

Cyngor Sir CEREDIGION County Council

REPORT TO: Corporate Resources Overview & Scrutiny Committee

DATE: 27 October 2021

LOCATION: Online

TITLE: HR Model Policies for Schools: Dignity at Work Policy & Procedure and Managing Sickness Absence at Work

PURPOSE OF REPORT: To review and recommend for approval the Dignity at Work Model Policy & Procedure and the Managing Sickness Absence at Work Model Policy and to recommend adoption by Ceredigion School Governing Bodies.

REASON SCRUTINY HAVE REQUESTED THE INFORMATION: To review new policies

BACKGROUND:

The following policies have been developed and updated by People & Organisation Service and if approved will be provided to all school governing bodies in Ceredigion with a recommendation of their consideration and adoption. Both model policies have been the subject of consultation with the local teaching and support staff trade unions through the Schools Trade Union Forum. The policies as attached have been discussed, amended and agreed by the relevant Trade Unions.

- Dignity at Work Model Policy for Schools
- Managing Sickness Absence at Work Model Policy for Schools

The purpose of all staff policies and procedures is to clearly set out the behaviours, processes and procedures required of staff, how they can gain advice or support and, where applicable, the consequences of not adhering to the policy and/or procedure.

Dignity at Work Model Policy for Schools

This policy outlines the value of a productive and supportive working environment and the commitment to eliminating bullying and harassment. All employees have the right to be treated with dignity and respect at work and no form of victimisation, discrimination, intimidation or behaviour that amounts to bullying or harassment will be tolerated.

In addition to those school based staff employed by the Governing Body this policy also covers volunteers, trainees and students on placements within the school.

This policy provides a framework to help prevent bullying and harassment of school employees and explains the procedure that should be followed if such incidents occur.

Managing Sickness Absence at Work Model Policy for Schools

The policy has been revised to ensure that the policy and procedure are compliant with changes in legislation, whilst also strengthening the process for managing sickness. The policy outlines the value of ensuring and encouraging regular attendance at work of all its employees and to identify the causes of absence in order to assist its employees. It aims to create a healthy and supportive working environment conducive to high levels of attendance.

The policy acknowledges that ill health or injury can affect any one at any time and undertakes to treat those who are unable to work due to ill health fairly, confidentially and sensitively. This policy sets out procedures to provide a fair and consistent framework for handling long term and short term employee sickness absence.

Has an Integrated Impact Assessment been completed? If, not, please state why Yes

WELLBEING OF FUTURE GENERATIONS:
Summary:
Long term:
Integration:
Collaboration:
Involvement:
Prevention:

RECOMMENDATION (S):

- To recommend approval of the Dignity at Work Model Policy and Procedure for Schools and to commend to Governing Bodies for adoption within schools in Ceredigion.
- To consider the Managing Staff Sickness at Work Model Policy and Procedure for Schools to commend to Governing Bodies for adoption within schools in Ceredigion.

REASON FOR RECOMMENDATION (S):

- To provide a safe, healthy and productive work environment free from harassment, bullying and victimisation across schools in Ceredigion.
- To provide support and promote a healthy workforce that is vital to the success of our pupils.

Contact Name: Geraint Edwards
Designation: Corporate Lead Officer – People & Organisation
Date of Report: 28/09/2021

Acronyms:



Cyngor Sir CEREDIGION County School
Adnoddau Dynol | Human Resources

Managing Staff in Schools

Dignity at Work Model Policy and Procedure for Schools

September 2021



www.ceri.ceredigion.gov.uk

Version Control

Version	Date	Author	Comment

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Policy

1. Policy Statement

- 1.1 The School is committed to promoting an environment where employees can work without fear of being intimidated, harassed or bullied. Every employee within the School has a responsibility to treat colleagues with dignity and respect. We want to develop a working environment where employees feel safe and supported in all circumstances.
- 1.2 This document sets out the School's commitment to promote dignity and respect in the workplace, and it is expected that all employees will behave responsibly in supporting the School's position in establishing and maintaining a non-hostile working environment.

2. Scope

- 2.1 This policy covers bullying and harassment of all school employees, whose salaries are charged directly to a school's budget (i.e. fulltime, part time and temporary employees).
- 2.2 The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. work related social events.
- 2.3 It also applies to students on placements with the School, trainees and volunteers.
- 2.3 This policy is to be read and followed in conjunction with the School's other policies and procedures including, the Disciplinary Policy, Whistleblowing Policy, Information Technology policies, etc. Copies of model school HR policies are available on Ceri Net.

3. Principles

- 3.1 People do not thrive in an environment where bullying, aggressive behaviours, low praise and criticisms exist. The School has a duty of care towards its employees and intends to apply that duty in order to ensure dignity and respect at work for all employees.
- 3.2 Allegations of harassment and/or bullying will be dealt with sensitively and in confidence, and support will be available for employees who believe their dignity at work has been breached. The School expects all staff to commit to and maintain a

supportive non hostile working environment, and be responsible for their own behaviour.

- 3.3 It is important to note that legitimate management of issues such as performance or unacceptable behaviour is not a form of harassment or bullying, if it is undertaken with respect. For example, the Headteacher and Managers should be mindful that if they need to reprimand a member of staff, they should do so in a private setting rather than in front of others.
- 3.4 Whilst the School's position on harassment and bullying is that it is wholly unacceptable, it should be made clear that false allegations, whether trivial or malicious, are also wholly unacceptable. The School places a value on all employees and it is critically important that employees are protected from any false allegations which may be made against them.
- 3.5 It is quite possible that an employee causing upset may be completely unaware of how their behaviour has upset another employee.
- 3.6 Members of Trade Unions may contact their Trade Union at any time for advice, guidance and support

4. Definitions

4.1 Harassment

- 4.1.1 The key legislation which provides protection from harassment is the Equality Act 2010, Protection from Harassment Act 1997 and Health and Safety at Work 1974. Harassment relating to a protected characteristic (age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, pregnancy and maternity, marriage and civil partnership) is unlawful and is covered by the Equality Act 2010. The ACAS definition of harassment is:
 - 4.1.2 Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.' *ACAS Guidelines 2010*

4.2 Bullying

- 4.2.1 There is no single legal perspective which deals with bullying. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying can take the form of physical, verbal and non-verbal conduct.

5. Roles and Responsibilities

- 5.1 All employees are responsible for their own behaviour, both individually and collectively. Behaviour that may be viewed by others as harassment or bullying must not be practiced, encouraged or allowed.
- 5.2 Managers and Supervisors are responsible for ensuring proper implementation of the policy, particularly for those they manage or supervise. When an instance of harassment/bullying is reported to them, it is expected that every effort will be taken to resolve the issue informally as part of their day to day managerial responsibility.
- 5.3 The Headteacher will publicise this policy, procedure and accompanying guidelines amidst all school employees as widely as possible in order to ensure awareness of its existence, contents and aims.
- 5.4 The Governors will promote the principles of equal opportunities in the workplace, ensure adherence to this policy and procedure and monitor its effectiveness.

Stage One - Informal Stage

6. Informal Stage Procedure

- 6.1. In the case of a dignity at work complaint the first point of contact will, where practicable, be the relevant manager or supervisor (or their direct manager where the complaint relates to the manager).
- 6.2. The complainant should complete FORM 1 (appendix 1) prior to meeting with their manager, this will assist the process and help them focus on and communicate their complaint.
- 6.3. For most cases of alleged bullying or harassment, the first stage is to seek to resolve the problem informally. Informal solutions can often provide more positive outcomes for all concerned and result in improving and maintaining good working relationships. Most people who complain that they are being bullied or harassed simply want the behaviour to stop.
- 6.4. It is often the case that the alleged bully or harasser is not aware that his/her actions are inappropriate or upsetting and it is likely that simply informing the person of the effects of their behaviour will be enough to cause it to cease. It is important to remember that there is no single definition of what constitutes bullying or harassment and perceptions vary greatly from one person to the next.
- 6.5. Before invoking the Dignity at Work policy, employees should wherever possible, attempt to resolve their concerns informally and confidentially with the person(s) involved. This gives both parties the opportunity to clear up any misunderstanding and resolve matters informally. This would involve the person who feels he or she is being bullied or harassed making his or her feelings known to the person who is causing the offence and asking him or her to stop. The approach should be tactful, but firm aiming to build working relationships built on trust, honesty and mutual respect.
- 6.6. There will be situations where an employee is experiencing such distress, anxiety and embarrassment that he or she feels such an approach would be inappropriate or does not feel able to approach the colleague whose behaviour they feel is causing these difficulties. In other cases, the employee may have tried, without success, to deal with the issue by a direct approach to the person they feel is the cause of the problem. In either of these cases, the employee should seek the support of their Headteacher/Line Manager and invoke the informal stage of this procedure. If the Headteacher/Line Manager is implicated in the alleged behaviour,

the employee should approach the Chair of Governors (in the case of the Headteacher) or the Line Manager's manager. Support may also be sought from a work colleague or trade union representative.

- 6.7. The aim of the informal stage is to facilitate mediation between the complainant and the alleged harasser and, if possible, to achieve conciliation between them.
- 6.8. Mediation refers to neutral and objective facilitation by a third party to help the parties communicate with each other and come to an agreement. Conciliation refers to the process once a decision has been made, whether formally or informally, to facilitate the restoration of positive working relationships.
- 6.9. Mediation can play a vital role in complaints about bullying and harassment, by providing a confidential avenue for an informal approach, and perhaps the opportunity to resolve the complaint without need for any further or formal action. Mediation may resolve the issue or help support the person accused as well as the complainant.
- 6.10. Mediation is most likely to be successful if both parties understand what mediation involves and enter into the process voluntarily with a mind set to seek to repair the working relationship. The mediation process will give the complainant the chance to explain to the alleged harasser the effect their behaviour is having on him or her and the alleged harasser the opportunity to respond. From the complainant's point of view, this will involve an end to the behaviour that is causing them distress.
- 6.11. Both parties must agree to mediation. If any of the parties do not agree to mediation, it cannot be used to resolve the issues.
- 6.12. The process of mediation should be arranged by the Headteacher. In cases where the Headteacher is the subject of the complaint, the mediation should be arranged by the Chair of Governors and/or a HR representative.
- 6.13. Whichever approach is used, the employee should record in FORM 1, the action taken and the outcome as evidence of the attempt to resolve the situation.
- 6.14. If the parties are unable to resolve the matter through mediation and the complainant remains unhappy, then the matter can be returned to the formal procedure. Further information on the mediation process can be obtained from the HR department. The HR representative will be able to offer advice and support on implementing the informal procedure.

6.15. Please see Appendix 3 for more information on mediation.

Stage Two – Formal Complaints and Investigation Procedure

If informal action does not resolve the alleged bullying or harassment problem, or the circumstances of the case are considered sufficiently serious that use of the informal procedure would not be appropriate, then formal action should be taken.

Complaints should be raised as soon as possible following an act of alleged bullying or harassment so that the matter can be dealt with quickly and fairly.

7. How to Register a Formal Complaint

7.1 A Stage 2 formal complaint is registered by completing and submitting FORM 2 (appendix 2) to the Headteacher. However, if the complaint relates to a Headteacher, the complainant should submit the FORM2 to the Chair of Governors. The FORM2 must include the following information:

- a summary of the complaint;
- details of actions taken in relation to the informal stage (if appropriate);
- the outcome of attempts to resolve the matter informally, or the circumstances as to why this has not been possible (if appropriate)
- the name of the person against whom the allegation has been made;
- the specific outcome the complainant is seeking;
- the names of any potential witnesses (if appropriate);
- the name of the Trade Union Representative or work colleague who will accompany the complainant at formal meetings (if required);
- the address to which correspondence should be sent – if this is not included all correspondence will be sent to the home address.

7.2 Please note, **if the above appropriate information is not included the FORM2 will be returned to the complainant for completion.** This is likely to result in the process being delayed. Additionally, the redress being sought must be reasonable, if it is not considered to be reasonable the FORM2 may be returned to the complainant with a note of explanation.

7.3 Acknowledgement of a Complaint – The Headteacher (or Chair of Governors) will respond to your FORM2 within 5 working days acknowledging receipt.

8. Formal Process

- 8.1 The Headteacher (or Chair of Governors) will consider the seriousness of the complaint and take appropriate action to resolve as follows.

9. Suspend/ Alternative Duties

- 9.1 In the event of a serious bullying and harassment allegation, the Headteacher / Chair of Governors to whom the complaint was made will consider whether to suspend or temporarily redeploy the alleged bully/harasser in order to prevent further contact between the individuals concerned and enable a full investigation to take place. Suspension on full pay could be considered alongside other alternatives including separating the relevant individuals by temporarily assigning one to suitable alternative duties, in line with the relevant section on 'Suspensions' within the School's Disciplinary Policy.
- 9.2 Any acts to suspend an employee should be managed in a way that does not pre-judge the allegations or penalise either employee. Any suspension from work will be in line with the relevant section of the School's Disciplinary Policy [a copy of the policy can be found at xxxxxx] and will be monitored regularly to ensure that suspension remains appropriate and that the investigation is progressing as quickly as possible. A suspension risk assessment should always be completed.

10. Investigation

- 10.1. The Headteacher / Chair of Governors to whom the complaint was made will appoint an investigating officer to conduct an investigation into the alleged incident(s) of bullying or harassment. This will normally be a member of the school's senior management team, a governor or in certain circumstances may be an independent investigator. The Headteacher should not act as investigating officer. The investigating officer will acknowledge receipt of the complaint in writing to the complainant within 5 working days of the receipt of the terms of reference for the investigation. An employee may object to the person selected to carry out the investigation. They should send their objection including a clear explanation of the grounds of the objection to the Headteacher / Chair of Governors. It is for the Headteacher / Chair of Governors to consider whether the objection is valid. The Headteacher / Chair of Governors may discuss the matter with the LA and should take account of the advice received to reach a decision about the suitability of the investigating officer.
- 10.2. The investigating officer will write to the complainant to arrange a meeting with them where possible no later than 10 school days to establish the details of the alleged bullying or harassment incident(s) and to agree on the next course of action. The

complainant will be entitled to be accompanied by a Trade Union Representative or a work colleague.

- 10.3. The investigating officer will conduct an investigation of the alleged bullying or harassment incident(s) giving full consideration to both sides. If deemed necessary, the investigating officer will interview other individuals who may be able to assist such as witnesses to the alleged incident(s).
- 10.4. Once the investigating officer has collected all relevant information, they will contact the named employee and arrange a meeting to conduct an investigatory meeting. The named employee will be entitled to be accompanied by a Trade Union Representative or work colleague. The purpose of this meeting will be to give the named employee an opportunity to respond to the allegations and provide any other relevant information to enable the investigating officer to compose a balanced and informed report.
- 10.5. Wherever possible investigations should be completed within 20 school days of the first meeting with the complainant. If required, investigating officers can make a request for an extended period of time to complete the investigation depending on the complexity of the complaint from the relevant Headteacher / Chair of Governors and objective reasons for any delay should be included in the final report. All parties should be kept updated about progress and informed of the reasons for any delays/extensions that are required.
- 10.6. The investigating officer will compose a report to the Headteacher or Chair of Governors presenting the findings on the allegation(s). The report will adopt an entirely objective approach and set out the facts of the case.
- 10.7. The Headteacher / Chair of Governors and the investigating officer will come together as soon as possible following completion of the report in order to discuss the findings and address any questions that may arise. This meeting should not take place any longer than one week after completion of the report, other than in exceptional circumstances. The purpose of the meeting will be for the Headteacher / Chair of Governors, in consultation with the investigating officer, to come to a view on the alleged bullying or harassment situation. Possible outcomes may include training, mediation, redeployment or disciplinary action. The needs of the individuals concerned are paramount and should be considered alongside the needs of the School.. Where disciplinary action is necessary the matter will be dealt with in accordance with the School's Disciplinary Procedure, using the Dignity at Work Investigation report that has been prepared.
- 10.8. The named employee and complainant will be invited to attend a meeting with the Headteacher / Chair of Governors. Wherever possible, this should be with all parties at the same time, the only exception being, if this would be detrimental to one party due to the circumstances of the case. The purpose of these meetings is for the

Headteacher / Chair of Governors to hear directly from both parties and question both parties in order to clarify his/her understanding of the issues involved. Within 5 school days of these meetings, the Headteacher / Chair of Governors will write to both parties to confirm the outcome of the investigation and any actions that are proposed to be taken.

11. The outcome of the investigation

- 11.1 If, following investigation, it is found that a breach of dignity of work has occurred and there is a case to answer based on the evidence, prompt action will be taken to remedy the discrimination or stop the harassment and prevent its recurrence.
- 11.2 The outcome of the investigation into the allegations may be that:
- The matter is referred to a Disciplinary Hearing and the case is heard in line with the School's Disciplinary Policy.
 - The allegations are not viewed as discrimination or harassment but the situation may benefit from some other form of intervention such as conflict resolution, mediation or counselling.
 - Standards for future conduct are set, which could involve management advice and training.
 - The complaint is found to be false or malicious, in which case disciplinary action may be taken against the complainant.
- 11.3 It is not open to the complainant, within this procedure, to take issue with a decision on the action to be taken against the alleged harasser as a result of the investigation into their complaint.
- 11.4 Where a complaint has not been substantiated, but the complaint was genuinely raised in good faith, mediation / conciliation may be offered to both parties to restore working relationships

12. Appeals Procedure

- 12.1 If the complainant is dissatisfied with the investigation process or the findings of the formal investigation (but not the action taken), they are entitled to appeal against the decision. An appeal should be lodged within 5 school days from the receipt of the report.
- 12.2 The employee should write to the Clerk of Governors stating that they wish to appeal and the grounds/reasons for the appeal. The Clerk will then refer the matter to the

relevant Governors committee within 15 school days from the receipt of the application.

- 12.3 The appeal will be heard by the relevant Governors Committee, as soon as is practicable and normally within 10 school days of receipt of the appeal from the clerk. Appeal hearings will not normally take the form of a re-hearing but will focus on the points raised in the appeal letter. However, under certain circumstances, e.g. if new evidence comes to light, it may be appropriate to rehear part or all of the case. The chair of the appeal committee will inform the respondent of the decision reached and confirm this in writing within 10 school days of the hearing.
- 12.4 The complainant does not have the right of appeal when the outcome is that there will be a disciplinary hearing.
- 12.5 The respondent does not have the right of appeal under the Dignity at Work policy. In the event that the matter goes to a disciplinary hearing, the respondent would have the right of appeal under the disciplinary procedure.

13. Employees leaving the employment of the Authority

- 13.1 If a formal complaint is presented under this policy and then the individual leaves the employment of the School/Council, the procedure will continue as described above.
- 13.2 If an individual leaves the employment of the School/Council then decides they wish to make a formal complaint regarding their employment, this should be confirmed in writing to the Headteacher / Chair of Governors via the schools complaints procedure.

14. Anonymous Complaints

- 14.1 Anonymous complaints will generally not be considered by the School. Individuals are encouraged to raise their concerns as indicated above.

15. Responding to Counter Allegations

- 15.1 When an allegation of harassment or bullying is made it can occasionally lead to a counter allegation. In these circumstances, the investigation will be extended to deal with both complaints simultaneously by the same Investigating Officer, if

practicable. Advice should be sought from Human Resources in respect of how best to deal with these situations.

Appendix 1

Informal Stage – Form 1

Dignity at Work – Written Record

**NOTE: Use a separate FORM1 to record each incident reported
To be attached to FORM2 if the formal stage is instigated.**

Name of person against whom the allegation is made:

Date/Time/Place of incident:

Outline of what took place:

Names of people who may have witnessed behaviour relating to the allegation (under no circumstances should you give these names to the person who has caused you offence):

Specific outcome you are seeking:

Appendix 2

Formal Stage – Form 2

Dignity at Work – Written Record

NOTE: Attach ALL completed Form 1s

Summary of concerns:

Details of actions taken at informal stage

I attach a total number of _____ Form 1's to outline details of actions taken to date.

Name of person against whom the allegation has been made:

Specific outcome you are seeking:

Names of potential witnesses

Name of Trade Union representative or work colleague who will accompany you at any formal meeting

Address to which you wish correspondence to be addressed:

Please note, if the necessary information is not included the FORM2 will be returned to you for completion. This is likely to result in a delayed process, which in turn may mean a continuation of the behaviour you find unacceptable.

Additionally, the redress being sought must be reasonable, if it is not considered to be reasonable the FORM2 will be returned to you with a note of explanation, at which point you may reconsider your redress and resubmit your FORM2.

Appendix 3 – Mediation

The school is committed to encouraging harmonious working relationships between colleagues. Mediation is a versatile process which can be used not only as an alternative to the formal procedures, but also as a rapid first intervention to prevent escalation of the dispute or even to repair the working relationship after formal procedures have concluded.

Aims of mediation

- To provide individuals with an objective and impartial framework for resolving conflicts at an early stage;
- To offer an alternative to formal procedures as a means of resolving conflict.
- Mediation can take place at any stage of the process.

What is mediation?

Mediation is an informal process that compliments the schools formal and informal procedures for dealing with workplace issues.

- It is used to help improve or restore working relationships between individuals.
- It is voluntary and completely confidential.
- A mediator (a neutral third person, who is appropriately trained and experienced), will work with the parties to help find their own solutions and reach an agreement designed to resolve disagreement or improve the situation. All mediators will be appropriately trained.
- It is based on the principles of collaborative problem solving, with a focus on the future and rebuilding relationships, rather than apportioning blame.
- It gives the participants an opportunity to step back and look at how the situation can be put right, looking at their own actions as well as those of the other party.

Mediation is conducted on the basis that both parties want to achieve a mutually agreeable outcome and solution. A successful mediation should lead to both parties feeling that the outcome is fair, reasonable and appropriate under the circumstances.

The mediation procedure

Stage 1 – First contact with the participants (individual meetings)
Stage 2 – Setting the scene (joint meeting)
Stage 3 – Exploring the issues
Stage 4 – Building the agreement
Stage 5 - Closure
Post mediation - Evaluation

The mediation process is as follows.

Stage 1 - First contact with participants (Individual meetings)

The mediator will meet both parties individually for the purpose of:

- Explaining the role of the mediator and the process of mediation, including confidentiality.
- Highlighting that confidentiality will only be breached if issues of a criminal nature surface, at which point the meeting will stop and HR will be informed. The appropriate authority e.g. the Police may need to intervene.
- Defining the core issues and identifying the ideal outcome expected by both parties. The mediator may need to meet either or both parties again to clarify any further issues arising from stage one.
- The mediator will outline the subsequent stages of the process, identifying an appropriate time and location for the joint meeting.

Stage 2 - Joint meeting - Setting the scene

The mediator will:

- Agree the agenda
- Set the boundaries and ground rules in agreement with both parties
- Explain and agree the process
- Clarify and summarise the agreed areas of conflict

Stage 3 - Exploring the issues

The mediator will:

- Explore the issues with the parties
- Encourage communication
- Manage any conflict during the early stages of the discussion
- Encourage a mutual understanding about the problem
- Check understanding and clarify assumptions
- Identify any concerns about the issues
- Encourage a change of focus from the past to the future
- Summarise areas of consensus and disagreement

Stage 4 - Building the agreement

Mediation will work towards:

- Generating and evaluating options

- Encouraging problem solving
- An acceptance or acknowledgement of conciliatory gestures
- Encouraging both parties to move from a non-negotiable stance, focussing on future resolution rather than the past problem
- Constructing agreements and creating fall back arrangements
- Identifying the next steps if no agreement is reached

Stage 5 - Closure

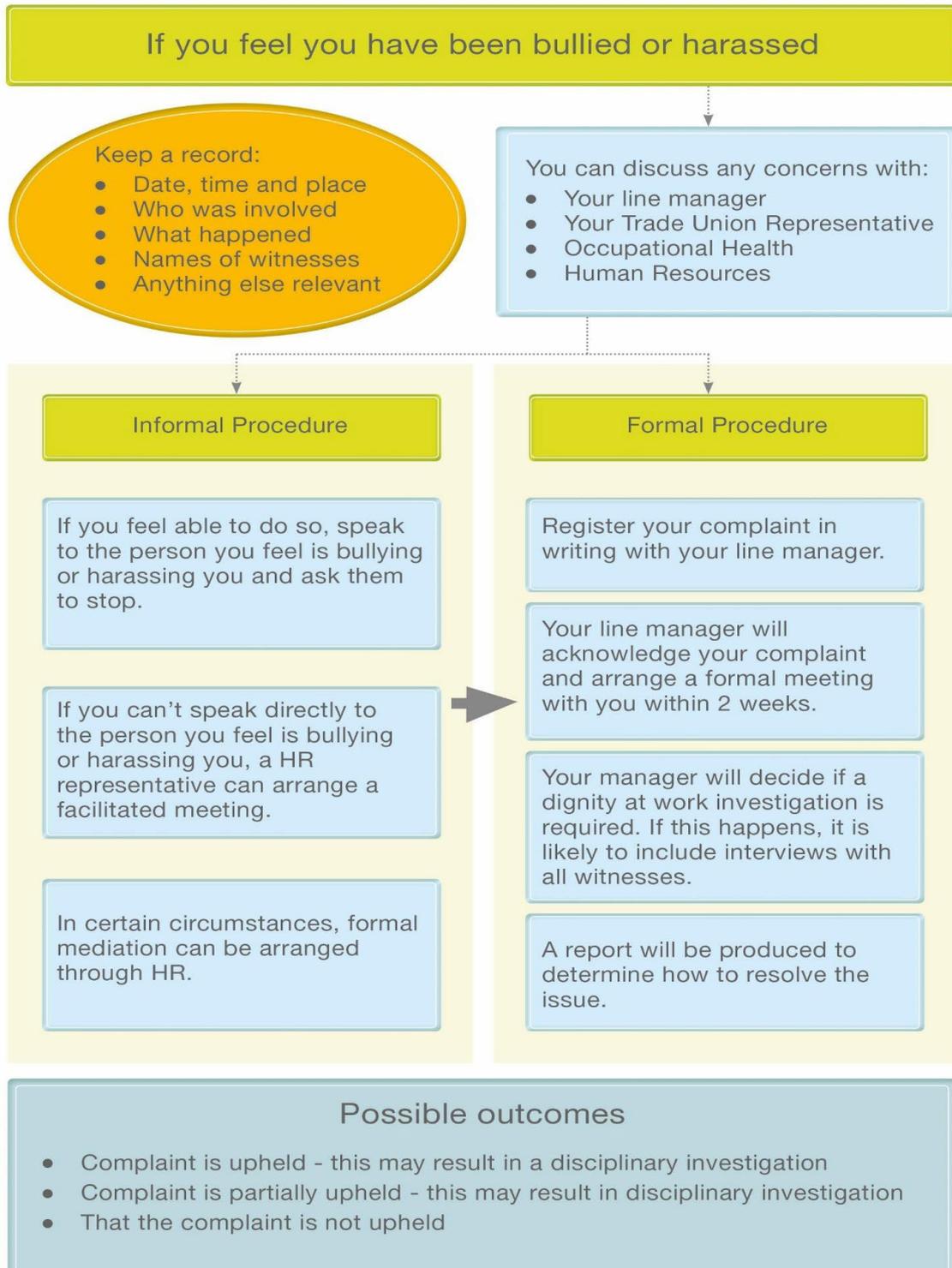
- The session will be concluded when both parties agree that they have dealt with the conflict and have reached a mutual agreement with a clear understanding of what has been agreed.
- An agreement will be drawn up in clear unambiguous language for signing by both parties.
- It will be agreed who retains copies (e.g. the manager may require a copy to monitor that any agreed action is followed through and maintained).
- Confidentiality will be respected.
- Close the session, reasserting the need for confidentiality.
- Arranging follow up (if necessary). Where some issues remaining outstanding, the mediator may suggest a further session is arranged. The parties may also decide to hold follow-up meetings (even if full agreement has been reached), either with or without the mediator. At this stage, the meeting will be concluded by the mediator who will re-confirm the confidentiality of the process. If no agreement over the issues is reached, the mediator will attempt to gain agreement from the parties as to what the issues are and to how they will proceed in the future.

Post mediation – evaluation

- A return will be provided by mediators to the HR representative for monitoring and evaluation purposes. No personal information will be recorded as part of this process.
- There is no appeal process associated with mediation however participation in mediation does not exclude individuals from other courses of action. Individuals also have the option to register their concerns about the process, or a particular mediator with the HR representative.

Appendix 4- Dignity at Work Policy Flow Chart

Dignity at work - Overview of procedure





Cyngor Sir CEREDIGION County Council
Adnoddau Dynol | Human Resources

MANAGING STAFF IN SCHOOLS

**Policy and Procedures for
Managing Sickness Absence at Work**

September 2021

DRAFT

Version Control

Version	Date	Author	Comment

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Policy

1. Introduction

1.1 This policy applies to all school employees who are employed by the Governing Body.

Note – it does not apply to staff employed by Contract Services (i.e. catering and cleaning staff).

1.2 The appendices do not form part of the policy and are included for guidance purposes only.

2. Sickness Absence Policy

2.1 Ceredigion County Council together with School Governing Bodies aims to ensure a fair, consistent and supportive approach to managing sickness absence in order to create and encourage a culture of good attendance.

2.2 The School will take pro-active steps to address problems associated with persistent, recurring short-term sickness absence and is committed to reduce such incidences. However, the School is also sensitive to the needs of long-term and chronically sick employees, as well as those with a disability and will endeavour as far as is reasonably possible to provide any necessary support.

2.3 Legitimate illness cannot be avoided. However, absences, both long term and short term, place a significant burden on the School both in terms of actual financial cost and the negative effect on educational delivery. It is therefore essential that Headteachers and Line Managers actively manage all employees, who are absent from work.

2.4 Equally, all employees are under a contractual duty to be at work under their terms and conditions of employment. There may be circumstances when absence is such that disciplinary action is required and employees should note that correct and proactive management of attendance in accordance with this policy is a reasonable managerial action.

3. Purpose of this Policy

- Offer support to those employees who are ill
- Discourage non-legitimate absence
- Ensure fair consistent treatment and support to all employees

- Provide a fair and objective means for monitoring sickness absence

The above will be achieved through a variety of means including:

- Ensuring Headteachers and Line Managers are trained to take responsibility for managing absence;
- Implementing appropriate measures for monitoring absenteeism;
- Ensuring accurate and timely recording and monitoring of absence data;
- Identifying and addressing the factors contributing to sickness absence;
- Creating a healthy working environment in which employees and their managers are proactive in identifying any situations or factors which have an impact on an employee's ability to work;
- Developing appropriate rehabilitation programmes for employees returning from long term absence;
- Developing a clear understanding of the sickness policy and procedure and its relationship with other procedures (e.g. Disciplinary, Leave of Absence, Capability etc.).

Procedure

4. Introduction

- 4.1 Ceredigion County Council, in partnership with the School, wishes to encourage and ensure the regular attendance at work of all its employees and to institute fair, effective and consistent arrangements for dealing with absences.
- 4.2 The Council and the School recognise the importance of its responsibility to manage sickness absence and will do so via procedures, which incorporate mechanisms to monitor individual attendance levels. Where appropriate, the School will aim to reduce high levels of sickness absence through proactive management strategies and support to employees.
- 4.3 The School also recognises that employees form its most valuable resource and therefore strives to be a caring employer and will encourage and develop initiatives to promote the health and wellbeing of its employees.
- 4.4 Concern and understanding will be shown to those employees who legitimately need to be absent and support will be offered during periods of ill health. However, it is recognised that this must be balanced needs of the School. Abuse of the system, which may occur within a minority of the

workforce, is regarded as unacceptable and the School will deal with such cases in a firm and robust manner as it recognises that this practice has a detrimental impact on colleagues and the education delivery.

4.5 The School, with support from the Council, wishes to secure genuine equality of opportunity in all aspects of its activities as an employer and will therefore seek to ensure that the policy and procedure is implemented in a non-discriminatory manner.

4.6 An employer has a legal responsibility under the Health and Safety at Work Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare of its employees.

4.7 Statutory Requirement:

There is a statutory requirement specific to teaching staff of which Schools must be aware.

It is also expected that the reporting requirement with regards to these illnesses are applied to support staff and the Council must be informed immediately when these instances arise.

The Welsh Assembly Government, operating through the Council and the Governing Body, has the power to suspend the employment of employees where there is reason to consider that they may have become medically unfit to perform teaching duties, particularly where there may be a risk to the pupils. There are many medical conditions which can lead to this action but in specific areas the School is required to inform the Council immediately they become aware that a teacher is suffering from such an illness. These illnesses are:-

- a) Pulmonary Tuberculosis.
- b) Epilepsy
- c) Meningitis
- d) Hepatitis
- e) Mumps
- f) Psychiatric disorders
- g) Drug or alcohol abuse.

In such instances, the risk to pupils will be considered, balanced against the School's and Council's obligation to the employee, particularly where they may be considered disabled, as defined in the Equalities Act 2010.

Further action should be taken in consultation with the Council, but this will usually involve referral to the Occupational Health Service for advice in the first instance.

5. Roles and Responsibilities

5.1 It is important that everyone clearly understands their roles and responsibilities within this process.

5.2 Employee Responsibilities

All School employees are responsible for:

- a) Attending work on a regular basis in accordance with their contract of employment
- b) Ensuring they read, understand and comply with this policy and procedure
- c) Fully co-operating with the requirements of this policy
- d) Maintaining confidentiality at all times during any sickness proceedings, with the exception of any conversations which may be necessary with their Trade Union or companion
- e) Behaving and acting in a way that is consistent with the values of accountability, flexibility, openness, professional integrity, diversity, respect and working with others

5.3 Headteacher/ Management Responsibilities

In addition to their responsibilities as employees, Headteachers or Line Managers are also responsible for:

- a) Ensuring staff are aware of all relevant policies and procedures by the most appropriate means.
- b) Establishing, standards and consistently upholding levels of acceptable attendance.
- c) Fully understanding the Managing Sickness Absence at Work policy and, where it is implemented, applying it fairly, consistently and in a timely way.
- d) Attending training on the Managing Sickness Absence at Work policy
- e) Seeking advice and guidance from the HR Service on all matters relating to attendance.
- f) Keeping adequate notes and records of all events and evidence, to support the use of the policy.
- g) Ensuring that the School's Managing Sickness Absence at Work policy is adhered to at all times including timescales, appeal rights, rights to representation, etc.
- h) Providing a standardised briefing on staff attendance to the Governing Body
- i) Arranging any meetings and support required as part of the procedure, e.g. securing dates, inviting employees to attend absence review meetings, welfare visits etc., organising administrative support to record the proceedings, send decision letters, etc.

- j) Maintaining confidentiality at all times throughout the process.

5.4 Governing Body will:

- a) Adopt the policy and ensure that it is applied consistently through regular monitoring and evaluating
- b) Ensure that a standardised briefing on staff attendance is presented to the Governing Body in order to fully consider the impact upon learners and cover requirements
- c) Set targets to improve levels of attendance and monitor those levels
- d) Develop, implement, monitor and revise action plans, where possible to reduce sickness absence and meet agreed reasonable target levels.
- e) Establish and communicate a hierarchy of responsibility for managing absence within the school.

5.5 HR Services responsibilities will:

- a) Act as advisor to Governors, Headteachers and Line Managers to ensure the School's Managing Sickness Absence at Work is applied correctly and consistently.
- b) Provide all employees with information and advice as necessary throughout the process.
- c) Review and monitor sickness cases and outcomes as well as supporting the School to undertake any remedial action that may be necessary.
- d) Review and collate schools sickness absence for reporting to groups and bodies e.g. Council, Welsh Government, School Trade Union Forum etc.
- e) Review the application of the policy and procedures in the light of operational experience.
- f) Carry out pre-employment medical screening, medical examination of referred cases and liaise with the Occupational Health Service

6. Definitions

6.1 Sickness Absence

6.1.1 This procedure applies to sickness absence as defined below:

- Self-certification
- Absence supported by a Fit Note
- Short-term absences, which may be intermittent/persistent
- Long term continuous absence
- Industrial injury / Work related injury

6.2 Medical Appointments

6.2.1 All employees are expected, where reasonably practicable, to take the following types of medical/health related appointments outside of normal working hours: GP, hospital, physiotherapy, dental, optician, chiropody, etc. However on those occasions when this cannot be arranged individuals will be allowed reasonable time away from work. Routine appointments which can be planned in advance, e.g. biannual dental, optician checks should be taken outside normal working hours where possible. If not, leave from duties should be agreed by the Headteacher on application.

6.3 Pregnancy related absence

6.3.1 Maternity leave and time off for ante natal care is a right conferred by the Employment Rights Act 1996 and should not be recorded or monitored as sickness absence.

6.3.2 No action should be taken against those employees absent with pregnancy related conditions. However, absences during pregnancy that are not pregnancy related will be monitored and managed as any other absence.

6.4 Cancer screening and Disability Related Treatment

6.4.1 Time off for cancer screening and disability related treatment e.g. rehabilitation, assessment, treatment, will be with pay. Headteachers or Line Managers will need to consider whether there is a need for reasonable adjustments within working practices.

6.5 Disability

6.5.1 All sickness absences of employees who are classed as disabled under the Equalities Act 2010 will be recorded as with absences of non-disabled. However, it is important that the Headteacher or Line Manager establishes which absences are related to the employee's disability. This may be through consultation with the employee or may necessitate seeking medical advice via the Occupational Health Service.

6.5.2 Absences relating to the disability will be disregarded in terms of trigger points unless reasonable adjustments have already been made.

6.6 Cosmetic Surgery

6.6.1 Time should be taken outside school hours whenever possible, otherwise unpaid leave must be requested unless medical diagnosis supports that such surgery is a necessity.

6.7 Absence on Public Holidays

6.7.1 Where an employee is receiving sick pay under the scheme, then sick pay should continue if a public holiday falls during such sickness absence. No substitute public holiday shall be granted.

7. Sickness Absence Notification

- 7.1 On the first day of absence it is the employee's responsibility to notify their Headteacher or Line Manager in person by telephone, or, in their absence, another designated individual within the School who would be responsible for receiving such information.
- 7.2 If in exceptional circumstance the employee is too unwell, it will be acceptable for a relative or friend to notify the Headteacher or Line Manager of the employee's absence as soon as is practicable.
- 7.3 Unless specific school arrangements apply which have been communicated to employees, notification should be made as soon as practically possible prior to normal start of work.
- 7.4 It is the employee's responsibility to provide the Headteacher or Line Manager on the FIRST day of absence with the following:
- A broad description of the illness
 - The date the illness began
 - The expected duration of the illness
 - Whether or not there are any meetings or other work commitments which may require cover or re-arrangement
 - When and how the Headteacher or Line Manager and the employee will next make contact
 - In cases where the relative or friend has notified the absence, a time when the employee will make contact
 - If the absence is due to an injury sustained in the course of duty.

- 7.5 The employee must keep their Headteacher or Line Manager informed of their continuing ill health at the agreed intervals. This may be required daily or at a minimum on the fourth day of absence. This contact must include details of:
- The expected duration of the absence
 - What, if any, medical attention or advice has been sought.
- 7.6 If contact is not made by the employee as required during the absence and their absence is unexplained, the Headteacher or Line Manager must take all reasonable steps to contact the employee e.g. telephone call, home visit.
- 7.7 All periods of absence up to 7 calendar days must be supported by a Self-Certificate
- 7.8 If the employee is absent for more than 7 calendar days, a medical certificate known as a "Fit Note" will be required from the employee's Doctor. The Fit Note should be submitted to the Headteacher or Line Manager, together with the completed Self-Certification form. In cases where a Fit Note covers the first seven days of absence, the Self-Certification is not necessary.
- 7.9 The Fit Note must be signed and dated by the Doctor. It will state whether the doctor thinks the employee is unfit for work or whether they may be fit for work. It will also provide information on whether the employee is likely to need an additional fit note when the current one expires.
- 7.10 The Headteacher or Line Manager will keep in regular contact with the employee during the sickness absence. There is also an expectation that the employee contacts the line manager to update the manager on their absence.
- 7.11 If an individual fails to follow the absence reporting procedure by notifying their Headteacher or Line Manager, or by providing a Self-Certification form or Fit Note, the absence may be recorded as unauthorised, and therefore unpaid, until such time as a valid certificate is received. Failure to follow the absence reporting procedures without good cause could result in disciplinary action being taken.
- 7.12 In order to assist in the arrangements of cover, the absent employee should give the maximum possible notice to their Headteacher or Line Manager of their return to work
- 7.13 For each occasion of absence, the line manager must ensure that they have completed the Return to Work interview which should be conducted on the first day back to work or as soon as possible thereafter.

- 7.14 Return to work interviews should be carried out face to face or in exceptional circumstances may be undertaken over the phone.

8. Short Term Absences – Procedure

- 8.1 These are absences which are usually sporadic and attributable to minor ailments, in many cases unconnected, which are frequent or irregular.
- 8.2 Short-term absences can be the most disruptive because of the unpredictability and the difficulty in arranging cover. Consequently cover arrangements for essential work may have to be undertaken by work colleagues in addition to their normal duties. The serious effects on other employees, the costs of such absences and disruption to the delivery of education must be kept to a minimum, therefore such absences will be closely scrutinised by Headteacher or Line Manager.
- 8.3 If considered appropriate the facility to self-certify sickness absence may be withdrawn at any point in the procedure. This facility should only be used where a Headteacher or Line Manager has concerns about frequent short-term absences. Advice should be sought from the HR Service prior to implementation. In such circumstances the employee will be required to produce a medical certificate from their doctor on the first day of any further period of sickness absence. Failure to do so may result in suspension of sick pay.
- 8.4 In cases where it is suspected that unwarranted absence has been taken and recorded as ill health the matter may be more appropriately addressed through the disciplinary procedure. Advice should be sought from the HR Service.

9. Monitoring and Recording - Short Term Absences

- 9.1 It is the Headteacher's responsibility to monitor and act upon trends in their employees' sickness absence.
- 9.2 Monitoring and effectively managing sickness absence requires accurate and reliable records to be kept by the School. It is therefore the responsibility of the Headteacher or Line Manager to ensure sickness absence is recorded and reported accurately on the Ceri System.
- 9.3 A series of trigger points and a Bradford Factor formula will be used to manage and monitor short term absence. These triggers will help managers identify at what stage action should be taken

- 9.4 Individuals' Bradford scores are monitored and when a certain score is achieved this will require further investigation as to whether a trigger point is reached, a process of absence reviews and further action can be set in motion
- 9.5 If one, or a combination of the trigger points listed below has been reached the employee will be required to attend an Initial Absence Review Meeting with their Headteacher or Line Manager:
- 3 or more occasions of absence in a 3 month rolling period
 - 5 or more occasions of self-certified absence in a 12 month rolling period
 - 2 or more occasions in a 12 month rolling period where absences about any period of leave (annual or bank holidays)
 - Any unacceptable patterns of absence.
- 9.6 Where an employee has been persistently close to but not hit a trigger, the Headteacher or Line Manager may meet with the employee to bring the pattern of their absence to their attention, identify if there are any underlying problems and whether any preventative action can be taken. The Return to Work Interview will be used for this purpose.
- 9.7 The Headteacher or Line Manager will monitor absence levels within the School / Department / Faculty and review absence data regularly at meetings.
- 9.8 Employees will be given a minimum of 5 working days' notice, in writing, of any formal absence review meeting, be advised of the reason for the meeting and of their right to be accompanied by a representative of a recognised trade union or a work colleague.
- 9.9 The purpose of the Initial Absence Review Meeting is to further investigate the employee's absence which will have previously been discussed and recorded during the return to work interviews, counsel the employee on the consequences of such absence and develop, where appropriate, a joint remedial strategy. The Headteacher or Line Manager should reiterate the standards of attendance expected of all employees, discuss fully the employee absence record and reasons for absence and assess whether there is an underlying problem (medical or otherwise) which needs to be addressed.
- 9.10 After hearing the reasons given for the employee's absence, and considering the circumstances, the Headteacher or Line Manager may determine that:
- No further action is necessary other than to continue to monitor attendance or
 - It is necessary to inform the employee that their absence is a cause of concern, and advise him/her of the consequences of failure to improve attendance.

- 9.11 Where cause for concern is registered all practical steps to alleviate the situation should be explored. An action plan including any support mechanism which may be helpful will then be agreed together with a timescale for improving attendance and a date for review.
- 9.12 The Line Manager will confirm, in writing, the outcome of the absence review meeting at this and any subsequent stage, where appropriate detailing any agreed action and period of review. The Initial Absence Review record will be kept on the employee's file for 12 months
- 9.13 If there is evidence that the employee's attendance has improved to a satisfactory level the Headteacher or Line Manager will confirm this in writing and advise the employee that their sickness absence will continue to be monitored
- 9.14 However, if there is no evidence of improvement in attendance, and a further sickness absence trigger point has been reached within 12 months of the Initial Absence Review, the Headteacher or Line Manager will refer to Occupational Health for advice. The Headteacher or Line Manager will review the Occupational Health report and evaluate the effectiveness of any support mechanisms that have been implemented. The employee will be required to attend a Second Review Meeting.
- 9.15 The Second Review Meeting will follow the format as described above. The employee will be given a further opportunity to explain the reasons for absence and additional support mechanisms may be considered if appropriate.
- 9.16 The Second Absence Review will be conducted by the Headteacher or Line Manager and if it is viewed that the continuing level of absence is unacceptable for the School to bear the employee will be issued a warning to that effect. The employee will also be advised that unless an immediate improvement in attendance is achieved and sustained any further sickness absence during the review could result in dismissal.
- 9.17 If any suggested options are unacceptable to the employee and the employee has not demonstrated improved and sustained attendance to a satisfactory level, the Headteacher will conduct a Third Absence Review Meeting.
- 9.18 The Third Absence Review will follow the format as described above. If in the judgement of the Headteacher, based on available information, the employee remains incapable of fulfilling the contract of employment, the matter will be reported to the Governing Body.

- 9.19 The Governing Body's Disciplinary and Dismissal Committee will conduct a Final Absence Review Meeting to consider the situation. The employee will be allowed to attend the meeting to present their case.
- 9.20 A representative from the HR Service will attend all Final Absence Review Meetings.
- 9.21 The employee will be entitled to be accompanied to any of the review meetings by a Trade Union representative or colleague.
- 9.22 The Governing Body's Staff Disciplinary and Dismissal Committee may decide, having regard to the information available to them and having considered any extenuating circumstances the employee may raise, that the employee is incapable of fulfilling the contract of employment. This may result in the employee being dismissed with notice of pay given in accordance with contractual provisions.
- 9.23 Normal rights of appeal against dismissal will apply. (See Section 12 for further information)

10. Long Term Absences – Procedure

- 10.1 A long term absence is defined as continuous absence of 28 calendar days duration or more.
- 10.2 The Headteacher or Line Manager will maintain reasonable regular contact with the employee throughout the period of sickness absence. The frequency and form of this contact e.g. telephone calls, emails, home visits, will depend on the circumstances and may vary from case to case.
- 10.3 Employees will be given a minimum of 5 working days' notice, in writing, of any formal absence review meeting, be advised of the reason for the meeting and of their right to be accompanied by a representative of a recognised trade union or a work colleague.

10.4 Welfare Visit

- 10.4.1 A welfare meeting should be arranged by the Headteacher or Line Manager. The welfare meeting should be held at the workplace wherever possible; if due to special circumstances, the meeting cannot be held in the workplace then a home visit can be arranged. If a meeting is not feasible then regular contact should be maintained through other means e.g. telephone, letter, email, contact with relatives, etc.

- 10.4.2 The Headteacher or Line Manager can be accompanied by a work colleague or a representative from the HR Service. The meeting should take place as soon as possible after 28 calendar days of the employee's sickness absence. The Headteacher or Line Manager must not make unaccompanied visits to the homes of employees.
- 10.4.3 The purpose of the welfare visit is to reflect genuine concern for the wellbeing of the employee, to offer support including, where appropriate, exploring flexibility in facilitating a return to work and to ensure that the employee is aware of, and understands, the procedures which will apply during their absence.
- 10.4.4 During the welfare meeting, the Headteacher or Line Manager will discuss with the employee the requirement for a referral to the Occupational Health Service.
- 10.4.5 Welfare visits will be by prior arrangement other than in exceptional circumstances e.g. where reasonable attempts to contact the employee have failed or where abuse of the sick scheme is suspected
- 10.4.6 If the employee wishes, a recognised trade union representative, work colleague, friend or relative maybe present during the welfare visit. The role of the representative will be to support the employee.

10.5 Phased Return to Work

- 10.5.1 There may be occasions where an employee has recovered from a long term or debilitating illness but would find it difficult to return immediately to their full contracted duties and hours of work without further risk to their health or has sufficiently recovered to be able to carry out some of their duties/hours of work. In such cases the Headteacher or Line Manager is encouraged to take a flexible approach to facilitate the employee's earlier return to work by allowing a phased return.
- 10.5.2 An action plan must be agreed by all parties before the phased return to work can commence. Therefore it requires the input of the Headteacher or Line Manager, the employee and Human Resources. If there is a requirement to consult with Occupational Health Service then the HR Service will do so.
- 10.5.3 The phased return will normally be for a period of up to 4 weeks. However, if the GP is of the view that a longer phased return is

required then agreement must be sought from Human Resources in discussion with the Headteacher and Occupational Health Service.

- 10.5.4 To support the employee to remain in work in the longer-term, particular arrangements (such as changes to working hours) may need to be more long-standing, or even permanent.
- 10.5.5 The agreed plan will be confirmed in writing to the employee by their Headteacher or Line Manager and copied to the HR Service.
- 10.5.6 It is the responsibility of the Headteacher or Line Manager to then implement the agreed plan and ensure that the employee's return is managed and reviewed at agreed intervals.
- 10.5.7 The employee will be paid their normal contracted hours during the phased return period. During the phased return period, sick days will not contribute to trigger points.

10.6 Monitoring and Recording Long Term Ill Health

- 10.6.1 There may be occasions following examination by the Occupational Health Physician where they can categorically state that the employee is capable of returning to work in a reasonable period of time and cannot declare the employee permanently unfit for their employment. In such cases the Headteacher or Line Manager will consult and discuss the situation with the employee in a series of absence review meetings.
- 10.6.2 After the Welfare Visit at around the 5th week continued absence, the employee will be referred to the Occupational Health Service for a medical assessment.
- 10.6.3 The First Absence Review meeting will take place following the receipt of the Occupational Health Service report.
- 10.6.4 A full discussion on the matter will take place between the employee and their Headteacher or Line Manager having regard to medical reports and any further investigations which may be required. Considerations will be given to the options available under the circumstances, which will include the full range of options including status quo, re-deployment, phased return to work or termination of employment.
- 10.6.5 A time scale will be agreed for an Intermediate Review meeting of the case, which would normally be between 12 - 16 weeks of continued absence.

- 10.6.6 The Intermediate Absence Review Meeting will follow a similar format to the first meeting and provide the opportunity to discuss any further medical reports and the agreed action from the previous meeting. Any new information will be considered and where appropriate the action plan revised accordingly. As before, possible outcomes will be discussed and a way forward agreed. It may be necessary to hold more than one intermediate review meeting prior to the final review stage. If this is the case, confirmation must be sought from the HR Service.
- 10.6.7 The employee will be advised to make any further evidence available prior to, or at, the Final Absence Review meeting which will take place no later than 35 weeks of continued absence
- 10.6.8 The Final Absence Review meeting will be conducted by the Headteacher and a member of the HR Service.
- 10.6.9 Following the established format of previous absence review meetings the situation will be discussed fully with the employee and any further medical information from Occupational Health Service, GP and or medical specialists will be taken into account as appropriate. If there is no foreseeable return to work or, if it has not been possible to re-deploy and no other solution can be found to facilitate the employee's return to work, the employee will be informed by the Headteacher that the matter will be reported to the Governing Body and that this could result in their employment being terminated on the grounds of ill-health.
- 10.6.10 The Governing Body's Staff Disciplinary and Dismissal Committee will meet to review the situation. The employee will be invited to attend the meeting to present their case and be represented by a work colleague or a trade union representative.
- 10.6.11 The Governing Body's Staff Disciplinary and Dismissal Committee may decide, having regard to the information available to them, that the employee should be dismissed on the grounds of ill health. The Clerk to the Committee will confirm this decision in writing.
- 10.6.12 Normal rights of appeal against dismissal will apply. (See Section 12 for further information)

11. Permanent Ill Health

- 11.1 Should medical evidence show that an employee is incapable of discharging efficiently and effectively the duties of their post or any comparable employment by reason of permanent ill health the Headteacher and a member of the HR Service will visit the employee to explain the findings of the Occupational Health Physician and to advise that they will be unable to continue in their post.
- 11.2 The procedure of termination of employment will be fully explained. The employee will be made aware of their right to appeal against the opinion of Occupational Health that they are permanently unfit.
- 11.3 If such an appeal is registered which is supported by a qualified medical practitioners report, then an independent medical examination will be arranged, the cost of which will be borne by the School.
- 11.4 If the employee does not wish to exercise their right to appeal against the medical opinion of the Occupational Health Service the HR Service will inform the Governing Body of the Physician's opinion and seek their resolution to terminate the services of the employee and the effective date of termination. The employee and/or trade union representative may make a personal appearance before the Governors. The reason for dismissal is that the employee is incapable of attending for work regularly due to Ill-health and has been declared permanently unfit for employment.
- 11.5 A letter will be sent to the employee confirming the decision to terminate employment in accordance with the resolution of the Governing Body and on giving the appropriate notice. The letter will also include the arrangements for appealing against the decision of the Governing Body.
- 11.6 If the employee is a member of the Teachers' Pension or the Local Government Pension Scheme, then the payment of pension scheme benefits will be explained according to the scheme regulations. It should be noted that these are subject to independent verification by the Pension Fund.
- 11.7 In some circumstances the Occupational Health Service may find that the employee is permanently unfit to continue with their substantive post but may advise that they may be fit for alternative employment. In this case an Officer from the HR Service will meet to advise the employee of the Occupational Health Service's findings and explain the procedure for redeployment.
- 11.8 During the notice period every effort will be made to find alternative employment within the School or Council for the employee. Employees will

have the right to declare that they do not wish to be considered for alternative employment.

- 11.9 Reference must be made to the provisions of the Equalities Act. Re-deployment must be to existing posts only. Such work may not be at the same level of salary or wage. Posts do not have to be created to accommodate a re-deployment.

12. Appeals

12.1 Appeals against the issue of a formal warning

- 12.1.1 An employee will have the right of appeal to the Governing Body or nominated representative against the issue of a formal warning. The request for appeal must be made in writing to the Clerk of Governors, stating the grounds for appeal, within 5 working days of receipt of the written confirmation of the warning.

12.2 Appeals against the decision to dismiss

- 12.2.1 The Right of Appeal applies in all instances where an employee has been dismissed by reason of ill-health under the Long Term Absence Procedure or by reason of attendance under the Short Term Absence Procedure. Notice of Appeal should be addressed to the Clerk of the Governing Body, in writing, setting out the grounds of appeal, within 5 working days of receipt of the letter confirming the decision to dismiss. The employee must also identify the name of the person who may be representing them at appeal, along with the names of any witnesses who may be called
- 12.2.2 The Governing Body will convene a Staff Disciplinary and Dismissal Appeals Committee consisting of at least 3 members of the Governing Body who were not involved in the Staff Disciplinary and Dismissal Committee. At least 10 working days and not more than 15 working days should be allowed from the date of receipt of the appeal before the appeals meeting is held. Only in exceptional circumstances can this timescale be changed.
- 12.2.3 The employee will be informed of the appeal hearing date within 5 working days of the meeting. A member of the HR Service will also be present at the hearing.
- 12.2.4 If the decision of the Staff Disciplinary and Dismissal Appeals Committee is to uphold the original committee's decision, the Clerk to the Committee will request that the Council terminates the contract of

employment. The member of the staff will receive confirmation of this decision in writing

12.3 Appeals against release of Pension

12.3.1 While the decision to dismiss rests with the employer; any pension decision rests with the relevant pension scheme provider.

13. Employees with Disabilities

13.1 The Equalities Act 2010 defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

13.2 The definition for the purposes of the Act is as follows:

- substantial means neither minor nor trivial.
- long term means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions).
- normal day-to-day activities include everyday things like eating, washing, walking and going shopping.
- a normal day-to-day activity must affect one of the 'capacities' listed in the Act which include mobility, manual dexterity, physical co-ordination, continence, ability to lift, carry or otherwise move everyday objects, speech, hearing or eyesight, memory or ability to concentrate, learn or understand, perception of the risk of physical danger.

13.3 The School and Council is committed to the employment of people with disabilities and will make every effort to retain any individual who is or becomes disabled whilst in its employment and to offer appropriate and timely support to ensure that the employee's skills, experience and loyalty are not lost.

13.4 Initially, the employee will need to be referred by their Headteacher or Line Manager; to the Occupational Health Service for a medical assessment. Following advice and where appropriate, information and/or assessment from external organisations, a number of options may be available to the employee, Headteacher and with advice from HR Services in facilitating a return to work. These may include:-

- Remaining in the same job with reasonable adjustments to the job or the working environment.
- Seeking redeployment opportunities incorporating retraining and/or rehabilitation where required.

- Considering the feasibility of other patterns of work i.e. part time, job share.

13.5 When considering the above alternatives regular contact with the employee will be important, consulting them on the options available, the associated arrangements, rehabilitation needs and any re-induction programme.

13.6 It must be recognised in some cases, it is not possible to retain an employee with disability. In these circumstances, ill-health retirement/termination on the grounds of incapacity may need to be considered.

14. Occupational Sick Pay - General Principles

14.1 Occupational Sick Pay forms part of the conditions of service for teaching and support staff.

14.2 The provisions in relation to payment during sickness absence are as follows

Teachers:

During 1st year of service	25 working days full pay
During 1st year and after completing 4 months' continuous service	25 working days full pay 50 working days half pay
During 2nd year of service	50 working days full pay and 50 working days half pay
During 3rd year of service	75 working days full pay and 75 working days half pay
During 4th year of service	100 working days full pay and 100 working days half pay

Support staff:

During 1st year of service	1 month full pay (26 days)
During 1st year and after completing 4 months' continuous service	1 month full pay (26 days) 2 months half pay (52 days)
During 2nd year of service	2 months full pay and 2 months half pay (52 days)
During 3rd year of service	4 months full pay and 4 months half pay (104 days)
During 4th and 5th year of service	5 months full pay and 5 months half pay (130 days)
After 5 years of service	6 months full pay and 6 months half pay (156 days)

14.3 The following are examples of the circumstances in which sick pay may be withheld (following investigation and a decision reached in accordance with the disciplinary procedure):

- i. Falsification of certificates (self or medical)
- ii. Failure to submit Fit Notes when required
- iii. Failure to follow the procedures in accordance with this policy without good reason
- iv. If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to:
 - deliberate conduct prejudicial to recovery
 - or the employee's own misconduct or neglect
 - or active participation in professional sportor injury while working in the employee's own time on their own account for private gain or for another employer.

14.4. Employees will be advised of the grounds for suspension of sick pay and will have the right of appeal. If, following appeal, it is concluded that the grounds for suspension were justified the employee will forfeit the right to any further payment in respect of that period of absence. If it is concluded that the grounds of suspension of sick pay were not justified, sick pay will be paid

14.5 In the event that an overpayment of occupational sick pay is made the Council has the right to recover such payment but should endeavour to seek agreement with the employee the amount and method of payment from each salary/wage payment until the overpaid amount has been recovered in full.

14.6 Where an employee claims loss of earnings from a private insurance company e.g. for sport injuries, car accidents, for any period of absence from work, the Council reserves the right to make a third party claim for repayment of occupational sick pay. This excludes any payments made by way of compensation.

15. Occupational Health Referrals

15.1 The Council's HR Service and where appropriate, the Occupational Health Service may be consulted at any stage in the procedure wherever there is a concern about the employee's health. However, advice must be sought from HR and Occupational Health before any action is taken under specific paragraphs outlined in the procedures for dealing with short term and long term absences.

15.2 Referral for medical assessment will be made direct to the HR Service using the Medical Referral Form. A copy of the Occupational Health report will be retained on the employees HR File.

15.3 Referrals aid the School by assessing:-

- The likely duration of sickness absence
- Where absence seems excessive in relation to the nature of the illness/ injury
- Where there is concern about recovery
- Whether there is a underlying reason for absence
- Whether the absence is due to a work related cause
- Reasonable Adjustments to work activities or the working environment to enable an employee to continue to work in their substantive post.
- Suitable alternative employment where the employee cannot return to their substantive post.

15.4. Employees must attend any Occupational Health appointments. Failure to do so without good cause may lead to suspension of sick pay and the instigation of the School's Disciplinary Procedures.

15.5 Employees have a statutory right under the Access to Medical Reports Act 1988. Their consent is required for the Occupational Health Service to apply to a Doctor/Specialist, who has responsibility for their care, for a statement giving information about their current health situation. The Occupational Health Service will seek consent before making any such requests for information. If the employee refuses to give consent they will be advised that any subsequent decision taken by the School will be based on the facts that are available.

16. Discipline

- 16.1 When a Headteacher or Line Manager identifies that an abuse of the absence procedure has occurred action should be taken, following an investigation, in accordance with the School's disciplinary procedures.

17. Critical / Terminal Illness

- 17.1 In addition to its legal obligations under the Equality Act 2010, the School has a clear responsibility to provide help and support any employee who is diagnosed with, or suffers from, a critical or terminal illness.
- 17.2 In circumstances where an employee is diagnosed with a critical or terminal illness a sensitive approach will be taken. Advice from HR Service must be sought in these circumstances.

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