



Lowerhouse Junior School, Burnley

SICKNESS ABSENCE PROCEDURE (SHORT TERM)	
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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 Lowerhouse Junior 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 Attendance and Dismissals Committee of the Governing Board

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 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).

Appendices available from school office