

Human Resources – September 2018



**Barking and Dagenham
Council of the Year 2018**

Sickness Absence and Reporting Arrangements for Schools FAQ's

These FAQ's are intended as additional guidance to the sickness absence and reporting arrangements only.

We cannot anticipate every situation that may arise and the success of these arrangements depends on managers and employees working together and accepting responsibility to ensure that services to the community/public do not suffer.

If there are any points not covered by the FAQ's, please contact Schools HR & Payroll with your query on:

0208 724 8755

General

The Council is committed to the care and welfare of its employees including staff based in the school environment; it recognises that most sickness absence is genuine and will support employees who are genuinely ill and unable to come into work, but absence is also "costly" and needs to be managed effectively.

The Council takes a pro-active approach to the care and welfare of its employees and has developed a range of support arrangements; this includes health and well-being initiatives, access to independent advice on work and personal matters, and support to deal with unforeseen "caring" emergencies as detailed under "Support Arrangements" below.

All employees must follow the sickness absence reporting and recording arrangements. Employees who abuse the arrangements or who knowingly make a false, misleading or inaccurate claim for sickness absence/pay will be subject to disciplinary action.

Support for employees

Q. What support does the Council provide for employees?

A. The Council takes a pro-active approach to the care and welfare of its employees and has Developed various support to help with issues inside and outside of work including:

- health and well-being initiatives;
- support during re-organisations and restructures;
- access to independent advice on work and non-work personal matters; and

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- support to deal with unforeseen “caring” emergencies and for disabled employees

Details of the arrangements are available on Intranet and can be accessed by your school via citrix, i.e. HR Portal:

- Leave of Absence Policy - LBBB Schools
- Employee Welfare Line, your Employee Assistance Programme, for workplace and non-work issues e.g. debt, legal and tenancy etc at:
- “Revitalised” on-line health and well-being service at: <http://lbbd/hr/health-and-safety/ohws-wellbeing.htm>
- Stress management at: <http://lbbd/hr/health-and-safety/health-wellbeing.htm>
- “Supporting Staff Through Tough Times” at: <http://lbbd/hr/tough-times/index.htm>
- Targeted support for those at risk of redundancy at: <http://lbbd/hr/tough-times/targeted-support.htm> for staff at schools get information from the HR Portal or <http://lbbd/hr/tough-times/pdfs/your-support-programme.pdf>
- Trade unions – contact details and information at: <http://lbbd/hr/trade-unions.htm>

Reporting absence due to sickness

- Q. What must I do if I cannot attend for work?
A. Please consult your School’s Absence Reporting Procedure

Requirement to provide medical certificates (“Statement of Fitness for Work”)

- Q. When must I provide a medical certificate?
A. You must obtain a medical certificate (“Statement of Fitness for Work”) and post the original to your line manager immediately, (if you cannot deliver this in person):
- on the 8th consecutive calendar day of sickness absence; or
 - if you are hospitalised; or
 - if you are sick whilst on annual leave and want leave to be re-instated; or
 - as required by your line manager* (when you will be re-paid the costs)

* to certify the reason(s) for absence or non-attendance at work

The Statement should indicate the nature of the illness, the dates covered and the date of the signature of the doctor.

Please remember:

- a qualified medical practitioner must certify all absence of 8 calendar days or more
- you must then continue to provide Statements to cover the whole period of absence until you return to work (or your employment is terminated)
- medical certificates issued outside of the EU do not count for the payment of SSP.

- Q. What happens if I do not report my absence or provide a “Statement of Fitness for Work”?

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- A. You are required to comply with the absence reporting arrangements. Failure to do so without a satisfactory reason is a disciplinary issue and you may lose your entitlement to sick pay.
- i) if no notification is received by the 8th day, your manager will try and contact you directly, (by telephone, letter or home visit).
 - ii) if no “Statement of Fitness for Work” is received by the 11th day, your pay may be stopped until you provide the required Statement(s) to cover the period of absence.

Your manager will write and notify you if your pay is to be stopped, which is why it is important for you to ensure that they have your up to date contact details.

Recording sickness absence

- Q. Who is responsible for recording sickness absence?
- A. School based staff would normal complete a ‘Return to Work’ form and your school will enter this information on the HR System.

Absence related to pregnancy, disability or industrial injuries

- Q. Is absence related to pregnancy, disability or industrial injuries recorded?
- A. All absence including that related to a disability or pregnancy or because of an industrial injury must be recorded
- Q. Is sickness absence related to disability treated the same as other sickness?
- A. Sickness absence related to a disability is still “sickness” for recording and sick pay purposes but may be considered separately to other absences e.g. colds or flu when monitoring for the “trigger points”. Managers will need to consider this on a case by case basis.

Managers must consider making “reasonable adjustments” as appropriate but where these are not possible and/or the employee’s attendance is still a concern, this should be considered through the “Schools Sickness Absence Policy”.

- Q. Am I allowed time off to attend medical screening?
- A. The arrangements for time-off to attend ante-natal care and for disabled employees to attend medical screening in relation to their disability are detailed in the “Leave of Absence Policy - LBBD Schools”
- Q. What are “reasonable adjustments”?
- A. Under the Equality Act 2010, there is a duty to make “reasonable adjustments” to make sure that a disabled person has the same access to everything that is involved in getting and doing a job as a non-disabled person, as far as is reasonable.

Examples **may** include:

- Special equipment, aids and adaptations
- Altering working hours

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- Making provision for additional absence for treatment

Guidance on “reasonable adjustments” and Access to Work (ATW) is available on Intranet and can be accessed via the following link: <http://lbbd/hr/staff-networks/pdfs/reasonable-adjustments-process.pdf> or contact Schools HR & Payroll at: Schools_HR@barking-dagenham.gov.uk

Maintaining contact during sickness absence

- Q. Can my manager ring me at home when I am on sick leave?
- A. Yes, you and your manager are required to maintain contact during the period of absence.
- Q. Why do I need to keep in touch with my manager if I am providing medical certificates?
- A. This is so your manager can assess the impact on the school and colleagues decide to cover your absence and keep you aware of any changes at work that may affect you.

The frequency of the contact will depend on the nature of the illness and period of absence etc; this is likely to be more frequent in the early stages of the absence. Your manager will explain how often you need to contact her/him.

You must keep your manager informed as to the:

- likely period of absence*
- details of medical appointments*
- the treatment you are receiving*; and
- expected return to work

*(See “Confidentiality” below)

Your manager must keep you informed as to:

- how your work is being covered
- support that may be available e.g. EAP and/or reasonable adjustments
- any changes that affect your work e.g. new legislation or Council policy
- any issues concerning the service (especially proposed restructurings etc)

Arrangements during sickness absence

- Q. What rules apply during sickness absence?
- A. You are still required to comply with the School’s and Councils policies (Community Schools) and procedures as though you were still at work; that especially applies to:
- the use of Council facilities and equipment including mobile phones and laptops etc
 - data / information security including storage of confidential information
 - the use of social networking sites
 - the arrangements for submitting expenses where applicable
- Q. Are there any other conditions regarding sickness absence?

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A. Employees are expected to act responsibly whilst they are absent from duty due to sickness and you must not undertake any other work without your Head Teacher's prior approval or participate in activities that may be prejudicial to your recovery and/or return to work.

Q. Am I entitled to stay away until I have used all my sick pay?

A. No, you are only entitled to be on sickness absence whilst you are genuinely ill and all absence from the 8th calendar day must be fully supported by medical certificates.

If in long-term sickness cases the continued absence is a concern, this will be considered under the "Schools Sickness Absence Policy".

Q. Can I be dismissed whilst on sickness absence?

A. If the continued absence is a concern, this will be considered under the "Schools Sickness Absence Policy". If you are unlikely to be able to return to your post and reasonable adjustments cannot be made, redeployment or dismissal will be considered.

With redundancy situations and restructuring, you will be consulted on the proposals and invited to apply for posts the same as other employees affected. (Absence due to pregnancy or specifically related to a disability is excluded when using "attendance" as selection criteria for redundancy).

Employees with more than one job

Q. What if I have more than one job i.e. can I carry on working in my second job?

A. You must not undertake any other work without your manager's prior approval. If you have another job at another school within the borough or within the Council or another employer, you must notify your manager and they will consider each case on its merits, considering the nature of the illness and the work to be undertaken; if you are absent due to sickness you will not be given permission to:

- continue working in a second job or for another employer on the same type of activities as in the post that you are absent from due to sickness
- continue working in a second job or for another employer carrying out activities that may be prejudicial to your recovery or return to work
- work in a second job or for another employer at the times that you would otherwise be working were you not absent due to sickness
- Working whilst on sick leave or conduct prejudicial to the employee's recovery or return to duty is a disciplinary matter.

Sickness and Annual Leave

Q. If I am ill and cannot attend work, can I take the day as annual leave instead of sickness absence?

A. No.

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Employees are required to apply in advance for annual leave or flexi-time as Head Teachers must consider the needs of the School and cover before they can decide whether to agree requests.

(Note: Most employees within a school do have an annual leave entitlement.)

Non-attendance at work is likely to have an impact on service delivery and/or on colleagues to provide cover. Any requests will be considered on their merits but there is no entitlement to have sickness absence recorded as annual leave nor must this be used as a means to:

- I. take time off when requests for annual leave/flexi-time have been refused
- II. to extend time off either side of the weekend, Bank holidays or booked leave etc.
- III. to avoid action under the "Schools Sickness Absence Policy".

Q. Can I reclaim my annual leave if I am ill whilst on holiday?

A. Yes, but only if you provide a doctor's certificate. If you fall sick during annual leave you will be regarded as being on sick leave from the date of a doctor's certificate. The balance must be taken by 31 March, unless you have obtained prior approval to carry this over until the next leave year.

Note: Medical certificates issued outside of the EU do not count towards/for the payment of SSP.

Q. Can I take annual leave whilst I am long term sickness absence?

A. Yes. If you want to take annual leave, let your manager know when you want this to start/end (and if your sick pay entitlement has expired or you are on ½ pay, you will be re-instated onto full pay for that period).

Q. Do I still accrue annual leave whilst on long term sickness absence?

A. Yes, if you are on sick leave and have exhausted your entitlement to sick pay you will still accrue annual leave during this period.

Q. Will I lose my annual leave if I do not return to work before the end of the leave year?

A. If you are absent due to sickness for the whole or latter part of the year but do not return to work by 31 March you will be allowed to carry forward the outstanding annual leave that was accrued during the period of sickness absence.

The School may agree to payment in lieu of outstanding annual leave where there has been prolonged sickness during the leave year and the employee does not return to work by 31 March. *

*Up to the maximum of the balance outstanding after deduction of the 28 days statutory leave including bank holidays, (pro-rata for part-time employees).

Note: Paragraph 13 (9) (b) of the Working Time Regulations state leave cannot be replaced by a payment in lieu except when the employment is terminated.

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Occupational Health

- Q. When and why are employees referred to Occupational Health?
- A. Managers may refer an employee to the Occupational Health Service at any time if there are any concerns as to the individual's health and where the employee:
- i) submits a "Statement of Fitness for Work" recording absence from work for reasons of stress, they will be referred after 2 week's continuous absence.
 - ii) is on long-term sickness, they will be referred after 4 weeks' continuous absence, depending on the circumstances of the case.

- Q. Must I attend Occupational Health appointments?
- A. Yes, you are required to attend Occupational Health appointments and cannot cancel or defer these without good reason.

Failure to attend Occupational Health appointments without notification and/or providing a satisfactory explanation may be a disciplinary issue.

- Q. Will I be told why I am being referred?
- A. Yes, your manager will inform you in writing or verbally, prior to the appointment that you are being referred and the reason(s) why and give a copy of the referral letter.

Your manager will normally try and discuss this with you beforehand but that depends on them being able to contact you i.e. you must ensure that they have your up to date contact details.

- Q. Can I be accompanied at Occupational Health appointments?
- A. Yes, but you should try and let Occupational Health know beforehand.

- Q. Who will I see at Occupational Health?
- A. In the majority of appointments, you will normally see the Occupational Health Adviser; depending on the nature of the case, you may see the Occupational Health Physician

- Q. Do Occupational Health make home visits?
- A. No.

- Q. Can I self-refer myself to Occupational Health?
- A. No, if you want a referral to see Occupational Health, you should discuss this with your manager.

- Q. What happens at the Occupational Health referral, will I have a physical examination?
- A. That depends on the reasons for the referral but the Occupational Health Advisor or Physician will discuss this with you. If you have concerns, you can contact them beforehand.

- Q. Do managers have to follow Occupational Health advice?

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A. No, the purpose of an Occupational Health referral is to obtain advice and it is for the manager to decide on the appropriate course of action.

Q. Must I give permission for Occupational Health to write to my GP or specialists?

A. Yes.

Occupational Health will seek your consent if they need to contact your doctor or an independent medical practitioner; if this is not provided; Occupational Health will advise your manager about your fitness to undertake the duties of the post on the information available to them.

Q. Can I see the Occupational Health Report?

A. Yes, both you and your manager will normally be given a copy of the Occupational Health report but please ensure that you ask.

If there is information from your specialist that you do not want included, you should discuss that with them and/or Occupational Health beforehand.

Confidentiality

Q. I am concerned about confidentiality and discussing personal information with my manager?

A. If, for reasons of confidentiality or sensitivity, you do not feel able to discuss details of your sickness absence with your manager, you may speak to their line manager or another from the same service, Human Resources, Occupational Health or a trade union representative and ask them to raise the issue on your behalf.

This should be an exception and not normal practice as your manager is still responsible for managing sickness absence and must be kept informed to arrange cover and support, as well as made aware of any potential implications for others e.g. pregnant employees.

Q. Who will have access to my medical reports?

A. A copy of the Occupational Health Report will go to you, your manager and Human Resources who will put this on your personnel file. All information will be treated as confidential and kept in accordance with the requirements of the Data Protection Act.

Return to work discussions

Q. When must return to work discussions take place?

A. This should take place on the day that you return to the workplace or if your manager is not available, arrangements will be agreed to hold this within the next 5 working days.

Q. Why must I have a return to work discussion?

A. It is best practice for Managers to carry out a return to work discussion. The purpose of the discussion is to discuss or explore:

- the reason(s) for absence
- whether you are fit to return work (and any support or reasonable adjustments)

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- how your work has been covered in your absence
- any changes or issues concerning work that have arisen in your absence
- any underlying reasons where there are concerns as to the absence/absence record

Q. What is the normal format for return to work discussions?

A. That will depend on the nature and period of absence; the discussion may only involve a brief informal conversation to find out how you are and update you on anything that has happened whilst they you were absent.

Where there are concerns as your sickness absence record or the reasons for absence, the discussion will be more involved and the manager will arrange a suitable time and place where this can be held without interruption.

Q. Can I be accompanied at the return to work discussion?

A. No, this is part of the normal line management arrangements and you are not entitled to be accompanied.

Returning to work from long term absence

Q. What is a phased return to work?

A. This is an arrangement where you gradually return to your full range of duties over a specified period of time normally no more than four weeks. Normally after a period of long term sickness absence, this is not for you to convalesce, you should be fit to return to work.

Q. Who decides on a phased return?

A. Your manager, who will take into account any Occupational Health recommendations and discuss other additional support needs, including “reasonable adjustments”, with you. Guidance on “reasonable adjustments” and Access to Work (ATW) is available on Intranet and can be accessed via the following link:

<http://lbbd/hr/staff-networks/pdfs/reasonable-adjustments-process.pdf> or contact [Schools HR & Payroll](mailto:Schools HR@barking-dagenham.gov.uk) at: Schools HR@barking-dagenham.gov.uk

Q. What will I be paid during the phased return?

A. You will be paid your normal basic pay from the first day back at work provided that you fully comply with any conditions attached to the phased return. Any other allowances will only be paid where the hours have been worked.

“Trigger points”

Q. What are “trigger points”?

A. Managers are required to monitor absence regularly. They must discuss employee absence at one-to-one/supervision meetings and take appropriate action where this reaches the “triggers”.

Q. What are the “trigger points”?

A. These (which will be reviewed annually) are as follows:

- 3 separate occasions of absence within any 12-month rolling period; or

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- 7 days of absence within any 12-month rolling period or
- 20 days continuous certificated absence (long-term sickness); or
- 10 days continuous certificated absence (long-term sickness), where the absence is in relation to stress and/or back complaints; or
- any absence or pattern of absence that causes concern*

* this includes sickness (but is not limited) immediately before or after annual/flexi leave, weekends or public holidays; or on days where requests for leave have not been approved; or during events e.g. Olympics, Wimbledon or World Cup; or where employees have reached the sickness absence trigger points in previous years.

The “trigger points” are the minimum for entry to the formal stages of the “Schools Sickness Absence Policy”.

Any abuse of the sickness arrangements, including a pattern of absence, may be dealt with through the Disciplinary Procedure.

Q. What happens if I reach the “trigger points”?

A. Your manager/Head Teacher (or a person that the Head Teacher has delegated to this responsibility to) will meet with you to review your sickness record, (and check that the details are correct), and then decide on the appropriate action after taking into account:

- the nature and period of absence
- any medical certificates or evidence provided
- your overall attendance record
- your explanation
- the needs of the service, including impact on work colleagues
- how similar absence has been dealt with previously

Note: Absence due to pregnancy, (and for disabled employees to attend medical appointments or screening relating to their disability where agreed with the manager beforehand), is excluded.

Q. Will I be referred to Occupational Health?

A. Managers will not automatically refer you to Occupational Health unless they need specific medical advice i.e. there would normally be no need to refer an employee who breaks an arm/leg or has a good attendance record but for a one-off absence that is covered by “Statement of Fitness for Work” e.g. pandemic flu.

Accidents /incidents at work

Q. How do I report an accident or am injury at work?

A. You must complete an Accident/Incident Report form as soon as possible after the occurrence and forward this to you manager. The Form is available on Intranet or via the following link: <http://lbbd/hr/health-and-safety/accident-injury-reporting.htm> or contact Schools HR & Payroll at: Schools_HR@barking-dagenham.gov.uk

Q. What is an industrial injury?

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- A. For an injury or disease to be classified as an industrial injury, managers must be satisfied that:
- i) the accident happened whilst the employee was doing their job;
 - ii) the accident was specifically caused by the employee's duties; and
 - iii) the employee suffered an injury or caught a disease as a direct result of that accident;
 - iv) the employee cannot work as a direct result of the injury suffered or disease contracted in the accident; and
 - v) the accident was not due to and/or the injury made worse by the employee's own negligence or misconduct. Where there is uncertainty as to whether an injury or accident should be classified as an industrial injury, the Health and Safety Adviser will be able to advise the manager.
- Q. Is absence due to industrial injury treated differently to other sickness absence?
- A. A period of absence due to industrial injury should be recorded separately to normal sickness absence and will not affect your normal sick pay allowance.
- Q. Can my manager take action if I am absent because of an industrial injury?
- A. Yes, managers must manage all attendance and consider making "reasonable adjustments" as appropriate but where these are not possible and/or your attendance is still a concern, this will be considered through the "Schools Sickness Absence Policy - Updated January 2012".

Miscellaneous

- Q. Do I get time off for counselling?
- A. Where recommended by Occupational Health, managers may allow time off to attend up to 6 counselling sessions which should be arranged at the beginning or end of the day where possible.

All other cases will be considered on their merits and managers may agree to a combination annual or flexi-leave with special leave but this must be approved in advance.

See "Leave of Absence Policy - LBBB Schools" at: <http://lbbd/hr/employee-leave/employee-leave-home.htm> or contact Schools HR & Payroll at: Schools_HR@barking-dagenham.gov.uk for a copy to be sent to you.

- Q. Who pays for counselling?
- A. Managers/Head Teachers will normally arrange for counselling to be paid (up the limit of 6 sessions) where this is agreed beforehand; the employee must pay for these when they make their own arrangements.
- Q. Is the Council allowed to carry out checks on employees who are on sick leave?
- A. Yes, if the manager/Head Teacher believes that the sickness absence arrangements are being abused. This may lead to disciplinary action and you may have to reimburse the school/council any sick pay that you have been paid related to the period of sickness absence.

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