

Barking & Dagenham

Sickness Absence and Reporting Arrangements for Schools FAQs

Barking &
Dagenham



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[This is issued as Guidance](#)

The Schools HR Advisory Service will automatically update this Policy/Procedure to comply with any changes to legislation or ACAS guidance, to make corrections or increase the understanding and notify Schools of the amendments.

This Guidance should not be amended by a School, any changes will invalidate the Guidance.

Introduction

These FAQs 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 Policies and Procedures are followed correctly.

If there are any points not covered by the FAQ's, please discuss with your School.

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

Details of these arrangements should be made available by the School and include:

- LBB School Leave of Absence Policy
- Employee Assistance Programme, for workplace and non-work issues e.g., debt, legal and tenancy etc. (subject to if your School buy in to this service)
- Trade Unions
- [Samaritans](#) – you can call Samaritans 24 hours a day, 365 days a year by phone on 116 123 or online.
- [Talking Therapies](#) – is a free NHS service for people who live in the borough. Call 0300 555 1018. The service may also be available in the borough that you live in. Here is a link for further advice <https://www.nhs.uk/nhs-services/mental-health-services/>

- [Mind](#) – help and advice online and on the phone 0300 123 3393.
- [Young Minds](#) – provides guidance for young adult and advice for parents. Call 0808 802 5544
- [Mental Health Direct](#) – speak with a mental health professional who can help advise you and get you the support you need. Call 0300 555 1000, 24 hours a day, 365 days a year.
- [Carers UK](#) – advice and guidance for people who support family or friends. Call 020 7378 4999
- [WellMind NHS App](#) – help with stress, anxiety and depression. Available on iOS and Android.
- [SAM App](#) – help in managing anxiety. Available on iOS and Android.
- [What's Up App](#) – help with depression, anxiety, stress, and anger. Available on iOS and Android.

Reporting Absence due to Sickness

Q. What must I do if I cannot attend 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”) to certify the reason(s) for absence or non-attendance at work:

- 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 the School (when you will be re-paid the costs)

and a copy must be provided to the School immediately.

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

Please remember:

- i) a qualified medical practitioner must certify all absence of eight calendar days or more
- ii) you must then continue to provide medical certificates to cover the whole period of absence until you return to work (or your employment is terminated)

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

A. You are required to comply with the School’s absence reporting arrangements. Failure to do so without a satisfactory reason may lead to a formal disciplinary and you may lose your entitlement to sick pay.

- i. if no notification is received by the 8th day, the School 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.

The School 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 should complete a ‘Return to Work’ form and your School will enter this information on their HR System.

Medical Certificates from Abroad

Q. Can you use a sick note from abroad?

A. If you fall ill whilst abroad a foreign medical certificate should be treated as legitimate unless there is reason to believe that you are not genuinely sick.

Absence Related to Pregnancy, Disability or Industrial Injuries

Q. Is absence related to pregnancy, disability or industrial injuries recorded?

A. All absences including those 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”. They will be considered 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 “School 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 School Leave of Absence Policy.

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
- Making provision for additional absence for treatment

Guidance on reasonable adjustments can be find here:

<https://www.gov.uk/reasonable-adjustments-for-disabled-workers>

Guidance on access to work can be find here:

<https://www.gov.uk/access-to-work>

Alternatively please contact Schools HR Advisory Service: [SchoolSchools
hradvisoryteam@lbbd.gov.uk](mailto:SchoolSchoolshradvisoryteam@lbbd.gov.uk)

Maintaining Contact During Sickness Absence

Q. Can the School ring me at home when I am on sick leave?

A. Yes, you and the School are required to maintain contact during the period of absence.

Q. Why do I need to keep in touch with the School if I am providing medical certificates?

A. This is so the School can assess the impact on the School and colleagues and decide if cover for your absence is required 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 initial stages of the absence. Your manager or their delegate will explain how often you need to contact them.

You must keep the School informed as to the:

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

*(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. This specifically 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?

- 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. You are only entitled to sick leave and pay whilst you are genuinely ill. All absence from the 8th calendar day must be fully supported by medical certificates.

All sickness absences will be considered under the "School Sickness Absence Policy".

Q. Can I be dismissed whilst off on sick leave?

- A. If your continued absence is a concern, this will be considered under the "School 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, can I continue working in my second job?

- A. You must not undertake any other work without your School prior approval.

If you have another job at another School within the borough or within the Council or another Employer , you must notify the School 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.

Employees are required to apply in advance for annual leave or leave of absence 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 not have an annual leave entitlement.)

Non-attendance at work is likely to have an impact on service delivery and/or 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:

- take time off when requests for annual leave/leave of absence have been refused
- to extend time off either side of the weekend, Bank holidays or booked leave etc.,
- 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.

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

A. Yes, but only if you are employed on an all year round contract. If you want to take annual leave, let your School 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.

An employer must pay their employee 'in lieu' for any untaken statutory holiday entitlement they have accrued when they leave. This means the employer pays the employee holiday pay, instead of them taking the holiday, unless that holiday can be taken during the notice period.

Occupational Health

Q. When and why are employees referred to Occupational Health?

- A. Your School may refer you to the Occupational Health Service at any time if there are any concerns as to your health and where you have:
- i) submitted a “Statement of Fitness for Work” recording absence from work for reasons of stress, you will be referred after 2 week’s continuous absence.
 - ii) been on long-term sickness, you 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 Occupation Health appointments without notification and/or providing a satisfactory explanation may lead to formal disciplinary action.

Q. Will I be told why I am being referred?

- A. Yes, your School will inform you in writing or verbally, prior to the appointment that you are being referred and the reason(s) why.. The referral questions submitted are determined by the School.

Your School 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 School.

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. Does the School have to follow Occupational Health advice?

A. No, the purpose of an Occupational Health referral is to obtain advice and it is for the School 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 School 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 the School 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 School?

A. If, for reasons of confidentiality or sensitivity, you do not feel able to discuss details of your sickness absence with the School, we would advise you speak to 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 School 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, the School 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/GDPR.

Return to Work Discussions

Q. When must return to work discussions take place?

- A. Where possible this should take place prior to you returning or on the day you return to the workplace before starting work.

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

- A. It is best practice for the School to conduct 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)
- 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 you were absent.

Where there are concerns about 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.

Note: A return to work discussion is not the same as a Sickness Absence Meeting.

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

- A. No, this is part of 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, as you should be fit to return to work.

Q. Who decides on a phased return?

A. Your manager, who will consider any Occupational Health recommendations and discuss other additional support needs, including “reasonable adjustments”, with you.

Guidance on reasonable adjustments can be find here:

<https://www.gov.uk/reasonable-adjustments-for-disabled-workers>

Guidance on access to work can be find here:

<https://www.gov.uk/access-to-work>

Alternatively please contact Schools HR Advisory Service: Schools_hradvisoryteam@lbbd.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. The School is required to monitor absence regularly. They must discuss employee absence at one-to-one/supervision meetings under the School’s Sickness Absence Policy 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:

- Three separate occasions of absence within any 12-month rolling period; or
- 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 to) immediately before or after annual/leave of absence, weekends or public holidays; or on days where requests for leave/leave of absence 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 informal and formal stages of the “School 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 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 considering:

- the nature and period of absence
- any medical certificates or evidence provided
- your overall attendance records
- 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 were agreed with the manager beforehand), is excluded.

Accidents /Incidents at Work

Q. How do I report an accident or an 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. You can access the forms from your School.

Q. What is an industrial injury?

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 “School Sickness Absence Policy”.

Miscellaneous

Q. Do I get time off for counselling?

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

All other cases will be considered on a case-by-case basis and managers may agree to a combination annual or leave of absence, but this must be approved in advance.

See your School's Leave Of Absence Policy.

Q. Who pays for counselling?

- A. Managers/Head Teachers will normally arrange for counselling to be paid (up a maximum of six sessions) where this is agreed beforehand; the employee must pay for these when they make their own arrangements.

Q. Is the School allowed to conduct 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 any sick pay that you have been paid related to the period of sickness absence.

Q. Can meetings be recorded?

- A. Yes, but only if **all** parties agree to be recorded.