



**Truro and Penwith  
Academy Trust**

# **Staff Attendance Policy & Managing Sickness Absence**

## **Review Summary**

<b>Approved By:</b>	<b>Trust Board</b>
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# Truro and Penwith Academy Trust

## Staff Attendance Policy

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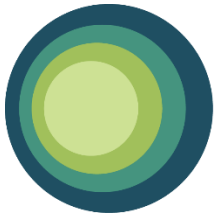
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## Staff Attendance Policy

Related documents available on TPAT's Intranet Site – [HR & Payroll](#), [Staff Sickness](#)

Absence Record Master Document	Staff Sickness – Forms
Phased Return to Work Form	Staff Sickness – Forms
Return to Work Discussion Form	Staff Sickness – Forms
Sickness Self-Certification Form	Staff Sickness – Forms
Lack of Capability due to Ill Health - invite to meeting	Staff Sickness – Letters
HAQ1 Health Assessment Questionnaire	Staff Sickness – OH
HAQ2 Health Assessment Questionnaire	Staff Sickness – OH
HAQ3 OH Referral Form	Staff Sickness – OH
HAQ3 Referral Letter to Employee – Non Stress Related	Staff Sickness – OH
HAQ3 Referral Letter to Employee – Stress Related Sickness	Staff Sickness – OH
LGPS Form – Support Staff IHR following OH referral	Staff Sickness – OH
Occupational Health Leaflet	Staff Sickness – OH
Stress Risk Assessment	Staff Sickness – OH
The Education Health Standards England Regulations 2003	Staff Sickness
The Education Teachers Qualifications and Health Standards England Regulations 1999	Staff Sickness
The Education Teachers Regulation 1993	Staff Sickness
The Equality Act 2010	Staff Sickness



## **Staff Attendance Policy Managing Sickness Absence – Guidance Notes**

### **1 Introduction**

- 1.1 These guidance notes should be read in conjunction with the Truro and Penwith Academy Trust (TPAT) Staff Attendance Policy. Its aim is to promote a positive attendance culture, manage sickness absence effectively and provide for the fair and consistent treatment of staff.
- 1.2 The Headteacher and Trust Senior Colleagues have an on-going responsibility to provide help and support to members of staff and to ensure the quality of education provided to children in the school. The Headteacher and Trust Senior Colleagues have a duty of care for the welfare and health of their staff and must seek to balance these different responsibilities in a sensitive, supportive and reasonable manner.
- 1.3 When considering the absence of an individual the Headteacher and Trust Senior Colleagues must be sensitive to the reasons behind the absence. In order to consider the absence properly it is essential that appropriate medical advice has been sought.
- 1.4 Contact with the individual is therefore essential if the school is to have a reasonable understanding of the individual's absence. The most appropriate person to keep in touch with the person may not be the Headteacher; it may be more appropriate for a Deputy Head or Head of Department or a close work place colleague to act as the contact between the individual and the school. The purpose of this contact is not only to inform the school but also to offer support and assistance to the member of staff. However, in broad terms it is the employer's right to be kept informed of an individual's absence, consequently an employee cannot refuse to keep the school informed concerning their absence. It is important to recognise that individuals must be allowed time to recover from their illnesses, but it is also important that the school are kept involved with the individual's progress.
- 1.5 Schools should ensure that Occupational Health (OH) has been involved in the sickness absence case of an employee before considering dismissal on the grounds of lack of capability due to ill health as an option. Following a referral of the employee to Occupational Health, Headteachers and Trust Senior Colleagues should also explore possible options for alternative roles in the school, which would accommodate the employee's condition of health and would facilitate his/her return to work. If there are no suitable alternative employment opportunities dismissal on the grounds of lack of capability due to ill health will be an option available to the school.
- 1.6 There may be medical questions on which the school will need professional medical advice from OH in order to understand the individual's circumstances. Therefore, it is important to involve OH during the individual's absence. The initial OH involvement and the on-going frequency will depend upon the medical condition. For example, if the individual is absent due to an operation which is covered by a Doctor's certificate, it would not be reasonable to refer the person to OH until after the individual has left hospital and has had some time to recover; however, if the person is absent due to work related stress, according to the Doctor's certificate, it is important to involve

OH at an early stage. Subsequent OH appointments will be arranged by OH at intervals they believe are sensible.

- 1.7 Schools may wish to contact OH to ask for specific information of a non-confidential nature, or to give relevant background information that they feel may be helpful. This is not only reasonable but is welcomed by OH as it enables them to build a rounded picture of the school and the individual's place within it. Clearly OH will observe medical ethics and patient confidentiality, at all times.

## **2 Procedure**

- 2.1 Having monitored the individual's absence, the Headteacher and Trust Senior Colleagues may, at a point in time, need to consider what line of action they should take next. The decision the school takes will be based upon the individual circumstances of the case and will include the medical reports and any guidance on the long-term prognosis, the individual's overall attendance record and the operational impact of the absence on the school. It is therefore very important to involve OH. Advice from OH can be sought on an individual case by referring the employee to OH. This process is undertaken by completing an **OH Referral Form** which is available on-line via our intranet (**HR & Payroll, Staff Sickness, OH**). If as a result of the OH reports the prognosis concerning the foreseeable return to work looks unlikely, the Headteacher and Trust Senior Colleagues may decide to look at the situation in more detail. In these cases it would be appropriate for the Headteacher and Trust Senior Colleagues to request OH to see the individual specifically to ask for guidance regarding a return to work and in an appropriate time frame.

- 2.2 In light of the medical reports, the Headteacher should consider possible options for redeployment which would accommodate the individual's condition of health and would facilitate a return to work.

- i. Do nothing but continue to maintain contact and to offer support as the individual is progressing satisfactorily and is likely to return to work in the near future;
- ii. Explore possible options for reasonable adjustments to working arrangements (either temporary or permanent) to accommodate the employee's condition of health and that would facilitate a return to work;
- iii. Explore possible options for redeployment which would accommodate the employee's condition of health and would facilitate his/her return to work;
- iv. *In the case of teachers*, do nothing as the individual has applied to Teachers' Pensions for Ill Health Retirement. This is a medical decision and the LMC play no part in that decision.
- v. *In the case of support staff*, if the employee has not returned to work as expected, the LMC could write to Occupational Health to ask whether, in the circumstances, the OH Physician would recommend ill health retirement. The LMC could await the outcome of this request before considering further options. This option is only likely to be of benefit if the employee contributes to the Local Government Pension Scheme.
- vi. If none of the above options are appropriate in the considered view of the Headteacher and the LMC, then they may consider dismissing the individual on the grounds of lack of capability due to ill health. This option should be seen as the last resort but in some cases where the individual's on-going absence is causing adverse operational difficulties to the school, then it may be appropriate. If the LMC are considering this option, they must contact the Trusts' HR team for advice.

### 3 Managing Sickness Absence Levels

Attendance problems need to be handled fairly and sensitively and call for a supportive approach. Headteachers and Governing Bodies are seeking to promote a positive attendance culture amongst all members of staff.

- 3.1 High sickness absence levels, both short and long term, can add substantially to school costs and may also affect the morale, motivation and performance of other members of staff. It may also have an adverse affect on pupils' education.
- 3.2 The day-to-day management of attendance is the Headteacher's responsibility but specialist advice from the Trusts' HR team and/or Occupational Health may be called upon at any stage. The LMC also have responsibilities for whole school attendance and make certain decisions in relation to dismissal. Employee sickness absence should be monitored by the school (see intranet [HR, Staff Sickness, Forms, Absence Record](#)).

### 4 Considerations in Managing Attendance

Attendance management should not be approached in isolation from other general management issues in schools. The following should also be considered:

#### 4.1 The Equality Act 2010

Schools will need to comply with the provisions of the [Equality Act 2010](#), which makes it unlawful to discriminate against people with disabilities in employment. Under the Act, a person is disabled if they have a physical or mental impairment that has a substantial and long-term adverse affect on their ability to carry out normal day to day activities. A long-term effect of an impairment is one which a) has lasted at least 12 months; or b) where the total period for which it lasts, from the first time of the first onset, is likely to be 12 months; or c) which is likely to last for the rest of the life of the person affected. The person must have an impairment that is physical or mental.

There is a requirement on schools to make "reasonable adjustments" to accommodate the needs of staff, including making adjustments to premises and altering hours of work with the member of staff's agreement.

There are many organisations providing information and advice on disability issues to disabled people, to their families, their carers and to employers. For example, the Commission for Equality and Human Rights provides a central source of information and advice to disabled people and employers.

Further advice on the scope and application of the [Equality Act 2010](#) can be obtained from the Trusts' HR team or the Disability Employment Adviser at the job centre (DEA). The DEA will also be able to give you details of how to apply for Access to Work to help with the practicalities of employing a disabled person(s).



## 4.2 Health and Safety

The **Health and Safety at Work Act 1974** imposes a general obligation that “it shall be the duty of every employer to ensure, as far as is reasonably practicable, the health, safety and welfare of all his employees”.

The Management of **Health and Safety at Work Regulations 1992** require effective systems and action to be taken to identify, prevent and reduce risks to the health and safety of staff. Further information is available from the TPAT Estates Manager.

## 4.3 Return to Work Meetings

Return to Work meetings are considered to be a significant tool for managing sickness as they give the opportunity for the Headteacher/Manager and the employee to meet on an informal basis to discuss the reason for the absence and agree any supportive measures to improve things in the future.

# 5 Occupational Sick Pay (OSP)

## 5.1 Support Staff

All staff are required to be medically screened prior to commencing employment, once the job offer is made. Provided that a satisfactory report has been received from Occupational Health and sickness reporting procedures are followed, the school will pay salary (subject to paragraph 4.3) during sickness in accordance with the scale of entitlement shown below:

During the first year of service	1 month's full pay and (after completing 4 months' service) 2 months' half pay
During the second year of service	2 months' full pay and 2 months' half pay
During the third year of service	4 months' full pay and 4 months' half pay
During the fourth and fifth years of service	5 months' full pay and 5 months' half pay
After five years' service	6 months' full pay and 6 months' half pay

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.

## 5.2 Teaching Staff

Under the Teachers' Regulations a teacher cannot be appointed or continue in employment unless s/he has the necessary health and physical capacity to do so. All teachers will be medically screened before appointment. Provided that a satisfactory report has been received from Occupational Health and sickness reporting procedures are followed, the school will pay salary (subject to paragraph 4.3 of notification of full pay) during sickness in accordance with the scale of entitlement shown below:

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 and subsequent years	full pay for 100 working days and half pay for 100 working days

Two half school days shall be deemed to be equivalent to one working day.

For the purposes of calculating the allowance payable, the year shall be deemed to begin on April 1 of each year and end on March 31 of the following year.

Whilst sickness during school holidays will not affect the period of a teacher's entitlement to sick pay allowance, it will be relevant so far as deduction of benefit is concerned.

### **5.3 Notification of Full Pay and/or Half Pay Ceasing**

Schools must notify the TPAT HR payroll team whenever a member of staff is absent on sick leave. This will ensure that accurate sickness records are maintained and that staff receive the correct amount of pay when on sick leave.

## **6 Statement of Fitness for Work – 'Fit Notes'**

- 6.1 Many people with health conditions can, with some basic support from their employer, work as they recover from their condition. This helps the individual because for many people work can aid recovery and also benefits the employer by reducing sickness absence.
- 6.2 To help more people get the support they need to get back to work the fit note system means that doctors can advise that an employee is either 'unfit for work' or 'may be fit for work'. A doctor will give a 'may be fit for work' statement if they think that their patient's health condition may allow them to work taking into account certain recommended adjustments at work where these can be accommodated by the employer. If an employee is too ill to work the doctor will sign the employee as 'unfit for work'.
- 6.3 If the doctor advises that an employee is unfit for work, this advice will normally be accepted as a basis for legitimate absence from work and the statutory and contractual sick pay entitlements will apply.
- 6.4 Where the doctor states that the employee "may be fit for work", s/he may suggest suitable support to help the employee's return to work. Recommendations may include temporarily changing their hours, amending their duties and/or workplace adaptations. The doctor's recommendations as provided on a fit note where the prognosis is that an employee 'may be fit for work' are subject to the employer's ability to reasonably accommodate them.

- 6.5 Headteachers/The LMC are required to consider and discuss the advice provided on the fit note with the employee with a view to agreeing a return to work and, where practicable, implementing the recommendations of the GP.
- 6.6 If the doctor issues an “unfit for work” statement, Headteachers’ and the LMC’ responsibilities under the Staff Attendance Policy continue to apply.
- 6.7 In most cases when an employee is fit to return to work they will do so either upon the expiry of a ‘not fit for work’ statement, or where adjustments have been agreed where a ‘may be fit for work’ statement has been issued.
- 6.8 However, some employees may feel able to return to work before the expiry of a ‘not fit for work’ statement. This could be because the employee has recovered faster than the GP expected, or the GP did not know of ways in which the employee could be supported to return. There is no longer the need to request a fit for work declaration from the GP before allowing the employee to return to work.
- 6.9 Whilst an employee may legitimately return to work prior to the expiry of the fit note, the Headteacher/the LMC are required to ensure the employees’ fitness for work by seeking advice from Occupational Health where necessary and by completion of any risk assessment that may be appropriate. In these circumstances it is recommended that a meeting takes place with the employee with a view to confirming with the employee that they feel they are fit enough to return to work and reviewing the prognosis from Occupational Health including any recommendations regarding arrangements for the employee’s return to work.

## **7 Occupational Health**

Occupational Health works with Headteachers/the LMC and employees to promote good health with Occupational Health staff offering alternative and impartial advice aimed at maintaining and improving employees’ physical and mental well-being. When a Headteacher is concerned about the effect of a possible health problem, (with due regard to the levels of absence indicated in Paragraph 8 of the Staff Attendance Policy or a potential period of lengthy absence, or a member of staff’s performance at work), the individual may be referred to Occupational Health for an assessment (see intranet site – [HR, Staff Sickness, OH – OH Referral Form](#)).

Occupational Health will offer the individual an appointment to obtain appropriate information about the condition, and advise the Headteacher (or designated manager) and the individual on any significance it may have for work. The purpose is to obtain a clear medical view of the whole situation, which can then inform management decisions and enable appropriate support to be offered to the individual. The need for further action can be ascertained, such as liaison with the individual’s GP or other health care workers to arrange further treatment or recommend a change in work patterns.

For all Occupational Health enquiries please contact the Trust’s HR team.

### **7.1 Occupational Health Referrals**

A member of staff whose health is causing concern may be referred to Occupational Health by the headteacher at any time by completing the Occupational Health Assessment referral form (see intranet site [HR, Staff Sickness, OH – OH Referral Form](#)) or alternatively the individual may self-refer for confidential advice. They do not have to be off work at the time. Should a member of staff be off work with an unclear diagnosis or continuing fit notes for more than one month an

early referral to Occupational Health is more likely to contribute to an earlier return to work. However, should a member of staff's level of absence reach the levels identified in paragraph 7 of the Staff Attendance Policy, the Headteacher (or designated manager) should contact the Trust's HR team for advice to ensure that a prompt referral takes place.

When a decision is made to refer a member of staff to Occupational Health, the Headteacher (or designated manager) should speak with/write to the member of staff (or their representative where appropriate) explaining the reason for the referral and the role of Occupational Health. To avoid unnecessary stress for the employee, the Headteacher should explain that this is normal procedure and emphasise the supportive role of Occupational Health. To avoid unnecessary stress for the employee, the individual should also be informed that s/he will be contacted by Occupational Health by telephone to assess their state of health and may also be asked to attend an appointment with Occupational Health.

## **7.2 Suspension from Duty on Medical Grounds**

A teacher who has been absent from duty for more than three months on account of a psychiatric disorder (sometimes described as nervous illness, depression, anxiety) must be referred to Occupational Health. In accordance with the [Education \(Teachers' Qualifications & Health Standards\) \(England\) Regulations 1999](#), a teacher who has been absent from duty on account of a psychiatric disorder may be suspended after three months of absence and will be required to provide a certificate as to their fitness to resume duty. In such circumstances, the teacher should be notified of their position in writing. If it is known that a teacher is a member of a trade union, efforts will be made to ensure that the union is given advance notice of this letter.

## **7.3 Medical Reports**

The purpose of medical reports provided by Occupational Health Advisers are to advise managers on how an employee's health condition may impact on their work. Occupational Health Advisers are required to observe full medical confidentiality and therefore no clinical or personal details about the individual are imparted to the Headteacher (manager). Occupational Health obtain the member of staff's consent before an approach is made to her/his GP or Consultant for further medical information. Under the [Access to Medical Reports Act 1988](#), where it is necessary to obtain a report from the individual's GP or hospital, the member of staff can see this report before it is sent to the Occupational Health Team. Where a member of staff refuses to give written permission to approach her/his doctor/specialist it may become necessary to make a decision without the benefit of medical opinion.

Following the initial referral, a provisional report will be made to the Headteacher (with a copy to the individual member of staff) pending any further reports from specialists if necessary.

In most cases those members of staff should be referred to Occupational Health within 4 weeks of the commencement of their absence. In some instances of absence it is important that an early referral should be made to Occupational Health. This is particularly important when members of staff are absent due to a stress related illness. It should also be noted that members of staff have the right to self-refer themselves to Occupational Health.

In certain cases, especially of long term sickness, further reviews will take place following the initial management referral and medical reports will be provided regularly to monitor progress. Headteachers are encouraged to notify the Trust's HR team of any further concerns as they arise.

#### **7.4 Medical Examinations**

All members of staff should, if required by the Headteacher (or designated manager), attend a medical examination with Occupational Health. If a member of staff refuses to attend a medical examination the individual will risk losing his or her sick pay. The cost of medical reports obtained from GP's or Consultants will be borne by the school.

#### **7.5 Further Action following Occupational Health Reports**

Following receipt of an advisory report from Occupational Health, further action could include:

- return to work at an agreed date with no further action;
- reduction in hours on a permanent or temporary basis (and adjustment of pay accordingly);
- phased return to work;
- liaison with the GP or other health care workers to arrange further treatment;
- liaison with trade union/professional association;
- adaptation to job or working environment;
- counselling;
- change of employment;
- application to the Teachers Pension Scheme / Local Government Pension Scheme for Ill Health Retirement;
- dismissal on the grounds of lack of capability due to ill health.

#### **7.6 Phased Return to Work**

In some circumstances Occupational Health may recommend a phased return to work following a serious illness or injury. Such a return, by mutual agreement may take a variety of forms including; working at school only on certain days of the week, a temporary reduction in contact hours or undertaking restricted duties for a period of time. Generally a phased return to work will not be for a period of more than four weeks. It would be unlikely for a phased return to work to be appropriate for more than four weeks except in unusual circumstances and in those instances where a reduction in hours is necessary for more than four weeks then pay should be adjusted accordingly. **Headteachers should make every effort to ensure that the phased return to work is successful.**

#### **7.7 Return to Work following a period of absence due to psychiatric disorder/epilepsy**

Regardless of the length of absence, a teacher who has been absent on account of a psychiatric disorder or epilepsy must, before returning to work, be referred to a consultant psychiatrist or GP to submit a report to the employer on whether or not the teacher is sufficiently recovered and fit to teach children in accordance with the legal provisions concerning fitness to teach (see paragraph 6.3). The teacher will be notified by the school that they have been suspended on normal pay and should not be permitted to return until s/he has produced satisfactory evidence that s/he is fit to do so.

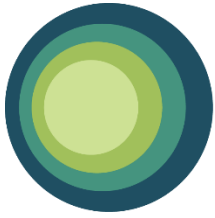
#### **7.8 Alcohol and Drug Problems**

It may become apparent from a change in behaviour and/or deterioration in performance that there is an underlying problem. Whilst it is important not to jump to conclusions, behaviour and performance can be indicators of alcohol or drug use. Headteachers/the LMC should note apparent changes with the individual. Should the individual's work performance suffer, it would be appropriate to discuss a referral to Occupational Health who can provide a range of support

including referral to specialist services. Guidance on the management and support of staff affected by alcohol or drug problems is set out in the Trust's [Substance Misuse Policy](#).

## **7.9 Terminal Illness**

Any member of staff who has a terminal illness is exempt from the normal procedures for dealing with long term or frequent short term sickness. Instead Headteachers/managers are advised to contact the Trust's HR team at the earliest available opportunity, who will arrange for Occupational Health to write to the GP/Consultant to establish the exact medical position and life expectancy. This is extremely important in establishing the most beneficial course of action for the individual. Every care should be taken about the individual's well-being in these circumstances.



## **Staff Attendance Policy Managing Sickness Absence in Schools**

### **1 Introduction**

- 1.1 This Staff Attendance Policy has been approved by the Truro and Penwith Academy Trust (TPAT) Board and should be used by all Trust schools and the TPAT central team.
- 1.2 This policy reflects the legal provisions concerning fitness to teach contained in the [Education \(Teachers\) Regulations 1993](#) and [The Education \(Health Standards\) \(England\) Regulations 2003](#) in ensuring all employees have the health and physical capacity to fulfil their duties. Decisions which are made during the use of this policy will also take into consideration the provisions within the [Equality Act 2010](#), [The Education Act 1996](#), the [Health and Safety at Work Act \(1974 and 1992\)](#) and the [Access to Medical Reports Act 1988](#).
- 1.3 The Health and Safety at Work Act requires the LMC and Headteacher to ensure, so far as it is reasonably practicable, the health, safety and welfare at work of all their employees. In addition, all employees have a responsibility to take reasonable care for the health and safety of themselves and of other persons who may be affected by what they do, or fail to do, at work. The [Trust Health and Safety Policy](#) should be read by all employees.
- 1.4 This policy may not cover all circumstances and the LMC/Headteacher are therefore advised to seek advice from the TPAT HR team at the earliest opportunity.
- 1.5 “School days” refer to days on which the school is open.
- 1.6 For the purposes of this policy the term “Headteacher” can refer to the Headteacher, Deputy Headteacher or other nominated person in the School Leadership Group.

### **2 Purpose**

- 2.1 To manage sickness absence effectively and provide for the fair and consistent treatment of staff.

### **3 Scope**

- 3.1 This procedure applies to all members of staff employed at [insert name] School.
- 3.2 ‘Sickness Absence’, for the purposes of this procedure, refers to all occasions where a member of staff is absent from work because of sickness.
- 3.3 Where the Headteacher or the LMC have reasonable grounds to believe that a member of staff is abusing the system with due regard to Occupational Health advice (eg sickness is not genuine,

failure to comply with sickness notification procedure without good reason) the matter will be dealt with in accordance with the Trust’s Disciplinary Procedure.

- 3.4 This procedure will be applied in a non-discriminatory way, irrespective of sex, age, race, marital status or disability.
- 3.5 During the informal and formal stages of this procedure, the member of staff has the right to representation from a trade union representative or work colleague.

#### 4. Contact with Absent Staff

- 4.1 It is important that regular communication is established between the member of staff and the school. Many members of staff who are absent through sickness for a period of time wish to be kept up-to-date with school news; similarly, the school will wish to be regularly updated on the individual’s progress. It is essential that the school receives timely medical certificates.
- 4.2 It will not always be appropriate for the Headteacher to be in direct contact with the absent member of staff. If this is the case a senior member of staff may act as a link, with the agreement of the Headteacher, the absent person or his/her trade union representative. The Headteacher or other senior person should maintain contact with the absent member of staff and monitor the situation effectively. It is important that the Headteacher or nominated person adopts the correct balance as primarily the concern should be for her/his welfare and the Headteacher or nominated person must be careful not to give the member of staff the impression that s/he is being pressurised into returning to work when not fit to do so.
- 4.3 If it is necessary for the Headteacher or other senior member of staff to meet with the member of staff, a mutually convenient meeting should be arranged. Headteachers are advised not to make unaccompanied home visits or to require staff to work from home. If the member of staff wishes, a trade union representative or work colleague may be present at any such meeting or may represent them in their absence.

#### 5 Sickness Reporting

- 5.1 If a member of staff wilfully fails to follow the notification procedure, this may lead to sick pay entitlement being withheld and in exceptional circumstances, disciplinary action may be taken. Whilst on sick leave staff must take care not to do anything that may prejudice recovery.
- 5.2 In essence, the following action should be taken in the event of sickness absence.

When	Headteachers’ Responsibilities	Staff Responsibilities
Prior to Appointment	Successful applicants must be in receipt of a job offer before they are required to complete the pre-employment medical screening process prior to taking up appointment. See intranet site – <a href="#">HR, Staff Sickness, OH, HAQ1 Health Assessment Questionnaire</a> .	All successful applicants must undergo pre-employment medical checks once the offer of employment is made.
Prior to Appointment	Schools are required to comply with the provisions of <a href="#">The Equality Act 2010</a>	



	(Disability), which makes it unlawful to discriminate against people with disabilities in employment. The Act must be taken into account and the school may have to make reasonable adjustments to employment arrangements or premises. If you require further clarification of the Act please contact the Trust's HR team.	
Induction	All new staff must be given a copy of the Staff Attendance Policy.	Staff should read the Staff Attendance Policy and know what to do in the event of absence.
1st day of absence on normal working day	Staff should telephone you to let you know why s/he is absent, the date s/he expects to return to work and whether s/he has taken medical advice.  If absence is attributable to an injury sustained at work you should ensure that an appropriate entry is made in the Accident Book.	Staff, or their representative, should telephone the Headteacher (or School Secretary) before the start of the teaching day, giving reasons for the absence, stating whether s/he has been to the doctors, giving a likely return date, if possible, and preferably noting any tasks that need to be undertaken.
4th day of absence (counting normal work days and non work days)	Staff should telephone you to indicate the reason for her/his continuing absence, when a return to work is likely, and whether medical advice has been taken. Staff who are absent with stress or stress-related illnesses should not be pressed into stating a return date.  You should advise the member of staff whether further contact is required.	Staff should telephone the Headteacher (or School Secretary), giving reasons for the continued absence and stating whether medical advice has been sought, giving a likely return date, if possible.
4th day of absence (counting normal work days and non work days)	You should ensure that the member of staff completes a self-certification form (see intranet site – <a href="#">HR, Staff Sickness, Self-Certification Form</a> ) when s/he returns to work.	All staff must complete a self-certification form (see intranet site – <a href="#">HR, Staff Sickness, Self-Certification Form</a> ) upon their return to work.
8th day of absence (counting normal work days and non work days)	Staff should provide you with a doctor's Statement of Fitness for Work ('Fit Note').  If the absence continues after the date given by the doctor, you should request further statements.	Staff must provide a doctor's Statement of Fitness for Work ('Fit Note').  Should absence continue beyond the date given by the doctor, staff must produce further statements? If you wish to return to work before your Fit Note expires then you must seek the agreement of the Headteacher and attend OH

		appointments arranged for you in order to assess your fitness for work.
Return to Work	<p>For absences up to 7 days (counting normal working days and non work days), ensure that the member of staff signs the 'self-certification' form.</p> <p>Where a staff member wishes to return to work before the expiry of their 'not fit for work' fit note, then a meeting should take place with the employee to agree this, undertaking an appropriate risk assessment and/or seeking advice from Occupational Health as necessary.</p> <p>You, or a nominated manager, should talk to the member of staff on their return to work within the first 5 working days. The overriding principle of the return to work meeting is to support the member of staff with their return to work and if necessary discuss any area which may facilitate a smooth return to work.</p> <p>The discussion might need to cover (depending on the number of absences):</p> <ul style="list-style-type: none"> <li>• a discussion regarding the member of staff's level of sickness absence;</li> <li>• underlying reasons causing the absence; the reason for absence should be reported on the notification;</li> <li>• available support such as counselling and Occupational Health.</li> </ul> <p>At any time in the procedure it may be appropriate to ask a member of staff to produce a doctor's note for each period of absence. In such cases the school will meet any costs.</p>	<p>All staff returning to work from absence of up to 7 days must complete the 'self-certification' form.</p> <p>Wherever possible staff should give notice of at least one day of their intention to return to work. In cases of long-term absence, further notice may be required in order to ensure appropriate OH advice is available and any necessary adjustments to work arrangements have been agreed and put in place.</p> <p>If the return to work is prior to the expiry of a 'not fit for work' fit note then a meeting should take place with the Headteacher or designated manager to agree this. An appropriate risk assessment and/or advice may be sought from Occupational Health as necessary.</p> <p>Staff will be asked to attend a "return to work" meeting.</p>

## 6 Return to Work Meetings

- 6.1 On the employee's return to work the Headteacher/manager should hold a return to work meeting within **five working days** of the return (an exception to this may be in the case of employees who have been on long term sick leave; in which case a return to work meeting can often be helpful

prior to the employee returning to work as this allows time for structured return to work plan to be devised. (see intranet site – [HR, Staff Sickness, Forms, Return to Work Meeting form](#)).

- 6.2 Return to work meetings are considered to be a significant tool in managing sickness as they give the opportunity for the Headteacher/Manager and the employee to discuss the reason for the absence and agree any supportive measures to improve things.
- 6.3 All employees, regardless of how long they have been absent for, should be asked to attend a return to work meeting by the Headteacher/manager. They are important both for the employee and the Headteacher/manager; for the manager to welcome the employee back and to enquire as to how they are feeling. Also, to update them on things that have happened in the workplace in their absence, particularly if they have been absent for an extended period of time. Additionally, for the employee to have the opportunity to discuss where the cause of the absence may be work related.
- 6.4 The meeting should be conducted in a sensitive and confidential manner, using the [Return to Work meeting form](#) as a guide and a record. As such meetings are seen to be part of normal day to day management; there is no right to be accompanied at the meeting.
- 6.5 It is expected that the reason for the absence will be explored in order to ensure that the employee is fit enough to return to work and for the manager to consider whether any help and support is required to ensure a sustained attendance at work is achieved.
- 6.6 If the employee has failed to comply with any aspect of the attendance management procedure the manager will remind them what is required.
- 6.7 If the level of absence is unacceptable (see paragraph 7), the Headteacher/LMC member may inform the employee that an evaluation or review meeting is necessary in view of the unsatisfactory level of attendance and in accordance with this procedure.

## **7 Managing Short Term Absence**

- 7.1 Frequent short-term absences are normally attributable to minor ailments which in many cases are unconnected. However, if it is thought that the absence(s) may be related to a disability or a particular health condition, it is recommended that the Headteacher contacts the Trust's HR team as under these circumstances the member of staff may have higher than average levels of absence. If a member of staff has an unsatisfactory level of absence (see 7.2 below) or a regular pattern of absence the Headteacher or Senior Manager should deal with it appropriately. Schools may decide to apply the Policy on a case by case basis with due regard to the individual circumstances of each case or may apply the Policy where a member of staff(s) absence differs from the normal pattern of absence.

### **7.2 The Bradford Factor**

The Bradford Factor (BF) is a recognised way of monitoring individual sickness absence on an ongoing basis. The Bradford Factor calculates a score based on the number of times an employee is absent and the number of days they are absent in a rolling 12 month period. The formula used to calculate an employee's BF score is:

**number of times absent x number of times absent x total number of days absent = BF**

eg in the 12 month period an employee is off on two occasions. One time for one day and the other time for two days. The score will be worked out as:

2 (number of times they are off) x 2 (number of times they are off) x 3 (total days off) = **12**  
**(Bradford Factor score)**

### 7.3 Possible Actions

Depending on the BF score, different steps will be considered in order to manage the employee's absence. The BF helps by monitoring sickness absence on a rolling 12 month period and picks up when an employee reaches a certain score as laid out in 7.4 below. Each step can then be taken to help manage the absence appropriately.

Each period of sickness will be assessed individually and the potential action is by no means definitive. Where there are repeated absences for the same reason in quick succession (ie within two working days), these should be linked to ensure the score is not artificially raised by an employee attempting to return to work and then having to go off again. Employees should be encouraged by their managers during return to work discussions to resolve sickness absence problems before the BF score becomes exceptionally high. Any action taken will be firstly informal but if that is unsuccessful, the capability policy is required.

### 7.4 BF Points Total in 12 month Rolling Period

The information below shows the scores and potential actions at each score. They are provided for guidance in order to ensure consistency but consideration should be given to the particular circumstances of the individual in each case. The process can be triggered at any level within the table where there is good reason to do so.

#### Action

- a) *under 27 - manager talks to employee informally;*
- b) *27 – 199 - return to work interview with manager raises the sickness record as part of discussion;*
- c) *200 - 359 - informal meeting with Headteacher raises the sickness record as a concern;*
- d) *360 - 599 - initiate capability process;*
- e) *600+ - follow next stage of capability process.*

The same scores apply to part-time employees. For some patterns of part time work managers will need to adjust the totals to reflect the individual's circumstances.

7.5 It should be emphasised that it will be up to each school to decide on a case by case basis what level of absence should activate possible action under the procedure.

## 8 Informal Approach

8.1 The Headteacher should meet with the member of staff who has been identified as having a BF score which gives cause for concern. At the meeting the Headteacher (or designated manager) will:

- discuss concerns about the current level of absence;
- explore the reasons for the absence including inviting comments from the member of staff;
- find ways to resolve any problems that might improve attendance and identify areas of support and assistance;
- seek a commitment from the member of staff to improve her/his attendance.

- 8.2 At this stage the meeting should be informal, with an emphasis on counselling and support. Should a member of staff ask to be accompanied by a trade union representative at this stage, such a request should be agreed.
- 8.3 At the end of the meeting the Headteacher (or designated manager) should summarise the main points discussed including:
- concern about the unsatisfactory level of absence and the need for improvement in attendance over a specified period;
  - the action points that have been agreed including areas of assistance and support;
  - the need to monitor the member of staff's attendance and schedule a date for the next review meeting. When a date for the next review meeting has been set the member of staff can request a Trade Union representative or a workplace colleague to accompany him or her to the informal stage review meeting. The member of staff should make this arrangement immediately as the informal stage review meeting will not be cancelled due to the non availability of a Trade Union representative or a work place colleague.
- 8.4 A record of the meeting and agreed actions should be kept, noting the member of staff's responses. A copy of the record of the meeting should be given to the member of staff.

## 9 Informal Stage Review Meeting

- 9.1 At this meeting the Headteacher (designated manager) should determine whether any improvement has been made and may consider the following options:
- taking no further action if attendance is now satisfactory;
  - requiring continued or further improvement in attendance over a reasonable specified period;
  - ensuring that medical advice has been taken to establish whether treatment is needed and/or to establish whether absences are work-related;
  - requesting a doctor's statement for further periods of absence;
  - referring the employee to the Occupational Health Consultant;
  - reviewing/monitoring work programme;
  - taking formal action.

A record of the meeting and agreed actions should be kept, noting the member of staff's responses. A copy of the record of the meeting should be given to the member of staff. In doing so the headteacher or senior member of staff should take account and be sensitive to the health and welfare of the member of staff.

## 10 Short Term Absence - Formal Capability Procedure

### 10.1 Application

- 10.1.1 If the informal stage has not brought about the necessary improvement in absence levels, it will be necessary to move to the formal procedure. The member of staff should be informed of her/his right to be accompanied to a meeting, at any stage of this procedure, by a trade union representative or work colleague.
- 10.1.2 The parties may, by mutual agreement, modify the time limits referred to in this procedure.
- 10.1.3 Notification of all meetings at any stage in this procedure should be in writing, giving at least **ten days' notice** of the date, time and place of the meeting and the reason for the meeting.

- 10.1.4 At all stages of the procedure, consideration should be given to the need for medical advice from Occupational Health and the member of staff's medical condition should be monitored throughout the process. This may help in determining whether attendance is likely to improve if the member of staff remains in post.
- 10.1.5 A representative of the TPAT CEO may advise the Headteacher or the Local Monitoring Committee at all meetings and has the right to attend any meeting where dismissal of a member of staff is to be discussed.
- 10.1.6 A detailed record of the meetings at each stage of the procedure should be kept, including the member of staff's responses, and any agreed areas of support and assistance.
- 10.1.7 The Headteacher may delegate responsibility for the application of this procedure at Stage One and Stage Two to a designated manager. Any concerns that the member of staff has about a particular manager's role in the process should be carefully considered when applying this procedure.

## **10.2 First Stage Formal Meeting**

- 10.2.1 A member of staff who has not shown sufficient improvement in attendance following the informal interview, or whose attendance has deteriorated again following some initial improvement, will be required to attend a formal interview.
- 10.2.2 The Headteacher or designated manager will conduct the meeting. The Headteacher/designated manager will cover the following points during the course of the meeting:
- explore why the absence level continues to be unsatisfactory and the reasons for the absence, including inviting comment from the member of staff;
  - explain concern at the absence level and the impact on the school;
  - offer any further help or guidance, eg changes that might be made to the teacher's working environment;
  - seek an agreement that the member of staff will improve her/his attendance;
  - the Headteacher should emphasise the level of absence remains unsatisfactory, the level of improvement required and the continued need for monitoring and specify the review period.
- 10.2.3 The Headteacher/designated manager should consider comments, circumstances & perspectives presented by the employee at the meeting and should consider the following options:
- no further action (where the employee's explanation and circumstances are such that the Headteacher/manager is satisfied that no further action is required under this Procedure);
  - extension to the informal review period; or
  - issue a written warning.

## **10.3 First Stage Review Meeting**

- 10.3.1 On completion of the review period, an assessment of attendance will be undertaken. The Headteacher (or designated manager) will meet with the member of staff (or his/her representative) to assess whether the required improvement in attendance has been achieved. The outcomes at the end of Stage One could be that:
- the required improvement in attendance has been achieved. The individual will be encouraged to maintain attendance and the procedure will cease;

- where some but insufficient improvement in attendance has occurred a further review period within Stage One shall occur;
- where the required improvement in attendance has not occurred the individual will be advised that Stage Two of the procedure will be invoked.

#### **10.4 Second Stage Formal Meeting**

- 10.4.1 A member of staff who has not shown sufficient improvement in attendance following the First Stage Review Meeting, or whose attendance has deteriorated again during the period of the written warning, will be required to attend a formal Second Stage meeting.
- 10.4.2 The Headteacher (or designated manager) will conduct the meeting. The Headteacher/designated manager will cover the following points during the course of the meeting:
- explore why the absence level continues to be unsatisfactory and the reasons for the absence, including inviting comments from the member of staff;
  - explain concern at the absence level and the impact on the school;
  - offer any further help or guidance;
  - seek an agreement that the member of staff will improve her/his attendance;
  - the Headteacher should emphasise the level of absence remains unsatisfactory, the level of improvement required and the continued need for monitoring and specify the review period.
- 10.4.3 A referral for specialist advice from Occupational Health should be sought in advance of the Stage 2 Formal Interview.
- 10.4.4 The Headteacher/designated manager should consider comments, circumstances & perspectives presented by the employee at the meeting and may consult a representative from the Trust's HR team in this respect. Following these considerations, the Headteacher/designated manager should consider the following options:
- no further action (where the employee's explanation and circumstances are such that the Headteacher/manager is satisfied that no further action is required under this Procedure);
  - extension to the informal review period; or
  - issue a final written warning.
- 10.4.5 Where a final written warning is issued, the Headteacher should inform the member of staff that unless there is a significant improvement her/his job might be at risk. The final written warning should be confirmed in writing and sent to the member of staff within **five school days**. If appropriate, reference should also be made to:
- any improvement required;
  - the timescale for any improvement to be made (which must be of sufficient length to allow adequate time for improvement and assessment);
  - the likely consequences of a failure to improve;
  - further monitoring and review meetings.

Reference to the employee's right of appeal should also be made in the letter.

#### **10.5 Second Stage Review Meeting**

- 10.5.1 On completion of the review period, an assessment of attendance will be undertaken. The Headteacher (or designated manager) will meet with the member of staff (or her/his

representative) to assess whether the required improvement in attendance has been achieved. The outcomes at the end of Second Stage could be that:

- the required improvement in attendance has been achieved. The individual will be encouraged to maintain attendance and the procedure will cease;
- where some but insufficient improvement in attendance has occurred a further review period within Stage Two shall occur;
- where the required improvement in attendance has not occurred the individual will be advised that Stage Three of the procedure will be invoked.

## 10.6 Final Stage

10.6.1 A member of staff who has not shown sufficient improvement in attendance at the Stage Two Review Meeting, or whose attendance has deteriorated again following improvement, will be required to attend a Final stage meeting.

The purpose of the meeting will be to:

- to inform the member of staff of her/his attendance record and that it shows insufficient improvement;
- explore the reasons for lack of improvement including a report from Occupational Health and invite the individual or her/his representative to present her/his case as to why s/he should not be dismissed;
- consider the comments, circumstances & perspectives presented by the employee;
- consider the feasibility of alternative working arrangements that would facilitate a satisfactory level of attendance from the employee that could be accommodated by the school;
- if no acceptable reason is given for the inadequate attendance and if there is no prospect of the employee achieving the required levels of attendance in the future, consideration should be given to dismissal subject to the right of appeal.

10.6.2 If no satisfactory reason for the continuing poor level of attendance can be determined and if there is no prospect of the employee being able to provide a satisfactory level of attendance taking into account any possible alternative working arrangements that may be arranged, the Headteacher may resolve to dismiss the member of staff. In such circumstances, advice should be sought from the Trust's HR team. If the decision is to dismiss the member of staff, appropriate contractual/statutory notice should be provided and the employee should be advised of her/his right of appeal.

## 10.7 Appeals

10.7.1 A member of staff has the right of appeal against dismissal or any formal warning issued to them in respect of unsatisfactory attendance.

10.7.2 Where a member of staff wishes to exercise the right of appeal, he/she should make his/her appeal in writing to the Headteacher outlining the reasons for appeal within **5 working days** of receiving written confirmation of the warning. Appeals will be heard by way of a formal appeal hearing, which will be convened (where practicable) within **4 calendar weeks** of receipt of the appeal.

10.7.3 The member of staff has the right to attend the appeals' hearing represented by a trade union representative or a work colleague. The member of staff and/or his/her representative has the right to make written and verbal submissions at the appeal hearing.

10.7.4 Appeals will be heard by a Panel in accordance with the [Capability Procedure](#).



10.7.5 The Appeals' Panel's decision is final.

## **11 Managing Long Term Absence**

11.1 A number of supportive actions should be put in place where a member of staff has been absent, or is likely to be absent, for a prolonged period as a result of sickness. The following arrangements should be made:

- An agreed arrangement for continued contact with the employee, either through the trade union representative, the Headteacher, a LMC member or work colleague;
- A referral appointment to Occupational Health to seek a medical prognosis on the employee's state of health and advice on any supportive actions that may be undertaken by the school;
- Regular updates on school/work activities for the employee as part of maintaining contact;
- Where appropriate, regular review meetings with the employee to discuss progress in recovery (subject to employee's fitness to engage in such meetings).

### **11.2 Informal Approach**

11.2.1 If it proves impossible to estimate when a member of staff will be able to return to work, or if this is unlikely to be within a reasonable period, the Headteacher (or designated manager) should seek the advice of the Trust's HR team and Occupational Health. Occupational Health will consider the likelihood of a return to work in the foreseeable future, the scope of the member of staff's medical condition and its effect on her/his present or continuing capability, alternative working arrangements that may facilitate the employee's return to work or whether the employee would be able to return to a suitable alternative role.

11.2.2 Due regard should also be taken of the [Equality Act 2010](#) relating to disability when considering the suitability of alternative employment or whether employees should be dismissed on grounds relating to their capability (see below).

11.2.3 If medical advice suggests that an employee is incapable of undertaking her/his duties, consideration should be given to the following:

- the availability of 'reduced' duties (such as teaching smaller classes or less contact time) or alternative work pending recovery and a return to normal duties; or
- where recovery is insufficient to enable the member of staff to return to her/his normal duties, in some circumstances it may be possible to find alternative employment through the redeployment procedure.

11.2.4 Where Occupational Health suggests that an employee is incapable of fulfilling her/his full range of duties (either permanently or within a reasonable timescale having regard to operational or other considerations), and no suitable alternative employment can be found, the Headteacher is strongly advised to contact the Trust's HR team before considering a proposal to terminate the employment of the member of staff.

## **12 Procedure for Dismissal on the grounds of Lack of Capability due to Ill Health**

Where the informal approach to managing long term absence has not resulted in a return to work of the member of staff, the LMC may decide to make arrangements for formal consideration to the prospect of the employee's continued employment in view of the ongoing lack of capability due to ill health. Before considering the option of terminating the member of staff's employment, the LMC should be satisfied that there is no medical evidence to suggest that the member of staff will

be returning to work in the foreseeable future and that the absence is having detrimental effect on the school.

### **12.1 Full LMC Meeting**

Where the Local Monitoring Committee makes a resolution to progress and employee's long-term sickness absence case to the formal stage, TPAT HR should be notified. The Head of Corporate Governance will establish a Trust Governance Committee to progress the matter to the formal stage. The Trust Governance Committee will be asked to consider the continued employment of the employee at a formal meeting. Trust Governance representatives will not have been involved in considering the case at any of the informal stages, so that they can consider the case formally without prejudice and with absolute impartiality.

Once a Committee is established, a formal meeting can be arranged to consider the question of the employee's continued employment, having taken into account the considerations referred to in paragraph 11 above.

### **12.2 Medical Referral Meeting**

Prior to holding a formal meeting, the Headteacher or his/her adviser should write to the member of staff to confirm the proposed action of convening a formal meeting to consider the question of the employee's ongoing employment.

The member of staff will be offered an appointment with an Occupational Health adviser prior to the formal meeting. The purpose of the Occupational Health appointment is to give the member of staff an opportunity to submit medical evidence from her/his General Practitioner/ Consultant or Specialist and make medical representations to the Occupational Health Consultant. The employee may ask any suitably qualified medical practitioner to attend this meeting with them to make representations on her/his behalf.

### **12.3 Trust Governance Committee Meeting**

Governance representatives from the Trust will be convened to hold a formal meeting to consider the question of the employee's continued employment. The Committee should be represented by not less than 3 Trust Governance representatives. At the meeting, it is recommended that the Committee invite a representative from TPAT HR.

In advance of the meeting, the Trust Governance Representatives will be provided with copies of any relevant documents in respect of the case (eg: copies of medical reports, headteacher's report regarding impact on the school etc). The employee and his/her representative will also be provided with copies of the relevant documentation no later than **one calendar week** before the meeting. The employee and/or his/her representative may also make verbal and/or written submissions to the meeting. Where the employee intends to make written submissions to the meeting, he/she should endeavour to provide these no later than **one calendar week** before the hearing where possible.

At the meeting, the Trust Governance Committee should hear representations from the member of staff as to why s/he should not be dismissed on grounds of lack of capability due to ill health. Additionally, the headteacher may be required to attend the meeting to present to the Committee information on the process undertaken to date in respect of attempts to facilitate the employee's return to work, any considerations of redeployment that may have been made, any relevant medical information (including medical reports) and the impact of the ongoing sickness absence on the operations of the school.

The Trust Governance Committee will decide, on the basis of evidence available, including the Occupational Health Consultant's report, whether or not to recommend that the member of staff is dismissed (subject to the individual's right to appeal).

A letter confirming the decision should be sent to the member of staff within **one calendar week** of the meeting. If the decision is to dismiss the member of staff s/he should be advised of her/his right of appeal.

Should the individual choose not to appeal within the specified period or the appeal is not upheld, the Trust Governance Committee will issue a dismissal letter to the individual with due notice. The dismissal letter will state the reasons for dismissal.

## **12.4 Appeals**

Appeals against dismissal must be made by the member of staff in writing to the Headteacher or, where the appellant is the Headteacher, to the Trust Governance Committee, outlining the reason for the appeal within **two calendar weeks** of receiving written confirmation of the dismissal. Appeals will be heard, where practicable, within **twenty school days** of receipt of the appeal application.

Appeals against dismissal will be heard by a Trust Governance Appeals Committee. This Committee will exclude those governance representatives who have previously sat on the Trust Governance Committee that made the recommendation to dismiss. Additionally, the number of governance representatives constituting the Appeals Committee cannot be less than the number of governance representatives that constituted the Committee that made the recommendation to dismiss. It is recommended that the Committee invites a representative from TPAT HR.

All documents that were considered by the Trust Governance Committee that made the recommendation to dismiss at the first meeting will be provided to the Appeals Committee. The employee and/or her/his representative will also be provided with a copy of the relevant documents in advance of the meeting. The employee and/or his/her representative may also make verbal and/or written submissions to the Appeals Committee at the appeal meeting. Where documents are submitted to the Appeals Committee, the employee and/or his/her representative should endeavour to ensure these are provided no less than **one calendar week** before the date of the appeal meeting.

The Trust Governance Appeals Committee, having considered the matter may either uphold or overturn the decision of the previous Committee. If the Appeals Committee decides to uphold the decision to dismiss the member of staff on grounds relating to capability due to ill health, the employee is entitled to written notice in accordance with his/her contract of employment or as an alternative, pay in lieu of notice may be made where this is agreed with all parties.

The Trust Governance Appeals Committee may announce their decision verbally or in writing. In all cases, the Committee must confirm the decision to the employee in writing within **one calendar week** of the appeal meeting.

## **13 Termination of Employment**

In all cases where an employee's contract of employment is terminated on the grounds of ill health, the termination date must take into account the contractual notice period. Regardless of the status of the employee's sick pay entitlement, full pay must be reinstated for the notice period so as to ensure no breach of contract occurs.

In accordance with the relevant case law, employees may be entitled to receive payment for accrued statutory holiday entitlement where this has not been taken as a consequence of sickness absence.

## **14 Ill Health Retirement**

In cases of chronic ill health, ill health retirement should be considered after all other options relating to facilitated return to work, reasonable adjustments to work or redeployment have been exhausted.

### **14.1 Teaching Staff**

Under the Teachers' Pensions Regulations it is the teacher who instigates the approach to Teachers' Pensions for the payment of an ill health pension. Teachers' Pensions will then assess the medical evidence and make a decision on whether or not to award the pension. Their application would normally need to be supported by a consultant specialising in the medical condition which prevents their return to work.

If the teacher does not have a compelling case for an application for ill health retirement, or the Teachers' Pensions medical advisors do not support the application, the school may still wish to terminate the teacher's employment on the grounds of lack of capability due to ill health.

### **14.2 Support Staff**

If an employee is a member of the Local Government Pension Scheme (LGPS) and the Occupational Health Consultant **and** an independent registered medical practitioner (who is qualified in occupational health medicine) has confirmed that the member of staff is permanently incapable of performing her/his duties and has recommended ill health retirement, then the member of staff may be able to receive an immediate retirement pension.

Managers are advised to seek guidance on behalf of the employee on whether an employee is a member of the LGPS and whether they would be entitled to an ill health pension from the Pensions Section of Cornwall Council or the Trust's HR team.