ensure that their minimum contractual

hours are met and that the Manager is able to organise appropriate work in a suitable and productive way.

Following sickness absence in circumstances where the employee is required to undertake training in order to return to full duties, the employee may be required to participate in a drill night at an alternative Station or with a Regular Watch in order to complete the training.

Where a return to normal work duties does not occur by the end of the pre-determined period, a case conference will be held to determine the next steps.

When Regular Firefighters undertake an agreed return to existing post with reasonable adjustments programme or modified duties, they will receive their normal salary.

In cases where reasonable adjustments result in permanent changes to the role, salary and benefits would be permanently adjusted as well where necessary (e.g. a permanent reduction in working hours will result in salary and benefits being pro-rata or permanent changes to the role and responsibilities will require re-evaluation of the salary for the role).

11.1.4 Phased Return

Employees who have been off sick from work for a period of time may benefit from a phased return to work.

A phased return is an arrangement whereby the Line Manger can authorise a period of usually no more than 4 weeks whereby the employee may gradually build up their working hours week by week until they achieve their full contractual hours by the final week of the arrangement.

The purpose of the phased return is to support the employee to steadily build up their fitness or ability to attend work.

If the employee had pre booked annual leave during a phased return to work programme, the phased return arrangement will be reviewed on the employees return from annual leave and may be extended by a period of time equal to the period of annual leave.

If sickness absence occurs during a phased return to work programme sick pay entitlements will be triggered. On the employees return to work the phased return arrangement will be reviewed and continued, extended or ended as appropriate.

11.1.5 Redeployment AEP

All County Council vacancies can be accessed via the Council's website www.cumbria.gov.uk/jobs .

Should you wish to apply for a vacancy, please telephone 01228 223333 for advice regarding the process.

If it is not possible for the employee to return to their post either with or without adjustments, the Manager should consider placing them on the AEP where it is mutually agreed. For Cumbria County Council employees this would relate to existing posts within the Council which become

vacant but would not require the Council to create a post specifically for the purposes of redeployment.

When considering the AEP, advice from the Occupational Health Service can be obtained in relation to the tasks the employee is capable of undertaking and on the type of posts that the employee would be fit to be redeployed into. It is also important to consult the employee on such matters.

The Manager would then set a timescale (usually up to 12 weeks) during which the employee would seek alternative employment. During the redeployment search the employee would have priority status and be considered before other applicants for a post (other than other candidates on the AEP for either health or redundancy reasons). For more information please see the AEP guidance.

If a suitable alternative employment opportunity is identified, it may be appropriate to offer a trial period of up to 4 weeks. This will allow both the employee and the Council to see if the post is suitable.

Employees who refuse to consider or accept a suitable alternative employment opportunity should note that this may limit the Council's ability to continue their employment.

11.1.6 Application for Ill Health Retirement

Where it has been identified at a case conference that an employee is unable or unlikely to be able to return to full work duties within a reasonable timeframe, the case should be referred to an absence management review; this meeting will determine if any further action can be taken to support the employee. However, if there is no further support which can be implemented the employee may be dismissed on the grounds of ill health capability.

In circumstances where the individual is a member of the pension scheme then the service should initiate a process to identify whether an ill health retirement will be awarded following an assessment of the criteria by Occupational Health.

<http://www.cumbria.gov.uk/elibrary/view.asp?id=62919>

Termination of employment is considered when other reasonable attempts to support the employee back to work are inappropriate due to health matters or have been proven unsuccessful.

If the application for ill health retirement does not meet the requirements of the pension scheme and all other options have been explored, the Manager will continue to follow the Absence Management procedure.

12 Formal Process – Case Conference

The Council will only consider dismissing an employee on the grounds of capability due to ill health when it has considered all the available facts and medical reports, and where the appropriate options of returning to their post (with or without adjustments), redeployment, phased return to work have been examined and found not to be possible or applicable.

In these circumstances an employee will be required to attend a formal attendance hearing. The employee will be given 5 working days written notice of the meeting, advised of the right to be accompanied by a trade union representative or work colleague, notified of the nature of the concerns and possible outcome, and provided with all relevant documentation in relation to their sickness absence and any documentation requested that the individual deems relevant to their sickness absence.

The meeting will be chaired by a senior manager and a member of the People Management team will attend to provide support and advice. The manager who oversaw the earlier stages of the formal process will also attend to present the case.

The senior manager will consider the information including:

- The steps taken to manage the employee's sickness absence to date
- The needs and resources of the Council in relation to the work which the employee is employed to undertake
- The effect of the employee's absence upon other employees and in particular those who are engaged in the same section
- The likely duration of the employee's illness
- Redeployment opportunities

Having considered the situation the senior manager may decide that there is no alternative but to terminate the employee's contract on the basis of ill health.

A letter confirming this decision must be sent to the employee within 5 working days of the meeting. The letter will set out the employee's contractual entitlement to notice pay and details of the right of appeal against dismissal. The employee must set out the reasons for their appeal in writing and the appeal will be heard by staffing committee/appeals panel of the governing body.

13 Appeals

Employees who have been issued with a sanction throughout the process will be given the opportunity to appeal. **The appeal should be made in writing to the Manager stating the reasons for the appeal within 5 working days of notification of the warning.**

The appeal shall be heard by a higher level of Manager. Arrangements for the final appeal stage against dismissal should be determined locally but be consistent with the principle that the corporate level involved should be higher than the level which heard the previous stage.

1. Where an employee appeals against the action taken against them they must put their grounds of appeal in writing. The grounds of appeal will normally be one or more of the following:
 - There was a defect in the procedure.
 - The issue is not proven on the balance of probabilities.
 - The disciplinary sanction was too severe.
 - New evidence has come to light since the hearing which will have an impact on the decision.
2. Normally the Appeal Manager will conduct the appeal hearing as a rehearing (in full or part), where this is required. Otherwise the appeal hearing will be conducted as a review. A rehearing would normally be required in the following instances (this is not necessarily an exhaustive list):
 - There was a procedural defect at the original hearing such that the hearing was unfair.
 - New evidence has come to light which needs to be heard in full.
 - There is a dispute about evidence given by one or more witnesses at the original hearing. In these cases it may be necessary to rehear the witness evidence at the appeal.
3. Where the appeal hearing is conducted as a review, the Appeal Manager will have available all the documents presented to the original hearing. They will also have a copy of the record of the hearing, the letter confirming the outcome of the original disciplinary hearing, the letter of appeal and all other relevant information. The Appeal Manager will reach findings based on the documentation and the submissions at the appeal hearing from the parties.
4. At the appeal hearing the employee and/or their representative will first put their case by explaining the grounds of appeal and presenting any relevant evidence. The management case will then be put, responding to the grounds of appeal, normally by the manager who conducted the original hearing. Relevant witnesses may be brought by either side, and be questioned by all parties.
5. The outcome of the appeal will be either:
 - The case against the employee is upheld (in whole or part); the sanction will then be the same or a lesser penalty.
 - The case against the employee is not upheld.

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6. At the final appeal against dismissal, if the employer's representative is legally qualified, the employee's representative may, if the employee wishes, also be a legal representative.
 7. In cases of dismissal, employees shall be given contractual notice of dismissal following the hearing. Every effort will be made to conclude any appeal process within the notice period. Where it has not been possible to conclude the appeal process within the notice period, notice may be extended for a reasonable period with a view to concluding the appeal process within the notice period. If the dismissal is not upheld on appeal, the employee will be reinstated.
 8. In cases of sanctions other than dismissal, the sanctions should not be implemented until any appeal process has been concluded.



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1. Contact during absence

It is expected that an employee will keep the council/school informed about their absence, especially if a significant change occurs. Normally an employee should keep in touch and update their manager/head teacher, on a weekly basis by telephone. Alternatively the employee may prefer the manager/head teacher to make contact at pre-arranged times for these updates.

There may be circumstances when it would be medically detrimental for the manager/head teacher to contact the employee, or where the individual employee may wish to be visited by an alternative manager. In such cases, an employee or the manager/head teacher should make alternative arrangements and may wish to seek advice from People Management/HR Provider.

Employees who continually fail to keep in touch may lose their entitlement to sick pay and may have their level of absence considered under the council/school's disciplinary procedure. A manager/head teachers failure to maintain contact with employees who are absent from work due to sickness absence may be considered under the capability procedure.

In normal circumstances, the manager/head teacher will make contact at their earliest opportunity to offer support in cases of absence. The level of contact will be considered carefully by the manager/head teacher, taking into account the employee's condition. It is important that the level and type of contact is supportive but not intrusive. A record of all contact should be recorded on the contact sheet (PA9) and made available to employees if requested.

Contact with an employee can include;

- Writing to or telephoning the employee offering their support
- Providing updates on council/school news
- Arranging a support meeting, usually within the first fortnight of the absence
- Inviting employees to social and other non-work related events

An individual may also welcome contact from colleagues to support them through their absence.

In very occasional circumstances it may be necessary for an employee to nominate their next of kin to maintain contact with the employer on their behalf. The manager/head teachers should note that they cannot disclose information about the employee without written consent from the employee.

2. Presenteeism/directed medical absence

Managing absence will be handled promptly and sensitively under this procedure and it is recognised that each employee's needs and circumstances will be different. Where there is a genuine concern and belief that the employee's continued presence at work may constitute a hazard, either to the individual concerned or to others, an immediate referral to the occupational health service, with suspension on full pay pending the outcome of the referral, is likely to be necessary.

The following principles should be followed:

- Undertake an immediate risk assessment of the dangers.
- Discuss the situation with the employee (in person if possible and appropriate) to obtain as much information as possible, and to seek their views and opinions.
- If appropriate / possible involve a trade union representative at an early stage.
- Explain to the employee the proposal to refer them to the occupational health service and the purpose of the referral
- Discuss the immediate options with the employee (pending receipt of medical advice) and determine the appropriate immediate action. This might include:
 - interim adjustment of duties
 - temporary alternative duties
 - sickness absence
 - 'Directed Medical Absence' i.e. suspension from duty
- Complete the referral to the occupational health service as soon as possible. Occupational health Service will then contact the employee to arrange a meeting and explain the purpose of the meeting.
- Review action/decision and undertake a further risk assessment with the employee concerned in light of the medical information/advice. Possible outcomes might include:
 - immediate return to work
 - reasonable adjustment in the job/workplace
 - alteration of duties (temporary or permanent)
 - redeployment/transfer to other duties (temporary or permanent)
 - Sickness absence (for medical treatment, etc.)
 - Continued Directed Medical Absence for medical treatment/further reports etc.
 - ill health retirement
 - dismissal under the capability procedure (as a last resort)
- Undertake further reviews/risk assessments as necessary, ensuring that there is adequate consultation with the employee.

Note:

(i) Directed Medical Absence should only apply in urgent circumstances, and for a short period only until the proper medical position can be ascertained. It is not intended that this procedure will provide for long term absence on full pay and entitlements to sick pay will not be exceeded by virtue of this procedure.

(ii) One of the aims of this procedure is to ensure adequate consultation with the employee BUT there may be circumstances where it will not be appropriate to accept or agree with the employee's views/wishes. The final decision rests with the manager/head teacher/chair of governors.

3. Returning to work

Employees should only return to work when they are fit to do so.

For absences of 7 calendar days or less which the individual self certifies, the employee needs to exercise judgement about their own fitness. Absences of 8 days or more require a doctor's fit note which should be submitted throughout the absence in a timely manner (this includes non-working days e.g. Saturdays or Sundays or days not worked for part-time employees). The employee should return to work on their next scheduled day to work after the fit note has expired.

If an employee is in any doubt about their fitness for work, they should refer to their doctor before they return to work. If necessary the manager/head teacher may seek further advice from the occupational health Service which may result in the employee being referred for an assessment with the occupational health service before returning to work.

The manager/head teacher (or the next level of management in their absence) will hold a 'Welcome Back to Work Interview' following each absence and update the computerised HR system with the information.

The Welcome Back to Work interview should be carried out on the day the individual returns using the Welcome Back to Work interview form. Where a manager/head teacher is not based at the same location as the employee, this can be done via telephone.

Before the interview takes place the manager/head teacher should access the computerised HR system in order to gather the information they require on the employee's sickness absence record. They will need to assess this information against the absence management triggers as detailed below:

- Absence of 8 days (10 days for burgundy book employees) or more (in a 12 month period); and / or
- 3 separate absences (in a 12 month period); and / or
- A pattern or trend of absence that gives causes for concern; and /or
- Failure to meet a relevant improvement target set at a support meeting, or at 1st, 2nd or 3rd stage of the absence management procedure

NB The discussion is informal and supportive and is designed to enable the manager/head teacher to better understand the reason for the absence. It is an opportunity to explore whether

there are any underlying reasons for the absence and what support could be provided. As this is informal, there is no right for an employee to be accompanied by a trade union representative or work colleague, however this may be appropriate if the employee has been absent for a long period of time and needs support on their first day back at work.

If triggers/health review points have been hit or where there is other cause for concern, the manager/head teacher will arrange a meeting as appropriate.

In some circumstances, the employee may prefer to speak to someone of the same gender, and the manager/head teacher should facilitate this as far as practicable.

4. Annual Leave/Maternity Leave

Annual Leave/Public Holidays

If an employee falls sick whilst on annual leave (including term time employees), the normal notification procedure applies. An employee will only be regarded as being on sick leave if a doctor's fit note or letter from medical professional is provided to cover the period of sickness.

An employee who falls sick before or during a period of booked leave should contact their manager/head teacher as soon as possible using the sickness notification procedure, to advise them of the situation and alert them to the fact that they may wish to reclaim their pre-booked leave dates. The employee must submit a written request setting out how much of their pre-booked leave period is affected by sickness and the amount of leave they wish to cancel and take at a future time. The employee must also produce a fit note/medical certificate from a qualified medical practitioner confirming that they are unfit to take or continue with their pre-booked period of leave. This applies to both annual leave and public/bank holidays.

An employee who is off on sickness absence will accrue and can request to take their contractual annual leave and Bank / Public Holiday accrual during their sick leave period using existing procedures.

An employee cannot be on sick leave and on annual leave at the same time. The type of leave must be switched from one to the other and will be recorded as such. Moving between sick leave and annual leave will not "break" the period of sickness, i.e. the period of sick leave will be continuous if it relates to the same sickness or injury as prior to the period of annual leave. So taking annual leave during a period of sick leave will not trigger a new entitlement to sick pay. Doctor's fit notes continue to be required. A request for annual leave during a period of sickness should be made through the manager/head teacher.

In exceptional circumstances accrued leave that can't be taken or granted in the leave year in which the sickness absence occurs will be carried forward into the following leave year. This is generally only the case when an employee is sick at the end of their leave year and therefore has not had the opportunity to take their annual leave. People Management advice should be sought where sickness absence continues from beyond one leave year.

Payment in lieu of untaken leave cannot be made unless the contract is terminated. Employees who were on sickness absence at the point of termination of employment are entitled to pay in lieu of untaken contractual annual leave and bank / public holidays accrued during the leave

year in which the contract of employment is terminated. Such payments are subject to normal deductions (Tax, NI etc.)

Maternity

Maternity leave and pay will also be triggered if an employee is absent with pregnancy-related sickness during the last four weeks of pregnancy. Employees should notify their manager/head teacher as soon as possible if they are absent either wholly or partly because of their pregnancy, confirming the date that their absence began.

There is no entitlement to sick pay whilst employees are on maternity leave.

5. Equality Act 2010 – Disability related absence

In accordance with the provisions of the Equality Act 2010 or any subsequent amending or substituting legislation, the council/governing body shall endeavour to accommodate an employee in his/her current post if she/he is absent or may otherwise become absent because of a disability as defined by the act. The council/governing body shall not discriminate against disabled employees or prospective employees, or persons who have had disabilities in the past.

In seeking to accommodate and/or redeploy staff under this procedure, the council/governing body shall obtain such advice and support from external agencies as may be appropriate under all the circumstances.

In seeking such accommodation, consideration shall be given (normally in consultation with the employee) as to whether reasonable adjustment(s) might be made to the job, the working hours and/or the working environment. For example, the duty to make reasonable adjustments arises from the provision, criterion or practice applied by or on behalf of the employer, or any physical feature of premises occupied by the employer, places a disabled person at a substantial disadvantage compared with people who are not disabled. An employer has to take such steps as it is reasonable for it to have to take in all the circumstances to prevent that disadvantage. In other words, the employer has to make reasonable adjustment. Where a duty arises, an employer cannot justify a failure to make a reasonable adjustment.

To avoid possible discrimination against a disabled person in managing sickness absence it is necessary to establish whether the employee has a disability as defined by the relevant act and to identify which, if any, absences are related to the disability. This will necessitate seeking medical advice and consulting with the employee. Where disability is identified, advice should be sought from the People Management team/school's HR provider before exploring and deciding on the best course of action. Employees should be treated equally whether their sickness absence is for a mental health or physical health problem.

Managers please refer to the disability leave policy

6. Access to work

Managers/head teachers should advise employees that an Access to Work grant may be available for practical support to help employees do their job. It's for people with a disability, health or mental health condition.

There is no set amount for an Access to Work grant. How much is given depends on the circumstances.

The money can pay for things like:

- adaptations to the equipment used
- special equipment
- a support worker or job coach to help the employee in their workplace
- fares to work if unable to use public transport
- disability awareness training for colleagues
- a communicator at a job interview

Effect of the condition

The disability or health condition must affect the employee's ability to do their job or mean they have to pay work-related costs. For example, special computer equipment or travel costs because they can't use public transport.

A mental health condition must affect the employee's ability to a job and means they need support to:

- start a new job
- reduce absence from work
- stay in work

Exceptions

Employees may not qualify if they get any of these benefits:

- Incapacity Benefit
- Employment and Support Allowance
- Severe Disablement Allowance
- Income Support
- National Insurance Credits

It is the employee's responsibility to contact Access to Work who will supply them with a form to be completed, assess any needs and advise whether any training, equipment, other support is needed.

Further information is available from <https://www.gov.uk/access-to-work/overview>

Remploy workplace mental health support service

To be eligible for this service you need to be in permanent or temporary employment (attending work or signed off) and have a mental health condition (diagnosed or undiagnosed) that has resulted in workplace absence, or is causing difficulties to remain in work.

Tel: 0300 4568114

Email: vocationalrehabilitation@remploy.co.uk

Local Disability Employment Advisers:

Barrow Tel. No. 01229 893370

Carlisle Tel. No. 01228 605070 (aidan.quigley1@jobcentreplus.gsi.gov.uk)

7. Stress

Guiding Principles

The council/school places a high value on maintaining a healthy and safe working environment for all its employees and it recognises that its duty of care extends to mental health as well as physical health at work.

It is committed to providing a supportive working environment that maintains and promotes the health and well-being of all its employees.

The council/school is committed to implementing a stress management policy for all employees throughout the organisation. This includes improving the organisational environment through effective and sensitive management, enabling individuals to cope successfully with the demands and pressures of work, and providing support for employees whose health and well-being are affected by stress.

Aims

To develop and implement procedures to manage problems that occur within the workplace and to support individuals who are suffering from stress.

- To increase awareness of stress and methods to combat it.
- To offer practical support to staff in managing stress in themselves and others.
- To monitor procedures and outcomes, and to annually assess the effectiveness of the policy.

Definition of Stress

There is no universal definition of stress. However, the Health and Safety Executive has defined stress as “the adverse reaction people have to excessive pressures or other types of demand placed on them at work” (2016). In its positive manifestation, stress can act as a motivational and enabling force, in its negative format, however, stress becomes harmful and disabling and therefore a potential cause of physical and mental illness.

Pressures can arise from an individual’s personal life as well as from work, and people vary in their capacity and ability to cope with different types of pressure. Some individuals will recognise that their health is affected and will seek help; others will not recognise or acknowledge that they are stressed although it may be apparent to their manager and work

colleagues. Although in itself, stress is not an illness, there is evidence that stress can lead to mental and physical ill-health.

All work has its pressures. We all vary in our capacity to cope with different types of pressure. Some pressure, even when high, can be motivating and challenging. Pressures that we can respond to effectively are likely to lead to job satisfaction. However, pressures at a level we cannot cope with, even in some cases too little pressure or challenge.

Strategies for Dealing with Stress - Preventative Measures at an Organisational Level

The council/school will:

- establish, promote and maintain a culture of consultation, participation and open communication throughout the organisation, particularly during times of change
- raise the awareness of staff about stress and its causes;
- provide opportunities for employees to maintain and promote their health and well-being.

Identification and Management

The council/school will:

- make information available for all staff on stress awareness to help them to handle pressures they may encounter, and to recognise stress when it occurs in themselves and others;
- manage workplace pressures, which may affect employees by undertaking regular risk assessments on the hazards that are seen to be causing stress and taking appropriate action to reduce stress. Participation in risk assessments by employees is to be encouraged;
- consider the use of a recognised whole school stress/wellbeing audit tool
- undertake an annual performance management appraisal/review with each member of staff to ensure that the work role and tasks match the relevant job descriptions, and to ensure that job descriptions are up to date.

It is in the interests of all to recognise the possible signs of stress. These may be:

- persistent or recurrent moods – anger, irritability, detachment, worry, depression, guilt and sadness;
- physical sensations/effects – aches and pains, raised heart rate, increased sweating, dizziness, blurred vision, skin or sleep disorders;
- changed behaviours – difficulty concentrating or remembering things, unable to switch off, loss of creativity, making more errors, double-checking everything, loss of interest in sex, eating disorders, increasing use of tobacco, alcohol, coffee, drugs;
- for example, when stress is experienced over long periods, high blood pressure, heart disease, ulcers, anxiety, long-term depression.

- poor work performance – less output, lower quality, poor decision-making;
- worsened relationships at work, such as conflict between colleagues, poor relationships with customers/students/parents.
- related to staff attitude and behaviour, such as loss of motivation or commitment, poor time-keeping, working longer hours but with diminishing effectiveness.

Supportive Measures for Employees

The council/school will:

- identify internal and external sources of assistance for employees with stress. This will include a confidential counselling scheme for all staff who request it;
- provide access to stress management courses;
- consider a 'Healthy Workforce' strategy designed to equip staff who are suffering from stress to access a range of activities, which will encourage a healthy lifestyle;

Safe Systems of Work

Employee Responsibilities

- All individuals should recognise the importance of training and development as a means of developing competence and well-being in the job. Individuals should take an active part in determining their own training needs in conjunction with the person responsible for their performance management.
- If individuals believe that they are suffering from stress in their personal life, it is advisable to contact their manager/head teacher. If they are struggling with work-based duties then they should contact their line-manager to discuss the issues. If this is not possible then they may wish to contact the People Management team/Trade union representative for further advice or assistance.

Employees are reminded that support is also available from the relevant trade unions and professional associations.

Depending on the specific circumstances, employees may wish to access support through of the organisations below:

NHS Live Well

Healthy living advice and tips covering a broad range of areas. www.nhs.uk/livewell

MIND

Advice and support for a wide range of issues ranging from mental health to money and benefits. www.mind.org.uk / 0300 123 3393 (charged as a standard UK geographic landline)

CRUSE

Bereavement support. www.cruse.org.uk / 0844 477 9400 (7 pence per minute to call, plus your telephone provider's access charge.)

The use of a formal system of performance appraisal offers an opportunity to have a one-to-one discussion about work and to explore whether people in your team are experiencing excessive pressure at work.

Managerial/Supervisor Responsibilities

The manager/head teacher has a particular responsibility to be aware of the legal duty as an employer and also to be aware of how to recognise the early warning signs of stress in their employees. It is important for the success of this procedure that those with management responsibilities play an active role in its implementation. The responsibilities include:

- regular workplace risk assessments which must include consideration of stress related factors and action taken to minimise the effects of risk upon the individual and the organisation;
- ensuring that newly appointed employees receive appropriate health and safety induction training which includes the process for reporting concerns which may ultimately lead to stress related illness;
- observing and evaluating work performance;
- providing information on the policy and where possible helping individuals to overcome their problems before job performance is affected;
- becoming familiar with this procedure and attending stress management training;
- ensuring that all absences are appropriately and consistently recorded
- ensuring that all absences which may have been caused by stress are acted upon sympathetically and with understanding;
- act with sensitivity and tact when dealing with individuals that they suspect may be suffering from stress, or who have been diagnosed as such;
- ensuring that staff have access to the occupational health Service at an early stage in the development of a stress related illness;
- contacting the People Management team/HR Provider promptly when a GP medical certificate is received which indicates that absence is possibly stress related.
- ensuring that staff within the management team have received training covering all aspects of their work, including health and safety.

Integration with other Policies

Recruitment and Selection

The full range of tasks and demands of the job should be set out clearly in the job description and should be fully discussed in the interview process. Areas of potential pressure should be identified.

Pre-employment health screening procedures must be followed.

For posts where it is recognised that a higher than normal level of pressure and stress exists, candidates' tolerance to stress should become a more important factor in the selection process.

Induction

All employees must receive full and appropriate induction into their jobs. Starting a new job can be a stressful time and a planned induction will help eliminate any concerns.

Within the induction programme, the stress policy, and the procedure for reporting concerns must be discussed.

Attendance Management

As part of performance review meetings with staff, all absences should be discussed with the staff member and underlying reasons identified. Although not an absolute requirement, managers may wish to consider illnesses that manifest during the early part of a break away from work. These can be an indicator of stress release during these times.

The line manager will arrange appropriate communication mechanisms with an absent employee, upon receipt of a GP certificate which identifies a stress related illness, to discuss any underlying causes and to arrange support and assistance if the absence is likely to continue. This is a very sensitive area and further advice can be obtained from the human resources manager or the Health and Safety team.

Return to Work

Before the employee returns to work, the manager/head teacher or nominated person will agree a planned return to work with the member of staff. This planned return should include identifying any changes to the working conditions and must identify the underlying causes and the measures to be put in place to reduce the risk of a reoccurrence. Any such measures should be recorded and fully implemented by those involved.

Training and Development

Many employees experience stress through feeling that they are not adequately trained for their existing job, especially when they move into a new or a changed role. The identification of appropriate training and support activities should be agreed at the beginning of a new post and reviewed no less than annually in line with the performance management process.

Appraisal policy

All staff participate in appraisal reviews. The aim of the review is to provide support to staff to enable them to perform their role effectively and to identify and address any relevant training or development needs.

8. Workplace adjustments

Cumbria County Council/The School recognises that bringing about equality and support for people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for disabled people and those returning from a period of absence.

Workplace Adjustments in this document refer to the temporary and permanent adjustments available for employees.

Temporary adjustments are usually made for employees returning from a period of absence in order to facilitate a return to work; or employees who are in work that become unwell yet can remain in work and prevent absence with Workplace Adjustments. Temporary adjustments are bound by a timeframe and are also known as ‘Light Duties’.

Permanent adjustments are usually made for employees with a disability under the Equality Act 2010 and are typically not time bound. They are also known as ‘Reasonable Adjustments’.

This procedure enhances the support and assistance available to disabled employees and absent employees when returning to work. This document sets out what workplace adjustments are, when they should be required, and the procedure for applying workplace adjustments.

The impact and progress of the workplace adjustments procedure will be reviewed in order to assess its effectiveness from both a personal and organisational perspective.

What are Workplace Adjustments?

Workplace Adjustments may include changes to hours, duties or location of the role, the use of particular equipment or improving access or facilities. Such adjustments can be made on a temporary or permanent basis.

Type	Definition
Workplace Adjustments	Adjustments, both permanent and temporary, that can be made for an individual in the workplace. Adjustments being defined as adaption to a new situation.
Reasonable Adjustments (Permanent Adjustments)	Adjustments in relation to protected characteristics (i.e. Disability, Religion etc.). Associated with the Equality Act. There is no definitive list of reasonable adjustments that can be made. They depend on the case and what is ‘reasonable’ (considered to be appropriate and fair). These are generally permanent adjustments.
Temporary Adjustments	A reduction or amendment to ‘tasks’ required in their role. These are generally temporary adjustments.
Phased Return	Employees start on a reduced working time and building time up over specific period until they are working their full contracted hours and days.

When are Workplace Adjustments available?

There are different ways in which the need for work place adjustments can be requested as detailed below and all requests should be considered.

1. Fit Notes

A Fit Note for an employee might state that the employee 'may be fit for work' and the Doctor may tick one of the following options:

- Phased return to work
- Amended duties
- Altered hours
- Workplace adaptations

The Doctor then has the option to make additional comments.

All of the above are considered to be workplace adjustments by the employer and the application of the Doctor's recommendations could enable the employee to return to work.

However, occasionally a Doctor may not provide any additional comments/recommendations and would only tick one of the options available. In this situation, the line manager should have an informal discussion with the employee about the workplace adjustments recommended on the Fit Note with the view to coming to an agreement on the adjustments that could be made.

The line manager/head teacher may need to ask the employee to seek clarification from their Doctor or refer the employee to Occupational Health to provide additional recommendations on the adjustments required. In this situation, the employee should remain absent until the conditions of the Workplace Adjustments are clarified.

2. Occupational Health Referrals

It may become apparent during any of the stages of the Absence and Wellbeing Procedure and/or through consultation with Occupational Health that an employee may be able to return to work with workplace adjustments (permanent or temporary). Occupational Health will be able to provide recommendations of workplace adjustments.

You may wish to ask Occupational Health if an individual is likely to have a condition which may be classed as a disability. For a condition to fall within the remit of the Equality Act it must be substantial, long term, and impact on daily living activities. Each condition is assessed in the hypothetical sense by Occupational Health, as if the individual were not receiving/had not received treatment. The ultimate decision on whether a condition may fall under the remit of the Equality Act is made by the Employment Judge, i.e. the legal profession, rather than the medical profession.

Please note, Workplace Adjustments may also be suggested as part of an employee's phased return.

3. Disability

Where an employee is or becomes disabled, either gradually as a result of the onset of an illness, disorder, condition or suddenly as a result of an accident, the line manager/head teacher

must address the issue of what reasonable adjustments could be made to accommodate the employee's needs and facilitate his or her retention in employment. The key objective will be to take all reasonable steps to enable the employee to continue working, or, where there has been a period of absence from work, to resume working, without being at a disadvantage.

Process

Line managers/head teacher's should contact People Management/relevant HR or Payroll Provider at any point for advice or support on any aspects of this process.

1. When workplace adjustments are required the line manager should consider what adjustments may need to be made using advice provided by the Doctor, Occupational Health and the employee (or a mixture of all).
2. The line manager/head teacher will arrange a meeting with the employee to discuss the need for workplace adjustments. This may form part of the Absence and Wellbeing procedure or could be a separate meeting. In the meeting the line manager/head teacher and employee will discuss the following:
 - a. Potential amendments to hours (e.g. reduction of hours or amendment to working pattern)
 - b. Potential amendments to duties (e.g. no manual handling)
 - c. Potential amendments to location of role (e.g. based in an accessible location).
 - d. Length of Workplace Adjustments (if temporary or permanent).
 - e. The use of particular equipment and how the equipment will be maintained and reviewed
 - f. Improving access or facilities
 - g. Permanent Redeployment (possibly on a trial basis).
3. Employees may have a work colleague or trade union representative present at the meeting.
4. The line manager/head teacher should confirm the workplace adjustments in writing within 5 working days using the letter template in Appendix 1.
5. If the Workplace Adjustments requested are not deemed to be reasonable the manager will confirm in writing using the template letter in Appendix 2 within 5 working days and arrange a meeting with the employee to discuss other available options. Advice should be sought from People Management/relevant HR or payroll provider in these situations.
6. Adjustments should be implemented as soon as possible, unless an extension is required due to the scale of the adjustment needed (improving access or facilities).
7. The Workplace Adjustments should be reviewed regularly (at least annually in line with the employees appraisal).

Reasonable Adjustments Procedure

It is important to note that the duty to make reasonable adjustments places the responsibility firmly on the line manager/head teacher to identify and initiate any adjustments. However this should be done in consultation with the employee and they should be given the opportunity to suggest any adjustments for consideration as the manager will not know the specific needs of each employee.

Temporary Adjustments

Temporary adjustments are usually made for employees returning from a period of absence in order to facilitate a return to work. They usually become available through Fit Notes and Occupational Health consultations.

Temporary adjustments, as defined above, are a reduction or amendment to 'tasks' required in an employee's role.

Temporary Adjustments should usually last **no longer than 2 - 4 weeks** and may be part of a phased return. Each case should be considered on an individual basis taking into consideration the medical grounds and impact on service delivery. Temporary adjustments cannot last any longer than 12 months and at this point the adjustments would need to be reviewed to decide if they should be made permanent under the Equalities act 2010. Advice should be sought from People Management/relevant HR provider and Occupational Health provider if the temporary adjustments are likely to exceed 4 weeks.

A letter confirming the Workplace Adjustments should be sent to the employee within 5 working days of the informal meeting. Please see template letter in Appendix 1.

If there are no temporary adjustments available i.e. the required adjustments cannot be accommodated. The line manager/head teacher should discuss this with the employee and keep the employee informed if their required adjustments can be accommodated at a later stage. The employee may be required to remain absent until they are fit enough to return to full duties. Advice should be sought from People Management/relevant HR provider in these situations. To confirm that there are no temporary adjustments available, please send the employee the template letter in Appendix 2.

An informal review of the temporary Workplace Adjustments should take place each week for the duration of the adjustments.

Permanent Adjustments (Reasonable Adjustments)

Workplace adjustments in relation to protected characteristics (i.e. Disability, Religion etc.) are associated with the Equality Act 2010. There is no definitive list of reasonable adjustments that can be made. They depend on the case and what is 'reasonable' (considered to be appropriate and fair).

Under the Equality Act 2010, disabled employees are protected against direct discrimination because of their disability, indirect discrimination in relation to their disability, and discrimination arising from their disability.

A key duty under section 20 of the Act is for employers to make "reasonable adjustments" to working arrangements, working practices and premises whenever these place a disabled employee at a substantial disadvantage in comparison with employees who are not disabled.

The Council/School is committed to take all reasonable steps to avoid a substantial disadvantage caused to a disabled person by a provision, criterion or practice, or a physical

feature. Where an auxiliary aid would avoid a substantial disadvantage to a disabled person, the Council/School will take all reasonable steps to provide that aid.

The Council/School recognises the duty to make reasonable adjustments to working arrangements and premises to accommodate the needs of disabled employees as a statutory duty and the responsibility is firmly on the line manager to identify and initiate any adjustments.

Permanent reasonable adjustments are usually continuous and should be implemented throughout an employee's employment with the Council/School. The permanent adjustments should be monitored and reviewed on a regular basis (usually as part of an employee appraisal and review – approximately every 6 months).

A copy of the reasonable adjustment agreement letter (Appendix 1) should be given to the employee once the reasonable adjustments have been confirmed.

If you would like clarification on the Reasonable Adjustments procedure, please contact the People Management team either via the People Management Portal or on 01228 221231. Or contact your relevant HR provider.

Access to Particular Equipment
(Temporary and Permanent Adjustments)

If an employee requires particular or specialist equipment they will need to complete the [Workstation Assessment and Training](#) on InTouch. Once complete the line manager will then also need to complete the eLearning.

The line manager/head teacher should discuss the assessment with the employee and if there is a significant medical issue which requires specialist or particular equipment they should refer the employee to Occupational Health.

For Schools, please contact your HR provider and/or Occupational Health provider in the first instance for support.

Permanent Redeployment

Where Occupational Health advises that the employee is permanently incapable of carrying out the duties of their current post and recommends that they are redeployed to a reasonable alternative, they will include recommendations about the kind of work the employee should be capable of performing, as well as any particular tasks or duties that should be avoided.

The line manager/head teacher (for community or voluntary controlled schools only) should request access for the employee to the Alternative Employment Programme (AEP). Managers will complete an [authorisation form](#) and sent to the Service Centre via the Service Centre portal. Head teachers will need to contact the Service Centre by email to request the forms and access to the AEP. They should email servicecentre@cumbria.gov.uk.

During this period of seeking redeployment normal sick pay arrangements will apply.

Where redeployment is not immediately or obviously available, the manager/head teacher should arrange to meet with the employee to discuss all of the available options. This may be as part of the absence and wellbeing or capability procedures.

Further Support

Further support is available from **Access to Work** which is a government scheme that offers extra support based on employee's needs. This may include a grant to help cover the costs of practical support in the workplace, buying specialist equipment or getting to and from work.

Please visit: <https://www.gov.uk/access-to-work> for more information and to apply.

Remploy Workplace Mental Health Support Service

To be eligible for this service you need to be in permanent or temporary employment (attending work or signed off) and have a mental health condition (diagnosed or undiagnosed) that has resulted in workplace absence, or is causing difficulties to remain in work.

Tel: 0300 4568114

Email: vocationalrehabilitation@remploy.co.uk

Further information can also be found in the Health and Safety Procedures manual. [Section 17](#) refers to the **Provision and Use of Work Equipment**.

9. Work-related Accidents and Incidents

This guidance aims to support managers/head teachers manage an employee's absence following an accident at work.

A work accident, workplace accident, occupational accident, or accident at work is a "discrete occurrence in the course of work" leading to physical or mental occupational injury.

If there has been an accident at work it is essential that line managers/head teachers follow the appropriate procedures to ensure that the recording and reporting responsibilities of the employer have been completed before starting the Absence Management procedures.

What to do when an employee has an accident at work?

When an employee informs you that they have had an accident at work you need to ensure that all the appropriate steps have been followed, details can be found in the Corporate [Safety Procedure No. 6 – Reporting, Recording and Investigation of Adverse Events](#).

Cumbria County Council (including voluntary controlled and community schools) have a responsibility to record all accidents/incidents and where relevant the County Council Health and Safety Team will ensure that any accidents/ incidents which may be further reportable to the Health and Safety Executive under RIDDOR will be made.

Accident reporting plays a vital part in assessing the effectiveness of the Council/school's safety management arrangements and is an important tool in monitoring and reporting on health and safety performance standards.

There is also a requirement to carry out accident/incident investigations to identify possible root causes and to put in place remedial measures to prevent recurrence. You should seek advice and support from an expert when conducting an investigation such as Health & Safety or a mental health first aider

Should I still follow the Absence Management procedure if the absence is caused by an accident at work?

Where an accident at work has caused an employee to be absent from work then a manager should contact People Management/their HR provider to discuss the case.

It is also important that if an employee is off as a result of an accident for over 7 days then you must notify the Health and Safety Team in addition to ensure that they can review the incident and make any relevant report to the HSE

A manager/head teacher should try to meet with the employee as soon as possible to make sure that the employee receives all the support they may need. The meeting is also the opportunity to discuss the accident and review any details to allow the manager/head teacher to complete their reporting and accident investigation responsibilities to ensure these are complete and accurate.

It is important to ensure that any necessary information is gathered as early as possible whilst this is fresh in the mind, to aid any accident investigation. It is to be noted and communicated to employees that the requirement to gather factual information following any accident/ incident is not to apportion any blame but is vital to enable causes to be identified and remedial actions to be taken.

This type of meeting should be held in a similar way to a support meeting, discussing what support/ information is required, E.g. is an Occupational Health appointment needed?, is a witness statement required? Is there an expected return to work date? Are there any reasonable adjustments which would help the employee to return to work and which stage of the Absence and Wellbeing procedure is the employee currently on, if any.

At this meeting the employee would not be moved onto or progressed further into the Absence and Wellbeing procedure, the purpose of the meeting is to ensure that the employee and Manager have any additional support/ information they need.

It would be expected that all the required investigations would be completed within 4 weeks. In more complex cases this may take longer than 4 weeks, if this is the case the employee will be notified of any delays as soon as possible.

Once the investigations have been completed and the Health and Safety team have reviewed the accident the managers/head teachers will arrange a further meeting with the employee to review the situation and hold the relevant Absence Management meeting as appropriate.

What triggers should I set for an employee who has had an accident at work?

When an employee has had an accident at work managers/head teachers need to ensure that any triggers set in relation to the Absence Management procedure are fair, depending on the accident and the details of the accident report it may be necessary to extend the standards triggers. It is important that managers/head teachers have a conversation with People Management/their HR provider and Health and Safety to ensure that all details are being taken into consideration.

10. Management of Planned and Urgent Medical Treatment

The concept of this guidance is to ensure that appropriate contact and support is maintained throughout the absence but that consideration is given to the circumstances and the management of the case takes into account those requirements.

This guidance provides an overview of the requirements when managing sickness absence which fall into the categories detailed below:

- Time off for operations
 - Operations whereby appointments are controlled by the hospital or the urgency of the health issue, for example broken bones, unplanned admissions into hospital for surgery. (This does not replace paid time off for Hospital appointments and medical screening as detailed in the time off work booklet)
- Serious illness
 - Treatment and/or recovery of life changing diseases/conditions, for example radiotherapy, chemotherapy, dialysis.

This guidance is not intended for use for elective cosmetic procedures where the employee has chosen to undergo surgery for non-medical reasons.

Principles

The County Council/school endeavours to support employees who have experienced significant changes in their health or in relation to surgery which may impact on their ability to attend work on a regular basis over a period of time.

Contact needs to be maintained throughout all absences to ensure that the Council/school is discharging its duty of care to employees absent from work due to sickness. This enables the provision of relevant support and a timely understanding of the health issues to ensure that any advice that is given is appropriate.

Cases defined in the criteria above may require some flexibility in approach in terms of supporting the employee through their illness, recovery and return to work.

Key Principles of managing such cases include:

- Maintenance of supportive contact on a regular basis, taking account of treatments, side effects and recovery times.
- Frequency of contact should be agreed with the employee.
- The review of any sickness absence targets in consideration of medical advice in relation to diagnosis, prognosis and expected recovery time.

Guidance on the above can be sought by submitting an Occupational Health referral. In addition, should managers/Head teachers require any further advice or clarification on this guidance, please raise a ticket on the People Management Portal/contact School's HR Provider.

For any cases that do not fall under the above, managers/Head teachers should refer to the Absence and wellbeing Procedure. The Time off Work Booklet describes various options available for staff who may need time off from work for other reasons

<http://www.intouch.ccc/eLibrary/view.asp?ID=59010>

Should any reasonable adjustments be required in relation to any sickness absence, including the examples above, please refer to 'Guidance on Workplace Adjustments'