



Mayfield Primary School
18. Sickness Absence Procedures

Reviewed Annually

START WITH WHY

Our Vision. Our intention. Always start with why!

Valuing

Every Achievement

Social - Academic - Moral - Personal

We know that intention can be easy words that look and sound effective. Our true intention is one that is enabled and implemented by the actions we take to show that we mean what we say. Mayfield is committed to building a school that is viewed from the children's eyes. We ask ourselves: How will they approach this? What do they already know? What skills will they bring? Which groups require input? How do we need to teach this? What will engage them? How long do they need? What do they need us to teach them now?

So....

we know our children must be the busiest people in any room. Children must have 'active purpose' and we must erase 'learned helplessness'. Our children's starting points are a vital consideration. We must keep teaching groups as small and precise as possible. Their independence and resilience is imperative. Their strong attendance and punctuality is paramount. We want **everyone** to embrace mistakes and never be afraid to learn from them. We will draft, repeat, refine and polish to achieve lasting progress. Learning is not a rapid, one stop shop. We will talk, listen, perform and present to foster confidence. We must rapidly build vocabulary. Marking **must** have a clear purpose, a response and be as 'live' as possible. We are constantly developing a curriculum that meets our children's needs and it must utilise and embrace our unique location. Classroom layout and design is essential. A unique environment must be generated. We must provide a flexible and responsive timetable and lesson structure. Our teachers must adopt and explore many teaching styles. Social times are a chance for new ideas and to be viewed as a new opportunity and we must be insistent and consistent to foster positive behaviours. We are not afraid to change. We will dare to do and learn. We will challenge established thinking.

We will use common sense. We accept the fallibility of being human. We are not perfect.

We are proud to accept and respect everyone.

Enabling

Every Achievement

Genuine. Honest. Passionate. Take our hand. Change the landscape.

*** Mayfield Primary School is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which pupils, parents/carers and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities. We recognise that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age or sexual orientation. ***

**MAYFIELD PRIMARY SCHOOL HAS ADOPTED THE FOLLOWING
ABSENCE RELATED POLICIES AND PROCEDURES CREATED BY
LANCASHIRE COUNTY COUNCIL.**

**GUIDELINES FOR MANAGING SICKNESS ABSENCE IN DELEGATED
SCHOOLS (REVISED AUGUST 2025)**

I. INTRODUCTION

- I.1 Good attendance enhances the service delivered by schools, minimises staffing difficulties and ensures best value to the school. Headteachers have an essential responsibility to monitor attendance, to control absence levels, to encourage good attendance and to support employees with difficulties. Employees have a responsibility to keep any absence to a minimum. These guidelines are intended to create an understanding amongst all employees at the school of the importance of good attendance to the operation, performance and image of the school and to show a commitment to achieving and maintaining a high level of attendance by the application of procedures which can be seen to be fair, consistent and open and within which the Trade Unions/Professional Associations are encouraged to participate.**
- I.2 These guidelines address the following areas in order to achieve significant improvement to levels of attendance.
- Appointments/Induction
 - Monitoring
 - Notification Procedures
 - Management Action
- I.3 The procedures relating to repeated short term and repeated sickness absence and long term sickness absence are set out in separate documents.
- I.4 A commitment to high attendance can be reinforced in a variety of ways through:
- The setting of a school policy in relation to attendance and a commitment to pursue action to achieve this from the School Leadership Team.
 - Introduction of monitoring and management procedures
 - Positive promotion of good health
 - Genuine concern and interest in the health and well being of employees (Further information can be found within [Lancashire Healthy Schools Programme](#), [Model School Work-Related Stress Policy](#), [Well-being Guide](#) and the Health and Safety Executive website (www.hse.gov.uk))
 - For staff suffering from mental health conditions, schools may wish to consider proactive measures such as undertaking a [Wellness Action Plan](#). In addition, staff working in Local

Authority Maintained Schools can be signposted to the [Employee Assistance Programme](#) as well as seeking advice from Occupational Health.

- 1.5 These guidelines have been written on the understanding that the day to day management of attendance is undertaken by the Headteacher, and dismissal decisions are taken by the Attendance and Dismissal Committee of the Governing Board. However, in accordance with the provisions of the Education Act 2002 and its associated School Staffing (England) Regulations 2003 & 2009, the Governing Board may elect to delegate the power to make initial dismissal decisions to the Headteacher. If this is the case, there will be no Attendance and Dismissal Committee. Instead the initial dismissal decision will be taken by the Headteacher, and the appeal referred to the Appeals Committee of the Governing Board.
- 1.6 If this is the case, to preserve the integrity of the managing attendance process, the Governing Board should delegate the responsibility for the day to day management of attendance to another member of the School Leadership Team, thereby leaving the Headteacher available to consider what action should be taken at the end of the formal procedures, including dismissal.
- 1.7 In these cases, any reference to the role of the Headteacher within these guidelines should be taken to mean the member of the school Leadership team responsible for the day to day management of attendance (identified with an asterisk (*) throughout these guidelines).
- 1.8 Nothing in these guidelines shall prevent an employee from exercising their statutory rights under employment law to register a claim with an employment tribunal.

2. POLICY STATEMENT

- 2.1 *"This school is committed to achieving and maintaining a high level of attendance from all employees through the application of good management practice. The School Leadership Team will monitor overall levels of sickness absences regularly, will support employees during periods of sickness and will arrange for confidential reports to be submitted to Governors. Action will be taken in accordance with the guidelines and procedures adopted by the school to deal with unacceptable levels and frequency of sickness absence. All employees must understand the importance of good attendance and ensure that any sickness absence is kept to a minimum and that during any such absence they do not undertake any activity which is incompatible with the illness or which may delay recovery."*

3. CONFIDENTIALITY

- 3.1 Management of sickness absence is a sensitive issue and everybody involved in managing absence must maintain the appropriate level of confidentiality. This means that discussions about an employee's sickness absence levels and reasons and any discussions with or reports from Occupational Health or the employee's GP should be treated in the strictest confidence and only disclosed to those that need to be aware of such information (e.g. the employee's line manager, the nominated person, the Headteacher, members of any Governors Committee convened to consider cases of repeated short term or long term absence). Personal data collected in relation to managing sickness absence should be processed in accordance with the school's data protection policy. In addition, records relating to absence management should be stored in the appropriate place, usually the employee's personal file for paper-based records or the appropriate folder for electronic records.

4. REASONS FOR ABSENCE

- 4.1 Most of the reasons given for absence will relate to illness, but there may be other reasons for absence. In these instances, the School Leadership Team should establish the reasons why people are unable to attend. Some causes of absence may be a symptom of a problem within the school or a domestic difficulty for the employee. Managers should know their employees and be mindful of this when tackling attendance issues.
- 4.2 These guidelines and the associated long term and short term sickness absence procedures are designed to deal solely with sickness absence of the employee. Any absence in relation to the relevant Leave of Absence procedures (e.g. special leave, time off for dependents etc) should be dealt with in accordance with either the procedure for teaching staff or support staff as appropriate.

5. APPOINTMENT PROCESS

- 5.1 Headteachers and managers should be aware of the previous attendance history of candidates for roles in School. Any information should be dealt with sensitively and obtained in a fair and open way through:

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| Recruitment | <ul style="list-style-type: none">• All applicants for posts should be informed of the school policy statement on attendance. |
| Following appointment | <ul style="list-style-type: none">• When a provisional offer of appointment has been made, contact any employment referees for information in relation to the candidate's attendance history over the previous 2 years and ask for details of any live disciplinary warnings for punctuality or absence. NB In accordance with the Equality Act 2010, this information should not be sought before the provisional offer is made• In considering the information provided by the referees, have particular regard to any absence relating to a disability in light of the employer's responsibilities under the Equality Act.• You may need to arrange a further discussion with the candidate to ask specific questions on the reasons for their absences or seek the advice of Occupational Health. |
| Induction | <ul style="list-style-type: none">• A copy of the school policy statement on attendance and the absence notification procedure should be made available to all existing employees and new appointments to posts at the school.• During the induction period, reinforce the notification procedure and the consequences that follow if that procedure is not adhered to and reinforce good attendance as a positive aim of the school.• For support staff subject to probationary periods, prior to confirmation of appointment, carefully review any periods of absence (extending the probationary period where necessary) or, in extreme cases, take steps not to confirm the appointment. |

6. DISABILITY DISCRIMINATION - EQUALITY ACT (2010)

- 6.1 The Equality Act describes a disability as “A physical or mental impairment which has a substantial and long-term adverse effect on the person’s ability to carry out normal day to day activities”.

- 'substantial' is more than minor or trivial, e.g. it takes much longer than it usually would to complete a daily task like getting dressed
- 'long-term' means 12 months or more, e.g. a breathing condition that develops as a result of a lung infection
- a person is automatically considered to have a disability from the point of diagnosis with HIV, cancer or multiple sclerosis.

6.2 Disability discrimination can occur in any of the following instances:

- When a person with a disability is treated less favourably than someone else because of their disability
- A person with a disability is treated unfavourably because of something arising in consequence of that person's disability and the unfavourable treatment is not a proportionate means of achieving a legitimate aim. The employer must know, or could reasonably have been expected to know, that the person had a disability at the time of the unfavourable treatment for this to constitute disability discrimination.
- When there is a failure to make reasonable adjustments and take reasonable steps to:
 - avoid the substantial disadvantage where a provision, criterion or practice applied by or on behalf of the employer puts a disabled person at a substantial disadvantage compared to those who are not disabled;
 - remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared to those who are not disabled.
 - provide an auxiliary aid (which includes an auxiliary service) where a disabled person would, but for the provision of that auxiliary aid, be put at a substantial disadvantage compared to those who are not disabled.

6.3 Headteachers and nominated persons must be mindful of the Equality Act when dealing with sickness absence matters. Further advice and guidance can be obtained from the Schools' HR Team.

7. "NOMINATED PERSON"

7.1 The school should identify a "nominated person(s)" who may be the Headteacher, Deputy Headteacher, or other senior person(s) from the School Leadership Team according to the size/organisational arrangements of the school. There must be clarity amongst all employees as to the nominated person(s) and the employees they are responsible for. It may be appropriate, in a large school, for more than one member of the Leadership Team to be nominated or one nominated person for teaching staff and another for support staff. Any "nominated person" will need to be sensitive to the difficulties employees face in relation to sickness absence and will need to access confidential attendance and sickness records to carry out their role. The "nominated person" may carry out the following functions for all employees for whom they have responsibility:

- be aware of the absence record of each employee – a Manager's Monitoring form for recording absence levels is contained at Appendix A
- be the contact point for monitoring/the notification procedure
- ensure that employees are aware of and comply with the absence reporting arrangements
- conduct return to work discussions with employees in respect of all absences (see paragraph 12)
- seek to assist employees in need of support
- refer to the Headteacher* cases which are a potential cause for concern, in accordance with "trigger points" adopted by the school.
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8. TRIGGER LEVELS

- 8.1 It is recommended that the school sets "trigger levels" for sickness absence. Trigger levels are the point within an employee's sickness absence record at which management action may be taken to improve attendance levels. All employees should be made aware of the trigger levels and the consequences of their sickness absence levels reaching the trigger levels. The following trigger levels are commended to schools:

10 working days sickness absence and/or 4 periods of sickness absence in a rolling period of 12 months

- 8.2 For employees working fewer than 5 days per week, the trigger level of 10 working days should be applied on a pro-rata basis. The 10 working days represent the equivalent of an employee's working pattern for two weeks. For the purposes of the trigger levels, a working day would be any day that the employee is due to work, whether that be a full day or part of a day. For example, the trigger level for a 0.5fte employee working 2.5 days per week (Monday, Tuesday and Wednesday morning) would be 5 working days or 4 periods of sickness absence in a rolling period of 12 months. However, if the 0.5fte employee instead worked 5 shorter days, the trigger level would be 10 working days or 4 periods of sickness absence in a rolling period of 12 months, because their normal working pattern is 10 working days over two weeks.
- 8.3 The trigger level for the number of periods of sickness absence is 4 periods within a rolling 12 month period for all employees regardless of part time or full time status.
- 8.4 If the Governing Board wishes to amend the trigger levels, then they must ensure that they consult with staff and trade unions prior to taking a decision to do that.
- 8.5 The purpose of setting trigger levels is to provide a mechanism for managing short term or repeated absence. All sickness absences, including long term absences, count towards the trigger levels. However, it may not be appropriate to take action under the Short Term and Repeated Absence Procedure against an employee who has only had one long term absence and no history of other sickness absences.
- 8.6 Disability related absences are counted towards trigger levels under the school's sickness absence arrangements. Where absences become a cause for concern, Headteachers* need to make a reasonable decision on what, if any, action would be appropriate under school procedures. This decision will be informed by factors such as the nature of the person's condition, whether they are adjusting to the condition or to treatment for it, the frequency of absences, length or duration of absences, the nature of the job, effects on the school and other relevant factors. Headteachers* must also consider if other reasonable adjustments might reduce the need for the person to be absent.

9. MONITORING AND RECORDING

- 9.1 Accurate records and meaningful, statistical information are vital to the process of managing attendance. All Headteachers* should be able to answer the following questions:
- How much absence exists in my school?
 - What form does it take? Consider patterns of absence/reasons for absence.
- 9.2 Records will be very useful to establish whether patterns of absenteeism exist. This information can be used to determine trends in sickness absence, (e.g. persistent higher levels of absenteeism at certain times as well as potential problem areas where the frequency of attendance is unsatisfactory and may require particular attention). Appendix B provides examples of how sickness absence levels can be analysed.
- 9.3 The Senior Leadership Team/Governing Board should receive regular reports on levels of sickness absence within the school.

- 9.4 The School processes personal data, including special categories of data, collected and processed during the absence management process in accordance with the School's Data Protection Policy. In particular, data collected as part of the absence management process and any subsequent stages of action under the Repeated Short Term Absence Procedure and the Long Term Sickness Absence Procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the procedures. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's Data Protection Policy. It may also constitute a disciplinary offence, which will be dealt with under the school's Disciplinary Procedure.
- 9.5 In the case of a 'mental health emergency' it may be appropriate to share information with the relevant emergency service and/or next of kin. A mental health emergency is defined by the Information Commissioners Office as a *"situation in which you believe that someone is at risk of serious harm to themselves, or others, because of their mental health. This can include the potential loss of life"*. There may be some situations when it is **not** appropriate to share information with the employee's next of kin and therefore judgement would need to be called in each situation. More information can be found on the ICO's website here [Information sharing in mental health emergencies at work | ICO](#). Advice can also be sought from the Schools HR Team

10. ABSENCE OF THE HEADTEACHER

- 10.1 The Chair of Governors will be the nominated person in respect of the Headteacher's absence and will monitor the absence. They should ensure that the absence is recorded in the same way as it is for all other staff, and that any referral to Occupational Health is undertaken without unnecessary delay. In addition, they should ensure that return to work interviews are undertaken after each period of absence. If queries or concerns arise in relation to the absence of the Headteacher, these should be directed to a member of the Schools' HR Team, who will liaise with the Chair of Governors regarding further action to be pursued under these guidelines and their associated procedures.

11. NOTIFICATION PROCEDURE

- 11.1 The school must make internal arrangements to ensure that absence is recorded correctly using the online absence recording system and that the appropriate documentation relating to sickness absence, including medical certificates is obtained and maintained.
- 11.2 The nominated person should ensure that all employees are aware of the procedures to be followed when reporting their absence.

What should happen if an employee does not attend for work?

1st working day

- the employee must contact the nominated person(s)/the school office/other contact approved by the school by _____ am at the latest, to enable alternative staffing arrangements to be put in place. The school will need to ensure that there are adequate arrangements in place for contact to be made. **Only in exceptional circumstances is it appropriate for someone other than the employee to contact the school to report a sickness absence.**
- the employee must give brief details of the reason for absence, the date the absence commenced, the likely duration of the absence, whether it is related to an accident or injury at work and whether any medical attention has been sought. This information should be recorded by the nominated person and inputted onto the online absence recording system.

- After 3 days**
- if the absence continues, the employee must make further contact with the nominated person regarding their absence giving, if possible, an indication of likely return date and information relating to any medical advice that has been obtained.

NOTE For all absences beyond three calendar days (including weekends), the employee must complete a Self Certification Form upon their return to work.

- After 7 calendar days**
- a medical certificate must be forwarded to the nominated person, who will ensure it is forwarded to the School Office.
- Longer term absence**
- During periods of long term absence, employees have a responsibility to keep the school informed of progress through the nominated person. The school should also maintain contact and, where appropriate, arrange to meet with the employee to review the sickness absence. The purpose of such contact is to enquire as to the employee's health and recovery, to ascertain whether a return to work is likely in the near future and to identify any support or adjustments that could be made to facilitate an earlier return to work. Any contact with the employee should be handled sensitively to avoid the perception that the employee is being pressurised or harassed.

12. RETURN TO WORK DISCUSSION

12.1 Following any period of sickness absence, employees must, immediately before or upon return to work, report to the nominated person, who will arrange a return to work discussion. This shows:

- a commitment to the management of attendance;
- that the employee will need to explain their absence to you;
- that you are being consistent.

12.2 The purpose of the return to work discussion is to

- discuss the overall sickness absence record of the employee;
- discuss the reason for absence;
- seek to establish underlying problems – either work-related or personal;
- establish if the employee is seeking the appropriate (medical) treatment/ intervention. Bear in mind the need for confidentiality in relation to this. An employee may not wish to disclose full details of any medical condition. If this is the case, you may wish to consider a referral to Occupational Health for advice (if appropriate);
- be sensitive to the reasons for absence and be in a position to offer support/ advice/practical assistance - this may require referral to other sources e.g. OH, trade unions;
- if the absence is disability related, consider any reasonable adjustments that may be appropriate to enable the employee to maintain attendance at work;
- ensure the employee is fit enough to return to full duties. If there is any cause for concern, the nominated person should refer the matter to the Headteacher* who should seek the advice of a member of the Schools' HR Team;
- If the employee has reached a trigger level, they should be informed that the matter will be referred through to the informal stage of the Short Term and Repeated Absence Procedure, known as the 'Headteacher Discussion'. If the employee is already being monitored under the informal or formal stage of the Short Term and Repeated Absence Procedure, they should be informed that further action under that procedure may follow;
- brief the employee on any current work issues.

NB. It is not appropriate to discuss other procedures (e.g. disciplinary, capability) with the employee during the return to work discussion.

12.3 The nominated person should

- ensure that this discussion is confidential and conducted in private at a convenient time;
- be aware that the return to work discussion should be supportive and informal. Although in some cases it is an opportunity to point out the frequency/pattern of absence which may be leading to concern;
- Ensure that a record of the return to work discussion is taken (an example form to use can be found at Appendix C).

12.4 In the case of absences of the Headteacher, the return to work discussion should be conducted by the Chair of Governors, following the guidance outlined above.

13. OCCUPATIONAL HEALTH (OH)

13.1 The role of OH is to provide advice and guidance to managers to assist in the management of sickness absence cases. Once a referral to OH is made, an assessment of the employee will be made either face to face or over the telephone. A report of the assessment will be provided. OH can also undertake ergonomic risk assessments within the employee's workplace if appropriate.

13.2 An employee may be required to attend an appointment with OH where it is considered that their illness/injury negatively impacts on their ability to attend work or undertake their duties. Referrals to OH can take place in cases involving both long term and short term sickness absence. The OH is generally able to carry out the appointment within 14 days of referral.

13.3 In order to go ahead with the appointment, OH will ask the employee if they consent to the appointment and therefore it is advised that the following guidance is adhered to prior to the referral being submitted to reduce the risk of the OH cancelling the appointment due to a lack of consent:

- Have a clear reason for the referral and discuss this with the employee, including what background information will be supplied (e.g absence record, any specific concerns about performance or work capability and/or conduct that could be underpinned by a health related issue) and the types of questions that are being asked. Ideally provide this information in writing to the employee and ask for them to reply so that there is no dispute regarding what had been discussed with them in advance and whether they have consented, however at the very least consent must be given verbally. Remember OH will share this information with the employee, therefore it is crucial that the employee has been informed about the reasons for the referral and confirmed that they agree to the referral process.
- Provide the employee with information regarding what will happen at the appointment;
- Advise the employee to ensure they have use of a private room and that they have details of their medication and medical appointments;
- Obtain both a landline and mobile number for the employee which they are happy for OH to use;
- If the employee uses a 'call barred list' on their phone, advise them to review the settings to ensure the OH number is not barred. Ensure the employee is aware that the call will be from an unknown number;

- Explain to the employee that on receipt of the report a meeting may be arranged which may require sharing the report with a HR colleague;

13.4 If the employee does not consent:

- Explain to the employee that it is part of their Terms and Conditions of employment to engage with the Occupational Health process;
- Explain that if they don't attend the appointment or if they withdraw their consent then management decisions may need to be made regarding their capability for their role without the benefit of medical advice which is unlikely to be in their best interest (consideration of support and adjustments may be more limited without greater knowledge of their health);
- Explain that if there is insufficient evidence to support their ability to sustain regular attendance or return to work (if they're on long term sick) then decisions may need to be made based on the employee's absence record/performance to date, without the benefit of medical advice, which could ultimately put their employment at risk.

13.5 When referring an individual for an OH appointment, the arrangements set out in Section 4 of the Long Term Sickness Absence Procedure should be followed. The Schools HR Team have also provided some additional guidance on making an effective referral to OH [here](#).

13.6 Any medical report should be considered when deciding future management action. The contents of the report can be shared with the employee if requested.

14. FURTHER ACTION

14.1 Absence levels/patterns giving cause for concern will usually fall into 3 categories:

- Repeated or frequent sickness absence which may include short and long term periods of absence
- Long term absence due to permanent incapacity
- Longer term absence where condition is not of a permanent nature

14.2 These cases will be dealt with under the Short Term and Repeated Sickness Absence Procedure or under the separate Long Term Sickness Absence Procedure as appropriate.

14.3 In circumstances where there are reasonable grounds to believe that the employee is abusing the sickness absence scheme, normal disciplinary procedures will be applied. Examples of such circumstances include:

- failure to follow the sickness notification procedure without good reason
- failure to provide medical certificates when required to do so
- falsification of self-certification or medical certificates
- undertaking other employment or engaging in any activity incompatible with the illness or which may delay recovery or aggravate the illness
- failure to attend OH when required without an acceptable explanation

14.4 Such circumstances may also lead to the cessation of pay under the Occupational Sick Pay Scheme.

15 CRITICAL OR TERMINAL ILLNESS

- 15.1 School may be informed that an employee has been diagnosed with a critical and/or terminal illness in a number of ways, e.g. by the employee themselves, their spouse, a colleague or OH. Headteachers are advised to think carefully about where the information has come from and how reliable and accurate it is before considering what action may be necessary.
- 15.2 Whilst employers have no (absolute or contractual) right to know confidential medical information about an employee's illness, Headteachers are advised to seek appropriate medical advice in order to determine what support may be available to the individual, whether they are attending work or absent. It is therefore imperative that employees are referred to OH at an early stage. Advice should also be sought from a member of the Schools' HR Team.
- 15.3 It is important that the referral to OH is discussed with the employee and to outline the reasons for the referral and to provide as much reassurance as possible that the referral is a supportive measure for the employee.
- 15.4 In addition, Headteachers are also advised to ask the employee directly what support they may require from the school. Any supportive measures will depend on whether the employee is continuing to attend work or if they are absent and may include:

Employees attending work whilst suffering from a critical and/or terminal illness:

- A discussion with the employee about how much information they would like colleagues to know and how they would like this to be communicated.
- Referral to OH and an open discussion with the employee regarding the OH report
- It is likely that the condition will fall within the scope of the definition of disability within the Equality Act 2010 and therefore you must seek advice on what, if any, reasonable adjustments should be made to the workplace (see paragraph 6 above regarding the Equality Act and reasonable adjustments). Advice can be sought from OH regarding reasonable adjustments.
- Hold regular discussions with the employee in order that you can review the support being provided in light of any changes to their condition. Keep a record of these discussions and support offered.
- Maintain honest and open communication. There may come a point when it becomes no longer feasible for the employee to remain in work and it is important that this is handled sensitively and in accordance with the sickness absence procedures adopted by your school.
- Allow time off for medical investigations and treatment.
- **If the employee is terminally ill or is likely to become, or becomes, permanently unfit for work they should be advised to seek advice regarding their pension from their relevant pension provider. Headteachers should seek advice from the Schools' HR Team and arrange a meeting as per paragraph 15.6 below.**

Employees absent from work as a result of suffering from a critical and/or terminal illness:

- Contact with the employee should be maintained and the method of contact (e.g. telephone, home visits, cards, e-mail), frequency of contact and contact person at school should be agreed with the employee. In some cases it may be that the employee does not wish to have direct communication with the school and in those circumstances agreement should be reached with the individual as to who should maintain contact on their behalf (e.g. relative, friend or Trade Union Representative).
- A discussion with the employee about how much information they would like colleagues to know and how they would like this to be communicated.
- Referral to OH and an open discussion with the employee regarding the OH report.

- Advise the employee to contact their Trade Union for advice and guidance in relation to their employment situation. The Schools' HR Team work very closely with the recognised trade unions and would encourage their involvement in any discussions regarding an individual's future employment. All employees are procedurally entitled to be represented at any formal meetings which may be convened to discuss an employee's absence from work.
 - **If the employee is terminally ill or is likely to become, or becomes, permanently unfit for work, they should be advised to seek advice regarding their pension from their relevant pension provider. Headteachers should seek advice from the Schools' HR Team and arrange a meeting as per paragraph 15.6 below.**
 - If the employee is deemed fit for work, either because they are recovering from their illness or they are receiving treatment which has brought the condition under control to the extent that they are able to return to work, then further advice should be sought from OH as to what support can be offered to the employee on their return and what reasonable adjustments may be required. It may also be advisable to arrange for OH to conduct a Workplace Assessment with the employee upon their return to work.
- 15.5 The above list of suggestions is not exhaustive. There are many other ways to demonstrate support such as sending cards or flowers, inviting the employee to special events and encouraging other colleagues to keep in touch if the employee wishes.
- 15.6 **If the employee is terminally ill or is likely to become, or becomes, permanently unfit for work, a meeting with the employee and their family/representative may be arranged and advice sought from a member of the Schools' HR Team. This should be done as soon as practicable to ensure that the employee and their family and dependents are able to access pension benefits as soon as possible.**
- 15.7 In order for employees in the Local Government Pension Scheme and the Teachers' Pension Scheme to access an ill health retirement, medical evidence needs to be provided. In cases of terminal illness, the medical information needs to indicate life expectancy. Further guidance on ill health retirement and how to apply is on the Schools Portal ([Teachers](#)) ([Support Staff](#)).
- 15.8 Approaches may be made by other parties enquiring about the health of the employee, e.g. parents, pupils, external visitors, members of the public and the media. Any enquiries should be handled in such a way as to maintain confidentiality and to protect the dignity of the employee concerned. Any enquiries from the press must be directed to the County Council's Corporate Communications who will deal with such enquiries on the school's behalf.
- 15.9 Do not underestimate the impact the situation will have on other colleagues. They are likely to be distressed by the news that a colleague is seriously ill and may react in unexpected and uncharacteristic ways. They may also be distracted by the news and therefore it is imperative that such news is delivered in such a way as to protect the health and safety of children within their care.
- 15.10 Consideration should also be given regarding any additional duties staff may need to carry out as a result of their colleague being absent or changes to their duties/working arrangements.
- 15.11 Returning to work after a cancer diagnosis or a long term critical illness can seem daunting and stressful. Many employees may not receive medical advice about when to come back and so are left to make this decision alone. Getting the right support from school can make a big difference to the success or otherwise of a return to work.
- 15.12 Prior to holding a return to work meeting with the employee (see paragraph 12 above), it is advisable for Headteachers to arrange a meeting with the employee a week or two before their return to help alleviate any concerns they might have about returning to work and agree a return to work plan. It may be the case that the employee can only undertake restricted duties initially and a phased return to work may be appropriate. A referral to OH will inform the basis for the return to work and it may be

appropriate to arrange for a workplace assessment to be conducted with the employee upon their return to work.

- 15.13 In the event of death, Headteachers need to be mindful of the impact this could have on colleagues some of whom may be affected more than others. It is therefore important to ensure that news of this nature is shared in a sensitive and timely manner taking into account the likely impact on staff and pupils. Any unnecessary activities that are due to take place imminently should be postponed wherever possible to allow staff and children time to come to terms with the news. In some cases it may be appropriate to seek support from the Local Authority's [**Critical Incident Psychological First Aid team**](#).
- 15.14 Trauma support and trauma focused counselling can also be accessed by the County Council's OH provider, Optima Health. This can be provided on an individual or team basis. For full details of how to access and make use of this service see [here](#).
- 15.15 Employees can also be directed to [Cruse Bereavement Care](#) a national charity providing bereavement support by telephone, email or website.
- 15.16 In addition, it is also important to contact the [Schools' HR Team](#) for further advice in relation to commencing the [Death in Service](#) procedure and in order to ensure the employee's salary and pension are dealt with appropriately and promptly.

**STRICTLY CONFIDENTIAL
MANAGING SICKNESS ABSENCE IN SCHOOLS**

MANAGER'S MONITORING FORM

TEAM/DEPARTMENT

MANAGER'S NAME/DESIGNATION

EMPLOYEE'S NAME.....

DATE(S) OF SICKNESS ABSENCE	REASON	TOTAL NUMBER OF WORKING DAYS	CUMULATIVE TOTAL

1.1 NOTES

1. The current trigger levels recommended to schools by Lancashire County Council are either 10 working days and/or 4 periods of absence in any rolling 12 month period. (See section 8 for further details relating to part time employees).
2. For the purpose of monitoring sickness absence on this form count only actual working days lost (excluding weekends/bank holidays).

ANALYSIS OF SICKNESS ABSENCE

These calculations should be made using periods of sickness absence only and not leave of absence, which should be dealt with under the appropriate Leave of Absence procedure for teachers or support staff.

Sickness absence can be recorded and analysed in a number of ways and the approach taken by an individual school will depend very much on the staff complement.

The most straightforward method of making comparisons is:

Average annual days absence per employee over a period

$$\frac{\text{Total sickness absence days}}{\text{Total number of employees}}$$

- NOTE**
- (i) Include all employees both full-time and part-time.
 - (ii) It can be helpful to break this down by Department/categories of employees/male/female.

There are other methods which can provide more sophisticated analysis. Examples of these include:-

Percentage of total time lost in a specified period (a term/a year) due to sickness (Lost Time Rate).

$$\frac{\text{Total days sickness absence}}{\text{Possible total working days available}} \times 100$$

- NOTE**
- (i) Figures should be calculated in respect of all days' absence/availability for both full-time and part-time employees.
 - (ii) Each employment category will have to be calculated separately - Possible working time available excludes average annual leave, weekends, statutory and extra-statutory holidays
 - (iii) This figure can be broken down by Department/employment category/male/female.
 - (iv) Short term and long term absence percentages can be calculated by viewing all absences of for example three weeks or less as short term

Average number of separate absences per employee irrespective of duration (Frequency Rate)

- this indicates whether absence is due mainly to long term or short term absence

$$\frac{\text{Number of spells of sickness absence in period}}{\text{Total number of Employees}}$$

- NOTE**
- (i) This figure can be broken down by Department/employment category to provide more meaningful comparison

Number of employees who had any period of absence over the period shown as a percentage (Individual Frequency Rate)

- This indicates whether absences are spread or concentrated with a small number of employees.

$$\frac{\text{Number of employees having one or more periods of sickness absence in the period}}{\text{Number of employees}} \times 100$$

STRICTLY CONFIDENTIAL**GUIDELINES FOR MANAGING SICKNESS ABSENCE IN SCHOOLS****RECORD OF RETURN TO WORK DISCUSSION****EMPLOYEE'S NAME****ROLE****DATES OF SICKNESS ABSENCE:** FROM TO**SELF CERTIFICATION FORM COMPLETED FOR ABSENCE** YES / NO***If NO, has a medical statement of fitness for work been provided* YES / NO**INTERVIEW CONDUCTED BY****NUMBER OF PERIODS OF SICKNESS ABSENCE IN THE PAST 12 MONTHS****NUMBER OF WORKING DAYS LOST TO SICKNESS ABSENCE IN THE PAST 12 MONTHS**
.....**TRIGGER LEVELS MET** YES / NO*NB: Trigger Levels: 4 periods of absence or 10* working days (*pro rata for employees who do not work 5 days per week) within a rolling 12 month period.*

The employee should be invited to express any concerns that they may have which might have caused the absence, including any longer term disability issues. Refer to the guidance notes overleaf when conducting the discussion and completing this form.

A) Summary of interview comments: (Please continue on separate sheet if required)

.....

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.....

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B) Action discussed with employee:

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I confirm that this is a true and accurate record of the return to work discussion.

Signed: (Line Manager) **Date:**

Signed: (Employee) **Date:**

GUIDANCE NOTES

This form should be completed by the line manager and signed by both parties to confirm that it is a true and accurate record. A copy of the form should be provided to the employee.

Section A

In accordance with the School's sickness absence procedures, an employee must report to their line manager (or other nominated contact, who may be the Headteacher) following any period of sickness absence.

At Section A, the manager should:

- ☐ ensure that the employee is fit to return to work
- ☐ discuss the reason for absence, and whether it is related to previous absences
- ☐ discuss whether work was in any way a contributory factor and if so, any measures that can be used to mitigate this in the future (if appropriate)
- ☐ discuss whether there are any issues regarding sexual or other forms of harassment (if appropriate)
- ☐ discuss any support or assistance that can be provided to the employee to enable them to sustain regular attendance in the future (if appropriate)
- ☐ discuss whether a stress risk assessment (in the case of work-related stress) or [Wellness Action Plan](#) is necessary (in the case of other mental health issues)
- ☐ signpost the employee to the [Employee Assistance Programme](#) (in the case of Local Authority Maintained Schools).

☒ *tick when completed*

Section B

Describe here any action discussed with the employee e.g.:

- employee to seek medical advice from their own GP to determine why symptoms recur (if appropriate);
- consideration of any reasonable adjustments to the work situation;
- OHU referral (if appropriate);
- Inform the employee if they are approaching or have met the trigger levels and of the consequences of this;

Confidentiality

This document should be retained on the employee's personal file. If the document is retained electronically, it should be retained in the appropriate file/folder.

LANCASHIRE COUNTY COUNCIL

SHORT TERM AND REPEATED SICKNESS ABSENCE PROCEDURE

A MODEL POLICY FOR ALL STAFF IN SCHOOLS WITH

DELEGATED BUDGETS (REVISED AUGUST 2025)

1. PURPOSE

- 1.1 This model procedure provides a framework for schools to manage cases of short term and repeated sickness absence. The procedure is intended to give clear guidance to all parties in dealing with frequent sickness absences.

2. APPLICATION

- 2.1 This procedure has been adopted by the Governing Board and applies to all staff employed in Mayfield Primary School.

- 2.2 This procedure has been written on the understanding that the day to day management of attendance is undertaken by the Headteacher (or nominated person), and dismissal decisions are taken by the Attendance and Dismissal Committee of the Governing Board. However, in accordance with the provisions of the Education Act 2002 and its associated School Staffing (England) Regulations 2003 & 2009, the Governing Board may elect to delegate the power to make dismissal decisions to the Headteacher. If this is the case, there will be no Attendance and Dismissal Committee. Instead the dismissal decision will be taken by the Headteacher, and the appeal referred to the Appeals Committee of the Governing Board. For further details, see Appendix D. If the responsibility for dismissal decisions rests with the Headteacher, to preserve the integrity of the managing attendance process, the Governing Board should delegate the responsibility for the day to day management under this procedure to another member of the School Leadership Team, thereby leaving the Headteacher available to consider what action should be taken at the end of the formal procedures, including dismissal.

In these cases, any reference to the role of the Headteacher within this procedure should be taken to mean the member of the School Leadership Team responsible for the day to day management of attendance (identified with an asterisk (*) throughout this procedure).

- 2.3 **In this school, the responsibility for dismissal decisions rests with the Headteacher/the Attendance and Dismissals Committee of the Governing Board** (*delete as necessary*).
- 2.4 Nothing in this procedure shall prevent an employee from exercising their statutory rights under employment law to register a claim with an employment tribunal.

3. SICKNESS ABSENCE TRIGGER LEVELS

- 3.1 Action should be considered under this procedure when an employee's level of sickness absence reaches the trigger levels. The recommended trigger levels for school staff are:

**10* working days sickness absence and/or 4 periods of sickness absence
in a rolling period of 12 months** (*pro-rata for part-time employees who work fewer than 5
days per week)

- 3.2 A quick reference guide to the short-term and repeated absence procedure is [here](#).
- 3.3 Disability related absences are counted towards trigger levels under the school's sickness absence arrangements. Where absences become a cause for concern, Headteachers* need

to make a reasonable decision on what, if any, action would be appropriate under School procedures. This decision will be informed by factors such as the nature of the person's condition, whether they are adjusting to the condition or to treatment for it, the frequency of absences, length or duration of absences, the nature of the job, effects on the school and other relevant factors. Headteachers* must also consider if other reasonable adjustments might help reduce the need for the person to be absent and whether these adjustments are being awaited.

- 3.4 Absences due to pregnancy related reasons must not be counted towards trigger levels under the school's sickness absence arrangements.

4. GENERAL PRINCIPLES

- 4.1 This procedure should only be used to resolve absence relating to the sickness of the employee. Absence relating to the provisions of the [Leave of Absence Policy](#) should be counted and dealt with separately.
- 4.2 The application of this procedure can be considered regardless of whether the employee provides a fit note to cover their sickness absence or not.
- 4.3 This procedure assumes that all sickness absence is genuine. It is inevitable, therefore, that this procedure will be applied to employees with genuine health problems and therefore the various steps as set out should be handled sympathetically.
- 4.4 Advice in relation to conducting meetings with the employee under this procedure is set out in Appendix A.
- 4.5 Headteachers and managers must ensure that there is consistency of approach and standards in dealing with all employee absence issues.
- 4.6 Frequent periods of sickness absence may arise from a health problem, which may be caused by personal or work related issues. Each case will need to be considered on an individual basis having regard to:
- the nature of the illness or disability;
 - frequency and pattern of absence;
 - overall absence record;
 - operational needs of the school;
 - impact of the absence on other employees.
- 4.7 Where the absence(s) is due to a condition that could be classed as a disability under the Equality Act 2010, advice should be sought from the Schools HR Team in relation to the application of this procedure.
- 4.8 Where necessary, professional help should be sought to deal with specific problems. Other procedures exist and should be considered when dealing with employees with alcohol or drug related problems.
- 4.9 It is not necessary to obtain medical evidence confirming the employee's condition when first applying this procedure. In instances where short term, unrelated illnesses are the reasons for absence, there is nothing necessarily to be gained by obtaining a medical opinion. If, however, the illnesses indicate that there could be an underlying cause which has not already been addressed, then a referral to the Occupational Health (OH) may be considered, which may provide advice on a course of action which could result in an improvement in attendance. For initial advice in relation to this procedure, it is suggested that Headteachers* consult with AskHR or the Schools HR Team.
- 4.10 If it becomes clear, at any stage in the application of this procedure, that permanent incapacity to carry out the appointed duties on ill health grounds is the underlying issue, then the procedure will be suspended, independent medical advice sought and the Long Term Sickness Absence Procedure followed.

- 4.11 An employee, whilst not permanently incapacitated, may be absent due to a specific condition (e.g. hysterectomy, broken leg) which may result in a lengthy absence, but which is obviously finite and where the application of the formal stages of this procedure may not be appropriate. The purpose of this procedure is to provide a framework within which Headteachers* are able to exercise discretion according to the particular circumstances of the absence.
- 4.12 The time limits outlined within this procedure should be adhered to unless exceptional circumstances apply.
- 4.13 It must be recognised that the final outcome of a process for dealing with frequent sickness absence may be dismissal. Whilst warnings or cautions may seem incompatible with sickness absence, they are essential when the conclusion of the procedure may be the termination of the employee's employment. At the final stage of this procedure, a reasonable employer is entitled to decide that termination of employment is the only reasonable course of action. However, advice must have been provided, procedures must have been followed and the employee must have been given sufficient warning of this outcome in the event that their attendance does not improve when, over a period of time, efforts to improve their levels of attendance have not been successful.
- 4.14 Where any action under this procedure may have implications for an employee's salary or their continued employment, they should be advised to seek advice from their trade union. At any meeting convened under this procedure, the employee may be accompanied by a work colleague or trade union representative.
- 4.15 Any decision to terminate employment arising from this procedure must be preceded by:
1. A review of the employee's attendance record and reasons for absence.
 2. A medical report.
 3. Opportunity for the employee to make representations regarding their sickness absence.
 4. Appropriate warnings that dismissal may occur if attendance does not improve within a specified period.
- 4.16 This procedure is separate from the Disciplinary and Capability Procedures.
- 4.17 If any employee considers that they have been treated unfairly or inconsistently under this procedure, they have the right to pursue a grievance under the school's Grievance Procedure. It should be noted, however, that the submission of a grievance will not automatically result in this procedure being halted.
- 4.18 The School processes personal data, including special categories of data, collected and processed during the absence management process in accordance with the School's Data Protection Policy. In particular, data collected as part of the absence management process and any subsequent stages of action under the Short Term and Repeated Sickness Absence Procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the Short Term and Repeated Sickness Absence Procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's Data Protection Policy. It may also constitute a disciplinary offence, which will be dealt with under the school's Disciplinary Procedure.
- 4.19 In the case of a 'mental health emergency' it may be appropriate to share information with the relevant emergency service and/or next of kin. A mental health emergency is defined by the Information Commissioners Office as a *"situation in which you believe that someone is at risk of serious harm to themselves, or others, because of their mental health. This can include the potential loss of life"*. There may be some situations when it is **not** appropriate to share information with the employee's next of kin and therefore judgement would need to be called in each situation. More information can be found on the ICO's website here [Information sharing in mental health emergencies at work | ICO](#). Advice can also be sought from the Schools HR Team.

5. HEADTEACHER* DISCUSSION

NOTE: This discussion should take place with the member of the School Leadership Team that is responsible for the day to day management of attendance where the Governing Board have delegated responsibility for dismissal decisions to the Headteacher.

5.1 Normally the stages below would be followed sequentially. However, if an employee has previously progressed through the informal Headteacher Discussion stage or formal stages and action has ceased following satisfactory attendance within the review period, but within a 12 month period of the date of the end of the monitoring period further action is again considered necessary, the procedure may be recommenced at the next stage of the procedure. Where there has been a twelve month period of acceptable attendance, any subsequent action would recommence at the informal stage of the procedure.

5.2 Following the referral of an employee to the Headteacher* where the level of sickness absence is viewed as a cause for concern, i.e. the amount of absence/frequency of absence reaches the trigger points adopted by the School, the Headteacher* should arrange a meeting with the employee, who may be accompanied by a work colleague or trade union representative, at which they are:

- informed of the level/frequency of absence and the effects on the operation of the school and on other employees;
- given an opportunity to explain the absences, identify reasons and discuss reasonable adjustments. Attention may also be drawn to the support available through trade unions. Where the absence is disability related, discuss any reasonable adjustments that may be appropriate to enable the employee to maintain their attendance at work.
- made aware that their absence level is unacceptable, that improvement is necessary and that continued unacceptable absence could lead to formal warnings and ultimately dismissal.
- Where appropriate, set a target for improved attendance (e.g. no sickness absence within a term), the terms of which should be clearly explained to the employee. A date should be set when the situation will be reviewed.
- Inform the employee that further deterioration in absence frequency/levels during the review period will result in the review date being brought forward and that if the target is not met or there is a further period of absence during the review period beyond the target set, it may lead to action under the formal stage of the procedure.

5.3 The outcome of the discussion should be set out, in writing, to the employee to ensure clarity and the position should be monitored and reviewed. An example proforma for recording the meeting is available at Appendix B.

5.4 Where the informal Headteacher Discussion stage has not been successful, no satisfactory improvement is achieved and there remains cause for concern, the matter should proceed to the formal procedure.

5.5 The formal procedure comprises three stages, which should be followed if formal action is considered necessary.

6.0 Formal Stages

6.1 Stage One

6.1.1 The employee should be invited, in writing, to a meeting with the Headteacher*. The invitation should contain the absence record and provide the employee with the

opportunity to consult and be accompanied by a work colleague or trade union representative. The letter should state that this is now the formal procedure and outline the stage of the procedure within which the meeting is being conducted. A reasonable period of notice of the meeting should be given (e.g. 5 working days).

6.1.2 During the meeting, the Headteacher* must

- (i) draw attention to the absence pattern, the reasons given for absence and the implications on the school. Where the absence is disability related, discuss any reasonable adjustments that may be appropriate to enable the employee to maintain their attendance at work.
- (ii) discuss, to clarify, underlying causes and seek to deal with these again drawing attention to the support from Trade Unions.
- (iii) if there is no acceptable explanation, issue the employee with a written formal warning under this procedure (i.e. this is not a disciplinary warning) that:
 - the level of attendance is unacceptable
 - improvement is essential over specified period e.g. 12 weeks/1 term/½ term. A target for improved attendance should be set, the terms of which should be clearly outlined to the employee.
- (iv) agree a review period and fix a review date.
- (v) inform the employee that further deterioration in sickness absence frequency/levels during the review period will result in the review date being brought forward and that if the target is not met or there is a further period of absence during the review period beyond the target set, it may lead to action under the next stage of the procedure.

6.1.3 Following the meeting, the Headteacher* must confirm the outcome, including the written formal warning, in writing within 5 working days. The written outcome should remind the employee that further deterioration in absence frequency/levels during the review period will result in the review date being brought forward and that if the target is not met or there is a further period of absence during the review period beyond the target set, it may lead to action under the next stage of the procedure.

6.1.4 At the end of the monitoring period, if attendance has improved and is within acceptable levels, no further action should be taken other than to confirm, in writing, to the employee concerned that attendance is now considered to be satisfactory and to advise the employee that if further action is deemed necessary under this procedure within the following twelve months from the date of the review meeting, such action may begin at Stage Two of this procedure.

6.1.5 If there is no improvement at Stage One of the procedure, the employee should be referred through to Stage Two.

6.2 Stage Two

6.2.1 If the target set under Stage One of the procedure is not met, or if the employee has been dealt with under Stage One within the previous 12 month period but their attendance levels have deteriorated following a satisfactory review period, then a further meeting with the Headteacher* should be held. The employee should be invited to the meeting in writing. The invitation should contain the absence record and provide the employee with the opportunity to consult and be accompanied by a work colleague or trade union representative. The letter should remind the employee that this is the formal procedure and outline the stage of the procedure within which the meeting is being conducted. A reasonable period of notice of the meeting should be given (e.g. 5 working days).

- 6.2.2 In a further attempt to remedy the absence issue, during the meeting, the Headteacher* must
- (i) draw attention again to absence patterns including the review period. Where the absence is disability related, discuss any reasonable adjustments that may be appropriate to enable the employee to maintain their attendance at work.
 - (ii) discuss again to clarify underlying causes and seek to deal with them, involving other agencies as appropriate.
 - (iii) remind of the implications of continued excessive absence e.g. the effect on pupils, other employees, budget implications etc.
 - (iv) if no acceptable explanation is given, issue the employee with a written final warning under this procedure (i.e. this is not a disciplinary warning) that:
 - the level of attendance is unacceptable
 - significant and sustained improvement is needed. A target for improved attendance should be set, the terms of which should be clearly outlined to the employee.
 - (v) agree a further review date and fix a review date.
 - (vi) inform the employee that further deterioration in absence frequency/levels during the review period will result in the review date being brought forward and that if the target is not met or there is a further period of absence during the review period beyond the target set, the outcome could be a referral of the case to the Attendance and Dismissals Committee of the Governing Board or Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher) for consideration of dismissal on the grounds of the employee's inability to maintain an acceptable level of attendance.
- 6.2.3 Following the meeting, the Headteacher* must confirm the outcome, including the written final warning, in writing within 5 working days. The written outcome should remind the employee that further deterioration in absence frequency/levels during the review period will result in the review date being brought forward and that if the target is not met or there is a further period of absence during the review period beyond the target set, the outcome could be a referral of the case to the Attendance and Dismissals Committee of the Governing Board or Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher) for consideration of dismissal on the grounds of the employee's inability to maintain an acceptable level of attendance.
- 6.2.4 At the end of the further review period, if the attendance has improved to within acceptable levels then no further action should be taken other than to inform the employee, in writing, of this fact and to advise the employee that if further action is deemed necessary under this procedure within the following 12 months from the date of the review period, such action may begin at Stage Three of this procedure.
- 6.2.5 If there is no improvement at Stage Two of the procedure, the employee should be referred through to Stage Three.

6.3 Stage Three

- 6.3.1 If the target set under Stage Two of the procedure is not met, or if the employee has been dealt with under Stage Two within the previous 12 month period but their attendance levels have deteriorated following a satisfactory review period, then the final meeting should take place. The Headteacher* should discuss the circumstances

of the case with a member of the Schools HR Team, prior to arranging any further meeting with the employee and their trade union representative.

- 6.3.2 If there is no current medical report available, then a referral to OH should be made (in accordance with Section 4 of the Long Term Sickness Absence Procedure) prior to the meeting. The employee should be advised that the referral is being made, the reasons for and details of the referral and asked to provide their consent to be referred.
- 6.3.3 Where the employee either refuses to attend OH or does not attend on more than one occasion, progression to Stage Three should not be unduly delayed. In such instances, the employee should be informed that the Governing Board or Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher) will have to proceed without the benefit of a current medical report for reference.
- 6.3.4 The letter inviting the employee to attend the meeting should specify the reason for the meeting, set out the attendance record including that over the review period and any action taken under the procedure so far. It should also advise of the right to be accompanied by a work colleague or trade union representative and inform the employee that the outcome of the meeting could be a referral of the case to the Attendance and Dismissals Committee of the Governing Board or Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher) for consideration of dismissal on the grounds of the employee's inability to maintain an acceptable level of attendance at work. A reasonable period of notice of the meeting should be given (e.g. 5 working days).
- 6.3.5 During the meeting, the Headteacher* must
 - (i) consider any new information regarding the employee's ill health or change in nature of sickness absence. The Headteacher may wish to seek the advice of a member of the Schools HR Team in this regard.
 - (ii) consider any relevant medical advice (suspend the meeting if further advice is thought necessary as a result of the meeting discussion). Where the absence is disability related, discuss any reasonable adjustments that may be appropriate to enable the employee to maintain their attendance at work.
 - (iii) following consideration of any representations, make a final decision regarding the referral of the case to the Attendance and Dismissals Committee of the Governing Board or Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher) for consideration of dismissal on the grounds of the employee's inability to maintain an acceptable level of attendance. Any appeal against dismissal would be to the Appeals Committee.
- 6.3.6 Following the meeting, the Headteacher* must confirm the outcome of the meeting in writing to the employee. The Headteacher* should consult a member of the Schools HR Team and then inform the Clerk to the Governing Board of the need for a meeting of the Attendance and Dismissals Committee, (see Appendix C), or arrange a meeting with the Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher).

**CONDUCTING MEETINGS UNDER THE
SHORT TERM AND REPEATED ABSENCE PROCEDURE**

NOTE: Employees should be informed of their right to be accompanied by a work colleague or representative of a trade union in a formal meeting situation.

In conducting a meeting with employees in relation to sickness absence the following should apply:

- Conduct it in private, ensure that the conversation cannot be overheard and maintain confidentiality.
- Keep a written record of the meeting. Provide copies for the employee and their representative.
- Ensure you explain the purpose for the meeting.
- Be prepared, with absence dates and reasons etc.
- Be sensitive and courteous as this is a potentially stressful situation for both parties. Some types of illness may require sensitive handling.
- Have regard for and respect the emotional state of the employee.
- Ask open and direct questions, i.e. questions which need answering with a bit more than 'Yes' or 'No'. For example, 'What does your doctor say?' is better than 'Have you seen your doctor?'
- Listen to the explanations offered.
- Keep an open mind - the absence may be due to other reasons.
- Be prepared to be helpful but be firm.
- Get the employee to talk with you. Remember, you're trying to solve a problem.
- If it gets heated or over-emotional, then stop. Allow time for recovery. If necessary, meet again on another day.
- However justified you think it is, do not adopt an aggressive approach.
- Find joint solutions if you can - try to share the problem.
- Close the interview by agreeing your action plan.

APPENDIX B

RECORD OF SHORT TERM AND REPEATED SICKNESS ABSENCE MEETING

.....(designation)

This form should be completed whenever a Headteacher* holds a meeting with an employee under the Short Term and Repeated Sickness Absence Procedure. The form should not be used for Return to Work discussions, as a separate form is available for that purpose (See Appendix C of the Guidelines for Managing Sickness Absence in Schools). The Headteacher* should refer to the guidance notes overleaf when conducting the discussion and completing this form.

[illegible][illegible]

.....

C) Action discussed with employee:

.....
.....
.....
.....
.....
.....

Target for improvement agreed with employee (if appropriate):
.....
.....

Review date (if appropriate):

I confirm that this is a true and accurate record of the meeting.

Signed: (Headteacher*)
.....

Date:

Signed: (Employee)
.....

Date:

(a) GUIDANCE NOTES

Section A

This section should be used to record the periods and reasons for sickness absences occurring during the previous 12 month rolling period.

Section B

This section may include further information about any underlying causes of sickness absence and what medical treatment is being sought or undertaken. The Headteacher* should also outline the effect of the absences on pupils and colleagues and service delivery in the School.

Section C

Describe here any action discussed e.g.

- employee agrees to seek medical advice or OH referral to be made. Details of other agencies may be provided (as appropriate).
- consideration to be given to adjustments to the work situation

- ☐ if there is no acceptable explanation, issue the employee with the appropriate warning under this procedure and inform them that the level of attendance is unacceptable and improvement is essential over specified period e.g. 12 weeks/1 term/½ term.
- ☐ In the above circumstances, a target for improved attendance should be set, the terms of which should be clearly outlined to the employee.
- ☐ the employee should be informed that further deterioration in absence frequency/levels during the review period will result in the review date being brought forward and that if the target is not met or there is a further period of absence during the review period beyond the target set, it may lead to action under the next stage of the procedure.

☒ *tick when completed*

Confidentiality

This document should be retained on the employee's personal file. If the document is retained electronically, it should be retained in the appropriate file/folder.

GOVERNING BOARD ATTENDANCE AND DISMISSAL COMMITTEE

**PROCEDURE FOR CONSIDERATION OF SHORT TERM AND REPEATED
SICKNESS ABSENCE AND TERMINATION OF EMPLOYMENT ARISING FROM
SICKNESS ABSENCE**

3 A. GENERAL PRINCIPLES

1. Any consideration of termination of employment should be pursued in consultation with the Director Children's Services as in the case of all dismissals, other than where the Chair of Governors has delegated authority. In the case of Voluntary Aided and Foundation Schools, any consideration of termination should take place in accordance with the Governing Board's dismissal procedure. Confidentiality should be maintained as is the case in any dismissal process.
2. The employee has the right to attend and/or be represented by a work colleague or representative of a trade union, at any meeting convened under these procedures. In addition, the employee may be accompanied by a scribe whose only function is to take written notes to serve as a private record for the employee.
3. The Headteacher*, when presenting a report at any meeting convened under these procedures may be accompanied by a HR representative.
4. At any meetings convened under these procedures, the Executive Director Education & Children's Services or their nominee, normally a Human Resources representative, is entitled to attend. In the case of Voluntary Aided and Foundation schools with full delegation, this will apply where advisory rights have been accorded to the Executive Director Education & Children's Services. Where advisory rights have been accorded to the Diocese, a Diocesan Officer is entitled to attend.
5. The power to adjourn meetings convened under these procedures rests with the Chair of the meeting. Both parties are able to request adjournment at any time, which will not unreasonably be refused.
6. In schools where the Governing Board have not delegated the responsibility for dismissal decisions to the Headteacher, any reports presented to the Governing Board under these procedures will not be dealt with by the full Governing Board, but by a Committee of the Governing Board set up for that purpose comprising no fewer than three governors. The Governing Board will empower the Disciplinary Committee to sit as an Attendance and Dismissal Committee with delegated powers to deal with matters under both the short term and the long term sickness absence procedures. The Committee will be empowered to consider and determine matters arising from ongoing temporary incapacity and repeated sickness absence and to consider and determine matters where an employee does not accept a recommendation to seek infirmity benefits.
7. Any appeal against termination of contract will be referred to the Appeals Committee of the Governing Board.

**B. PROCEDURE AT THE HEARING OF THE ATTENDANCE AND DISMISSAL
COMMITTEE OF THE GOVERNING BOARD**

1. The Attendance and Dismissal Committee will meet as soon as is practicable, once a decision has been taken to submit a report to Governors.

2. The employee will be informed in writing that a report is being submitted to the Attendance and Dismissal Committee and that the employee can attend and may be represented by a work colleague or Trade Union representative, to respond to the case. Where the employee fails to attend and no reasonable explanation is forthcoming, the matter may be considered in their absence.
3. The Headteacher* will prepare a report for the Attendance and Dismissal Committee setting out:
 - ☐ the absence record of the employee over the relevant period (depending upon the nature of the absences) with any patterns/frequencies highlighted which are considered to be relevant
 - ☐ all correspondence confirming action taken
 - ☐ a current medical report (where this is available) and any further medical advice relevant to the case.
4. The Clerk to the Governors will give written notification of the date, time and place of the hearing to the employee and their representative together with a copy of the report to be placed before the Committee at least 10 working days prior to the date of the meeting. If the employee is not able to attend due to the unavailability of their trade union representative, the representative should suggest an alternative date within 5 working days of the original date.
5. The employee may (if they wish) submit to the Clerk of the Governors any documents concerning the report for circulation to the members of the Committee prior to the meeting.
6. A copy of the Headteacher's report and any documentation submitted by the employee will be forwarded to members of the Attendance and Dismissal Committee and their advisers before the meeting.
7. The case on behalf of the School will be made by the presenter of the report (i.e. Headteacher*, or other appropriate person e.g. an officer of the Authority) and witnesses may be called to support the case.

Where an employee does not attend the hearing or is not represented but submits written representations, 7 to 10 should be omitted.

7. The employee and/or their representative and members of the Attendance and Dismissal Committee will be entitled to question the presenter of the report and any witnesses.
8. The employee and/or their representative will present a statement of case and present any documents to the Committee and will be entitled to call witnesses to support the case.
9. The presenter of the report and the Committee will be entitled to question the employee and any witnesses who have been called.
10. The presenter of the report will have the opportunity to make a closing statement to the Committee and, thereafter, the employee and/or their representative will have the same opportunity.
11. At the conclusion, the presenter of the report, the employee, their representative and any witnesses will withdraw and the Committee will reach a decision in private. Advice given by the Executive Director Education & Children's Services/Diocesan Officer or their representatives must be considered by the Committee. Should any parties need to be recalled to clarify any points of uncertainty, all parties should return notwithstanding that the point giving cause for concern relates to one party only.
12. Following their deliberations, the decision of the Committee will be conveyed orally to both parties (where appropriate) and subsequently confirmed in writing within 5 working days informing the employee of their right of appeal which must be exercised within 10 working days of written confirmation of the decision.

13. In the event that a decision to dismiss is taken, the employee will receive due notice.
14. The notice period will commence from the date that the decision to dismiss is taken.
15. The same procedure will be followed where the Governing Board have delegated the responsibility for dismissal decisions to the Headteacher. In these cases, the Headteacher will assume the role of the Committee and an alternative member of the School Leadership Team will assume the role of the Headteacher. The Headteacher will identify the most appropriate individual to assume the role of the Clerk to Governors.

C. APPEAL PROCEDURES

1. Any appeal against a decision of the Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher) or the Attendance and Dismissal Committee will be referred to the Appeals Committee of the Governing Board.
2. Appeals will be dealt with by way of rehearing and the order of proceedings will be in accordance with Section B6-11 above. In the case of Voluntary Aided, Trust and Foundation Schools, the Appeals Procedure will operate in accordance with their adopted procedures for dismissal.
3. The Clerk to the Governors will give written notification of the date, time and place of the hearing to the employee so as to arrive no later than 10 working days before the date of the meeting and the employee will receive, by that time, a copy of the report and statement(s) (if any), which are to be considered by the Appeals Committee.
4. The employee may submit any documents concerning the decision of the Attendance and Dismissal Committee or Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher). These should normally be made available to the Clerk to the Governors as soon as possible before the date of the meeting, so that they may be circulated with the report and statements.
7. A copy of the report and statements will be forwarded to members of the Appeals Committee prior to the hearing.
6. The Appeals Committee will have the power to confirm or alter the decision of the Attendance and Dismissal Committee or Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher). In the event that any subsequent appeal reverses the decision, the termination of employment will be rescinded and any arrears of salary will be reinstated accordingly.
7. The decision of the Committee will be conveyed orally to both parties (where appropriate) and subsequently confirmed in writing within 5 working days. The decision of the Appeals Committee will be final and no further right of appeal or hearing will be allowed under these procedures.
8. The Governing Board will notify the Authority in writing within 5 working days of the meeting of any determination to dismiss and the reasons for it. The Authority will within a period of 14 days (excluding weekends and public holidays) of the receipt of notification inform the employee of the termination of their contract of employment having regard to any period of notice to which they are entitled. In Voluntary Aided or Trust schools the Governing Board will be responsible for informing the employee of the termination of contract.
9. The effective date of dismissal will be the date of the Attendance and Dismissal Committee hearing or Headteacher hearing (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher) where the original decision to dismiss was taken. All dismissals under this procedure will be with notice pay or payment in lieu of notice.

NOTE Employment Tribunal

Nothing in these procedures will restrict an employee from exercising statutory rights under employment law.

ADDENDUM TO REPEATED SHORT-TERM ABSENCE PROCEDURE

School Staffing (England) Regulations 2003 & 2009 – Delegation to Headteacher of authority to make dismissal decisions.

These Regulations allow for Governing Bodies to delegate authority to make dismissal decisions to Headteachers. Therefore, the Headteacher becomes responsible for all disciplinary action up to and including dismissal.

Governing Bodies will need to take a decision as to whether they wish to delegate this responsibility. They need to bear in mind that the statutory guidance accompanying the Regulations specifies a series of circumstances where such an arrangement may not be appropriate. These are as follows

- A Headteacher who is unwilling to accept this function and who has hitherto not been required to do so. The position could be reviewed on the appointment of a successor Head.
- Where the Headteacher has been directly involved in the disciplinary process leading up to the consideration of dismissal – for example, through investigating the alleged misconduct. Experience shows that this is invariably the case and therefore, referral for consideration by the Discipline and Dismissal Committee preserves the integrity of the disciplinary process. However, in large Schools, it may be possible to delegate the responsibility for investigation to another member of the School Leadership Team, thereby leaving the Headteacher available to consider, what disciplinary action, up and including dismissal, should be taken. Appeals against disciplinary action should still be considered by the Appeals Committee.
- Where the Governing Board of a school with a religious character (i.e. Voluntary Aided, Foundation and Voluntary Controlled Schools) has agreed that Governor involvement will serve to preserve this character. Therefore, advice should be sought from the relevant Diocesan Authority.
- Where the Headteacher is themselves subject to disciplinary or capability procedures.
- Where the Local Authority may have made representations to the Chair of Governors on grounds of serious concerns about the performance of the Headteacher.

Where a Governing Board does decide to delegate the authority to make dismissal decisions, they are strongly advised to consult with staff and their professional associations before finally confirming their decision.

**MAYFIELD PRIMARY SCHOOL HAS ADOPTED THIS LANCASHIRE COUNTY
COUNCIL LONG TERM SICKNESS ABSENCE PROCEDURE FOR ALL STAFF**

(REVISED AUGUST 2025)

8. PURPOSE

- 8.1 This model procedure provides a framework for schools to manage cases of long term sickness absence. The procedure is intended to give clear guidance to all parties in dealing with long term absence.
- 8.2 The definition of a long term absence is one lasting a minimum of 28 calendar days.

9. APPLICATION

- 9.1 This procedure has been adopted by the Governing Board and forms part of the contract of employment of all staff employed in Mayfield Primary School.
- 2.2 This procedure has been written on the understanding that the day to day management of attendance is undertaken by the Headteacher (or nominated person), and dismissal decisions are taken by the Attendance and Dismissal Committee of the Governing Board. However, in accordance with the provisions of the Education Act 2002 and its associated School Staffing (England) Regulations 2003 and 2009, the Governing Board may elect to delegate the power to make dismissal decisions to the Headteacher. If this is the case, there will be no Attendance and Dismissal Committee. Instead the dismissal decision will be taken by the Headteacher, and the appeal referred to the Appeals Committee of the Governing Board. For further details, see Appendix B.
- 2.3 If the responsibility for dismissal decisions rests with the Headteacher, to preserve the integrity of the managing attendance process, the Governing Board should delegate the responsibility for the day to day management under this procedure to another member of the School Leadership Team, thereby leaving the Headteacher available to consider what action should be taken at the end of the formal procedures, including dismissal.
- 2.4 In these cases, any reference to the role of the Headteacher within this procedure should be taken to mean the member of the School Leadership Team responsible for the day to day management of attendance (identified with an asterisk (*) throughout this procedure).
- 2.5 **In this school, the responsibility for dismissal decisions rests with the Governing Body.**
- 2.6 Where any action under this procedure may have implications for an employee's salary or their continued employment, they should be advised to seek advice from their trade union. At any meeting convened under this procedure, the employee may be accompanied by a work colleague or trade union representative.
- 2.7 Where the absence(s) is due to a condition that could be classed as a disability under the Equality Act 2010, advice should be sought from a member of the Schools HR Team in relation to the procedure.
- 2.8 Nothing in this procedure shall prevent an employee from exercising their statutory rights under employment law to register a claim with an employment tribunal.

- 2.9 The School processes personal data, including special categories of data, collected and processed during the absence management process in accordance with the School's Data Protection Policy. In particular, data collected as part of the absence management process and any subsequent stages of action under the Long Term Sickness Absence Procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the Long Term Sickness Absence Procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's Data Protection Policy. It may also constitute a disciplinary offence, which will be dealt with under the school's Disciplinary Procedure.
- 2.10 In the case of a 'mental health emergency' it may be appropriate to share information with the relevant emergency service and/or next of kin. A mental health emergency is defined by the Information Commissioners Office as a *"situation in which you believe that someone is at risk of serious harm to themselves, or others, because of their mental health. This can include the potential loss of life"*. There may be some situations when it is **not** appropriate to share information with the employee's next of kin and therefore judgement would need to be called in each situation. More information can be found on the ICO's website here [Information sharing in mental health emergencies at work | ICO](#). Advice can also be sought from the Schools HR Team.

10. NOTIFICATION OF ABSENCE AND CONTACT ARRANGEMENTS

- 3.1 All employees must follow the notification procedure for reporting sickness absence as set out by the Headteacher* or their nominated contact person. On the first day of absence, employees must give brief details of the reason for absence, the date the absence commenced, the likely duration of the absence, whether it is related to an accident or injury at work and whether any medical attention has been sought.
- 3.2 Employees must ensure that they submit fit notes in a timely manner to cover their absence continuously on the 8th calendar day of absence onwards. The school must make internal arrangements to ensure that absence is recorded correctly using the School's absence recording system and that the appropriate documentation relating to sickness absence, including fit notes, is obtained and maintained.
- 3.3 In all cases of long term absence, it is important that the school maintains regular contact with the absent employee in relation to their absence, including, if necessary and by agreement, visit the employee, unless exceptional circumstances apply. The purpose of such contact is to enquire as to the employee's health and recovery, to ascertain whether a return to work is likely in the near future and to identify any adjustments that could be made to facilitate an earlier return to work.
- 3.4 Any contact with the employee should be handled sensitively to avoid the perception that the employee is being pressurised or harassed. Appropriate informal social contact should also be encouraged, which will ensure that the employee does not feel isolated. It is a matter for the Headteacher* to determine who would be the most appropriate person to maintain contact with the employee.
- 3.5 Employees have a responsibility to maintain regular contact with the Headteacher* or nominated contact person during periods of long term sickness absence to update the School on progress and likely duration of absence so that support can be provided for the employee as appropriate and to enable the Headteacher to plan for cover arrangements.

11. MEDICAL REFERRAL TO THE OCCUPATIONAL HEALTH

- 11.1 The responsibility for the management of long term absence cases rests with the School, supported by the Schools HR Team. Each school will need to ensure that all employee absence is monitored and will need to ensure that they are able to supply the information required to make a referral to the Occupational Health (OH).
- 11.2 A referral for a medical opinion from OH should be made in the following circumstances:
- Where an employee has been absent from duty for four weeks or more due to sickness; or
 - If the employee has been absent from duty with stress, depression, anxiety or any other mental health condition, the referral should be undertaken when the first fit note is received; or
 - If the employee is absent with an industrial injury or other work-related condition, a referral should be undertaken immediately; or
 - There have been a number of shorter periods of sickness, (see Short Term and Repeated Absence Procedure); or
 - The Headteacher*/Governors of the school have justified concerns about the ability of the employee to carry out their duties because of a medical condition,
- 11.3 The requirement for an OH assessment should be made, taking into consideration the circumstances of the case. In certain circumstances, it may be appropriate just to monitor the case over a longer period of time rather than referring it to OH, e.g. post hysterectomy, broken bones, end dated or terminal illness (see [Absence Management Guidelines](#)).
- 11.4 It should be noted that, in cases where employees who have contact with children suffer from pulmonary tuberculosis, epilepsy, psychiatric disorders or other such conditions, action should be taken to refer the employee to OH without delay. Paragraph 4.12 of this procedure provides further information on action to take in these circumstances.
- 11.5 Where it is decided that the employee should be referred to OH, the Headteacher* or nominated person should contact the employee to inform them of the referral and its contents and to obtain the employee's consent, before the referral is made. In all cases, the employee should be informed that they may find it helpful to seek the advice and guidance of their trade union.
- 11.6 In the case of teachers, Conditions of Service for School Teachers in England and Wales apply. These national conditions state that to be entitled to sick pay, it is a requirement for the employee to submit to medical examination if requested to do so. The same requirement applies to support staff as stipulated by the NJC National Agreement on Pay and Conditions.
- 11.7 The school should complete an online referral via the OH online system. The prime responsibility for initiating the referral process rests with the School. The referral should contain factual details and provide details of the illness, the duties and responsibilities of the postholder, any problems which have come to light in undertaking the duties and responsibilities as a consequence of the medical condition, the likely length of absence, possible adjustments to enable a return to work and any other relevant information. In completing the referral, the manager should bear in mind the fact that the referral may be seen by the employee at a later date.
- 11.8 OH may consider it appropriate for a medical report to be sought from the employee's own medical practitioner. If this is the case, the employee will be asked to sign a consent form, sent by OH, which will set out their rights under the Access to Medical Reports Act 1988, including the right to see the report prior to it being sent to the Occupational Health Adviser.

- 11.9 An OH appointment will normally be arranged within 2 weeks of the referral. OH will notify the employee of the date of any appointment once the appointment date has been set. The appointment will normally take place over the telephone but face to face appointments may be available upon request by the referring person. The Headteacher will be able to track the progress of the appointment on the OH online system.
- 11.10 As stated in paragraph 4.6, all school employees are required, under their conditions of service, to attend a medical consultation arranged by OH and failure to do so without a reasonable explanation being provided to the Headteacher or nominated person, or failure to notify School and OH of intended non-attendance may lead to formal disciplinary action, or may lead to decisions being taken on the basis of the existing level of knowledge about the absence. It may also disqualify employees from the benefits of the occupational sick pay scheme, in accordance with their conditions of service.
- 11.11 Following the OH appointment, OH will prepare a report, which will be available on the on-line system. A copy of the report should be provided to the employee by the Headteacher* if requested.

11.12 Medical Disorders (teachers and other employees having contact with children)

- 4.12.1 In cases where a teacher is found to be suffering from a contagious disease or a condition such as pulmonary tuberculosis, epilepsy, a psychiatric disorder or other such condition, the matter should be referred to OH following the procedure outlined above. The employee should not be allowed to work until OH has given clearance.
- 4.12.2 In some cases, the employee's medical practitioner may sign them off as being fit to work but the employer may disagree. In these cases, the advice of the OH may be sought.
- 4.12.3 Headteachers* must take immediate action when they consider a teacher may have become medically incapable of performing teaching duties if this may put at risk the health, education, safety or welfare of pupils.

5. SICKNESS ABSENCE REVIEW PROCEDURE

- 5.1 Depending upon the circumstances of the case, a meeting may be convened by the Headteacher* to discuss the content of the OH report, support that can be provided to the employee to aid their recovery and the implications of the employee's continued sickness absence. At this meeting, the Headteacher* may be accompanied by a representative of the Schools HR Team. The employee has the right to be accompanied by their trade union representative or a work colleague at this meeting. In exceptional circumstances, the Headteacher* may not be present at this meeting and the meeting may take place away from the school premises, or outside of school time.
- 5.2 Normally, the outcome of the medical referral and any subsequent discussion with the Headteacher* will be one of the following:
- (i) the employee is fit to return to the full duties of the post, therefore a return to work date is agreed;
 - (ii) the employee is fit to return to the duties of the present post subject to reasonable adjustments having been implemented and/or the benefit of a rehabilitation programme, possibly through a phased return to work and a return to work date is agreed.

Recommendations regarding reasonable adjustments may arise from the OH report or from a fit note;

- (iii) further time is required for recovery and a further meeting is arranged in due course to review progress;
- (iv) the employee is permanently incapable of discharging efficiently the duties of the present post, but fit for other comparable employment within the school (where this is available) (see paragraph 6 below);
- (v) the employee is permanently incapable of discharging efficiently the duties of the present post or any other comparable employment within the school (where this is available) (see paragraph 6 below);
- (vi) the matter should be referred to the Attendance and Dismissals Committee of the Governing Board or Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher) (see paragraph 8 below). If this is the case, the employee should be informed that one option available to the Attendance and Dismissals Committee is the dismissal of the employee on the grounds of capability owing to ill health.

5.3 Where an employee has a disability, the Headteacher* should fulfil their duty to make reasonable adjustments under the Equality Act 2010 to ensure that the employee is not substantially disadvantaged in their ability to attend and fulfil their work. Consideration should be taken of any advice from OH in respect of the adjustments recommended. The Headteacher* should also seek and consider advice from the Schools HR Team. See Section 6 of the [Guidelines for Managing Sickness Absence in Schools](#) for further information.

5.4 Where it is apparent from the OH report that the employee will remain absent from duty for some time but may return, the Headteacher* should discuss the matter with a member of the Schools HR Team in order to determine what action could be taken. Further sickness absence review meetings may be arranged with the employee as appropriate to discuss the options available, which include:

- continuation of monitoring;
- phased return to work. The feasibility of this should be considered by the Headteacher*. If a school is part of the County Council's Insurance Scheme for supply cover, the phased return must be arranged in agreement with Schools HR Team, and in consideration of the advice from OH and/or the employee's medical adviser;
- reasonable adjustments made to the employee's duties and responsibilities;
- retraining;
- any other reasonable adjustments recommended by OH or on the fit note.
- the possible application for ill health retirement benefits.

5.5 In cases of more prolonged absence, where OH continue to be unable to make any firm prognosis regarding return to work or ill health retirement, a meeting should take place with the employee to discuss the findings of the medical report and the implications of their continued absence, including the possibility of a referral of the case to the Attendance and Dismissals Committee. Advice should be sought from the Schools HR Team and the employee informed of their right to be accompanied at the meeting by a trade union representative. In reaching a decision, consideration must be given to the following:

- the available medical advice;
- the nature of the illness;

- the pattern of absence;
- the overall absence record;
- the likelihood of a return to work in the foreseeable future;
- the operational needs of the school;
- the impact on the workload of other employees and the continued capacity to cover the absence;
- any implications arising from the Equality Act 2010

5.6 Industrial Injury

5.6.1 Where an employee is absent from duty due to an accident which arose out of, and in the course of, their employment, this may be treated as an industrial injury. The Headteacher must consider each case on an individual basis and make a decision on whether the absence is due to an industrial injury. Where there is any doubt as to whether it should be treated as an industrial injury, the Headteacher should seek advice from the Schools HR Team.

5.6.2 The Headteacher should inform the employee that the case is held to be an industrial injury and should update the online absence system to indicate this, including inputting the injury on the online accident reporting system. The Headteacher should ensure that any relevant statutory paperwork is completed e.g. referral under RIDDOR etc, in consultation with the employee.

5.6.3 The Headteacher will inform the employee, that the absence is being viewed as an industrial injury (without prejudice).

5.6.4 Teachers

- Paragraph 9 under Section 4 of the Conditions of Service for School Teachers in England and Wales outlines the provisions relating to absence arising from accident, injury or assault at work. These provisions apply equally to absence caused by both physical injury and clinically diagnosed psychological injury.
- If the case is held to be an industrial injury, teaching employees are entitled to full pay for a maximum period of 6 months, which is not deducted from their normal sick pay entitlement, though such absences are reckonable for entitlement to Statutory Sick Pay.

5.6.5 Support Staff

- If the case is held to be an industrial injury, support staff employees are entitled to full pay for a maximum period of 9 months, after which time the employee will receive their half pay entitlement under the Occupational Sick Pay Scheme.

5.7 Absence Caused by Negligence

5.7.1 Teachers

Section 4, Paragraphs 11.1-3 of the Conditions of Service for School Teachers in England and Wales states the following:

- 11.1 If the absence of the teacher is occasioned by the actionable negligence of a third party in respect of which damages are recoverable, they shall advise the employer forthwith and the employer may require the teacher to refund a

sum equal to the aggregate of sick pay paid to them during the period of disability of such part thereof as is deemed appropriate, but not exceeding the amount of the damages recovered. In the event of the claim for damages being settled on a proportionate basis, the employer will require full details and will determine the actual proportion of sick pay to be refunded by the teacher.

11.2 If the employer, in consultation with the governing body as appropriate, are of the opinion that the disability which has occasioned the teacher's absence from work is due to their misconduct, or if the teacher has failed to observe the conditions of this scheme, or has been guilty of conduct prejudicial to their recovery, the payment of any sick pay under the scheme may be suspended by the employer. In any such case the employer shall inform the teacher of the grounds upon which the payment of sick pay has been suspended. They will then be given the opportunity to submit their observations and to appear (accompanied by a representative if they so wish) before the Grievance Committee of the Governing Board. The Committee will thereupon decide whether the disability was due to the conduct of the teacher or whether they have failed without reasonable cause to observe the conditions of the scheme, or has been guilty of conduct prejudicial to their recovery, in which case the teacher shall forfeit their right to any payment or further payment of sick pay in respect of that period of absence.

11.3 Sick pay shall not be paid in a case of accident due to active participation in sport as a profession unless the employer decides otherwise, though Statutory Sick Pay may be payable.

5.7.2 Support Staff

Paragraph 10 of the NJC National Agreement on Pay and Conditions of Service states the following:

10. If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended. The authority shall advise the employee of the grounds for suspension and the employee shall have a right of appeal to the appropriate committee of the authority. If the authority decide that the grounds were justified then the employee shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme should be dealt with under the disciplinary procedure.

6. PERMANENT INCAPACITATION AND TERMINAL ILLNESS

6.1 In cases where OH and the employee's medical adviser agree that the employee is permanently incapable of efficiently carrying out the duties and responsibilities of their present post, or any other comparable employment within school (where this is available), the Headteacher* should arrange a meeting with the employee and their representative to discuss the implications of that decision. In these circumstances, the Headteacher* should seek and consider advice from the Schools HR Team.

6.2 Where OH recommends ill health retirement and the employee decides that they wish to pursue ill health retirement, the procedure in paragraph 7 will be followed. In these

circumstances, the employee should be made aware that by applying for ill health retirement, they are confirming that they consider themselves to be permanently unfit for gainful employment until retirement age. If an application for ill health retirement is made but is unsuccessful, the case should then be referred to a meeting of the Attendance and Dismissals Committee to consider the termination of employment on the grounds of capability owing to ill health. Employees should be encouraged to consult their trade union, so they are fully aware of the implications of their application.

- 6.3 Where the Occupational Health Adviser determines that the employee is permanently incapable of discharging the duties of the present post efficiently but is fit for comparable employment within school (where this is available), consideration should be given to the School making alternative arrangements, in consultation with OH/Schools HR Team, by discussing:

- job restructuring;
- relinquishing some responsibilities;
- changing to job share or part-time work;
- retraining;
- modifications to the work place or to working practices;
- the use of technical aids.

Such alterations should also be considered under the provisions of the Equality Act 2010 to assist the employee in gradually returning to full time employment. Where appropriate, any proposal in relation to alternative duties should be discussed with the Schools HR Team and with OH (if necessary) before the amendment to the role is made.

- 6.4 If suitable alternative employment within the school is identified and offered, but is rejected by the employee and they are in agreement with the medical opinion with regard to permanent incapacity, the matter should be referred to the Attendance and Dismissals Committee, who may decide to terminate the contract of employment on the grounds of capability owing to ill health. In reaching a determination on the case, the Attendance and Dismissals Committee should consider whether the alternative employment which has been offered was comparable and suitable. The employee must also be made aware that refusal of the offer of comparable employment would result in no automatic entitlement to pension benefits being paid upon dismissal.
- 6.5 Where it is felt there are no suitable alternative employment or the employee refuses to accept the medical advice or there is continuing disagreement, the matter should be referred to the Attendance and Dismissals Committee, who may decide to terminate the contract of employment on the grounds of capability owing to ill health.
- 6.6 School employees are not covered by the County Council's Redeployment Agreement. Therefore the only option for the consideration of alternative employment is within the employee's own School.

6.7 Terminal Illness

This procedure may be used for dealing with cases of terminal illness. Advice on managing cases of long term absence due to terminal illness can be obtained from OH and the Schools HR Team, including advice and guidance in relation to financial entitlements and pension issues. In addition, specific guidance for managing cases of critical or terminal illness can be found within the [Guidelines for Managing Sickness Absence](#) on the Schools Portal.

NOTE:

- (1) In this context 'permanently incapable' means incapable of discharging the duties of the post until the employee's normal retirement age.
- (2) Alternative/comparable employment is defined as employment in which, when compared to an employee's present employment, the contractual provisions are the same or differ only to an extent that is reasonable. The following factors will be taken into account: the nature of the employee's ill health or infirmity of mind or body, the contractual provisions as to location, remuneration, hours of work, holiday entitlement, sickness or injury entitlement and other material terms that do not differ substantially from those of the employee's present employment.

7. ILL HEALTH RETIREMENT

7.1 Teachers' process

- 7.1.1 Any teacher considering an application for IHR benefits should be advised to consult with their trade union, before submitting their application. In making such an application, the teacher should be reminded that in doing so, they are indicating to their employer that they believe they are permanently unfit to teach.
- 7.1.2 The application process for ill health retirement is contained within the [Ill Health Retirement Guidance for Teachers](#) document.
- 7.1.3 If approval has been given by Teachers' Pensions for the teacher to retire on IHR grounds, the Headteacher/Manager should arrange a mutually convenient date of retirement with the teacher and the school. It should be noted, however, that in granting infirmity benefits, the teacher has been deemed permanently unfit to teach and the provisions of the Teachers' Regulations then apply. Therefore, the date of termination should be as soon as possible after the granting of infirmity benefits without payment in lieu of notice. If the date of retirement cannot be mutually agreed, the termination date will be 30 days after the date that the award of IHR benefits is notified to the Employer.
- 7.1.4 The teacher has a right to appeal against a decision of Teachers' Pensions in relation to their IHR retirement application. The written appeal should be directed to Teachers' Pensions. For further details of the IHR appeals process, visit the Teachers' Pensions website at www.teacherspensions.co.uk.

7.2 Support Staff process

- 7.2.1 The application process for ill health retirement for support staff is contained in the document [Ill Health Retirement Guidance Support Staff](#) in Schools.
- 7.2.2 If the application for ill health retirement is successful, the effective date of termination should be as soon as possible after the granting of IHR and not later than 30 days after the date that the award of IHR benefits is notified to the Employer, without payment in lieu of notice. If the employee is not granted IHR, the matter should be referred to the Attendance and Dismissals Committee, where termination of the employee's contract of employment should be considered on the grounds of capability owing to ill health.

7.2.3 Members of the LGPS have a right of appeal against any decision made by their employer regarding their pension rights. Further details regarding the appeals process can be found on the Your Pension Service website www.lppapensions.co.uk.

8. ATTENDANCE AND DISMISSALS COMMITTEE

8.1 Where it is decided that all alternatives have been exhausted and termination of the employee's contract of employment should be considered, advice must be sought from the Schools HR Team.

8.2 Circumstances in which consideration may be given to terminating an employee's services include:

- where OH determine that an employee is permanently unfit to carry out the duties of their present post or any other comparable employment within school (where this is available), and the employee does not wish to pursue ill health retirement;
- where OH determine that an employee is permanently unfit to carry out the duties of their present post but is fit for other comparable employment within school (where this is available) and all other employment alternatives have been considered, including modifications to the work place and/or working practices, but no such comparable employment has been identified or it has been rejected by the employee;
- where the employee does not agree with the medical opinion with regard to permanent incapacity for work;
- where the employee has been advised to seek ill health retirement on the basis of medical advice but refuses to do so;
- where OH is unable to reach a decision on permanent incapacity for work;
- where neither OH nor the employee are able to indicate a return to work date in the foreseeable future and the School is unable to continue to sustain the absence.

8.3 In these circumstances a report will be made to the Governors' Attendance and Dismissal Committee or Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher). The Committee will consider whether to monitor the case further or to take a decision to terminate services on the grounds of capability owing to ill health, having regard to the circumstances of the case, and the action taken during the Sickness Absence Review Procedure. The procedure to be followed at the meeting is outlined at Appendix A.

8.4 Any appeal against dismissal by the Attendance and Dismissals Committee will be heard by the Appeals Committee. The procedure to be followed at the meeting is outlined at Appendix A. The appeal outcome will be final. There will be no further right of appeal against dismissal.

9. EXTENSION OF SICK PAY ENTITLEMENT (TEACHING STAFF ONLY)

9.1 Under the Conditions of Service for School Teachers in England and Wales, Section 4, paragraph 2.2 provides the employer with discretion to exceed the minimum entitlement for sick leave in individual circumstances.

APPENDIX A

GOVERNING BOARD ATTENDANCE AND DISMISSAL COMMITTEE

PROCEDURE FOR CONSIDERATION OF REPEATED AND LONG TERM SICKNESS ABSENCE AND TERMINATION OF EMPLOYMENT ARISING FROM SICKNESS ABSENCE

A. GENERAL PRINCIPLES

1. Any consideration of termination of employment should be pursued in consultation with the Executive Director Education and Children's Services as in the case of all dismissals, other than where the Chair of Governors has delegated authority. In the case of Voluntary Aided and Foundation Schools, any consideration of termination should take place in accordance with the Governing Board's dismissal procedure. Confidentiality should be maintained as is the case in any dismissal process.
2. The employee has the right to attend and/or be represented by a work colleague or representative of a trade union, at any meeting convened under these procedures. In addition, the employee may be accompanied by a scribe whose only function is to take written notes to serve as a private record for the employee.
3. The Headteacher*, when presenting a report at any meeting convened under these procedures may be accompanied by a HR representative.
4. At any meetings convened under these procedures, the Executive Director Education and Children's Services or their nominee, normally an HR representative, is entitled to attend. In the case of Voluntary Aided and Foundation schools with full delegation, this will apply where advisory rights have been accorded to the Director Children's Services. Where advisory rights have been accorded to the Diocese, a Diocesan Officer is entitled to attend.
5. The power to adjourn meetings convened under these procedures rests with the Chair of the meeting. Both parties are able to request adjournment at any time, which will not unreasonably be refused.
6. In schools where the Governing Board have not delegated the responsibility for dismissal decisions to the Headteacher, any reports presented to the Governing Board under these procedures will not be dealt with by the full Governing Board, but by a Committee of the Governing Board set up for that purpose comprising no fewer than three governors. The Governing Board will empower the Disciplinary Committee to sit as an Attendance and Dismissal Committee with delegated powers to deal with matters under both the short term and the long term sickness absence procedures. The Committee will be empowered to consider and determine matters arising from ongoing temporary incapacity and repeated short-term absence and to consider and determine matters where an employee does not accept a recommendation to seek infirmity benefits.
7. Any appeal against termination of contract will be referred to the Appeals Committee of the Governing Board.

B. PROCEDURE AT THE HEARING OF THE ATTENDANCE AND DISMISSAL COMMITTEE OF THE GOVERNING BOARD

1. The Attendance and Dismissal Committee will meet as soon as is practicable, once a decision has been taken to submit a report to Governors.
2. The employee will be informed in writing that a report is being submitted to the Attendance and Dismissal Committee and that the employee can attend and may be represented by a work colleague or Trade Union representative, to respond to the case. Where the employee fails to attend and no reasonable explanation is forthcoming, the matter may be considered in their absence.
3. The Headteacher* will prepare a report for the Attendance and Dismissal Committee setting out:
 - ☐ the absence record of the employee over the relevant period (depending upon the nature of the absences) with any patterns/frequencies highlighted which are considered to be relevant
 - ☐ all correspondence confirming action taken
 - ☐ a current medical report (where this is available) and any further medical advice relevant to the case.
4. The Clerk to the Governors will give written notification of the date, time and place of the hearing to the employee and their representative together with a copy of the report to be placed before the Committee at least 10 working days prior to the date of the meeting. If the employee is not able to attend due to the unavailability of their trade union representative, the representative should suggest an alternative date within 5 working days of the original date.
12. The employee may (if they wish) submit to the Clerk of the Governors any documents concerning the report for circulation to the members of the Committee prior to the meeting.
13. A copy of the Headteacher's report and any documentation submitted by the employee will be forwarded to members of the Attendance and Dismissal Committee and their advisers before the meeting.
14. The case on behalf of the School will be made by the presenter of the report (i.e. Headteacher*, or other appropriate person e.g. an officer of the Authority) and witnesses may be called to support the case.

Where an employee does not attend the hearing or is not represented but submits written representations, 7 to 10 should be omitted.

7. The employee and/or their representative and members of the Attendance and Dismissal Committee will be entitled to question the presenter of the report and any witnesses.
8. The employee and/or their representative will present a statement of case and present any documents to the Committee and will be entitled to call witnesses to support the case.
9. The presenter of the report and the Committee will be entitled to question the employee and any witnesses who have been called.

10. The presenter of the report will have the opportunity to make a closing statement to the Committee and, thereafter, the employee and/or their representative will have the opportunity to do the same.
11. At the conclusion, the presenter of the report, the employee, their representative and any witnesses will withdraw and the Committee will reach a decision in private. Advice given by the Director Children's Services/Diocesan Officer or their representatives must be considered by the Committee. Should any parties need to be recalled to clarify any points of uncertainty, all parties should return notwithstanding that the point giving cause for concern relates to one party only.
12. Following their deliberations, the decision of the Committee will be conveyed orally to both parties (where appropriate) and subsequently confirmed in writing within 5 working days informing the employee of their right of appeal which must be exercised within 10 working days of written confirmation of the decision.
13. In the event that a decision to dismiss is taken, the employee will receive due notice.
14. The notice period will commence from the date that the decision to dismiss is taken.
15. The same procedure will be followed where the Governing Board have delegated the responsibility for dismissal decisions to the Headteacher. In these cases, the Headteacher will assume the role of the Committee and an alternative member of the School Leadership Team will assume the role of the Headteacher. The Headteacher will identify the most appropriate individual to assume the role of the Clerk to Governors.

C. APPEAL PROCEDURES

1. Any appeal against a decision of the Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher) or the Attendance and Dismissal Committee will be referred to the Appeals Committee of the Governing Board.
2. Appeals will be dealt with by way of rehearing and the order of proceedings will be in accordance with Section B6-11 above. In the case of Voluntary Aided, Trust and Foundation Schools, the Appeals Procedure will operate in accordance with their adopted procedures for dismissal.
3. The Clerk to the Governors will give written notification of the date, time and place of the hearing to the employee so as to arrive no later than 10 working days before the date of the meeting and the employee will receive, by that time, a copy of the report and statement(s) (if any), which are to be considered by the Appeals Committee.
4. The employee may submit any documents concerning the decision of the Attendance and Dismissal Committee or Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher). These should normally be made available to the Clerk to the Governors as soon as possible before the date of the meeting, so that they may be circulated with the report and statements.
5. A copy of the report and statements will be forwarded to members of the Appeals Committee prior to the hearing.
6. The Appeals Committee will have the power to confirm or alter the decision of the Attendance and Dismissal Committee or Headteacher (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher). In the event that any subsequent appeal reverses the decision, the termination of employment will be rescinded and any arrears of salary will be reinstated accordingly.

7. The decision of the Committee will be conveyed orally to both parties (where appropriate) and subsequently confirmed in writing within 5 working days. The decision of the Appeals Committee will be final and no further right of appeal or hearing will be allowed under these procedures.
8. The Governing Board will notify the Authority in writing within 5 working days of the meeting of any determination to dismiss and the reasons for it. The Authority will within a period of 14 days (excluding weekends and public holidays) of the receipt of notification inform the employee of the termination of their contract of employment having regard to any period of notice to which they are entitled. In Voluntary Aided or Trust schools the Governing Board will be responsible for informing the employee of the termination of contract.
9. The effective date of dismissal will be the date of the Attendance and Dismissal Committee hearing or Headteacher hearing (where the Governing Board has delegated the power to make dismissal decisions to the Headteacher) where the original decision to dismiss was taken. All dismissals under this procedure will be with notice pay or payment in lieu of notice.

NOTE Employment Tribunal

Nothing in these procedures will restrict an employee from exercising statutory rights under employment law.

APPENDIX B
ADDENDUM TO LONG TERM ABSENCE PROCEDURE

School Staffing (England) Regulations 2003 & 2009 – Delegation to Headteacher of authority to make dismissal decisions.

These Regulations allow for Governing Bodies to delegate authority to make dismissal decisions to Headteachers. Therefore, the Headteacher becomes responsible for all action up to and including dismissal.

Governing Bodies will need to take a decision as to whether they wish to delegate this responsibility. They need to bear in mind that the statutory guidance accompanying the Regulations specifies a series of circumstances where such an arrangement may not be appropriate. These are as follows

- A Headteacher who is unwilling to accept this function and who has hitherto not been required to do so. The position could be reviewed on the appointment of a successor Head.
- Where the Headteacher has been directly involved in the attendance management process leading up to the consideration of dismissal – for example, through conducting sickness review meetings. Experience shows that this is invariably the case and therefore, referral for consideration by the Attendance and Dismissal Committee preserves the integrity of the managing sickness absence process. However, in large Schools, it may be possible to delegate the responsibility for managing sickness absence to another member of the School Leadership Team, thereby leaving the Headteacher available to consider, what action, up and including dismissal, should be taken. Appeals against action taken under the management of sickness absence procedures should still be considered by the Appeals Committee.
- Where the Governing Board of a school with a religious character (i.e. Voluntary Aided, Foundation and Voluntary Controlled Schools) has agreed that Governor involvement will serve to preserve this character. Therefore, advice should be sought from the relevant Diocesan Authority.
- Where the Headteacher is themselves subject to sickness absence procedures.
- Where the CSA may have made representations to the Chair of Governors on grounds of serious concerns about the performance of the Headteacher.

Where a Governing Board does decide to delegate the authority to make dismissal decisions, they are strongly advised to consult with staff and their professional associations before finally confirming their decision.