

MANAGING SICKNESS ABSENCE NASUWT CHECKLIST

PURPOSE OF THE CHECKLIST

Sickness absence policies acceptable to the NASUWT will be equitable, transparent and consistent and treat teachers as highly skilled professionals.

Management of sickness absence policies agreed with the NASUWT will commit to actively promoting a positive working environment which treats employees absent from work due to sickness with consideration and respect.

Management of sickness absence policies will confirm that the employer will make every effort to assist staff to fully recover and return to work, including by giving a commitment to phased return to work programmes.

Sickness absence policies acceptable to the NASUWT will recognise the need to promote a positive health and safety culture which appreciates that from time to time employees become ill, through no fault of their own, and as a consequence may be unable to attend work.

The Checklist below sets out the minimum requirements for an effective management of sickness absence policy.

KEY ELEMENTS OF A MANAGEMENT OF SICKNESS ABSENCE POLICY

- The policy confirms that no employee will be dismissed on grounds of sickness absence without due warning and without following an agreed Sickness Procedure. All possible alternatives to dismissal will be thoroughly explored with the employee and their trade union.
- The policy confirms that absence arising from medical appointments or disability-related absence will be paid and not considered under the management of sickness absence policy.
- The policy confirms that the employer should ensure that the management of sickness absence policy will operate fully in accordance with all relevant legislation (e.g. Health and Safety at Work Act 1974).
- The policy outlines provisions for distinguishing between sickness and disability, including variation to the policy as a reasonable adjustment.

TIMESCALES

The policy will confirm that:

- there are clear procedures for reporting absence;
- timescales within the policy are clear and mutually agreed so that decisions and any subsequent appeals can be confirmed within a set timescale;
- any timescales refer to 'working days';
- any variation to dates and timescales are mutually agreed.

POLICY CONTENT

Sick pay and entitlement

- The policy will confirm the sick pay and sick leave terms and conditions for employees. The NASUWT will expect the following minimum entitlements:
 - during the first year of service: full pay for 25 working days and, after completing four calendar months' service, half pay for 50 working days;

- during the second year of service: full pay for 50 working days and half pay for 50 working days;
- during the third year of service: full pay for 75 working days and half pay for 75 working days;
- during the fourth and subsequent years: full pay for 100 working days and half pay for 100 working days.

Infectious diseases, industrial accident, injury or assault

- The NASUWT's minimum expectations are:
 - sick leave and full pay for a maximum of six calendar months where there is evidence that shows an absence is the result of an infectious or contagious disease, accident, injury or assault arising out of a teacher's employment, with an entitlement to a further period of sick leave and full pay up to a maximum of 100 days, and a further 100 days on half-pay, based on length of service.

Mental health

The policy will confirm that:

- employees experiencing mental health problems will have a right to workplace adjustments and phased returns, together with occupational health support;
- employers have a clear and agreed process in place for employees to raise mental health problems and take positive action promptly when employees seek help;
- managers will be appropriately trained to support individuals regarding mental health problems.

Self-certification and doctor's medical certificates

The policy will confirm that:

- no Fit for Work notes are required before the eighth calendar day of absence;
- there is a clear procedure for return to work meetings, stating that these are informal supportive meetings;
- medical certificate advice regarding an employee's return to work will be acted upon (e.g. altered hours, a phased return to work).

Short-term absence

The policy will include:

- a clear procedure for dealing with frequent short-term absence, which will provide:
 - a definition of short-term absence (e.g. three separate periods of short-term absence per term);
 - medical referral (e.g. occupational health) where further medical information may be required.

Long-term absence

The policy will include:

- a clear procedure for dealing with long-term absence, which will provide:
 - an agreed definition of long-term absence (e.g. two weeks or more);
 - provisions for regular contact between the workplace and the employee, through a trade union representative;
 - occupational health (OH) referral and regular follow-up referrals, unless the absence is clearly time-limited (e.g. recuperation from surgery, or absence due to broken limbs);
 - a statement that warnings will not be given to employees on a long-term absence;
 - a statement that where the prognosis/OH report indicates no prospect of a return to work, this will be discussed with the individual and their trade union;
 - a commitment to provide medical interventions (e.g. cognitive behaviour therapy) where appropriate;
 - a statement that employees on long-term sick leave who are not terminally ill will not normally be dismissed unless all efforts to support return have failed and OH reports indicate there is no prospect of a return to work, or no realistic prospect of ill-health retirement;
 - a statement that ill-health retirement will be explored where appropriate.

Indicators or triggers

The policy will confirm that:

- indicators or triggers will not be used where this is likely to lead to unrealistic, unreasonable or prescriptive responses which fail to take account of an individual employee's circumstances;
- the employer will disregard absences due to disability or pregnancy or which arise from an accident, injury or assault at work, or infectious or contagious diseases contracted directly in the course of a teacher's employment.

Contact whilst absent through sickness

The policy will confirm that:

- any contact will be reasonable and sensitive and will not require employees to set work for classes or undertake any other contractual duties for which they are absent with ill-health.

Informal review meetings

The policy will confirm that:

- at least two informal review meetings have been conducted before any formal meeting, the purpose of which is to investigate the absences and offer support to maximize attendance;
- informal review meetings will only be undertaken where attendance is becoming a concern and will only explore the reasons for the absence(s) and support to be given to improve the employee's attendance or wellbeing, which will be conducted confidentially by an appropriately trained manager.

Risk assessments

The policy will confirm that:

- the employer will undertake risk assessments where required by legislation or requested by the employee;
- the employer will conduct a stress risk assessment on any employee at risk or absent due to stress.

Phased return to work

The policy will confirm that:

- the employer will seriously consider a phased or gradual return to normal hours and responsibilities within a fixed timescale (normally 4-6 weeks), where appropriate and/or requested by the employee;
- employees on a phased return will receive full contractual pay.

Occupational health (OH) referral

The policy will confirm that:

- the objective of OH is to protect and promote employees' health and wellbeing, including the likelihood of a successful return to work;
- the employer (or appropriately trained designated person) may refer an employee to an OH advisor for an OH consultation;
- the employer will meet all costs associated with any examination undertaken by the OH service and/or the release of the employee's medical report, should the employee agree to such a request;
- the employee will have the right to give their written permission for OH to request a medical report from the employee's doctor.

Medical Suspension

The policy will confirm:

- the process for medical suspension, including details of who can medically suspend;
- that whilst on medical suspension full pay will continue and absence will not be counted as sickness absence for the purposes of this policy.

Supporting the search for alternative employment

The policy will confirm that:

- the employer will do whatever is reasonable and practicable to retain employees whose health prevents them from undertaking all aspects of their present job (e.g. reorganising the existing job, suitable alternative work);
- there is a commitment to consider, on a case-by-case basis, salary protection for employees redeployed into jobs on lower salaries.

REPRESENTATION

- The policy will confirm that employees have the right to be accompanied by a trade union representative at any meetings, both informal and formal, where appropriate.

APPEALS

- The policy will include provisions for employees to appeal to an impartial individual, not previously involved in the case, against any informal and formal decision made in accordance with the appeals procedure within the policy which meets, as a minimum, the statutory requirement on dispute resolution.

TRAINING

- The policy will commit the employer to ensure that managers dealing with the management of sickness absence are properly trained for the task, familiar with the procedures, and apply these with discretion and sensitivity.

MONITORING AND REVIEW

The policy will ensure:

- individual records and information about sickness absence will be managed appropriately and treated as confidential personal data in accordance with the General Data Protection Regulations (GDPR);
- sickness absence levels will be consistently and accurately recorded and annually reviewed and monitored in order to be effectively managed, and statistical data will be shared on an annual basis with recognised trade unions;
- consistency of application and adherence to equalities legislation.

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