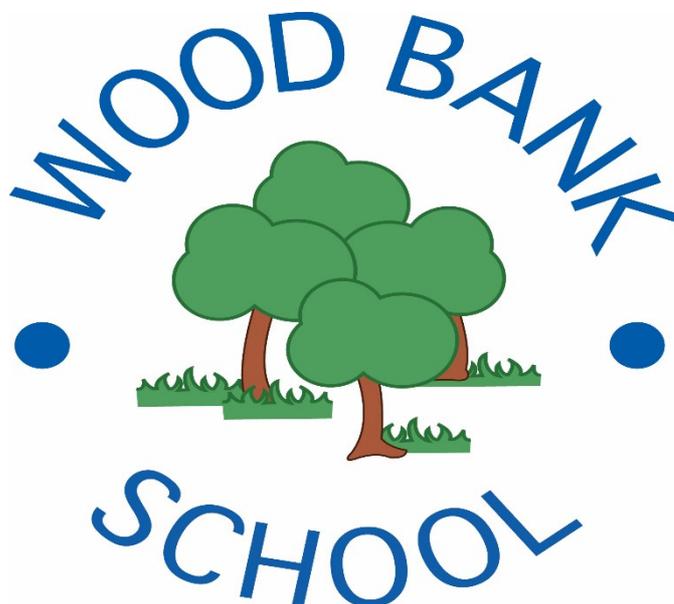


# WOOD BANK SCHOOL



## STAFF ATTENDANCE POLICY

Policy created/updated	July 2017
Date to be reviewed	July 2020
Signed (Headteacher)	<i>R. Payne</i>
Signed (Chair of Governors)	<i>L. Canning</i>

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## Introduction

- Wood Bank School has produced this school policy for the management of staff sickness absence in line with Calderdale MBC, Schools and Children's Services Directorate guidance document.
- Wood Bank is a Community Special School and the LEA is the employer of staff. The Governing Body is responsible for managing sickness absence.
- This policy document identifies good practice and has been agreed by the Governing Board of Wood Bank School and applies to all staff working within the school.
- The policy is designed to provide a supportive, equitable framework for the management of sickness absence.
- The policy identifies the procedures that are used in school for the operation of sickness management.

## Management Responsibilities

1. The management team within the school have a responsibility to individual members of staff and to the school as a whole. Ensuring staff welfare is in the wider best interests of the school and this will require sickness absence and the reasons for such absence to be identified and monitored. Sickness absence must at all times be treated by all members of staff with sensitivity, consistency and confidentiality.
2. Good record keeping is vital and records of absences, reasons for absence, responses, etc will be kept and monitored.
3. All sickness absence will be reported and recorded using the Return to Work form which will record the following information:
  - First date of absence
  - Last date of absence
  - Number of working days lost
  - Reason for absence
  - Nature of certification e.g. Calderdale self-certification form or doctor's certificate
  - Whether the absence is due to industrial injury
4. The reporting and recording procedures apply to all staff within school and all staff are responsible for ensuring that they adhere to the procedures.
5. This policy will be included in the Staff Handbook and attention will be drawn to it for all new staff during induction.
6. The Headteacher or deputy Headteacher will keep in touch with any member of staff who is absent for reasons of long-term sickness. This will support the member of staff by keeping them up to date with events in the school and lay foundations for a structured return to work plan. A sensitive approach will be employed to ensure that inappropriate contact does not cause any aggravation to a member of staff's medical condition.

## Responsibilities of all employees

1. Employees are expected to:
  - attend work unless unfit to do so.
  - raise concerns with their Headteacher if they believe that their job is contributing to their ill health.
  - report absence in line with stipulated requirements .
  - ensure medical certification is provided for consecutive periods of sickness absence exceeding 7 calendar days.
  - make and maintain contact with their Headteacher and provide timely certification. Failure to do so may result in management action being considered.

2. Employees are expected to attend meetings with the Headteacher and any Occupational Health appointments in order to enable the school to support the employee and consistently manage attendance. Where an employee fails to co-operate decisions may be taken, based on the information available at the time. Unreasonable refusal to cooperate with appropriate management meetings may result in the suspension of occupational sick pay or disciplinary action being considered.
3. An employee must seek professional medical advice and treatment (where appropriate) as quickly as possible and act upon this with a view to facilitating a return to work.
4. In all but exceptional cases where the circumstances are not practicable, employees are expected to maintain contact, and communicate effectively with the Headteacher or Deputy Headteacher throughout periods of absence. This should be via telephone to enable a meaningful conversation to take place and enable school management to fully understand the impact of the absence and identify any support in conjunction with the employee which may be necessary.

### Notification & Reporting of Absence

Employees must take all reasonable steps to maintain contact with the Headteacher in line with the school's specified absence reporting procedure during any period of non-attendance.

Texts by mobile telephone and emails are not officially recognised as acceptable methods for notification of absence. If text or email have been used to communicate non-attendance, the employee is still required to telephone the Headteacher within 24 hours

### Procedure

1. On the first day of sickness, the member of staff should notify the school of their absence by 8.00am of the same day to allow time for adequate cover arrangements to be made. Information regarding work-related matters e.g. whereabouts of lesson plans and resources needed should also be shared.
2. The member of staff should ensure they have spoken to either the Headteacher, or Deputy Headteacher, no later than 9.15am of the same day, in which they should inform them of:
  - the reason for their sickness absence
  - their anticipated length of absence
  - any medical advice/treatment
  - medical appointments they have sought/intend to obtain (where appropriate) any work commitments that may need rearranging.
3. A phone call should be made to the Headteacher, Deputy Headteacher or School Administrator by 2.00pm on the day prior to returning to work informing them of the intention to return to work next day.
4. Employees are required to report sickness absence, by the following calendar days (irrespective of when they should have been working) **before** the start of their duties:

- a. Day One
  - b. Day Four,(or earlier if unable to return on anticipated day of return to work) and
  - c. Day Eight (when a doctors certificate is required), and,
  - d. Any other date specified by management, and,
  - e. Last working day before medical certificate expires
5. In the case of longer term absence it is the duty of both the employee and the Headteacher to stay in touch and agree mutual contact. In the first instance the responsibility to report their continuing absence lies with the employee; however where the employee fails to make contact at the agreed time, then responsibility reverts to the Headteacher.
  6. The level and nature of contact will vary depending on the circumstances, however, sporadic or no contact, does not serve to keep the Headteacher up to date nor does it demonstrate duty of care towards to the employee.
  7. Where it is believed that the employee may be absent due to perceived work related stress the Headteacher should take steps to determine, sensitively, the cause or contributing factors and consider in consultation with the employee how these may be addressed. Employees may wish to seek support from their trade union official/representative in such circumstances.
  8. Exceptionally, if the employee is unable to telephone in person, they must arrange for someone else to telephone on their behalf, in accordance with the above process. The employee must make direct contact with the Headteacher as soon as possible thereafter.
  9. In the case of workplace accidents, work related stress, or absences resulting from occupational musculo-skeletal conditions, Headteachers are advised to seek advice from the Occupational Health service and their HR Adviser on day one of absence.

### **Certification of Absence**

1. Every absence has to be self or doctor certified for the whole duration of absence (including any school closure period) to ensure prompt and correct payment of contractual and statutory sick pay, and to ensure that accurate records are maintained.
2. Failure to comply with the certification procedures may result in suspension of pay. A misleading or false statement may be dealt with under the school's disciplinary procedure.
3. If a member of staff is absent for more than 3 days, but no more than 7 days, they must complete a self-certification form, with the absence date starting from day 1 of their absence.
4. A member of staff whose absence extends beyond 7 days (including Saturdays and Sundays) must obtain on the eighth consecutive calendar day of absence a medical certificate from their doctor stating that they are unfit to work due to sickness, and

submit the certificate to the school administrator at the earliest opportunity. This medical certificate must cover the period from the eighth day of absence onwards. Further medical certificates must be submitted as necessary and at the earliest opportunity for continuing sickness absence (a self-certification form must still be completed for the first 7 days of absence).

5. When during a period of sickness absence more than one medical certificate is issued, or where a single certificate was issued covering a period of 14 days or more, the member of staff should not return to work before a certificate of fitness to return has been issued by his/her doctor. The member of staff must submit the certificate of fitness to return to work to the school administrator at the earliest opportunity following their return to work.
6. The employee considers themselves fit to resume duties at a point during an ongoing period of school closure. A doctor's "fit note" must be submitted to certify that your GP considers you medically fit
7. Medical certificates must be forwarded to the school promptly. Where a medical certificate indicates that the employee may be fit for part of their duties, advice should be sought from the school's HR Adviser and/or Occupational Health.
8. Similarly, where an employee is assessed by their GP as being fit to return to work, with possible adjustments, but the school is concerned about the safety of this assessment, HR and Occupational Health advice is also recommended. In seeking a professional recommendation from its Occupational Health provider the school is advised to follow this clinical advice, which will supersede that of the GP.
9. Where employees hold more than one job role (paid or voluntary) and exceptionally consider themselves fit to attend one job, but not another, the matter should be discussed with the Headteacher. A medical certificate will still be required.
10. Where there is continuing sickness absence the employee must submit to the Headteacher concurrent medical certificates to cover the whole period of non-attendance.
11. If a Headteacher is concerned at the frequency of absences, or the account of the employees' reason for absences, the employee may be required to submit medical certificates, rather than self-certificates, from their first day of absence.
12. Where an employee fails to return to their duties on their first day of work once the school has re-opened and reports absent for the same reason as certified prior to the school closure, concurrent medical certification will be required for the full period of school closure and the ongoing absence as notified.

## Managing Absence

### Return to Work Interviews

1. On return from sickness absence members of staff should report to the Headteacher or Deputy Headteacher for a 'Return to Work' interview before returning to their duties

2. This may be a brief interview but will provide the opportunity to establish whether the illness was workplace-related, if a doctor was consulted, the general nature of any medical advice and whether there are likely to be any future related absences. It will also help to establish if there is any additional support that can be offered to the member of staff. It will also provide the opportunity to update the member of staff on any appropriate work issues.
3. A formal record of the 'Return to Work' interview will be made using the pro forma and will be available for all parties involved.
4. In addition to the above if the Headteacher considers that a sickness absence interview could contribute to the welfare of a member of staff or to the efficiency and effectiveness of the operation of the school, a member of staff could be requested to attend an interview at any time following or during a period of sickness absence.

### **Conducting Return to Work interviews**

1. Sickness absence interviews will be conducted in a sympathetic and constructive manner. The purpose of such interviews is to establish the facts and circumstances of the member of staff's sickness absence and, if appropriate, to develop an agreed remedial strategy.
2. Interviews will be conducted by the Headteacher. The member of staff may be accompanied by a work colleague, friend or trade union representative.
3. Interviews will include the following:
  - a. An explanation by the Headteacher or deputy Headteacher of the reasons why the interview is being held.
  - b. Verification of the dates of sickness absence/s and the nature of the illness/es causing the sickness absences.
  - c. Agreement that the sickness record is such that improvement is necessary.
  - d. Identification of action and support to obtain improvement.
  - e. Agreement on remedial action with a time scale for review.
  - f. Confirmation in writing of the agreed remedial action and commitment from both parties and of the review period
4. If there is no significant improvement or a worsening of sickness absence at the end of the review period, disciplinary action may follow, the result of which could lead to dismissal.
5. Where a member of staff has a terminal or degenerative condition they will be treated with sensitivity and sympathy and not subjected to rigorous absence monitoring procedures.
6. Some of the above elements will apply equally to short and long term sickness. Long term sickness absence will require the school to consider additional action. The school will maintain contact with a member of staff on long term sickness absence.
7. If the member of staff has difficulty in attending interviews in school contact will be maintained through home visits. If this is not possible the Headteacher or Deputy

Headteacher will explore the reasons why and whether there is a need to use a third party to make contact and use other premises for the interviews.

8. Consideration will be given to the likely duration of the sickness absence and its impact on the effective and efficient operation of the school. If, after medical advice has been obtained and discussed with the individual, consideration may need to be given to transfer, temporary or permanent redeployment to other duties with no salary/grade protection or to part-time working.
9. The Headteacher will have the discretion to allow a member of staff to return to work following a major illness on a part time basis for a temporary period of time following consultation with the governing body and an occupational health practitioner.
10. Sickness absence interview will be handled with due care and the Headteacher will consult with the personnel provider for advice where necessary.

### **Absence Trigger Meetings**

There may be circumstances when employees activate short term or long term absence triggers. A trigger is a recognised point at which management should conduct a review of the attendance record to establish what steps if any need to be taken to support the employee and improve the individual's attendance at work. The meeting will explore:

- the overall level of attendance including dates of absence
- reason for absence(s)
- any work related issues
- agreeing remedies and support to secure future satisfactory attendance (including setting targets for improvement)
- a review period should be set and the employees attendance monitored throughout this period

1. The following outcomes may apply:
  - advice may be sought from Occupational Health
  - other support mechanisms may be identified and implemented
  - reasonable adjustments such as changes to the workload, work practices, work pattern or the possibility of redeployment (on medical grounds) may be identified in consultation with Occupational Health.
2. A further review period should be set, and a follow up meeting should be diarised to assess progress. The employee may be required to submit a medical certificate from their GP for every future instance of absence.
3. The Deputy Headteacher will write to the employee within 5 working days of the trigger point interview, confirming the points discussed and actions/outcomes identified. A copy of this letter should be placed on file. The employee will be informed of the improvement needed in his/her attendance and warned of the possible consequences if this is not achieved e.g. proceed to a case review hearing/disciplinary action.
4. The employee may wish to be accompanied by a trade union representative/official or colleague at this meeting.

5. If there is insufficient improvement in the employees attendance record thereafter, or where preventative and/or earlier management support and actions do not result in a satisfactory improvement and sustained attendance level being achieved on a longer term basis, disciplinary action may be considered. The Headteacher should however satisfy themselves there are no underlying health issues, seeking Occupational Health advice as appropriate. In any formal process the employee should be represented by a trade union representative/official or a colleague.

### **Short Term Absence Triggers**

1. 3 separate occasions (irrespective of total length of absence) within any 3 consecutive calendar month period.
2. 100 points on the Bradford Score Formula in a rolling six month period. The Bradford Score Formula is an attendance management tool designed to enable Headteachers to identify frequent short term absence and to assist them in supporting good attendance. The formula uses the following calculation;
  - Number of occasions of absence x
  - Number of occasions of absence x
  - Total number of working days absent.
3. 10 working days absence (certified or uncertified) during any 12 calendar month period, with the exception of one continuous absence of 10 days.
4. Any other reoccurring, recognisable pattern such as frequent absence on Friday or Monday, before or after public/school holidays, or where levels of attendance give sufficient cause for management concern.

### **Long Term Absence Triggers (Absences in excess of 2 working weeks)**

During long term absence the Headteacher should still arrange a Trigger Point Interview with the employee. The Trigger Point Interview could take place at the workplace or a neutral venue. The interview should update progress, identify areas for support and determine whether any other action should be taken.

### **Referral to Occupational Health**

1. Where an Occupational Health referral has been made, management should arrange to meet with the employee, following receipt of the report, to discuss the content. One or more of the following actions may be considered:
  - reasonable adjustments such as changes to the workload, work practices, work hours or work pattern may be identified and implemented, either as part of phasing the employee back to work or on a more permanent basis;
  - other support mechanisms may be identified and implemented;
  - temporary or permanent redeployment to other duties (salary/grade protection does not apply);

- investigations may take place into whether the employee may be eligible for ill health retirement pension benefits; and
  - review periods should be set.
2. The agreed meeting outcomes should be recorded and confirmed in writing.
  3. Where it is considered that work has caused or contributed to the employees' illness, the issues should be fully explored by the Headteacher and steps taken to ensure that they are addressed. Occupational Health and HR Advice should be sought as appropriate in such cases before the employee returns to work.
  4. Progress will be kept under review with regular meetings/dialogue between the Headteacher and employee.
  5. As part of the long term absence management process, decisions may need to be made about the employees continuing employment, which could ultimately lead to the decision to dismiss the employee due to his/her incapability to undertake the job because of ill health.
  6. Where dismissal may be considered a Case Review Hearing will be convened. The employee will be informed at appropriate points where this is a possibility. In this formal process the employee will be entitled to be accompanied by a trade union representative/official or a colleague.

### **Ill Health Retirement & Pensionable benefits**

1. Where an employee encounters serious and enduring health issues it may be possible for them be retired on health grounds. To meet the criteria for ill health retirement, the health issue must be permanent and the individual should not be able to undertake any gainful employment for at least three years, after leaving his/her employment. This requires the issue of a Certificate of Permanent Incapacity.
2. Employees may wish to seek advice from their trade union representative/official in such circumstances.
3. Ill Health Retirement can only reasonably be considered if the employee is permanently incapable of discharging the duties of their own or an alternative role.
4. A Certificate of Permanent Incapacity (CPI) may only be signed by an Occupational Health qualified doctor. A CPI is issued if an employee is permanently unfit to carry out their role.
5. Depending on the ill health prognosis, a CPI may be awarded at one of two tiers (for teachers) or one of three tiers of ill health retirement for support & non-teaching staff. The assessment for a CPI is made by an Occupational Health qualified Doctor. An Occupational Health Adviser will refer relevant cases to the Occupational Health Doctor for this assessment.
6. On receipt of a CPI, the Headteacher should consult their HR Adviser to obtain an estimate of the ill health retirement pension figures, and to formally inform the Local Authority where it is the employer.

7. An Ill Health Retirement Meeting/Case Review Hearing should be arranged with the employee, their Headteacher and HR Advisor. The member of staff may be accompanied by a trade union representative/official or colleague.
8. The purpose of this meeting is to discuss the following possible options:
  - discuss the facts and impact of a CPI being issued;
  - the intention to agree early retirement on the grounds of ill health, and application for pensionable benefits;
  - medical redeployment where advised by Occupational Health

### **Teachers**

1. If early retirement on the grounds of ill health is identified as the way forward the teacher should complete and submit an application for early retirement on grounds of ill health to the Teachers Pensions Agency (TPA). The school should contact the Local Authority HR/Pension Advisor who will assess this form to ensure its full completion and that all relevant data has been provided in line with the application criteria, before passing on to the TPA.
2. Responsibility for obtaining doctor's and/or specialist reports will remain with the individual teacher. If ill health retirement is approved, a retirement date will then be agreed between the teacher and the school. The school should consult with their HR Advisor and inform the Local Authority where it is the employer. In the event of non-approval by the TPA to grant ill health retirement, the teacher's position should be reviewed and the termination of the contract on grounds of ill health considered (via a Case Review Hearing).

### **Support Staff**

1. For support staff, if early retirement on the grounds of ill health is identified as the way forward, the school should liaise with the HR/Pensions Advisor to send a copy of the certificate of incapacity to the West Yorkshire Pension Scheme (LGPS). The school or the Local Authority (where it is the employer and upon request of the school) will issue the employee with written notice to terminate their employment. Such notice will be either contractual or statutory notice, equivalent to one week for each continuous year's Local Government Service, up to a maximum of 12 weeks, whichever is the greater. The member of staff will be notified of their right of appeal against the decision to terminate their employment to the governing body.
2. Employees who are members of the LGPS can make a complaint about any decision affecting his/her pension benefits as set out in the Internal Dispute Resolution Procedure – Pension Benefits.
3. The School's HR service will assist the Headteacher and employee through the process and provide the required template letters. The School will issue the employee with written notice of termination of employment and transfer to pensionable benefits.

## **Ill Health Capability including Dismissal & Medical Redeployment**

1. If it becomes apparent that an employee is not fit to carry out their role, an Occupational Health assessment is recommended to inform the school whether the employee **would be** fit for work if reasonable adjustments are applied to the role. Where reasonable adjustments cannot be applied to the role (or where they have already been applied but have failed to help the employee fulfil the role requirements) suitability for medical redeployment will be considered by the Occupational Health Adviser.
2. A structured process should be undertaken in conjunction with Occupational Health to determine an individual's ability to discharge the duties of their post on health grounds. The usual process to support individuals in work is as follows:
  - Consideration of reasonable adjustments in the substantive role that will enable the employee to continue in that role.
  - Where adjustments cannot be made, consideration of medical redeployment on the grounds of ill health, if the employee is able to carry out duties in an alternative role and is not (usually) permanently incapacitated.
  - If medical redeployment cannot be found, an assessment by Occupational Health to determine permanent incapacity (if this has not already been considered).
3. The decision to dismiss an employee from the service of the school on the grounds of ill health will always remain a management decision of the school and the power to dismiss is in line with the schools delegation (see section 5). This includes dismissal due to Ill Health Capability where a Certificate of Permanent Incapacity has not been issued.

#### Case Review Hearings (where no CPI has been issued)

4. Case Review Hearings will be arranged in line with the decision making delegations set out in Section 5 at which dismissal on the grounds of Ill Health capability will be considered, or alternatively that the employee should either no longer work at the school or in the current role. Where the decision making body is the Governing Body, this will usually be a Staffing Committee of three governors (staff governors should not take part in these hearings or appeals).
5. The employee will be given at least 5 working days' written notice of the intention to hold a Case Review Hearing and informed of their right to be accompanied by a trade union representative/official or a colleague.
6. At the case review hearing the Headteacher will be asked to provide a management report outlining details of the case, including any Occupational Health advice received to-date and management action or support given.
7. When reaching a decision about whether or not to terminate employment, the Headteacher/Governors panel will consider issues such as (but not limited to):
  - a. the employees attendance record
  - b. the impact of the employees absence and ill health on other employees and service delivery;
  - c. the medical advice received;
  - d. whether redeployment is recommended by OH
  - e. whether a certificate of incapacity has been issued
  - f. financial and cost implications;

- g. whether the employee occupies a post undertaking duties that are essential to the efficiency of the school and/or difficult to be covered by other members of staff
  - h. representations made by the employee and/or his/her representative;
  - i. what actions have been taken to attempt to enable the employee to continue in employment;
8. Where it is decided that further action or support is appropriate, objectives/targets will be confirmed in writing and the employees situation will continue to be monitored with a further Case Review Hearing after an appropriate time.
  9. Where a decision to dismiss is made, the letter will inform the employee of notice of termination of employment, such notice being statutory or contractual (for non-teaching and support staff) up to a maximum of 12 weeks whichever is greater. For teachers notice periods apply in line with burgundy book conditions. The letter will inform the employee of the right of appeal against the decision to terminate employment. The decision will be confirmed in writing within 5 days.

### Medical Redeployment

1. Medical redeployment is only considered where the employee is not permanently unfit for work and has some transferable skills that could be offered in other roles within the school. It should be noted that there are no guarantees that medical redeployment will be successful and the employee will be so advised at the time of the Occupational Health assessment.
2. Medical redeployment provides a strictly time limited attempt to secure work within the school in a role which can accommodate the health issues. Where this is not realistic or where no employment opportunities arise during the specified time period, the employees' employment will be terminated in line with the appropriate notice periods.
3. Medical redeployment will only be considered further to recommendation from Occupational Health. A meeting should take place to review the recommendations of Occupational Health to establish suitability for alternative vacant posts and the employees' capability to undertake the duties of the post offered.
4. The duration of the redeployment period will be confirmed in writing and respective notice given of the date when termination of employment will take place if no alternative employment is found.
5. Any offer of alternative employment made to support/non-teaching staff during the redeployment period is subject to a trial period during which the suitability of the alternative employment will be established. The duration of the trial period will be the residue of the redeployment period unless a shorter period is agreed.
6. There will be no salary/grade protection in respect of redeployment to a lower graded post as part of this procedure. The terms and conditions of employment will be those relating to the new post.

### Decision to dismiss

The power to decide that employees should no longer work at this school rests with the Governing Body.

Or: The power to decide that employees should no longer work at this school has been delegated to the Headteacher except where he/she has managed the attendance case in which case the decision sits with members of the Governing Body

### **Dismissal**

Once the Governing Body (or decision maker – see section 3 above) has decided that the employee should no longer work at the School, the Local Authority must be informed of the decision and the reasons for it. Where an employee works solely at this school, the Local Authority must dismiss them within fourteen days of the date of the notification. Where they work in more than one school, the Local Authority must require them to cease to work at this school (Community, Voluntary Controlled, and Community Special schools only).

### **Appeal**

If an employee feels that a decision to dismiss them due to ill health capability is wrong or unjust, they may appeal in writing against the decision within 5 working days of the decision, clearly setting out the grounds for appeal. Appeals will be heard without unreasonable delay where possible within 10 working days and at an agreed time and place. The same arrangements for notification and right to be accompanied will apply.

Appeal against dismissal will be heard by a Governors' Appeal Committee. This will not include governors involved in the dismissal hearing (or any staff governor).

The employee will be informed in writing of the outcome of the appeal hearing within 5 working days of the hearing.

## **Appendix 1 General Principles Underlying this Process**

This document supports the official School's Attendance Management Policy. The nature of this document is such that it will be subject to periodic amendments to ensure that it remains a well-developed and effective management tool. Amendments will be subject to the approval of the Governing Body.

### **Confidentiality**

The attendance management processes will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Headteacher and governing body to quality-assure the operation and effectiveness of the HR Policies.

### **Consistency of Treatment and Fairness**

The Governing Body is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

### **Definitions**

Unless indicated otherwise, all references to "teacher" include the Headteacher.

### **Delegation**

Normal rules apply in respect of the delegation of functions by governing bodies, Headteacher's and Local Authorities.

### **Medical Redeployment**

The offer of medical redeployment will be made in writing, and detail the timescale by which redeployment should be achieved, and the level of salary on offer. There will be no extension to dismissal notices issued.

Redeployment to an available lower graded post on medical grounds will result in the payment of salary appropriate to the new role immediately on appointment - pay protection will not apply.

Redeployment will only be considered where the available evidence suggests that the employees' attendance in the new post will be at a satisfactory level, and there is no requirement to create a new post for the purposes of redeployment.

### **Monitoring and Evaluation**

The Governing Body and Headteacher will monitor the operation and effectiveness of the school's Attendance Management Policy.

### **Phased Return to work**

Where a return to work is agreed on a phased basis following Occupational Health recommendation, full pay applies during the period of the phased return i.e. the staff member will receive payment for their full contracted hours, whilst building the hours back up from a temporary reduction.

### **Probation Period**

An employee subject to a probationary period who hits a trigger point during this period, will have their health issue assessed to ascertain if their employment is to be confirmed. In such circumstances consideration may also be given to extending the probationary period.

### **Absence following Capability Procedures**

Where absence occurs in conjunction with capability procedures, Headteachers should actively manage the case in accordance with the above process and consult with their HR Advisor and Occupational Health Service.

### **Appendix 2 Support Staff Pensionable Benefits**

The Local Government Pension Scheme (LGPS) in England and Wales introduced a new three tier ill health system as from 1 April 2008 for staff who are members of the LGPS and are issued with a certificate of incapacity by an approved Occupational Health Doctor. Brief details on the three tier system is explained below:

Tier 1: if the member is judged to have no reasonable prospect of being capable of obtaining gainful employment before age 65, pension benefits are payable based on accrued membership plus 100% of prospective membership between leaving and age 65.

Tier 2: if the member is judged to be incapable of obtaining gainful employment within 3 years of leaving but is likely to be capable of obtaining gainful employment before the age of 65, pension benefits are payable based on accrued membership plus 25% of prospective membership between leaving and age 65.

Tier 3: if the member is judged to be capable of obtaining gainful employment within 3 years of leaving, short-term reviewable pension benefits are payable based on accrued membership only.

Note: gainful employment means paid employment for not less than 30 hours in each week for a period of not less than 12 months.

Further Information on Pension Regulations can be obtained from Pensions Section, within HR.

### **Appendix 3**

Teachers who are ill may have to stop working before their retirement age (i.e. 60 or 65). However, it is the joint responsibility of you and your occupational health advisors to explore ways of helping them to stay in, or return to, work – perhaps through redeployment, part-time working, or other workplace adjustments. If these measures fail then ill health retirement may be appropriate. These are the next steps:

1. If a teacher is under normal retirement age and applies for ill health benefits, both the application form and medical evidence form should be completed and returned to us.
2. Make sure the declaration on the application form has been signed and dated by the applicant and that you've completed the certification. Otherwise the application will be invalid.

3. Applications and supporting medical evidence will be considered by Medical Advisors appointed by the Secretary of State and the final decision will be made by Teachers' Pensions.

There are two different levels of Ill health benefits that can be awarded:

### **Accrued Benefits**

These are awarded if the teacher is assessed as being permanently unable to teach but can do other work. With Accrued Benefits a teacher's service won't be enhanced.

### **Total Incapacity Benefits (TIB)**

These are awarded if the teacher is assessed as being unable to undertake any type of gainful employment. With TIB, their service will be enhanced. A teacher must apply for TIB within six months of either leaving pensionable employment, or ceasing the payment of 'Combined contributions' to be eligible. If they've been on a period of sick leave, maternity, paternity, parental or adoption leave, or a career break which immediately followed a period of pensionable employment, the application must be made before the sick leave or period of absence ends. If the teacher doesn't apply for ill health benefits within these timescales, an application for ill health benefits can still be made, but the deferred teacher has to meet the TIB criteria of not being able to undertake any gainful employment. In this case, the service used will not be enhanced (i.e. Accrued Benefits will be paid).

### **Notification**

Both you and your teacher will be told in writing whether or not an application is accepted.

There are two ways to deal with this:

If the application has been accepted, and the teacher is still actively teaching you must arrange for this to cease immediately. You must provide us with details of the teacher's pensionable service and salary from the date of your last annual return to the last day of pensionable service.

If the application has been rejected, the teacher has the right to appeal and should follow the appeal process. Details of this will be sent to the teacher with the rejection letter.

### **How to deal with applications for ill health benefits**

1. The teacher has to submit the application to you first. Only after you've certified it should you send the application plus the medical evidence to us.
2. The only exception to this is where the teacher left you more than 12 months ago, in which case, the teacher should send the documents directly to us themselves.

### **Medical evidence form**

Where the medical evidence form has been completed by a specialist or a GP, it should be sent to your Occupational Health Advisor, along with any supporting documents. They will then assess it before it is forwarded to us. We cannot obtain any medical reports on the applicant's behalf. If the Occupational Health Advisor thinks the application doesn't contain enough medical information to enable Teachers' Pensions to make a recommendation, the applicant must be given the opportunity to consider what more could be provided.

### **Importance of specialists**

When a psychiatric or physical condition is severe enough to warrant ill health retirement, it's reasonable to expect that the applicant will have been assessed by a specialist. It will greatly help in the consideration of the medical information if this is the case. If it's not possible, or the applicant has not been referred to a specialist, then the form should be completed by the

applicant's GP or your occupational health physician. Copies of all specialist reports or hospital correspondence must be included because all applications for ill health retirement will be considered on the basis of the medical information submitted with the application. For further information please visit: [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk).