



**ABSENCE PROCEDURE FOR
SCHOOL BASED STAFF**

**May 2003
Amended November 2008**

MANAGING SICKNESS ABSENCE

FOR USE IN LOCALLY MANAGED SCHOOLS

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1. Introduction

It is widely recognised that attendance is a vital factor in the efficient and effective operation of local authority services. High levels of attendance at work are crucial if the Authority is to meet its commitment to the economic, effective and efficient delivery of high quality services. Sickness absence has a detrimental effect on the ability to meet this commitment.

Governors and Headteachers will be very aware of the disruption caused by absences in schools as well as the cost of engaging supply teachers and other staff to cover such absences. There is also the detrimental effect such absences has on other staff who are required to take on additional responsibilities and cover arrangement for absent colleagues.

It is accepted that absences through illness are unavoidable and the Council, by introducing these procedures, does not seek to erode any rights of employees set out in their Conditions of Service and local agreements. The Council similarly does not wish to interfere with any policies already agreed by Governing Bodies but seeks to offer Governors, managers and employees a consistency of treatment in order to assist and protect all those concerned.

Many of the aspects covered are already written into Conditions of Service and local arrangements, and as such this document seeks to raise awareness of the need to monitor sickness levels, etc rather than to introduce new measures.

Many of the new requirements and time scales are designed to assist in the statutory duty of care for employees, particularly those suffering with stress-related illnesses and those who may have a disability, as well as assisting managers in monitoring sickness levels as required by the Council's corporate policy as well as by the Department for Education and Skills and the National Assembly for Wales. Whereas Head Teachers/Line Managers may see such developments as 'return to work interviews' as being time consuming, it should be considered that such measures may save time later by identifying problems being encountered by individual employees and enabling alternative arrangements to be made, thus assisting all parties and resulting in lower absence levels.

This policy closely follows the recommendations and advice given by such organisations as ACAS and the Industrial Society and as such it commended for use in schools.

2. Aims

This policy and procedure applies to all employees employed by the Governing Body on the complement of Locally Managed Schools.

Note - it does not apply to staff employed by Contract Services (ie catering/cleaning staff).

Through the application of this policy and procedures, the Council and the Governing Body aims to:

- Provide support to those employees who are unable to work through ill health.
- Ensure a fair and consistent approach, which applies to all employees.
- Maximise attendance by keeping all absences to a minimum and to achieve and maintain set target levels.
- Minimise disruption to operational services and the burden placed upon employees required to cover for colleagues' absences.

3. Policy Statement

It is the policy of Pembrokeshire County Council, together with its Governing Bodies, to ensure and encourage the regular attendance at work of all its employees and to institute fair, effective and consistent arrangements for dealing with absence.

The Council and Governing Bodies recognise the importance of their responsibilities to manage sickness absence and will do so via procedures which incorporate mechanisms to monitor individual attendance levels and, where appropriate, reduce high levels of sickness absence through proactive management strategies.

The Council 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 well being of its employees for adoption by Governing Bodies.

The Council, in partnership with Governing Bodies take seriously their responsibilities to ensure the health, safety and welfare of their employees. The Council will seek to identify the causes of absence and develop and provide, where reasonably practicable, remedial strategies for adoption in schools.

Concern and understanding will be shown to those employees who genuinely need to be absent and support will be offered during periods

of ill health. However, it is recognised that this must be balanced with a need to ensure that the public receives the level of service to which they are entitled. Abuse of the system, which may occur within a minority of the workforce, is regarded as unacceptable and the Council will assist Governing Bodies to deal with such cases in a firm manner as they recognise that this practice has a detrimental impact on colleagues and the delivery of services.

The Council, in partnership with the Governing Bodies, wishes to secure genuine equality of opportunity in all aspects of their activities as employers and will therefore seek to ensure the policy and procedure is implemented in a non-discriminatory manner.

Training will be available to Head Teachers and/or other employees with managerial/supervisory responsibilities on sickness management in order to ensure a consistent approach. Governing Bodies will be required to give consideration to providing adequate training for staff involved in management.

4. Legal Issues

1. 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.
2. Sickness absence is viewed as an issue concerning capability and dismissal on the grounds of capability is potentially a fair reason for dismissal under the Employment Rights Act 1996.
3. Employees have a statutory right under the Employment Relations Act 1999 to be accompanied by a fellow worker or trade union official/professional association representative where they are required to attend certain disciplinary hearings.
4. Employers must not unfairly discriminate on the grounds of gender, race or disability under the Sex Discrimination Act 1975, Race Relations Act 1976 and Disability Discrimination Act 1995. Sickness absence management must fully consider the implications of the Disability Discrimination Act 1995 since the protection of people with disabilities under this Act requires employers not to:
 - Give less favourable treatment for a reason related to their disability
 - Fail to make reasonable adjustment to workplace or practices unless justified.

5. Under the Access to Medical Reports Act 1988 an employer must obtain the employee's written consent before applying for a medical report from a doctor who has been responsible for the employee's physical or mental health care. The employee has the right to see the report before it is sent to the Council's Occupational Health Adviser or Physician. Employees must be made aware of these rights. The Act does not, however, apply to internal pre-employment screening.
6. Employees have the right to access their written and computerised medical records compiled since 1 November 1991, under the Access to Health Records Act 1990.
7. Under the Employment Rights Act 1996 it is unlawful to make deductions of wages at source unless the law or contract so provides, or unless the employee specifically sanctioned it. An exception to this, which is relevant to this procedure, is overpayment of wages, which would include sick pay.
8. The Council is mindful of the effect of the Human Rights Act 1998, with particular reference to the respect for the right to family life and the right to a fair hearing and the need for the policy and procedure to comply with the convention.

5. Principles

The following general principles will apply:

1. Both school managers and employees have responsibilities under the policy. Disregard of the policy could result in action being taken under the Disciplinary Procedure and/or occupational sick pay being suspended/with held. The Authority, its trade unions and teaching representatives support the benefits of a sick pay scheme,
2. A certain level of absence is unavoidable and this should be recognised. However, it is possible to reduce sickness absence levels through positive measures and an overall management approach. The Authority, its trade unions and teaching associations support the benefits of a sick pay scheme and do not wish to see it misused
3. The Authority reserves the right to arrange a medical examination of an employee at any time. It fulfils its obligations under the Access to Medical Reports Act 1988.
4. In the majority of cases, with proper medical intervention and support, an employee's health will improve sufficiently to enable them to return to full health and duties. The objective of balancing time for health improvements with work needs will have to be met.

Where the balance proves impossible to achieve, action will be taken in accordance with the procedure.

5. Where sickness absence occurs as a result of an employee's work environment or duties, the Council will consult with the Governing Body in order to take reasonable practicable steps to relieve the problem.
6. At all stages of the procedure, proper investigation should be conducted into the circumstances of absence and the employee consulted.
7. Each sickness absence must be judged on its merits. Absences of part time employees shall be considered on a pro-rata basis.
8. Whilst it is recognised that the individual circumstances of each case must be considered with understanding and sympathy, the importance of the operational effect of the employee's absence must be taken into account.
9. This policy and procedures are designed to deal with genuine problems of absence due to unacceptable sickness levels. Where, following investigation, there are reasonable grounds to believe that absence is not for genuine sickness reasons the normal disciplinary procedures will apply.
10. Should an employee feel aggrieved about the decision to issue a caution or terminate employment under these procedures he/she will have the right of appeal.
11. At all formal stages of the procedure absence review meetings, appeal hearings, the employee should be given the opportunity to be accompanied by a recognised trade union representative or fellow worker.
12. This policy links in with other policies such as Disciplinary, Capability, Dignity at Work etc. which have been adopted by the Governing Body and the Authority's other health-related policies such as Alcohol and Smoking. Information and support will be available on a variety of health promotion issues through the Occupational Health Unit e.g. dealing with smoking, drug alcohol and healthy living issues..

MANAGING SICKNESS ABSENCE

PROCEDURES TO MAXIMISE ATTENDANCE AT
WORK IN LOCALLY MANAGED SCHOOLS

PROCEDURES

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PROCEDURES

1. GENERAL

1.1 APPLICATION

- 1.1.1 Different patterns and duration of absence call for different approaches. This document therefore incorporates procedures for dealing with both short and long term absences.
- 1.1.2 Not all patterns of absences fall neatly into one of the above categories and the pattern may change over a period of time. Some flexibility in approach may therefore be required.
- 1.1.3 Procedures governing sickness absence will apply to disabled and non-disabled employees alike.
- 1.1.4 It is accepted that there may be circumstances where the nature of the illness may make it preferable for the return to work interview or welfare visit to be conducted by a person of the same gender as the employee or exceptionally by someone other than the line manager. A request for this should be accommodated where it is possible to do so.
- 1.1.5 Employees will be given a minimum of 5 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/Association or a work colleague.
- 1.1.6 If the absent employee wishes to be seen at work rather than visited at home, such a request should be accommodated where possible.
- 1.1.7 The Council reserves the right to arrange a medical examination of an employee at any time, where there is concern about the employee's mental or physical health or the employee's sickness record.
- 1.1.8 Decisions will be taken on the strength of available evidence in cases where employees refuse to co-operate in the obtaining of medical evidence or to undergo medical examination.
- 1.1.9 Any period of absence not covered by a self or medical certificate will not be paid and will be considered to be unauthorised unpaid leave.
- 1.1.10 The Council reserve the right to terminate employment in accordance with this policy prior to the expiry of occupational sick pay.

1.1.11 Any costs for the issue of medical certificates requested by the Authority/Governors beyond the statutory requirement for medical certificates will be reimbursed on production of a receipt.

1.2 DEFINITION

1.2.1 This procedure applies to sickness absence as defined below:

- Self certification
- Absence supported by a doctor's certificate
- Short term absence which may be intermittent/persistent
- Long term continuous absence
- Self certified absence which goes beyond sickness absence (ie due to non-sickness reasons)
- Industrial injury

1.2.2 Pregnancy related absence

- i. Maternity leave and time off for ante natal is a right conferred by the Employment Rights Act 1996 and should not be recorded or monitored as sickness absence.
- ii. No action should be taken against those employees absent with pregnancy related conditions. However, absences during pregnancy, which are not pregnancy related, will be monitored and managed as any other absence.

1.2.3 Cancer screening and Disability related treatment

Time off for cancer screening, eg cervical, mammogram, prostate and disability related treatment, eg rehabilitation, assessment, treatment, is outside the scope of this policy (see Leave of Absence policy for details), and should not be recorded and monitored as sickness absence.

1.2.4 Statutory Medicals

Time off to attend statutory Medicals for employment with the Council, eg HGV medical, will be with pay and should not be recorded or monitored as sickness absence.

1.2.5 Medical Appointments

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. Routine appointments which can be planned in advance, eg biannual dental, optician checks

should be taken outside normal working hours where possible. If not, see Leave of Absence policy..

1.2.6 Cosmetic Surgery

Time should be taken outside school hours whenever possible. Individual cases may be excluded when covered by medical support/evidence. Head Teachers and employees should seek advice from the Personnel Division - Schools if any problems.

1.3 **ROLES AND RESPONSIBILITIES**

1.3.1 **All employees** of Pembrokeshire County Council have a role to play in reducing sickness absence.

1.3.2 Responsibility for managing absence exists at all levels through the Council. However, the primary responsibility for monitoring and controlling absence on a day to day basis rests with line managers and supervisors.

1.3.3 **Governors** will need to:

- Establish and communicate a hierarchy of responsibility for managing absence within the school.
- Communicate specific departmental arrangements for application of procedure to employees.
- Set reasonable absence target levels for their school.
- Develop, implement, monitor and revise action plans, where possible to reduce sickness absence and meet agreed target levels.
- Ensure adherence to this policy and procedure.
- Report sickness absence levels and management action to Governors on a regular basis, as at present. The causes of sickness absences should be included, where known and particularly when considered relevant.

1.3.4 **Head Teachers or Line Manager** will:

- Communicate this policy and procedure to all employees, and via the formal induction process to new entrants.
- Ensure accurate records are kept detailing dates, duration and reasons for absence of all employees and monitor absence through the identification and analysis of trends and patterns for individuals and the school.

- Take reasonable steps to achieve and maintain targets for sickness absence within their area of operational responsibility.
- Assess health and safety issues in conjunction with advice from corporate and Departmental health and safety staff and the Occupational Health Adviser as appropriate and to take notice of any recommendations to implement changes to the working environment or practice to bring about improvements.
- Comply with the policy and procedure and, in conjunction with Personnel Division colleagues, implement the various stages of the procedure as they are triggered.
- Report to their Governing Body regarding levels of absences, and reasons for absence.

1.3.5 Personnel Division Officers (including Occupational Health Adviser) will:

- Develop and periodically review policies and procedures relating to the management of sickness absence, health and safety and occupational health.
- Provide advice and guidance to Head Teachers on health and safety, sickness absence management issues and specific sickness absence cases.
- Carry out pre-employment medical screening, medical examination of referred cases and liaise with the Occupational Health Physician as required.
- Share all information on a confidential basis regarding all initiatives relating to occupational health matters.

1.3.6 Individual Employees will:

- Take reasonable care of their own health and safety and attend work unless prevented from doing so by ill health.
- Report sickness as defined within, and in accordance with, the procedure.
- Submit appropriate documentation for all periods of absence in accordance with the procedure and produce evidence of sickness when required to do so.

- Refrain from undertaking any activities during sickness absence, whether paid or unpaid, that may knowingly adversely affect a return to work.
- Where it is not detrimental to the employee's well-being, keep in regular contact with their line manager during the duration of their absence and advise of all developments relating to their absence.
- Attend for medical examination as required.

1.4 SICKNESS SCHEME

- 1.4.1 Occupational Sick pay forms part of teachers' terms of employment in accordance with the Conditions of Service for School Teachers in England and Wales.

Section 4 of the above document outlines the entitlement for sick pay and the rules relating thereto.

Managers should seek advice from the Personnel Division on any issues relating to this section.

- 1.4.2 Occupational Sick Pay forms part of the terms and conditions of service for staff employed in accordance with the collective agreement laid down by the National Joint Council for Local Government Services (the 'NJC') as set out in the appropriate scheme of conditions of service.

Section 4 of the above document outlines the entitlement for sick pay and the rules relating thereto.

- 1.4.3 Non compliance with the provisions of this section may lead to withholding of sick pay and may constitute misconduct and dealt with in accordance with the School's disciplinary procedure.

- 1.4.4 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.

- 1.4.5 In the event that an overpayment of occupational sick pay is made, the Council reserves the right to automatically recover the amount by equal deductions of no more than 10% of normal gross pay from each salary/wage payments until the overpayment amount has been recovered in full. Where pay expires prior to full recovery of the overpayment, the outstanding amount will be recovered from any remaining payments due.

Where all pay has been exhausted and invoice will be raised and sent direct to the employee for recovery of the overpayment. Terms of repayment to be agreed on individual basis with the Finance Department.

1.4.6 Where an employee claims loss of earnings from a private insurance company, eg for sports injuries, car accidents or from a private medical policy, for any period of absence from work, the Council reserves the right to make a third party claim or to seek repayment of occupational sick pay if any employee receives any income from a private insurance company. This excludes any payment made by way of compensation.

1.5 DISCIPLINE

When a Head Teacher or Manager designated by him/her identifies that an abuse of the absence procedure has occurred, action should be taken following an investigation in accordance with the disciplinary procedure.

Examples of employee conduct in relation to absence where disciplinary action is appropriate (this list is not intended to be exhaustive):

- Failure to follow the notification rules without good reason
- Providing an unsatisfactory reason for being absent from work
- Failure to provide medical certificates when required
- Abuse of the sickness scheme
- Engaging in activities which are known to be inconsistent with the nature of the alleged illness
- Intentionally engaging in any activities which aggravates the nature of the illness or delays recovery
- Deliberate falsification of self or medical certificates.

2. MANAGEMENT OF ABSENCE

Sickness absence management is the process by which the employer aims through various methods to maximise employee attendance at work. The key objectives are:

- establish proper management systems for reviewing individual sickness records
- review compliance with sickness reporting rules and procedures
- identify causes of absence in order to prevent or deter absence recurring where possible
- Re-affirm commitment to the duty of care for employees.

2.1 RECORDING ABSENCE

- 2.1.1 Head Teachers/Line managers will need to ensure that accurate records are kept for all periods of sickness absence for all employees.
- 2.1.2 The information recorded will include dates and periods of absence, reasons for absence and methods of certification (ie self/medical certification). Sickness that results in absence occurring part way through the working day should be included when the absence amounts to, or exceeds, half the working day.
- 2.1.3 The information will be forwarded to the Payroll Department for input onto the computerised Payroll system each month by the agreed date. A copy of the record should be retained in the school for monitoring purposes.
- 2.1.4 Line managers will compile and maintain any additional manual records as necessary in order to monitor/analyse sickness absences.
- 2.1.5 Different patterns and duration of absence call for different approaches. This document therefore incorporate procedures for dealing with both short term and long term absences.

2.2 MEASURING ABSENCE

- 2.2.1 For the purpose of measuring absence in a fair and consistent manner across the Authority, 37 hours or 5 days per week will count as the full time equivalent for recording absence rates.

In order to calculate the absence rate, the following formula will be used

$$\text{Absence rate} = \frac{\text{Ave days absence/employee}}{\text{Ave days worked/employee}} \times 100$$

In order to calculate the frequency rate, the following formula will be used

$$\text{Frequency rate} = \frac{\text{No of separate absences}}{\text{No of FTE employees}} \times 100$$

Sickness that results in absence occurring part way through the working day shall not be considered except where this exceeds a half day for calculating absence statistics. However it will count in meeting the criteria for establishing an absence review meeting. Targets have been set to reduce levels of absenteeism. Each period of absence should be investigated and possible solutions tailored to meet individual needs.

2.2.2 The measurement of absence will allow for accurate information to be compiled and analysed to:

- identify areas for management action
- compare absence levels to those of previous periods and establish patterns and trends
- establish target absence rates and measure progress towards achievement
- compare performance within the Authority and with other Authorities.

2.3 Calculating Absence Rates

The objective of the Authority is to achieve a corporate absence rate of no higher than 4.7% in the first year. This equates to a maximum trigger point of 10 working days absence per annum per employee. This has been calculated as follows and takes account of all employees who have on average two rest days per week.

Example 1

365 days
104 weekends
27.5 av annual leave
8 bank holidays

226.5 working days

Example 2

73 school days – autumn term
59 school days – spring term
63 school days – summer term

195 working days

Based on the maximum trigger point of 10 working days absence per year, this equates to

Example 1	4.4% of 226.5 days
Example 2	5.1% of 195 days
	9.5 421.5 days

As an average for the whole authority, this equates to a corporate absence rate of 4.7% (3% is considered an aggressive benchmark in excellent organisations – Managing Employees Absence for Competitive Advantage, Huczynski & Fitzpatrick, 1989)

2.4 Pembrokeshire County Council reserves the right to adjust this figure in subsequent years following trade union/teaching association consultation.

2.5 The trigger system is used to monitor and manage absence levels consistently and fairly across the Authority. They are for use in cases of frequent/short term absenteeism for quite minor problems. However. Each case will be viewed on its merits within the procedure. If any of the trigger points are reached, an absence review meeting should be convened.

- 2.6 Governors may wish to determine annual targets for absence rates for their school. Such targets should be based on evidence and communicated to all employees at the commencement of the year

2.7 MONITORING AND REPORTING

2.7.1 Monitoring of sickness absence should take place at individual, department and school level on a continuous basis by designated officers and departmental and school levels reported to Governing Body meetings.

2.7.2 When monitoring sickness absence, at any level, managers should seek to identify and analyse patterns of absence and trends and develop management strategies and action plans in consultation with the Occupational Health Adviser and/or other Personnel Division Officers as necessary to address identified problem areas.

2.7.3 Individual cases will be monitored by the Head Teacher/Line manager in accordance with the procedures for managing intermittent/persistent short term absence and long term absence.

2.7.4. Departmental absence levels and any identified patterns and trends of attendance should be reported to school management teams on a regular basis by the designated officer. The Head Teacher will need to develop action plans and management strategies to address identified problem areas.

2.7.5. Colleagues in the Personnel Division will assist schools by providing information relating to sickness levels within schools and relating to individual staff where necessary.

3. NOTIFICATION OF ABSENCE

3.1 On the first day of absence the employee will notify their Head Teacher or designated teacher if they are unable to attend for work due to illness or injury. Messages should not ideally be left with colleagues.

3.2 Unless specific arrangements apply which have been communicated to employees, notification should be made as soon as practically possible prior to normal start of work for that day. The employee should indicate, where possible:

- i. the nature of the illness or injury
- ii. when they expect to be able to return to work, if known
- iii. if the absence is due to an injury sustained in the course of duty or outside work (full details should be provided).

- 3.3 All employees reporting sick must do so personally if at all possible, and not through a third person, subject to genuine practical constraints, eg no easy access to a telephone, hospitalisation. In such circumstances a relative or friend may phone on the employee's behalf and be prepared to provide the employee's line manager/supervisor or designated substitute with the information specified in paragraphs 3.2 (i-iii) above. Where it is not possible to relay such information through a third party because of confidentiality, the line manager will contact the employee.
- 3.4 Employees who become unwell during their working day and feel unable to continue their duties will notify their line manager of the need to leave their place of work.
- 3.5 If the absence continues the employee should telephone their line manager/supervisor on the 4th day of absence with the reason for their continued absence and the expected day of return to work if known. Weekends, holidays, bank holidays, etc are included in calculating the 4th day. Should the 4th day of absence fall upon a non-working day the telephone call should be made on the next working day.
- 3.6 If the absence lasts, or is expected to last, more than seven calendar days the employee will obtain a medical certificate, signed by their doctor, as soon as possible after the 7th day of absence. The employee will contact the line manager/supervisor regarding the reason and period for refraining from work as indicated on the medical certificate. The certificate should then be sent to the line manager within 24 hours of receipt, or as soon as possible thereafter.
- 3.7 Should the incapacity continue further appointments to see the doctor should, where practicable, be made prior to the expiry of the current certificate. Notification of absence and submission of medical certificates should continue as in paragraph 3.6 above.
- 3.8 For absences exceeding 14 days duration the employee must obtain a medical certificate from their doctor before they return to work stating that they are fit to work. On receipt of the certificate the employee must notify the line manager/supervisor of the date given by the doctor for a return to work. If the doctor has recommended any restriction to duties the line manager/supervisor should be informed at this point. The certificate must be submitted to the line manager at the return to work interview.
- 3.9 In some circumstances an employee may feel well enough to return to work prior to the expiry of the medical certificate. In such circumstances the employee must obtain a medical certificate from their doctor, before they return to work, stating they are fit for work. The employee must notify the line manager/supervisor as indicated in paragraph 3.8 above.

- 3.10 Employees working in close proximity to vulnerable service users who have been required to refrain from work due to certain infections will be required to obtain a medical certificate from their doctor stating that they are fit to work regardless of the period of absence. (See Conditions of Service for Teachers in England and Wales.)
- 3.11 If contact is not made by the employee as required during the absence and their absence is unexplained, the Head Teacher or designed representative will take all reasonable steps to contact the employee, eg telephone call, home visit.
- 3.12 Failure to comply with the absence reporting requirements may be dealt with as misconduct under the Disciplinary Procedure and occupational sick pay may be withheld. **It is hoped however that reasonable arrangements between the School managers and the employees or representatives would avoid such measures whenever possible.**

4. RETURN TO WORK

- 4.1 Following every period of sickness absence, whether self or medical certified, a return to work interview where possible will be carried out by the line manager or designated person on a one to one basis.
- 4.2 The interview should take place on the day the employee returns to work, however, it is acknowledged that for some categories of employee this may not be possible. In such cases the interview should be conducted at the earliest practicable opportunity following the employee's return to work in accordance with agreed arrangements.
- 4.3 The interview will provide the opportunity to make sure the employee is fit to return to work, discuss the nature of the illness and any patterns of absence that may be occurring. It will also be an opportunity to discuss any perceived work related problems, identify any underlying problems which may be contributing to the employee's absence and to consider any reasonable support to assist the employee.
- 4.4 If, in the line manager's opinion, the employee is not fit to return to work, the employee may be suspended on medical grounds pending medical reports. Such action would normally be taken in consultation with the Council's Occupational Health Adviser, Personnel Officer and the relevant Union representation before consideration.
- 4.5 In the case of employees returning from long-term absence the implementation of a phased return and/or restrictions on work activities should be discussed as appropriate. Where considered necessary, return to work interviews should also include updating of employee about events in the school/department during their absence.

- 4.6 The line manager will ensure that all periods of absence are covered by the appropriate sickness absence certificate and that a statement of fitness for work is submitted for absences of 14 or more days duration. If the duration of the absence is up to and including 7 days (including weekends) the employee will be required to complete a self-certificate of sickness absence form during the interview.
- 4.7 The salient points of the interview will be recorded on the Return to Work Interview Form, a copy of which will be retained by the employee. The Return to Work Form will become a component of the employee's health record and be retained on his/her personal file. It should be noted that such information is confidential.
- 4.8 It is acknowledge that in the event of an absence of a Head Teacher, a meaningful return to work interview may not be possible and in such circumstances, the Head Teacher should inform the Personnel Officer or Pastoral Adviser of any absence that may be perceived to be work related.
- 4.9 Where employees are unwilling to discuss their medical condition with a particular line manager, they should be awarded an opportunity to be interviewed by an appropriate third party. Such an arrangement however would only be deemed necessary in a small minority of cases.

5. INTERMITTENT/PERSISTENT SHORT TERM ABSENCE

5.1 INTRODUCTION

- 5.1.1 These are absences which are usually sporadic and attributable to minor ailments, in many cases unconnected, which are frequent or unacceptable.
- 5.1.2 Short term absences can be the most disruptive because of the unpredictability and the difficulty in arranging cover. Consequently essential work may have to be undertaken by work colleagues in addition to their normal duties. Such absence patterns may be indicative of an underlying health problem or work related issues which may need resolution.
- 5.1.3 It is recommended that the procedure may be triggered by one, or a combination, of the following:
- 3 occasions of absence in a 3-month rolling period.
 - 5 occasions of self certified absence in a 12-month rolling period.
 - 10 days absence in a 12-month rolling period (this may comprise a single or multiple absences)
 - any unacceptable pattern of absence.

5.2 **GENERAL**

- 5.2.1 The Occupational Health Adviser and the independent Occupational Health Physician may be consulted at any stage of the procedure, where there is concern about the employee's health, but must be consulted before any action is taken under paragraph 5.3.4.
- 5.2.2 If considered appropriate the facility to self certify sickness absence may be withdrawn at any point in the procedure. 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. The school would have to reimburse the cost of obtaining any medical certificates.
- 5.2.3 In cases where it is suspected that unwarranted absence has been taken and ascribed to ill health, the matter may be more appropriately addressed through the disciplinary procedure. Advice should be sought from the Education Personnel Section.

5.3 **PROCEDURE**

5.3.1 **INITIAL ABSENCE REVIEW MEETING**

- 5.3.1.1 When concern is expressed about an employee's attendance level in that any of one or a combination of the trigger points in paragraph 5.1.3 has been reached, the employee may be required to attend an absence review meeting with his/her line manager/supervisor. (See paragraph 1.1.5)
- 5.3.1.2 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 return to work interviews, counsel the employee on any possible causes and where appropriate, agree a joint remedial strategy.
- 5.3.1.3 The 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.

- 5.3.1.4 After the hearing the reasons given for the employee's absence and consideration of the circumstances the 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 for concern, and advise him/her of the consequences of failure to improve attendance.
- 5.3.1.5 Where cause for concern is registered all practical steps to alleviate the situation should be explored and an action plan, including any support mechanisms which may be appropriate will be agreed, together with a timescale for improving attendance and a date of review.
- 5.3.1.6 The period of review following the initial and any subsequent absence review meetings will depend upon the circumstances but will not exceed one term other than exceptional circumstances.
- 5.3.1.7 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. A copy will be retained on the employee's personal file.
- 5.3.1.8 During the initial and any subsequent review periods, the line manager will closely monitor the employee's attendance.

5.3.2 **SECOND ABSENCE REVIEW MEETING**

- 5.3.2.1 If there is evidence at any absence review meeting that the employee's attendance has improved to a satisfactory level, the manager will confirm this in writing and advise the employee that their sickness absence will continue to be monitored.
- 5.3.2.2 If having reviewed the employee's attendance over the review period, there is no evidence of improvement in attendance and/or a further trigger point has been reached the line manager will consider any medical/occupational health reports and evaluate the effectiveness of any support mechanisms that have been implemented.
- 5.3.2.3 The employee will be given the opportunity to explain the reasons for non attendance and additional support mechanisms may be considered is appropriate, eg temporary/permanent change of hours of work, period of unpaid leave, redeployment on medical grounds, if possible.

If appropriate a further action plan and review period will be agreed and a target set for improvement.

- 5.3.2.4 The line manager will formally caution the employee that unless there is an early marked and sustained improvement there will be a further absence review meeting and that the ultimate consequence of failure to improve could be dismissal.

5.3.3 **THIRD ABSENCE REVIEW MEETING**

- 5.3.3.1 The third absence review meeting will follow the format as described in paragraph 5.3.2.2. The employee will be given a further opportunity to explain the reasons for absence and additional support mechanisms may be considered if appropriate.
- 5.3.3.2 If the Head Teacher is of the view that the continuing level of absence is unacceptable for the school to bear, he/she will caution the employee to that effect advising that unless an immediate improvement in attendance is achieved and sustained, the matter will be reported to the Governing Body together with advice received from the Occupational Health Unit.

5.3.4 **FINAL ABSENCE REVIEW MEETING**

- 5.3.4.1. If any suggested options are unacceptable to the employee and the employee has not demonstrated improved and sustained attendance to a satisfactory level, the Head Teacher will conduct a final absence review meeting following the format as described in paragraph 5.3.2.2.
- 5.3.4.2 If in the judgement of the Head Teacher, based on available information, the employee remains incapable of fulfilling the contract of employment, the matter will be reported to the Governing Body. Prior to this the Authority's officers will be required to discuss the situation with the employee, his/her Trade Union representative and also the Occupational Health Adviser.
- 5.3.4.3 The Governing Body will expect the Staff Dismissal Committee to review the situation when the employee will be allowed to appear to state his/her case and be represented by a work colleague or Teacher Association/ Union representative.

5.3.4.4 The Governing Body may decide, having regard to the information available to them, that the employee is incapable of fulfilling the contract of employment and should be dismissed with the issue of statutory notice in accordance with contractual provisions.

5.3.4.5 The normal rights of appeal will apply and will be administered in accordance with Authority/school procedures.

6. LONG TERM ABSENCES

Where an employee's absence exceeds 8 weeks, or at the discretion of the Head Teacher (eg receipt of a 6-month medical certificate prior to this time) it should be treated as long term absence in the context of this policy.

4 weeks absence - Home visit by Head Teacher or nominated person
- Consider referral to Occupational Health Physician

8 weeks absence - Compulsory referral to Occupational Health Physician

Exceptions to a medical referral at 8 weeks would be in cases of known medical conditions which only require, on average, a period of up to three months absence. Examples of this are fractured or broken bones, postoperative recovery, eg hysterectomy, hernia, gall bladder, chemotherapy, radiotherapy. Absences in this category tend to have a predictable and defined period of absence. Referral to the Occupational Health Adviser would serve no purpose at this time. However, should complications arise affecting or delaying the recovery of the employee, then referral would be appropriate and the thirteenth week of absence at latest.

6.1 PROCEDURE

6.1.1 It is the employee's responsibility to keep in contact with the school in accordance with the absence reporting procedure. However, it is also necessary for the Head Teacher or designated representative to maintain a reasonable level of contact with the employee during the absence. The frequency and form of this contact, eg telephone calls, home visits, will depend on circumstances and may vary from case to case. However this should not become intrusive. Advice should be sought from the Personnel Division as required where difficulty arises in maintaining a reasonable level of contact.

6.1.2 Where an employee has been absent for a period of four weeks and there is no sign of an immediate return to work or a medical certificate

has been received indicating more than four weeks absence, the Head Teacher or nominated person should make a home visit.

- 6.1.3 This should aid the Head Teacher or nominated person by introducing contact away from the school and re-affirm the procedures to be followed if the absence continues. The Head Teacher or nominated person should complete the relevant home visit report form and consider whether an early referral to the Occupational Health Adviser via the Personnel Division would be appropriate.
- 6.1.4 The home visit remains the school's responsibility although advice and support will be available from the Personnel Division.
- 6.1.5 The purpose of such contact is to reflect genuine concern for the well being of the employee, ascertain the nature and progress of the illness and, hopefully, recovery. To offer support including, where appropriate, 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. The home visit must not be used as a tool to aid discipline.
- 6.1.6 Home visits will be by prior arrangement other than exceptional circumstances, eg where reasonable attempts to contact the employee have failed or where abuse of the sick scheme is suspected. If the employee wishes a recognised Trade Union representative, friend or relative may be present. Line Managers must not make unaccompanied visits to the homes of employees.
- 6.1.7 After 8 weeks continued absence, the Head Teacher or nominated person will refer the employee to the Occupational Health Adviser through the Personnel Division. A copy of the home visit report and latest medical certificate should be attached to the referral form.

6.2 **PHASED RETURN TO WORK**

- 6.2.1 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 managers are encouraged to take a flexible approach to facilitate the employee's earlier return to work by allowing a phased return, where possible, having regard to the needs of the school.
- 6.2.2 Following discussion with the employee the Head Teacher will seek advice from the Occupational Health Adviser and, if appropriate, the Occupational Health Physician, on a suitable structured programme for a phased return to work. This may include restrictions on work activities and/or reduced hours,

again having regard for the needs of the school and the employee's normal duties.

6.2.3 The period of time over which the return is phased will be based on the advice of the Occupational Health Adviser and agreed between the Head Teacher and the employee.

6.2.4 It is recommended that full pay during such phased return arrangements should only be allowed for a maximum of the first 4 weeks.

6.3 **LONG TERM ILL HEALTH**

6.3.1 There may be occasions following examination by the Occupational Health Adviser and the independent Occupational Health Physician where neither 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 his/her employment. In such cases the Head Teacher will consult, and discuss, the situation with the employee in a series of absence review meetings, together with the Personnel Manager /Officer for Education Services.

6.3.2 **FIRST ABSENCE REVIEW MEETING**

6.3.2.1 The first absence review meeting will take place at or around 12 weeks of continued absence following receipt of the Occupational Health report.

6.3.2.2 A full discussion on the matter will take place having regard to received medical reports and any further investigations which may be required and potential and time for recovery. Consideration will be given to the options available under the circumstances which may include return to work, part-time work or termination of employment and, if possible, agreement received on the way forward. A time scale will be agreed for review of the case which would normally be at or around 16 weeks of continued absence.

6.3.3 **SECOND ABSENCE REVIEW MEETING**

6.3.3.1 The second 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. 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

24 weeks of continued absence. During this time, the advice of the Occupational Health Unit will be considered and reviewed.

6.3.4 FINAL ABSENCE REVIEW MEETING

6.3.4.1 Following the established format of previous absence review meetings the situation will be discussed fully with the employee and any further medical information taken into account as appropriate. If there is no foreseeable return to work, 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 that the employment may be terminated on the grounds of being incapable of attending work regularly due to health reasons. Note: Dismissal can only be instigated by the Governing Body and the employee is entitled to appear before the appropriate Committee to make representations.

6.4 PERMANENT ILL HEALTH

Should medical evidence show that an employee is incapable of discharging efficiently the duties of his/her post or any comparable employment by reason of permanent ill health, the following procedure will be followed:

6.4.1 The employee is visited by an officer of the Authority and the situation discussed. The officer is available not only to discuss options but also to give estimated details of benefits if required, and the procedure for applying for ill health benefits.

6.4.2 The employee County Association/Trade Union representative is consulted during this time and whenever appropriate, prior to and during the termination procedure.

6.4.3 A letter is sent to the employee confirming the discussion and outlining the arrangements for appealing against the decisions of both the Occupational Health Physician and Governing Body.

6.4.4 The Authority informs the Governing Body of the Physician's opinion and seeks their resolution to terminate the services of the employee and the effective date of termination. The employee and/or Union representative may make a personal appearance before the Governors.

6.4.5 The employee is then given statutory notice in accordance with the resolution of the Governing Body.

6.4.6 In some circumstance the Occupational Health Physician may find that the employee is permanently unfit to continue with their

substantive post but may advise that he/she may be fit for alternative employment.

6.4.7 In this case the Education Personnel Officer will meet to advise the employee of the Occupational Health Physician's findings as in paragraphs 6.4.1 and 6.4.2 above and explain the procedure for re-deployment.

6.4.8 All reasonable attempts will be made to secure suitable alternative employment within the Authority. Such work may not be at the same level of salary. Particular reference must be made to the provisions of the Disability Discrimination Act 1995.

6.4.9 If no such alternative employment is available the Education Personnel Officer will visit the employee to advise him/her accordingly and the termination procedure will be enforced as in 6.4.1 to 6.4.6.

7. OCCUPATIONAL HEALTH REFERRALS

7.1 The Council's Occupational Health Adviser and, where appropriate, the Occupational Health Physician may be consulted at any stage in the procedure wherever there is a concern about the employee's health but should be consulted before action is taken under specific paragraphs specified in the procedures for dealing with intermittent/persistent short term absence and long term absence.

7.2 The purpose of referral is to obtain a medical assessment of the employee's health in the context of his/her employment which will aid the Council in supporting the employee and making appropriate decisions regarding their employment. Referral is not a sanction or form of quasi disciplinary action and must not be used or presented in this way.

7.3 Referral for medical assessment will be made through the Personnel Division to the Occupational Health Adviser, using the Medical Referral Form.

7.4 An appointment for medical assessment will be made directly with the employee by the Occupational Health Adviser at the earliest opportunity. The line manager will be informed of any appointments made.

7.5 Following the medical assessment the Occupational Health Adviser will inform the employee of the findings and confirm this in writing to the Education and Community Services Directorate within 5 working days of the assessment. The Head Teacher will be given a copy of this report.

- 7.6 Subsequent medical assessments may be necessary over a period of time. On any such occasions the process described in paragraphs 7.4 and 7.5 above will be followed.
- 7.7 In certain circumstances it may be necessary for the Occupational Health Adviser to refer a case to the Council's Occupational Health Physician for an independent medical assessment. The process described in paragraphs 7.4 and 7.5 above will be followed.
- 7.8 The employee has statutory rights under the Access to Medical Reports Act 1998. Their consent is required for the Council to apply to a doctor, who has responsibility for their care, for a statement giving information about their current health situation. Consent will be sought by the Occupational Health Adviser before making any such requests for information. If the employee refuses to give their consent they will be advised that any subsequent decision taken by the Council will be based on the facts that are available.

8. SPECIAL CIRCUMSTANCES

8.1 DISABILITY

- 8.1.1 Under the Disability Discrimination Act 1996 a disabled person is defined as a person with "*a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities*".
- 8.1.2 All sickness absences of employees who are classed as disabled under the Act will be recorded as with absences of non-disabled employees. (See also paragraph 1.2.3). However it is important that the Head Teacher/Line manager establish 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 Adviser.
- 8.1.3 Absences relating to the disability will be disregarded in terms of trigger points unless reasonable adjustments have already been made.
- 8.1.4 Further advice and guidance on sickness absence management of employees who have disabilities can be sought from Personnel Division.
- 8.1.5 Apart from School line managers, the school's Pastoral Adviser and Personnel staff have an important role in giving advice re. assistance to stay in post, and alternative posts, if appropriate.

8.2 **COMMUNICABLE DISEASES**

Where an employee is known to be suffering from a communicable disease, he/she may be suspended from duty on the advice of the Council's Occupational Health Adviser or the Health Authority's Director of Public Health. The employee will remain excluded from work until medical advice is received that it is appropriate to return.

This paragraph does not affect the rights of employees who are diagnosed as suffering from communicable diseases but on the advice of the Occupational Health Adviser or Director of Public Health, are deemed not to represent any risk to colleagues or pupils.

8.3 **INFECTION CONTROL**

8.3.1 If an employee is suffering from or may be the potential source of an infectious condition which would make it inappropriate for them to continue with normal duties, the line manager/supervisor should, where possible, transfer the employee to alternative work (eg move staff away from a vulnerable client group or from food handling) or suspend from duty on medical grounds. Such action would normally be taken in consultation with the Occupational Health Adviser, Environmental Health staff or Health Authority infection control specialists.

8.3.2 Similarly if an employee is exposed to a source of infection which poses a risk to them (or in some circumstances their cohabittees) and which cannot be adequately controlled by normal practices and procedures, line managers/supervisors should take action as outlined in 8.4.1 and seek advice.

8.4 **TERMINAL ILLNESS**

In the case of a terminally ill employee there is a need to consider their situation and continued employment in a particularly sensitive way. Their situation, however, should be treated with sensitivity and, when the condition is known, the formal absence procedure should be reviewed as appropriate in consultation with colleagues from the Personnel Division and the Occupational Health Unit.

9. **APPEALS**

9.1 **FORMAL CAUTION**

An employee will have the right of appeal to the Governing Body or nominated representative against the issue of a formal caution. The request for appeal must be made in writing, stating the grounds for appeal, within 7 days of receipt of the written confirmation of the caution.

9.2 **DISMISSAL**

If an employee wishes to appeal against a decision to dismiss, whether made on medical or capability grounds, the request must be made to the Governing Body in accordance with the requirements stipulated in paragraph 9.1 above. Arrangements will be made for the appeal to be heard by the Staffing Appeals Committee at the earliest opportunity.

- 9.3 In cases where an appeal against dismissal is upheld by the Staffing Appeals Committee and a decision made to reinstate/re-engage, the employee will suffer no loss under their previous contract of employment from the date of dismissal up to the date of re-employment. Any payment of notice is to be taken into account in calculating any loss.

9.4 **CERTIFICATE OF INCAPACITY**

An employee may challenge the decision of the Occupational Health Physician to issue a certificate of incapacity. In these circumstances the employee must notify the Chairperson of the Governing Body in writing stating the reasons for the request for a further assessment within 7 days of notification of the issue of the certificate. The Personnel Manager – Education Services will arrange a medical assessment with an independent Occupational Health Physician who has not previously been involved with the case.

9.5 **ATTENDANCE AT INTERVIEWS/HEARINGS**

- 9.5.1 The normal rules relating to Appeals proceedings will apply.

Return to Work Interview Form

Dept. _____ Name of Employee _____
Section _____ Pay Number _____
Location _____

Section 1 - Background

1. What was the reason for the absence?
.....
2. How long was the employee absent from work?
From _____ To _____
3. Did the employee comply with the notification procedure? Yes/No
If no, please state reason(s) and indicate what action has been taken
.....
4. Was this absence related to a previous absence? Yes/No
(If yes, please give date and nature of previous absence(s))
.....

Section 2 – Introduction

Tick when covered

Welcome back
Update employee on developments/changes in the department
Reassure employee that they are a valued member of the team

Section 3 – Enquire about Health

1. Are they fit to undertake the full duties of their post? Yes/No
2. Did the employee seek advice from their doctor? Yes/No
If yes, what was the advice?
.....
.....
3. Does the employee require further medical treatment? If so, please detail.
.....
.....
4. Did the doctor give any advice in respect of the employee’s work/ work pattern?
If yes, please specify
.....

5. Are there any preventative measures either work related or medically that can reduce the possibility of a recurrence of the absence? Yes/No
If yes, please specify.

.....
.....

6. Are there any underlying problems relating to the absence? Yes/No
If yes, please specify.

.....

7. Can any assistance be given to the employee by the department, OHP or some other agency? If so, please specify

.....
.....

8. Is any further action/support required? If yes, please specify

.....
.....

Section 4 – Consequences and observations

Tick when covered

- Remind employee of the need for good attendance levels
- Draw attention to their attendance record
- Point out the effects on others
- Re-affirm the Authority's procedure for managing attendance
- Point out consequences of further absences
- Check employee understands implications of further absences

Employee

Signed

Designation

Print Name _____

Date: _____

Head Teacher or nominated officer

Signed

Designation

Print Name _____

Date _____

STRICTLY PRIVATE & CONFIDENTIAL

**PEMBROKESHIRE COUNTY COUNCIL
OCCUPATIONAL HEALTH REFERRAL FORM**

FROM:
DEPARTMENT:

TO:
(Link Personnel Officer)

NAME OF EMPLOYEE:

PAYROLL NO:

JOB TITLE:

Current Period of Absence:

Date:

Reason:

Anticipated date of return (if known):

Previous Periods of Absence:

Date(s):

Reason:

Reason:

Reason:

Reason:

NB: COPY OF LAST MEDICAL CERTIFICATE TO BE ATTACHED.

Observations:

His/her work has the following major features:

Light/medium/heavy effort required to carry out duties
Seated/standing/mobile
HGV/uses own car to assist in carrying out duties
Handling food
Other details (Job description enclosed)

Part B

Please indicate which questions you would like the Occupational Health Physician to answer by placing a tick in the relevant box.

- How long is the employee likely to be absent?
- Could they return to work sooner if adjustments/restrictions are made to their work?
- If yes, what adjustments/restrictions should apply and for how long?
- Is there an underlying medical condition?
- Is redeployment recommended on medical grounds? If so, what type of work would be appropriate and for how long?
- Do any aspects of the job affect the employee's health? If so, what can be done about this?

Part C.

I confirm that the employee has received a home visit/been informed and understands the reason for being referred.

NAME _____

SIGNED _____

DESIGNATION _____

DATE _____

I consider that referral to the Authority's Medical Adviser is appropriate.

ABSENCE DECLARATION/ STATUTORY SICK PAY CLAIM

TO BE COMPLETED FOR ALL PERIODS OF ABSENCE
OF 7 DAYS' DURATION OR LESS

(PLEASE NOTE - IF YOU ARE ABSENT FOR 1 DAY, YOU MUST STILL COMPLETE AND SUBMIT
THIS FORM)

1. Name Payroll No.
Job Title Department
- Works Location/Area _____

DURATION OF ABSENCE FROM WORK

First date of absence / / Time absence started a.m./p.m.* _____

Last Date of Absence / / * *Delete as necessary*

Fit to return to work / /
(usually day following last date of absence)

Date of next shift (if applicable or different from date fit to return to work) / /

2. The nature of the illness was
-

(Words like "illness" or "unwell" are not enough, please give details of your sickness).

3. If absence due to an accident at work – please give brief details
-

I agree to my doctor/specialist giving medical information relevant to my claim to the Occupational Health Physician of this Authority.

I certify that the information given is correct and hereby claim the Occupational/Statutory Sick Pay payable for the duration of my absence.

Signed Date

Failure to comply with the policy and procedure relating to sickness absence is considered misconduct, and you will be liable to appropriate warnings/disciplinary action, as well as forfeiting your rights to pay. The giving of false information will be considered Gross Misconduct, and as such could result in dismissal, without notice.

4. LINE MANAGER/SUPERVISOR'S COMMENT
-
-
-

5. Date notification of absence was received _____

6. Signed _____ Date _____

Print Name _____