



SPARKEN HILL
ACADEMY

SICKNESS ABSENCE POLICY

ADOPTED: SEPTEMBER 2021
REVIEWED: ANNUALLY
NEXT REVIEW DATE: SEPTEMBER 2025

SPARKEN HILL ACADEMY
SPARKEN HILL
WORKSOP
NOTTS
S80 1AW

SICKNESS ABSENCE POLICY IN MAINTAINED SCHOOLS AND ACADEMIES

The academy is concerned for the health and welfare of its staff and it seeks to protect the health and safety of staff by maintaining a sound and safe working environment, free from danger and risk.

We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

If you consider that you are affected by a disability or any medical condition that affects your ability to undertake your work, you should inform the head teacher. Any information you provide will be handled in a confidential manner and in accordance with our Data Protection Policy.

If you need any adjustments to support you in attending any meetings in accordance with this procedure then please confirm what these are.

The academy ensures that when illness or injury occurs, paid leave is granted to staff in accordance with the applicable conditions of service. The academy expects employees to:

- Care for their own health.
- Seek medical attention and help whenever appropriate.
- Attend for work when they are fit and able to do so.
- Keep the principal (or other nominee) fully informed if they are unable to attend work and the reason why they are unable to attend work.
- Inform the principal (or nominated member of staff) if they have any condition for which they believe they require a reasonable adjustment.

The principal (or nominated member of staff) will have responsibility for:

- Monitoring sickness absence.
- Making employees aware of this policy and procedure.
- Ensuring employees' awareness of the associated reporting arrangements.

The following procedure sets out the course that will be followed in respect of on-going sickness absence/absences.

Reporting absence

Employees must, unless it is not practicable to do so, ensure that their absence is notified to the principal (or nominated member of staff) at the earliest opportunity, and at least one hour before their working day is due to start, stating:

- The reason for their absence.
- What steps they are taking to assist recovery.

- When they expect to attend work again, if known. A fit note must be provided to the academy after seven days of absence.

If the absence appears to be work-related, the principal will ensure that:

- Any health and safety reporting requirements have been met.
- Its occupational health provider has been involved, if appropriate.
- Where necessary, any remedial action is taken.

Return to work

When absence exceeds five working days, the principal (or nominated member of staff) will carry out a return to work interview to ascertain:

- If the employee is fit for work.
- Whether or not temporary adjustment to duties is appropriate.
- Whether any further steps are appropriate to reduce the risk of recurrence of the illness.

The principal (or nominated member of staff) may exercise discretion to carry out a return to work interview in other circumstances. The principal (or nominated member of staff) is responsible for taking any appropriate action as a result of the return to work interview.

The member of staff is responsible for working in accordance with the outcomes of the return to work interview.

Where the employee has provided a fitness for work note, any recommendations of the employee's doctor included in the fitness for work note will be considered by the academy. Where deemed necessary by the principal and/or chair of governors or named governor, a second opinion may be sought from the school's occupational health provider.

Informal absence review

Staff are able to view their attendance status at any time throughout their employment via the staff absence management portal - MySAM. When staff are approaching a trigger this will generate a letter advising them of this.

The informal absence review stage applies when an employee has had either:

- 3 periods of certified and / or self-certified sickness absence in a term or equivalent period of 4 months;
- Unacceptable patterns of absence, for example regular Monday or Friday absence or regular absences at particular times during the week or academy calendar;
- Up to 4 periods which in total exceed a month of certified / self- certified sickness absence per year.

The principal (or nominee) must inform the employee that this stage in the procedure has been triggered and that any further absences within a defined period, usually three months for short term sickness absence, or a further month's absence in long term absence cases, may lead to the formal procedure being invoked.

In the case of continuous absence, the principal (or nominee) must confirm the reason for the absence.

The principal (or nominee) must check whether or not there is a realistic prospect of recovery or return to work in no more than a week's time, in which case there may be no need for further action.

The principal (or nominee) must check whether any facilities or actions could be applied to help speed the return to work and reference to any 'fit' note, or other available medical evidence, should be made. If any are identified, these should be considered.

The principal (or nominee) must, in the case of repeated absences, discuss with the employee whether there are underlying factors causing the absences and whether or not there is anything that either the employee or employer can do to minimise the chance of repeated absences.

Formal absence review

This stage applies where the situation continues beyond the provisions of the informal stage above.

A representative nominated by the principal must hold, if possible, a formal absence review meeting with the employee. Staff have the right to be accompanied by a colleague or trade union representative/official. Normally these meetings should be held within the academy but in exceptional circumstances, at the employee's request, they can be held at a neutral venue or at the employee's home. In the event that the employee is unable to attend a meeting under the formal procedure, the employee will be given reasonable opportunity to attend on an alternative date. In the event that the employee cannot attend on an alternative date, the meeting may be held in his/her absence. Where a meeting is held in the absence of the employee, the employee will be given reasonable opportunity to provide written submissions for the meeting.

The purpose of the meeting is:

For continued absence:

- To explore the realistic possibilities of a return to work, to discuss the effect the employee's absence is having on the academy and how workloads can be handled. Reference should be made to any 'fit' note, or other relevant medical evidence, where appropriate.
- To consider reasonable adaptations and adjustments that may be possible to assist return.
- To consider the medical advice relating to the case. Where there is continuing concern and there is either a dispute between the employee and his/her GP or the 'fit' to work recommendations are considered inappropriate, the employee should be requested to attend a consultation with the academy's occupational health service provider. The employee has to give his/her consent for this action.

For repeated episodes of absence:

- To alert the employee to the impact of his/her absence within the academy.
- To identify any underlying cause for the absences, referring as appropriate to any 'fit' note, or other relevant medical evidence.
- Where such cause might be work-related, to consider reasonable adaptations to the job/premises.
- To consider referral to the occupational health service to obtain a second opinion on, for example, the reason for the absence, the likely duration and what could be done to assist a return to work. In most such cases, this course of action is strongly recommended.

The employee must be told that this is the first formal stage of the absence monitoring procedure and any further absence within a defined period of time may lead to the next stage of the process being invoked.

At the meeting, a review period may be set and the next stage may be triggered if there are any breaches within that period. For persistent short-term absence, this period may be up to six months. For long term absence, a suitable time period will depend upon the particular circumstances, but this would normally be between one and two months. This period will enable the academy to decide:

- The employee's return to work/level of attendance is satisfactory, and the procedure can be halted at this stage but may be resumed if a similar level of absence recurs within one year.

Or:

- To arrange a further review period before the employee's sick leave expires [where the occupational health provider envisages a return to work].

Or:

- To give the employee a formal written notification that attendance is unsatisfactory and that the matter will progress to the next stage.

The employee can appeal this decision within seven calendar days of receiving it to the principal (if not the reviewer) or to a nominated governor who is not a member of the dismissal or appeal committee of the governing board.

Where an appeal is upheld, a further review period will be set and the procedure will be resumed at the formal stage.

Final absence review

This stage applies where the employee has either no prospect of return within their period of paid sick leave or has an unacceptable continued absence or pattern of absences, following the absence targets set in the previous review period, calling into question their capability to carry out the requirements of their employment.

The principal or their nominee will, where possible, hold a meeting with the employee to consider the prospects of the employee's return to work/an acceptable level of attendance. Where s/he is not satisfied that the employee will achieve this within a reasonable time s/he will:

- Explore the possibilities of redeployment/reducing responsibility etc.
- Further consider, and where appropriate make, any reasonable adjustments to the job or premises that will assist the employee.
- Ensure that any reasonable adaptations are made.
- Set a review period (typically one month) within which time a return to work/acceptable level of attendance is achieved. The length of the review period will depend upon whether the absence is persistent short-term or longer-term absence. For persistent short-term absence, this may be up to six months, and for longer term absence this would normally be between one and two months.

Where the employee has not returned to work/achieved an acceptable level of attendance during the review process, the reviewer can give a final written warning or invite the employee to a further absence review meeting, at which new attendance targets can be set. Where the employee is issued with a final written warning, this should state that the situation is unacceptable and that the case will be passed to the governors for consideration by their dismissal or other relevant committee, unless the necessary improvement is achieved within a specified period as indicated above.

- The employee can appeal this decision within 14 calendar days of receiving it to the principal (if not the reviewer, or to a nominated governor who is not a member of the dismissal committee or appeal committee of the governing board).
- Where such appeal is upheld, a date for further review will be set and the procedure will be resumed at the final stage.

Consideration of dismissal

In the event that the employee has not met the targets set in the review period following a final written warning, the case may be passed to the governors and a hearing convened to consider whether the levels of absences can continue to be supported. At this hearing, the panel will consider if dismissal may be an appropriate sanction. Any such consideration will be by the dismissal or other relevant committee of the governing board and will be in accordance with applicable regulations.

Where a hearing is held at which the employee may be dismissed, the employee will be warned in advance in writing that one of the potential outcomes of the hearing is that they may be dismissed. They will be afforded the opportunity to attend that hearing with a workplace colleague or a trade union representative.

The grounds for consideration will be that the employee is incapable of fulfilling his/her duties by reason of continued absence/absences following a final warning under this procedure.

The proceedings for the dismissal or other relevant committee will be as under the academy's disciplinary procedure.

The rights to appeal for the employee will be as set out for the school's disciplinary procedure.

III Health Retirement Teachers

This process may apply where the teacher is absent due to ill health for at least 4 weeks and is likely to remain so for much longer with a serious medical condition.

Appendix 1 provides more detailed information.

If the application made by the individual is accepted by Teachers Pensions, a final date of service will be agreed between the teacher and the academy. Under the Pension Regulations, a teachers' employment will terminate at the end of the month in which the notification is received, or earlier if requested by the teacher and agreed by the governing body.

If the application is rejected by Teachers Pensions, the academy should seek further advice from CEFM with regard to commissioning further medical advice and/or considering implementation or continuation of the formal attendance management procedures.

III Health Retirement - Support Staff

This process may apply where the employee is absent due to ill health for at least 4 weeks and is likely to remain so for much longer with a serious medical condition.

Appendices 2 and 3 provide more detailed information.

If III Health Retirement at one of the three tiers is granted, following notification of the Occupational Health Physician's support for early retirement on the grounds of ill health, it is necessary to present a report to a panel of 3 governors of the governing body, in the light of which a decision will be taken concerning the termination of the employee's contract on medical grounds. The employee should be given the opportunity to attend this meeting if they wish, accompanied by their trade union representative or a work colleague. Alternatively, the employee may opt to use the waiver process (Appendix 4).

If III Health Retirement at one of the three tiers is not granted, the academy should seek further advice from the CEFM with regard to commissioning further medical advice and / or considering implementation or continuation of the formal managing attendance procedures

Appendix 1 : Ill Health Retirement – Teachers

1. This process may apply where the teacher is absent due to ill health for at least 4 weeks and is likely to remain so for much longer with a serious medical condition.
2. The academy should contact CEFM who will provide advice on whether it is appropriate to refer the teacher to Occupational Health if this has not yet happened.
3. Teacher attends initial consultation with the Occupational Health Adviser or Physician and a report is produced which includes medical advice on the action required to support the teacher in the ill health application, and explores all possible alternatives to assist the teacher in returning to work, and/or a programme of review appointments.
4. Throughout the absence period the academy should maintain contact with the teacher, who should be made aware of all the appropriate options which could assist them in returning to work, i.e. phased return, part-time working, stepping down, and redeployment. Records should be kept of this and CEFM will support the academy with this action.
5. When the appropriate options to facilitate a return to work have been exhausted and the Occupational Health Physician has considered all medical evidence from the GP and consultant, they may, in discussion with the teacher, feel it appropriate to apply for ill health retirement.
6. Upon a request from the teacher, their representative (if appropriate) or Occupational Health, HR Service will provide the teacher with the appropriate forms and guidance notes.
7. The teacher will complete and forward the Teachers' Pensions ill health retirement medical information form (IllHealthMED) to the Occupational Health provider. The form will be checked by an Occupational Health Nurse Adviser, who will make contact with the individual to discuss the content of the form. The teacher will be assisted with the medical aspects of the applications process by Occupational Health who will have an in-depth knowledge of the teacher's case from previous contact and can support the teacher in commissioning any relevant medical advice.
8. If the Occupational Health service have concerns about the level of medical advice provided, the teacher, their representative (if appropriate), HR Service and Occupational Health will work together before the completed application forms are submitted. Ultimately, however, it will be the teacher's decision to submit the application.
9. The teacher should send the ill health application form (IllHealth APP) to HR to be checked for completeness.
10. When all forms and medical evidence have been checked and received by the HR Service they should be forwarded to Teachers' Pensions for processing. The governing body will treat their application as an indication of their wish to retire.
11. Following receipt of the application, Teachers' Pensions will decide whether to accept or reject the application. The application may be rejected unless it has the full support of a specialist and all avenues of treatment have been exhausted.
12. If the application is accepted by Teachers Pensions, a final date of service will be agreed between the teacher and the academy. Under the Pension Regulations a teacher's employment will terminate at the end of the month in which the notification is received, or earlier if requested by the teacher and agreed by the governing body.
13. There are two tiers of ill-health retirement benefits – Total Incapacity Benefit (TIB) and Partial Incapacity Benefit (PIB)
14. If the application is rejected by Teachers Pensions, HR, Occupational Health, the teacher and their representative (if appropriate) will work together to consider commissioning further medical advice and decide whether to submit a fresh application or consider other options.
- 15.

For further guidance see [Retirement and Pensions](#) or www.teacherspensions.co.uk

Appendix 2: Ill Health Retirement – Support Staff

1. This process may apply where the employee is absent due to ill health for at least 4 weeks and is likely to remain so for much longer with a serious medical condition.
2. The academy should make contact with CEFM who will provide advice on whether it is appropriate to refer the teacher to Occupational Health if this has not yet happened.
3. The employee attends initial consultation with the Occupational Health Adviser or Physician and a report is produced which includes medical advice on the action required to support the employee and explores all possible alternatives to assist the employee in returning to work, and/or a programme of review appointments.
4. Throughout the absence period the academy should maintain contact with the employee who should be made aware of all the appropriate options which could assist them in returning to work, i.e. phased return, part-time working, and redeployment. Records should be kept of this and CEFM will support the school with this action.
5. When the appropriate options to facilitate a return to work have been exhausted and the Occupational Health Physician has considered all medical evidence from the GP and consultant, they may, in discussion with the employee, feel it appropriate to apply for ill health retirement and ask employee for their consent to refer them to an independent Occupational Health Physician.
6. The independent Occupational Health Physician will consider whether the employee meets the criteria, under the local government pension scheme, for early retirement on the grounds of ill health and indicate that they are willing to sign a Certificate of Permanent Incapacity.
7. Following notification of the Occupational Health Physician's support for early retirement on the grounds of ill health, it is necessary to present a report to a panel of 3 governors of the Governing body, in the light of which a decision will be taken concerning the termination of the employee's contract on medical grounds. The employee should be given the opportunity to attend this meeting if they wish accompanied by their trade union representative or a work colleague. Alternatively, the employee may opt to use the waiver process
8. Certificate of Permanent Incapacity – Support Staff (Pension members only)

Upon OHU advice:

- **1st Tier:** 2 yrs minimum service. Employee has no reasonable prospect of being capable of obtaining gainful employment before normal pension age (age 65). Service enhanced to normal pension age.
- **2nd Tier:** 2 yrs minimum service. Employee has no reasonable prospect of obtaining gainful employment within 3 years of leaving but are likely to be capable before normal pension age. Service 25% enhanced to age 65.
- **3rd Tier:** 2 yrs minimum service: Permanently incapable of discharging current post, but is likely to be capable of obtaining gainful employment within 3 years of leaving. No enhancement. Reviewed after 18 months via OHU appointment, pension may cease if recovers and gainfully re-employed.

For further guidance see [Retirement and Pensions](#) or www.nottinghamshirepensionfunds.org.uk

Appendix 3 - Ill Health Retirement – Tier 1 / Tier 2 (support staff only) letter

Private & Confidential

Name

Address

Address

Address

Address

Date

Dear *

Managing Attendance Procedure Sparken Hill Academy - Ill Health Retirement – Tier 1 / Tier 2 / Tier 3 (support staff only)

As you are aware the academy has, for some time, been considering your long term illness in accordance with the Managing Attendance Procedure.

[Name], County Occupational Health Physician at the Occupational Health Unit, who is an independent doctor has been contacted regarding your ongoing absence from work. He/she has reviewed your case and has confirmed that he/she will issue a Medical Certificate of Permanent Incapacity in relation to your employment as [post title]. As you are in the Local Government Pension Scheme this means that you are entitled to receive [Tier 1/Tier 2/Tier 3] pension benefits payable immediately after your contract of employment with the Academy Trust has ended in accordance with the definitions below:

Delete non-applicable tiers as appropriate

Tier 1

If the employee has no reasonable prospect of being capable of obtaining gainful employment before normal pension age (age 65), the pension payable will be based on accrued memberships + 100% of prospective membership between leaving and normal pension age.

Tier 2

If the employee has no reasonable prospect of gainful employment within 3 years of leaving but are likely to be capable before normal pension age, the pension payable is based on accrued membership + 25% of prospective membership between leaving and age 65.

Tier 3

A short-term reviewable pension is payable based on accrued membership only where the employee is likely to be capable of obtaining gainful employment within three years of leaving. Tier 3 pensions cease when gainful employment is found and in any case may not be paid for longer than three years. As the employer, the county council is required to review payment at 18 months and may subsequently determine that the pension should cease if the employee is deemed capable of gainful employment, or, if the employees condition has deteriorated, may determine that a tier 2 pension may be awarded.

The estimates for your [Tier 1/Tier 2/Tier 3] pension benefits are:

[details of pension benefits]

OR

The estimates for your [Tier 1/Tier 2/Tier 3] pension benefits are as previously indicated in my letter dated [date].

Having received this advice from the County Occupational Health Physician the school is now at the stage where it is necessary to review your continuing employment, in line with the Managing

Attendance Procedure, and consider whether it would be appropriate to terminate your employment on the grounds of ill health.

There are two ways that the school can manage this process. If you are in agreement that your employment is terminated on the grounds of ill health this would be progressed by writing to you informing you of the decision and giving you appropriate notice of your termination of employment. At the same time arrangements would be made for your pension benefits to be paid.

Alternatively if you wish you could attend a formal hearing at which your status and the possibility of terminating your employment in accordance with Occupational Health advice will be considered in detail. The hearing would consist of a panel of three governors and you would be given the opportunity to state your case against the possible termination of your employment. At this hearing you would have the opportunity to be represented by a Trade Union representative or work colleague. If you were not satisfied with the outcome of this process you could appeal to a governors appeal panel.

Before taking any decision about which option you wish to pursue it is important you discuss these issues and take advice from your Trade Union representative or a work colleague. Having fully considered all points, please complete the section below, indicating which option you wish to pursue. If you have any queries then please do not hesitate to contact [Name] on [telephone number]

I, [Name], have consulted with my trade union representative or work colleague and confirm:

	I agree that termination of employment on the grounds of ill health is appropriate, and understand that if I wish I have the right to a formal hearing. I have decided that I want to have my pension benefits released and I do not wish to proceed to a formal hearing to discuss the possible termination of my employment with the School.
--	--

OR

	I would like you to arrange a formal hearing at which I will have the opportunity to state my case against the possible termination of my employment with the School on the grounds of ill health.
--	--

Signed:

Print Name:

Date:

Yours sincerely

Head Teacher

CC: HR Team
TU representative

Appendix 4: Ill Health Waiver letter (teaching & support staff)

Private & Confidential

Name

Address

Address

Address

Address

Date

Dear *

Attendance Management Procedure Sparken Hill – Ill Health

As you are aware the academy has, for some time, been considering your long term illness in accordance with the Managing Attendance Procedure. The academy has, regrettably, now reached the position whereby it is necessary to consider the termination of your employment on the grounds of capability due to prolonged ill-health. Where there is mutual acceptance that the termination of your employment due to ill health is inevitable the procedure does allow for a signed agreement to this effect. If you are in agreement that your employment is terminated on the grounds of ill health this would be progressed by writing to you informing you of the decision and giving you appropriate notice of your termination of employment plus the payment of any outstanding leave (*if appropriate – support staff only*).

Alternatively, if you wish you could attend a formal hearing at which the possibility of terminating your employment will be considered in detail. The hearing would consist of a panel of three governors and you would be given the opportunity to state your case against the possible termination of your employment. At this hearing you would have the opportunity to be represented by a Trade Union representative or work colleague. If you were not satisfied with the outcome of this process you could appeal to a governors appeal panel.

Before taking any decision about which option you wish to pursue it is important you discuss these issues and take advice from your Trade Union representative or a work colleague. Having fully considered all points, please complete the section below, indicating which option you wish to pursue. If you have any queries then please do not hesitate to contact [Name] on [telephone number].

I, [Name], have consulted with my trade union representative or work colleague, and confirm:

	I agree that termination of employment on the grounds of ill health is appropriate, and understand that if I wish I have the right to a formal hearing. I have decided that I do not wish to proceed to a formal hearing to discuss the possible termination of my employment with the School.
--	--

OR

	I would like you to arrange a formal hearing at which I will have the opportunity to state my case against the possible termination of my employment with the school on the grounds of ill health.
--	--

Signed:

Print Name:

Date:

Yours sincerely

Head Teacher

CC: HR Team

TU representative