



## **SOLIHULL METROPOLITAN BOROUGH COUNCIL**

# **Sickness Absence Management**

# SICKNESS ABSENCE MANAGEMENT

## What does this procedure cover?

	<u>Page</u>
1. Introduction	3
2. Scope of Policy	3
3. Policy Statement	3
4. Principles	4
5. Roles and Responsibilities	4
6. Sickness Notification and Recording	6
7. Return to Work Contact/ Meeting	7
8. Procedure	7
9. Appendices	12

**Appendix 1** – Sickness Reporting Procedure

**Appendix 2** – Non Teachers Sickness and Industrial Injury Allowance Scheme

**Appendix 3** – Teachers Sick Pay and Reporting Procedure

**Appendix 4** – Appeal Against Dismissal Form

**Appendix 5** – Leave of Absence for medical appointments

**Appendix 6** – Redeployment Procedure

## Guidance Documents (available in separate document)

**Guidance Document 1-** Issues to Consider

**Guidance Document 2-** Frequently Asked Questions

**Guidance Document 3-** Procedure and Principles

**Guidance Document 4-** Sickness Absence Notification & De-Brief Form (Non-Schools)

**Guidance Document 5-** Sickness Absence Notification & De-brief Form (Schools)

**Guidance Document 6-** Reporting Sickness Absence – Absence Reasons

**Guidance Document 7-** Redeployment Form

**Guidance Document 8-** Occupational Health Referral Form

**Guidance Document 9-** Employee Assistance Programme

# **SICKNESS ABSENCE MANAGEMENT POLICY AND PROCEDURE**

## **1 INTRODUCTION**

Good attendance by all employees is essential to the effective and efficient operation of Council services, schools and the provision of education services. Sickness absence management is fundamental in the planning and provision of a quality service and to maintaining high morale amongst all employees.

Attached are Guidance documents, which must be read in conjunction with the application of the policy and procedure. These notes provide further clarity on the context in which the policy and procedure has been developed and agreed. Further advice can be obtained from Human Resources , Teacher Associations or Trade Union representatives.

## **2 SCOPE OF POLICY**

This policy applies to employees employed on NJC terms and conditions of service, JNC, Soulbury, centrally employed teachers and all teaching and support staff at schools. The role of the Line Manager / Head teacher / Chair and the Governing Body shall be undertaken by the appropriate manager and senior manager respectively.

This policy applies to Head teachers and in these instances, the Chair of the Governing Body shall initially raise the matter with the Director of Childrens Services.

This policy does not apply to agency staff or contractors, any issues of sickness absence should be referred to the agency or contractor.

The Sickness Absence Management policy and procedure has been developed in consultation with recognised Teacher Associations/ Trade Unions to provide a fair, consistent and supportive framework for the effective management of sickness absence. It also provides a structured procedure for dealing with cases where an employee's sickness absence is cause for serious concern.

***NOTE:** Unless specified otherwise in this procedure the term "Line Manager / Head teacher / Chair" is used generally to include senior member of staff or other nominated individual with responsibility for managing staff absence.*

## **3 POLICY STATEMENT**

Employers have a duty of care to all employees and to expect employees to attend work on a regular basis. This policy aims to provide a framework to achieve good attendance through supportive, firm, fair and consistent management. The policy is designed to balance the needs of the service/ school requirements with the needs of the employees who are ill and those employees who remain at work.

## **4 PRINCIPLES**

The principles behind the development of the policy are to develop a working environment and management style that:

- Values and encourages good attendance.
- Supports and respects the dignity of employees who are ill.
- Recognises and respects confidentiality in dealing with medical information and sickness absence.
- Treats employees in a fair, sensitive and consistent manner, recognising the individual circumstances.
- Maintains accurate sickness absence records to identify absence issues at an early stage using this information and other appropriate information (e.g. medical reports) to objectively manage sickness absence.
- Is collaborative and open in approach with employees who are absent through sickness, ensuring early, regular contact and consultation about possible solutions to sickness absence.
- Ensures that appropriate medical advice is sought, when necessary, and acted upon.
- Distinguish between sickness incapacity and issues of conduct, addressing each separately on its own merit, through the appropriate procedure.

## **5 ROLES AND RESPONSIBILITIES**

### **5.1 The Governing Body**

- To ensure that the Policy and Procedure (including the Sickness Notification Procedure) is communicated to all staff and implemented at the school.
- To hear cases and any appeals arising from the implementation of the Policy and Procedure
- To ensure that the Head teacher/ Appropriate and suitably trained senior member of staff carries out his/ her responsibilities in accordance with the Policy and Procedure.

### **5.2 The Line Manager / Head teacher / Chair**

The day to day management of sickness absence is the responsibility of the Line Manager / Head teacher/ Chair but specialist advice from Occupational Health Services or Human Resources may be called upon at any stage as appropriate.

#### **For Schools Only**

The Head teacher/ Chair may delegate responsibility for dealing with the initial stages of the procedure to appropriate senior designated and suitably trained member(s) of staff. This delegation will depend upon the reporting arrangements within schools and the specific circumstances of the individual absence issue.

The Line Manager/ Head teacher/ Chair has a crucial role in the successful management of sickness absence and a number of specific responsibilities. These are:-

- To know and understand the levels of attendance amongst employees. To ensure that sickness absence levels are recorded, monitored and information kept on the duration, frequency and reasons for sickness absence.
- To treat employees fairly and consistently in applying the Procedure, to adopt a consistent approach, which is seen to be fair to all employees. To take into account the individual's circumstances when reviewing sickness absence and deciding on what action to take.
- To take an interest in the health of employees and encourage good attendance and where health problems are identified by either an employee or the Line Manager / Head teacher / Chair, to put in place support mechanisms that allow and encourage good attendance. And to consider the wishes of the employee with regards any medical advice/ treatment

- (iv) To be alert and responsive to organisational difficulties. There may be organisational issues that are contributing to levels of sickness absence including working practices, the working environment, working relationships and organisational stress. Line Manager / Head teacher / Chair need to demonstrate that they are addressing these issues where they have been identified as contributory factors.
- (v) To involve representatives in the process. The support and involvement of representatives is an important component of managing sickness absence. Line Manager / Head teacher / Chair must give the opportunity for them to be involved at the appropriate stage of the procedure. This will reassure employees and increase their trust and confidence in the process.
- (vi) To ensure communication and understanding of the Sickness Notification Procedures. Line Manager / Head teacher / Chair shall ensure that all staff are informed of the sickness Notification Procedure and appreciate how it operates and why.
- (vi) To ensure understanding of the role of Occupational Health. When making a referral the Line Manager/ Head teacher/ Chair completes the Employee Medical Health Referral Form (Guidance Document 8).

### 5.3 **The Employee**

- (i) To attend work when fit to do so.
- (ii) To comply with the Absence Management Policy and Procedure, the Sickness Notification Procedure (Appendix 1) and to submit medical certificates to his/ her manager/ school at the appropriate times.
- (iii) To keep his/her School or Line Manager informed of the situation when absent from work including progress or changes in his/ her medical condition.
- (iv) To attend meetings with the School/ Line Manager / Head teacher / Chair, HR and Occupational Health as required and to discuss sickness and health issues, as is reasonable and appropriate.
- (v) To receive and follow medical advice and/ or treatment, as is reasonable and appropriate.
- (vi) Not to intentionally engage in any activity which is likely to effect attendance and/or prolong absence.

### 5.4 **Occupational Health**

- (i) It is the responsibility of qualified medical practitioners and/or occupational health to make medical judgments regarding an employee's health and medical condition (not the school, manager or HR).
- (ii) The Council provides an occupational health service for the use of all schools and Council Directorates. Part of this service includes advice to Line Manager / Head teacher / Chair and employees in connection with the working environment, which may include specialist medical support, medical assessments and general support to assist an employee's effective return to work. This may on occasions involve "on-site" assessments.
- (iii) Occupational Health also provides health counselling.
- (iv) These services are normally accessed by using the Employee Medical referral form (Guidance Document 8).

## 5.5 **Human Resources**

- (i) To provide advice, guidance and support on issues of absence including the application of best practice, policies, training, networking, disability and redeployment. To act as technical advisers as required under the Procedure.
- (iii) To develop systems to enable sickness absence to be monitored and managed.

## 6 **SICKNESS NOTIFICATION AND REPORTING PROCEDURE**

### 6.1 **Sickness Notification**

A copy of the Sickness Notification and Reporting Procedure is attached (Appendix 1)

#### **A. For Non Schools**

All employees should be made aware of and issued with a copy of the Sickness Notification Procedure by their Line manager as part of their induction.

All staff must follow the procedure for reporting sickness absence, unless issued with alternative procedures by their manager.

Any local variations must follow the principles set out in the policy, procedure and guidance documents.

#### **B. For Schools**

Each school shall adopt a clear Sickness Notification Procedure, which must be communicated to each member of staff. It is recommended that the Head teacher/ Appropriate and suitably trained senior member of staff issue all new employees, as part of their induction, a copy of the Sickness Notification Procedure.

Failure to comply with the Sickness Absence Reporting Procedure may affect pay and can lead to disciplinary action. Appendices 2 and 3 provide details of the Sick Pay Schemes.

### 6.2 **Sickness Recording**

To ensure effective sickness absence management there is a need to monitor and review the levels and reasons for absence in a regular, sustained and consistent way. All work areas/ schools must have arrangements in place to accurately record and monitor sickness absence. A copy of the Certificate of Sickness Absence Notification & De-Brief Form is attached in Guidance Notes 4 and 5. Where available absences should also be recorded on Oracle (Managers Self Service).

For sick pay purposes, sickness absence is reported in full days. In situations where an employee arrives for work but is unwell and unable to remain at work, this absence does not need to be reported for payroll purposes. However absences of this nature should continue to be recorded and monitored for absence management purposes against policy trigger points.

## **7 RETURN TO WORK CONTACT/ MEETING**

Return to work contact should be made with each employee after every period of sickness absence. The Line Manager/ Head teacher/ Appropriate and suitably trained senior member of staff must do this as soon as possible on the first day of return in order to:

- a) Confirm the reason for the absence (for recording purposes)
- b) Ensure that the employee feels fit and well enough to return
- c) Update the employee on any work related issues
- d) Discuss any advice offered on the employees 'Fit Note' or support that may be needed

This provides an informal opportunity to discuss the absence and any issues arising, to explore if there are any underlying causes and to identify any areas where support may be needed. The return to work interview form should be completed during this meeting including identifying exactly why the employee had been absent (22 reasons available - see Guidance Document 6) These discussions do not constitute the formal part of the Procedure but are part of the basic supervisory relationship. As such, a trade union representative would not normally need to be in attendance. Following an employee returning to work after a prolonged absence it may be beneficial to have regular sickness review meetings which are not "formal action". These meetings would give the opportunity to keep the employee's health management under review.

## **8 THE PROCEDURE**

At each stage of the procedure there must be clear communication and understanding of what agreed actions/ improvements are required by the employee to enable progress through or exit from the process.

### **ARRANGEMENTS TO MONITOR AND MANAGE SICKNESS ABSENCE**

#### **Trigger Points**

Sickness absence levels for individuals are monitored on a twelve month rolling period. The trigger point at which the Line Manager/ Head teacher or Appropriate and suitably trained senior member of staff are required to consider the employee's sickness absence is where an employee has accumulated:

#### **Short Term/ Intermittent Absence**

- A total of ten or more separate or continuous working days absence over the past twelve months (pro rata for part time staff may be appropriate subject to individual working patterns - see Guidance note 2), or
- Three periods of sickness absence, over the past six months, or
- Where there is a cause for concern regarding an employee's health, even where there may be no absence, or there is a particular pattern of absence that has not yet reached one of the trigger points above (for example Monday and/or Friday absence).

#### **Long Term/ Chronic Absence**

- A continuous period of four weeks absence.

If a trigger point is reached it will require the situation to be considered to determine what action, if any is appropriate. The fact that a trigger point is reached does not of itself, indicate that an employee's attendance is unacceptable or that any formal action will be taken. It is necessary to consider a range of options and make appropriate decisions with discretion and sensitivity.

## **RIGHTS OF REPRESENTATION**

Employees should be reminded of the right to be accompanied by a recognised trade union representative (or a person approved by the trade union) or a work colleague nominated by the employee, during each stage of the procedure.

## **STAGE 1**

A Stage 1 Meeting should be arranged when:

- An individual's absence has reached one of the trigger points (please refer to page 7), or
- a particular pattern of absence is identified which is a cause for concern, or
- an individual's health appears to be a concern, although none of the trigger points have been reached (advice should be sought from HR in this circumstance).

The meeting should be carried out by the Line Manager/ Head teacher/ Appropriate and suitably trained senior member of staff.

The purpose of the meeting will be to:-

- Discuss and explore the reasons for absence or health concerns.
- Explain concern about the current level of sickness.
- To identify support and assistance and look at ways to resolve any problems that may improve attendance or encourage a return to work

The range of issues under discussion will vary depending upon individual circumstances and whether the issue is one of frequent short-term absence or long term absence. (Further information relating to the issues needing to be discussed at this meeting can be found in the Guidance Documents1 and 2)

At the conclusion of the meeting, either no further action will be required or the employee and line manager will develop a joint action plan, confirmed in writing within 5 working days. The joint action plan must give consideration to and may include the following (this is not an exhaustive list):

- Identifying and implementation of further support and assistance (e.g. alternative work arrangements)
- Arrangements for further monitoring and review meetings
- Agreed targets for improvement
- Agreed arrangements for a phased return to work
- Referral to Occupational Health – the detail of this referral will be discussed with the employee and/or their representative
- The circumstances where a referral to Stage 2 of the procedure will be made
- Consideration of issues under the Capability Procedure

In accordance with the joint action plan further review meetings may continue at Stage 1. Employees **must** be informed of the circumstances in which a referral to Stage 2 will be made.

In some circumstances, a Stage 1 meeting may proceed in the absence of the employee. Employees who are unable to attend may nominate and arrange for a Representative to attend on their behalf, or submit written representation in advance.

## **STAGE 2**

A Stage 2 Meeting should take place conducted by the Line Manager/ Head teacher/ Appropriate and suitably trained senior member of staff:

- when following actions agreed at Stage 1 an employee has not shown sufficient or sustained improvement in their attendance or
- ill health continues to give cause for concern or
- where an employee's absence is on-going and there is no realistic prospect of a return to work in the foreseeable future

HR must be consulted for advice before undertaking this stage and should be present at any meetings. It should only be in exceptional circumstances that an employee is referred to Stage 2 without having first obtained advice from Occupational Health.

The relevant issues should be discussed and explored and areas of possible support reviewed.

At the conclusion of the meeting the employee should be informed and have confirmed in writing, within 5 working days, either that:

- Short term absence - their level of absence remains unsatisfactory, a level of improvement is required and targets agreed. That failure to meet agreed level of improvement will result in the employee being referred to Stage 3 which may result in their dismissal or
- Long term absence - their on-going absence continues to give cause for concern, when a further review within Stage 2 will take place and that failure to return to work within a reasonable timeframe the employee will be referred to Stage 3 which may result in their dismissal

Please refer to the Guidance Notes and FAQs for further information relating to the procedure for managing short term and long term absences.

## **STAGE 3**

A Stage 3 Meeting should take place:

- When an employee has not met the required level of improvement in attendance as specified at Stage 2 (or attendance has deteriorated following initial improvement)
- Or, where the review date agreed at Stage 2 has been reached and where there is no realistic prospect of a return to work in the foreseeable future.

A stage 3 meeting will be conducted by

#### **A. For Non Schools**

This will normally be chaired by a manager from the Directorate's Leadership Team (not involved in Stages 1 or 2) who will be advised by HR.

#### **B. For Schools**

This will normally be conducted by a panel of three governors, and who will be advised by HR.

If no satisfactory reason can be established for the employee's failure to improve their level of attendance they will be informed that their employment is terminated (with appropriate notice) on grounds of their unacceptable attendance record.

In respect of on-going long-term absence where there is no realistic prospect of a return to work within an acceptable timeframe the employee's employment will be terminated (with appropriate notice) on the grounds of medical incapability. Prior to making this decision the possibility of ill health retirement should be reviewed.

For ill health retirement of **teachers** please refer to the Sickness Absence Management (Guidance Document) (page 27).

The decision must be confirmed in writing within 5 working days and the employee informed that they have the right of appeal against this decision. Any appeal should be made in writing, within ten days of receipt of the written notification of the outcome of the Stage 3 meeting.

### **APPEALS**

Where employees are dissatisfied with the outcome of the Stage 3 meeting they can appeal against the decision within ten working days of receiving written notification of the decision, using the form in Appendix 4. The employee's appeal must clearly state their grounds for appealing.

An employee may choose to appeal, for example, because:

- They believe the outcome or action is unreasonable, and why
- New information comes to light
- They believe the absence management process was procedurally flawed

Appeals should be sent to:

#### **A. For Non Schools**

The Head of Human Resources

#### **B. For Schools**

The Chairperson of the School Governing Body.

### The Appeal Hearing

The purpose of the hearing will be to hear the grounds for appeal and review the original decision and establish its fairness. The appeal hearing is not intended to be a 're-run' of the original hearing, unless the person hearing the appeal believes there is some exceptional justification for doing so.

## The Panel

### **A. For Non Schools**

The appeal will be heard by a panel consisting of not less than two officers including one representative from Human Resources , neither of whom have been previously involved in the case.

Where the appeal is against dismissal, the appeal will be heard by the Appeal's Sub-Committee of the Governance Committee.

### **B. For Schools**

The appeal will be heard by a panel consisting of three Governors, none of whom will have been previously involved in the case. The panel shall be assisted by a HR representative, who has not previously been involved in the case, to act as technical advisor to the panel.

Where possible, all appeal hearings should be convened within fifteen working days of receiving notification from the employee. Where this is not possible the employee will be kept informed of future timescales. The employee will be notified in writing giving at least five working days notice of the date, time and venue for the appeal hearing. They will be informed of their right to be accompanied by a recognised teacher association, trade union representative (or a person approved by the trade union) or a nominated work colleague.

The employee must be informed of the decision within five working days of the appeal hearing.

## 9 APPENDICES

### Appendix 1

#### Sickness Reporting Procedure

<b>1<sup>st</sup> Day Of Absence</b>	<p>The employee must notify their line manager of their absence within one hour of to the usual starting time.</p> <p>The employee must give the nature (that is a description of the symptoms that mean they are unable to attend work because of their sickness) and anticipated duration of their absence.</p> <p>Unless there is a good reason, which is explained to the line manager, employees must always report their sickness absence themselves rather than asking a friend or relative to telephone. Use of text and email would not normally be acceptable.</p> <p>If the Line Manager / Head teacher is not available, the employee must leave a message to the effect that they are sick and leave contact details for the manager to return the call, if appropriate. Details about sickness absence do not have to be left with colleagues.</p> <p>The Line Manager / Head teacher must ensure, if appropriate, that they return the call as soon as possible. If the Line Manager / Head teacher is unavailable contact should be made by a deputy or more senior employee.</p> <p>The Line Manager/ Head teacher will make a record of the telephone conversation on the Certificate of Sickness Absence Notification &amp; De-Brief Form. Where available the absence should also be recorded on Oracle (Manager's Self Service)</p>
<b>4<sup>th</sup> Calendar Day</b>	<p>If the employee has not returned to work they must make further contact with their Line Manager / Head teacher in order to discuss the nature of the absence and the expected date of return. This information will be recorded by the line manager.</p>
<b>8<sup>th</sup> Calendar Day</b>	<p>The employee must telephone their Line Manager / Head teacher to provide them with an update on their health. The employee must also obtain a medical certificate or "fit note" from their doctor. This must be sent in no later than the eighth calendar day of absence, to the HR Shared Service.</p> <p>If the employee continues to be absent, further medical certificate's will be required at appropriate intervals tot cover the entire period of absence. Failure to provide certificates may result in a loss of pay.</p>
<b>Absence Longer Than 8 Days</b>	<p>Every working week or as agreed with the Line Manager / Head teacher / Chair, the employee must maintain contact and report on their health and indicate when they expect to return to work. In cases of serious illness different arrangements will need to be agreed.</p>

## Appendix 2

### Non Teaching Sickness and Industrial Injury Allowance Scheme

1. The scheme is intended to supplement Statutory Sick Pay and Employment & Support Allowance so as to maintain normal pay during defined periods of absence on account of sickness, disease, accident or assault.
2. Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of, or in the course of, employment with the council. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme, although the entitlements to both are calculated as shown below.
3. Employees are entitled to receive sick pay for the following periods:

During 1 <sup>st</sup> year of service:	1 month's full pay and (after completing 4 months' service) 2 months' half pay
During 2 <sup>nd</sup> year of service:	2 months' full pay and 2 months' half pay
During 3 <sup>rd</sup> year of service:	4 months' full pay and 4 months' half pay
During 4 <sup>th</sup> and 5 <sup>th</sup> year of service:	5 months' full pay and 5 months' half pay
After 5 years' service:	6 months' full pay and 6 months' half pay
4. The Council will, at its absolute discretion, extend the period of half sick pay, where an employee is suffering from a critical or terminal illness, subject to appropriate medical advice and review.
5. The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.
6. In the case of full pay periods, sick pay will be an amount which, when added to Statutory Sick Pay and Employment & Support Allowance receivable, will secure the equivalent of normal pay.
7. In the case of half pay periods, sick pay will be an amount equal to half-normal earnings, plus an amount equivalent to Statutory Sick Pay and Employment & Support Allowance receivable, so long as the total sum does not exceed normal pay.
8. Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.
9. The Social Security benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled on the basis that the employee has satisfied, so far as is possible:
  - a. the conditions for the reporting of sickness, as required by the council
  - b. the claiming of benefits
  - c. the obligation to declare any entitlement to benefits and any subsequent changes in circumstances affecting such entitlement.
10. An employee who is prevented from attending work because of contact with an 'infectious disease' shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under this scheme.

11. 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 Council shall advise the employee of the grounds for suspension and the employee shall have a right of appeal to the appropriate committee of the Council. If the Council decides 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.
12. An employee shall not be entitled to claim sick pay under the scheme unless:
  - a. notification is made immediately to the person identified for this purpose by the council
  - b. further notification is made, as required by the council
  - c. a doctor's statement is submitted to the council not later than the eighth calendar day of absence
  - d. subsequent doctor's statements are submitted as necessary
  - e. on return to work, the employee signs a statement detailing the reasons for absence for all absences up to and including seven days.
13. An employee shall, if required by the Council at any time, submit to a medical examination by a medical practitioner nominated by the council, subject to the provisions of the Access to Medical Reports Act 1988, where applicable. The council will meet any costs associated with the examination. Where it is necessary to obtain a second medical opinion, it should be provided by an independent medical referee.
14. Where, for the purpose of qualifying for sick pay under the scheme, the council requires a doctor's statement from an employee, the council will reimburse the employee the cost of such a statement on the provision of a receipt.
15. Where an employee is receiving sick pay under the scheme, sick pay should continue if a public or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday should be given.

## Appendix 3

### Conditions of Service for Teachers in England and Wales

#### PAYMENT DURING SICK LEAVE

- a) Subject to the provisions of the Occupational Sick Pay Scheme entitlement to pay during sick leave in any one year will be in accordance with the following scale of continuous service:-

**During the first year of service** - Full pay for 25 working days and, after completing four calendar months' service, half pay for 50 working days.

**During the second year of service** - Full pay for 50 working days and half pay for 50 working days

**During the third year of service** - Full pay for 75 working days and half pay for 75 working days

**During the fourth year of service** - Full pay for 100 working days and half pay for 100 working days

In exceptional cases the Authority may, at its discretion, extend periods of sick leave.

Appointment and entry to the Sickness Payment Scheme are conditional upon a satisfactory medical report. The council reserves the right to terminate the employment of any employee who is subsequently found to have withheld or otherwise distorted any information, the disclosure or correct statement of which, might have resulted in medical clearance not being given.

- b) You must follow the procedure below to qualify for sickness payment:

**Day One** - Ensure that an authorised person (at school) is notified of sickness absence by telephone or other means.

**Day Four** - Inform the authorised person (at school) of the continued absence and the likely date of return to work.

**After 7 Days** - See doctor and obtain a medical certificate no later than the 8th day of illness (employees are entitled to a free Doctor's Statement for absences which last more than 7 days). Further certificates should be obtained on the expiry of the previous note(s) until you are fit to resume work. This applies to employees at schools even when your absences continue or you become fit during school holidays.

For the purpose of this scheme, "working days" means teaching and non-teaching days within "directed time", as specified under paragraph 40 of the School Teachers' Pay and Conditions Document.

Sick pay shall include, where appropriate, Statutory Sick Pay and shall not exceed the full (ordinary) pay of the teacher under the contract of employment.

## Appendix 4

### Solihull Metropolitan Borough Council Appeal against dismissal/sanctions taken

I wish to submit an appeal against dismissal/action taken.

#### PERSONAL DETAILS

Your Name:	
Your Job Title:	
Your Contact Address:	
Your Contact Telephone No:	
Union/ Representative (if known)	

#### DETAILS OF ACTION TAKEN

Type of Action taken: (e.g. dismissal etc)	
Name of Line Manager/ Head teacher/ Chair taking decision	
Date of receipt of written decision	

**GROUND OF APPEAL.** Please provide further detail for your grounds of appeal (continue on another sheet if necessary)

--

Your Signature \_\_\_\_\_ Print Name: \_\_\_\_\_

Date of Signature \_\_\_\_\_

**NOTE:** If you are appealing against dismissal please send this form to the Head of HR /Chair of Governors within 10 working days of receipt of the dismissal letter.

## Appendix 5

### Leave of Absence for Medical Appointments

#### Introduction

High absence levels affect Solihull Council Services and Solihull School's ability to deliver its services reliably and can also damage the morale, performance and health of staff. All staff share a responsibility to help keep absence levels to a minimum and are entitled to expect fair treatment when needing time off. This document outlines the approach when staff need time off to attend medical appointments.

#### General Approach

Employees will generally be expected to attend routine medical (doctor, dentist, hospital etc.) appointments in their own time.

Where an employee has to attend an appointment and this cannot reasonably be arranged outside of normal working hours; it may be reasonable to allow paid time off to attend within agreed core working hours. This will be subject to service considerations and approval by the respective manager.

For non-routine or urgent medical/ hospital appointments that occur during normal working hours, paid time off will be allowed.

Staff requesting time off may be required, by their manager to produce an appointment card or other document confirming details of the appointment.

It is recognised that both manager and employee will need to be flexible in the application of this arrangement.

#### Treatment for Underlying Medical Conditions

For staff who need to undergo regular treatment for an underlying medical condition, then each case will be treated on its merits and much will depend on the individual's circumstances and the nature of the treatment. Arrangements should be discussed and preferably agreed, in advance, between the individual and their line manager.

#### Pregnant Workers

Pregnant employees are legally entitled to paid time off during working hours to receive ante-natal care as advised by a doctor, a registered midwife or a registered health visitor. Employees are required to ask their employer for time off for the appointments and requests should not be unreasonably refused. If asked to do so by their manager, employees must produce a certificate (from a doctor, a registered midwife or a registered health visitor) stating that she is pregnant and an appointment card or some other document confirming that the appointment has been made.

## Appendix 6

### SICKNESS ABSENCE MANAGEMENT POLICY MEDICAL RE-DEPLOYMENT PROCEDURE

At various stages of the Absence Management procedure, Managers may be required to consider the availability of alternative employment.

The following procedure is provided to assist this process and applies to all forms of illness (physical and/or mental) which impacts upon a person's capability to do their job.

#### **STAGE ONE**

The Head teacher/ Manager/ Appropriate and suitably trained senior member of staff will meet with the employee and their representative. This meeting may be part of a review meeting under the Sickness Absence Management procedure and in certain circumstances it may also be discussed as part of the Capability Procedure.

The meeting will review:

- (i) the employee's health and his/ her degree of incapacity;
- (ii) the impact on the whole job (could the incapacity be "covered" or "lived with"?);
- (iii) other employment options the employee might wish to consider.

#### **STAGE TWO**

- (i) If re-deployment is an appropriate option the employee and Head teacher/ Manager/ Appropriate and suitably trained member of staff should complete the Re-deployment Form (Guidance Document 7)
- (ii) The information from this form will be used to populate the "First Consideration" register within the Shared Service team based in Human Resources. The "First Consideration List of Vacancies" will be circulated on a weekly basis and can be accessed by the the employee through "Talent Link".
- (iii) Upon receipt of the weekly list of vacancies the HR Advisors will establish whether there are "any vacancies" (current or anticipated) which might be suitable and, if so, may contact the employee direct. Where an employee wishes to discuss further or declare an interest they should make contact with their HR Advisor.
- (iv) Where the employee meets the minimum job requirements of jobs advertised, the employing department will guarantee them an interview.
- (v) Managers have the discretion to waive normal recruitment and selection practices and make job offers (without competition) where:
  - a. the employee meets the minimum job requirements;
  - b. where re-deployment is being pursued as an alternative to dismissal on ill-health grounds, and
  - c. where this would be in line with the School's Disability Policy;
- (vi) Where the requirements of a job could be met by the provision of a reasonable input of re-training, then this training will be provided.
- (vii) Redeployment would be subject to a 4-week trial period.

If after a period of three months the employee has not been re-deployed a further meeting will be held between Head teacher/ line Manager, employee and representative to review progress. At this meeting the manager will normally give the employee notice of termination. However, if they are satisfied that there are realistic prospects of redeployment the manager may agree to an extension of the redeployment period. If so a further review date (under Stage 3) will be agreed.

## **SUITABLE ALTERNATIVE EMPLOYMENT**

The purpose of the procedure is to enable a “match” between job and employee. Inevitably, this will mean a “nearest fit” solution and the solutions offered might not necessarily suit the individual. However, if a reasonable offer has been made and refused, then the employee may be given notice of termination.

Job offers will be made as an alternative to dismissal on ill-health grounds.