

Managing Attendance Policy



Approved by:	Strategic Board	Date:
Last reviewed on:	September 2024	
Next review due by:	September 2026	

Contents

1. Scope.....	4
2. Policy Purpose.....	4
3. Roles and Responsibilities.....	4
3.1. Employee’s responsibility	4
3.2. Headteacher’s responsibility	5
3.3. Notification and certification of sickness absence	5
4. Medical Certification of Sickness Absence	5
4.1. Absence beyond seven calendar days.....	5
4.2. Foreign and other medical certificates.....	6
4.3. Failure to provide a fit note or appropriate medical certificate	6
5. Return to Work Process.....	6
5.1. General points on the return to work process.....	6
6. Confidentiality.....	7
7. Attendance Standards	8
7.1. Initial attendance standards.....	8
7.2. Subsequent attendance standards and review periods.....	8
7.3. Reverting from fixed to rolling review period	9
7.4. Overlapping fixed 12-month review periods for Short-Term and Long-Term sickness absence	9
7.5. Intervening sickness absence	9
7.6. Linked absences.....	9
7.7. Maintaining regular contact	9
8. Referring Employees to Occupational Health.....	10
9. Medical Appointments	10
10. Phased Returns to Work.....	10
11. Pregnancy-related Sickness Absence	11
12. Terminal Illness.....	11
13. Disability – Reasonable Adjustments	12
14. Other Health Issues	12
15. Policy Monitoring & Evaluation	12
Appendix 1 – Return to Work (Self-Certification) Form (to be completed by the employee).....	13
Appendix 2 – Return to Work Meeting Record (to be completed by the line manager/designated person)	14
Appendix 3 – Guidance on phased returns to work.....	16
Appendix 4 – Statement of Fitness for Work or “Fit Note” – Guidance for Headteachers and Line Managers	18

1. Scope

This policy applies to all employees in schools. The purpose of the policy is to manage absence due to ill-health. Absences for reasons other than ill-health e.g. domestic emergencies, dependants' leave etc. is dealt with under the Special Leave Policy.

This policy includes clear procedures for the monitoring of employee absence, taking appropriate action, and encouraging the promotion of good health.

Within this policy, references to the School, Headteacher, Governing Board and the Chair of Governors will, for Academies and Academy Trusts, be taken to mean a reference to the appropriate equivalent within those establishments.

The recognised trade unions have been consulted on this policy and its associated annexes.

2. Policy Purpose

The school is committed to securing good employee relations through providing for the care and welfare of its employees whilst managing attendance levels and recognising that effective management of attendance will benefit all employees and contribute to the principal aim of educating the children in its care.

The school will ensure that this policy and procedure is applied fairly and consistently.

Employees who are absent due to ill-health will be approached in a sensitive and caring manner with due regard to confidentiality.

Wherever possible, assistance will be offered to help sick employees regain full health. Support, counselling and rehabilitation, where possible, will be offered to employees when recommended by Occupational Health. Additional assistance will be offered wherever reasonably practicable to employees with disabilities. When employees are found to be partially/permanently incapable of continuing with their duties due to ill-health, the school will endeavour to offer redeployment for alternative work, subject to vacancies and suitability.

When all possible practical alternative options have been explored, or where there are no prospects of the employee's return to work, the termination of employment on grounds of ill-health or incapability due to absence will be considered in line with this policy.

Where the school has any queries about the application of any part of this policy and procedure, Schools HR should be contacted.

3. Roles and Responsibilities

3.1. Employee's responsibility

The responsibility of each employee is to:

- Attend work when fit to do so.
- Comply with the school's managing attendance reporting procedures, as defined below, both during their absence and upon their return to work.
- Ensure medical advice and treatment, where appropriate, is received at the earliest opportunity in order to facilitate a return to work.
- Keep the designated person informed of any significant developments as defined under the policy's reporting procedures.
- Provide the school with a completed 'Return to Work' form after each period of sickness absence.

- Provide the school with a Statement of Fitness for Work ('Fit Note') if the absence continues beyond 7 consecutive calendar days.

3.2. Headteacher's responsibility

The Headteacher's responsibility is to manage the attendance of employees of the school by:

- Acting fairly and consistently in applying the appropriate procedures as set out in this policy.
- Ensuring that accurate sickness records are maintained for monitoring and sick pay purposes.
- Establishing clear action plans for the employee where it is decided that action is justified and ensuring that these are clearly communicated to that employee.
- Seeking advice from Schools HR and Occupational Health as appropriate.

3.3. Notification and certification of sickness absence

If an employee is sick and unable to attend work, the HR department (designated person) should be informed of sickness absence by emailing or calling/texting:

Email: staff.attendance@marishandwillow.co.uk
mobile: 07936 940302

If, for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of their absence with the designated person, they may speak to an alternative member from the school's senior management team or their trade union representative to raise the issue with the designated person on their behalf.

This procedure recognises that individual schools will have their own sickness absence reporting procedures in place, and these should be clearly communicated to employees as part of their induction process. However, the following general principles should be adopted:

- If an employee is sick and unable to attend work, they must notify the designated person as soon as possible prior to their normal starting time. Marish Academy Trust expect employees to contact HR by 7:00am latest.
- The designated person will establish the nature of the illness and the anticipated length of the employee's sickness absence.
- The designated person will agree with the employee that if the absence is likely to extend beyond one day, what further notification would be appropriate. The employee must contact HR every day of their sickness at 7:00am and 3:00pm with an update unless they have a fit note for that period.
- In cases where an employee's medical condition prevents them from notifying the school personally, they must ensure that someone else notifies the school on their behalf.
- Where an employee attends work and then goes home sick at any time before fully completing their normal working hours, this will be counted as half a day's sickness absence.
- If an employee fails to notify the school of their sickness absence or provide appropriate sickness certification, the designated person should seek to find out the reasons why the employee has not complied with the process. If the designated person is satisfied with the explanation, then no action need be taken. However, if the designated person is not satisfied with the explanation, then disciplinary action may be taken.

4. Medical Certification of Sickness Absence

4.1. Absence beyond seven calendar days

Where absence extends beyond 7 calendar days, regardless of work pattern, the employee must submit a Statement of Fitness for Work ('Fit Note') from the eighth day of absence. Where the dates of absence

covered by the fit note are exceeded and the employee continues to be absent, further fit notes must be sent within one week of expiry of the previous fit note. The fit note must also cover any periods of school holidays which may fall during the employee's continuous sickness absence.

4.2. Foreign and other medical certificates

Foreign medical certificates and other medical certificates will be dealt with on a case by case basis. The onus is on the employee to ensure that there are adequate details available to verify and contact the source. There is no guarantee that foreign certificates or other medical certificates will be accepted by the school.

4.3. Failure to provide a fit note or appropriate medical certificate

If an employee fails to provide the school with a Fit note or appropriate medical certification, the designated person should seek to find out the reasons why the employee has not complied with the process. If appropriate, the designated person may consider the absence as unauthorised and pay may be stopped.

5. Return to Work Process

On returning to work, the employee should complete a Return to Work (Self Certification) Form (**Appendix 1**) and pass it to their line manager/designated person before or during their Return to Work Meeting.

As soon as possible following the employee's return to work, the employee's line manager/designated person will meet with the employee for a Return to Work Meeting (**Appendix 2**). It is recommended that the Return to Work Meeting should be with the employee's immediate line manager, however where this is not possible the school may wish to designate another member of staff taking into account the employee's position within the school.

Whatever the local arrangements, the school should aim to complete the Return to Work Meeting **within 5 working days** of the employee's return to work.

5.1. General points on the return to work process

The Return to Work Meeting provides an opportunity for the manager to:

- Welcome the employee back to work;
- Enquire after the employee's health;
- Give the employee an opportunity to draw attention to any particular problems, work related or not, which may affect their attendance;
- Offer appropriate help and support e.g. access to counselling, workload adjustments where appropriate;
- Update the employee on any developments at work during their absence;
- Receive the Return to Work (Self Certification) Form/Fit Notes as appropriate;
- Review the employee's absence record over the Rolling 12-month period or within the fixed 12-month period (as appropriate); advise the employee where they are within the procedure; identify whether the triggers have been breached;
- Review options for employees who might have been absent due to reasons associated with a disability within the meaning of the Equality Act 2010.

Where the line manager has any doubt about the employee's fitness to resume their contractual duties, they should seek advice from Occupational Health and discuss options with the employee.

The line manager must sign the completed Return to Work Meeting Record (**Appendix 2**). The employee may add written comments and will sign to confirm that they have received a copy of the record. This Return

to Work Meeting Record and the Return to Work (Self Certification) Form must be placed on the employee's personal file.

6. Confidentiality

All sickness absence should be treated in a confidential manner with information only being shared on a "need to know" basis for the purposes of meeting service delivery requirements and to implement and monitor this Policy.

All documentation will be kept on the employee's personal file. The information contained in these records may be disclosed to the line manager/designated person, Schools HR, legal services, Occupational Health and the nominated officers responsible for monitoring sickness absence but to no one else without the employee's express consent.

If, for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of their absence with their line manager/designated person, they may speak to an alternative member of the school's senior management team or their trade union representative to raise the issue with the line manager/designated person on their behalf. However, it is considered that the principal responsibility for managing the processes outlined in this document remains with the line manager/designated person.

7. Attendance Standards

7.1. Initial attendance standards

It is recognised that setting attendance standards is important to ensure consistency and fairness in dealing with ill health and absenteeism.

Short-Term sickness absence

The initial defined levels of short-term sickness absence that will prompt action in accordance with this procedure are as follows:

- 12 days or 4 periods of sickness absence within a Rolling 12-month period.

Long-Term sickness absence

The defined levels of long-term sickness absence that will prompt action in accordance with this procedure are as follows:

- A continuous period of sickness absence of 4 working weeks (see paragraph below).

For employees who are employed on a term-time only basis, sickness absences which fall in school holidays must not be counted towards the triggers for action under this policy. This will invariably apply to long-term absences rather than short-term absences. Any school holidays which fall in one continuous period of sickness absence should be discounted for the purposes of counting the number of days/weeks/months towards the triggers.

For staff employed on a variation to the term-time only contract, any sickness falling during designated working weeks would need to be counted towards the triggers.

7.2. Subsequent attendance standards and review periods

Once an employee enters into the procedure they will be given a fixed review period, at the Sickness Absence Review Meetings, during which their attendance will be monitored against the set attendance standards, and any breaches of the attendance standards within the fixed review period will instigate the next stage of the procedure.

Short-Term sickness absence review period

A fixed 12-month review period will be set. The fixed 12-month review period is defined as 12 months commencing the day after the First/Second Sickness Absence Review Meeting (Short-Term).

- Attendance standard triggers within the fixed 12-month review period: 9 days or 3 periods of sickness absence.

If these triggers are breached within the fixed 12-month review period, then the Headteacher/Designated Line Manager will progress to the next stage within the Procedure for Dealing with Short-Term Absence.

Long-Term sickness absence review period

Where the employee is on sickness absence at the time of the First/Second Sickness Absence Review Meetings, the review period will be 2 working months from the date of the Sickness Absence Review Meeting.

- Attendance standard triggers within the review period: If the employee has not returned to work within 2 working months from the date of the Sickness Absence Review Meeting, the Headteacher/Designated Line Manager will progress to the next stage within the Procedure for Dealing with Long-Term Sickness Absence.

If the employee returns to work within the 2 working month review period, then at the Return to Work Meeting, a fixed 12-month review period will be set starting from the date of the employee's return to work.

- Attendance standard triggers within the fixed 12-month review period: If the employee has a further period of a continuous absence of 4 working weeks, the Headteacher/Designated Line Manager will progress to the next stage within the Procedure for Dealing with Long-Term Sickness Absence.

7.3. Reverting from fixed to rolling review period

At the end of the fixed 12-month review period, where there has been no breach of the set triggers, the monitoring of absences will revert to a rolling 12-month period and this can include counting back into the fixed 12-month review period which has just ended and include any sickness absences which may have occurred in this period.

For example: If a fixed review period ended 31 March 2023 and the employee is off sick for 1 day on 03 May 2023 then you would count back over a rolling 12-month period to see if they have triggered again within the rolling 12-month period having started from 03 May 2023 going back to 04 May 2022.

7.4. Overlapping fixed 12-month review periods for Short-Term and Long-Term sickness absence

Short-Term and Long-Term sickness absence must be dealt with separately. Therefore, it is feasible that an employee will be affected by both processes at the same time and will have two different fixed 12-month review periods running concurrently. When referring to these periods, they should be clearly defined as either short-term or long-term.

7.5. Intervening sickness absence

Where an employee is off sick in the period between their return to work and the date of the Sickness Absence Review Meeting, this absence will be considered at the meeting but will not count towards any subsequent triggers that are set at the meeting.

7.6. Linked absences

When an employee returns from a day or period of sickness absence, and within 7 calendar days is off sick for the same reason, the linked absences will be treated as one period of sickness absence. This must be confirmed at the Return to Work Meeting.

7.7. Maintaining regular contact

The line manager/designated person should maintain regular contact with an employee who is on long-term sickness absence. It is recommended that contact should occur at least once a month if not more frequently. Consideration should be given to the employee's preference about the appropriate means of communication, which may include telephone communication and/or letter. The primary purpose of the

contact is to keep the employee aware of what is going on in the workplace and to keep the line manager/designated person informed of the employee's progress of any treatment, recovery and prospect of returning to work.

8. Referring Employees to Occupational Health

The line manager/designated person may refer an employee to Occupational Health at any time within this procedure to establish the employee's medical situation. In any event, a referral should be made after a continuous sickness absence of **4 weeks or more**.

Where the reason for an employee's sickness absence is given as stress/depression or some other mental health condition, whether work related or not, steps should be taken to refer the employee to Occupational Health **as soon as possible**.

Advice must be sought from Occupational Health prior to any action within the scope of the Contract Review Hearing stage.

The Occupational Health Physician/Advisor will assess the employee's medical position and advise the school about the employee's fitness to return to work and to undertake the duties of the post with or without reasonable adjustments, on the information available to them.

9. Medical Appointments

Medical appointments such as GP, dentist, and optician should be taken in the employee's own time.

Reasonable paid time off should be given for attendance for medical emergencies.

Reasonable paid time off should be given for hospital appointments as the employee has less control over the date and time when these are scheduled. The employee should be asked to produce evidence of the appointment in the form of a letter or appointment card from the hospital. This should be kept on the employee's file.

If following a medical appointment, an employee is too ill to return to work that day, the resulting absence will be counted as a half-day sickness absence.

Paid time off must be given for an employee to attend appointments arranged by Occupational Health following a management referral.

10. Phased Returns to Work

A phased return to work may be advised by the Occupational Health and/or an appropriate medical professional/specialist to facilitate recovery and rehabilitation back into the workplace following a period of sickness absence by enabling the employee to work reduced hours for a fixed period of time (phased return).

Occupational Health are able to provide advice on the suggested phased return relevant to the employee and how this should be structured, including the number of hours, working pattern and the duration of the phased return.

At Marish Academy Trust, the initial phased return period is no more than 4 weeks.

An employee returning to work on a phased basis will be paid as follows:

- Where the employee has exhausted their entitlement to sick pay, the salary payments made will be based on the number of hours worked.
- Where the employee is in receipt of sick pay at the time of their return to work on a phased basis, they will be paid the sick pay that would have been paid if the employee remained off sick or be paid in accordance with the number of hours worked whichever is the greater amount. Any sick pay paid during a period of phased return will not count against the employee's sick pay entitlement.
- Where school closure periods fall within a period of phased return they will be paid at the rate of pay immediately preceding the school closure period.
- If the employee is unable to return to their normal contracted hours after three months, salary payments will be based on the number of hours worked.

Where the phased return continues beyond a 3-month period, advice should be sought from Schools HR.

Further guidance on managing phased returns to work is given in Appendix 3.

11. Pregnancy-related Sickness Absence

An employee who is pregnant is afforded protection under the Equality Act 2010 against unfair treatment because of her pregnancy. It is unlawful to dismiss an employee for reasons connected with her pregnancy. For this reason, any pregnancy related sickness absence must be recorded separately from other sickness absence and must not be counted towards the triggers for action under this policy. If there is uncertainty whether the reason for sickness absence is pregnancy related, advice should be sought from Occupational Health.

Pregnancy related sickness absences will however still be subject to the school's sickness absence reporting procedures.

If the employee is absent due to a pregnancy related sickness in the 4 weeks before the week in which the baby is due, her maternity leave will automatically commence the day after her first day of absence.

Ongoing risk assessments for new and expectant mothers are important in identifying hazards in the workplace that could pose a health and safety risk and inform appropriate action to remove or reduce the risk and consequently help reduce pregnancy related sickness absence.

12. Terminal Illness

Where an employee has a terminal prognosis, the line manager/designated person should seek advice from Schools HR at the earliest opportunity.

In some exceptional circumstances, where an employee is incapacitated and unable to engage with the process, there may be discretion in the operation of the policy. This discretion rests solely with the Governing Board.

The line manager/designated person needs to bear in mind that although such sickness absence is managed in much the same way as for other school employees, there are some particular points that should be noted:

The line manager/designated person, in consultation with Schools HR and Occupational Health, may use the formal review meetings to explore options with the employee in relation to entitlements to sick pay and leave, as well as the relative financial implications for the employee if they retire or die in service.

The line manager/designated person may wish to consider how to deal with a number of eventualities that may include:

- The employee may wish to continue attending work for as long as possible; a referral to Occupational Health will help to establish the employee's medical situation.
- The employee may need extensive time away from work to undergo treatment or to take a period of sickness absence.
- The employee, though fit to attend work, may wish to take time off work.
- The employee continuing in employment until their death.
- The employee leaving employment and if eligible, receiving benefits from their pension.

13. Disability – Reasonable Adjustments

An employee has a disability within the meaning of the Equality Act 2010 if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Long-term means that the condition must last, or is likely to last, for at least 12 months, or it is likely to last for the rest of the life of the person affected.

Line managers need to consider and be sensitive to the possibility that an employee's period of sickness may be caused by a disability. This is particularly true in respect of possible psychiatric conditions including depression, which may result in repeated periods of absence (combined possibly with poor work as a result of lack of concentration etc.)

Employers have a statutory obligation to make reasonable adjustments for employees who have a disability. When all reasonable adjustments have been explored, an employee can be dismissed, following a Contract Review Hearing, if they can no longer perform the main functions of their job. Advice must be sought from Schools HR.

The nature of the reasonable adjustments will depend on the circumstances of each case. Where no reasonable adjustment would overcome a particular disability and enable the employee to continue in their existing role, reasonable adjustments can include the redeployment of the employee to an alternative post. Reasonable adjustments can also include provisions made to assist a gradual return to the full contracted hours or, for example, a change to part-time hours. Reasonable adjustments recommended by Occupational Health will also need to be considered.

14. Other Health Issues

Where absences are related to other health issues which may give rise to claims under the Equality Act 2010, additional considerations may apply. These should be explored further with Occupational Health and Schools HR.

While sickness absences related to a condition under the Equality Act 2010 are counted towards triggers, these should nevertheless be distinguished from other sickness absences.

15. Policy Monitoring & Evaluation

The school or the responsible body should annually review the effectiveness of this policy to assess its impact on staff and to consider whether any patterns or trends are emerging.

Appendix 1 – Return to Work (Self-Certification) Form (to be completed by the employee)

Return to Work (Self-Certification) Form To be Completed by the Employee

All employees must complete this form for each period of sickness absence and dependency leave and pass it to their line manager/designated person on the day of return from sickness absence. A Statement of Fitness for Work (“Fit Note”) is required for any period of absence over 7 calendar days.

This form will be kept on the employee’s personal file.

The information contained in this form will be disclosed to the employee’s line manager and, as required, to Schools HR, Legal Services, Health and Safety Services, Occupational Health and the nominated officers responsible for monitoring sickness absence in the school, but to no one else without the express consent of the employee.

Employee Details
Name:
Job Title:
Line Manager:
Sickness Absence Details
First Working Day of Sickness Absence <i>(insert date)</i> :
Last Working Day of Sickness Absence <i>(insert date)</i> :
First Day of Return to Work <i>(insert date)</i> :
Reason for Sickness Absence <i>(specify the nature of the illness and/or symptoms)</i> :
.....
Other Factors/Information
Are you taking any medication that may have an adverse effect on your ability to perform your contractual duties? Yes <input type="checkbox"/> No <input type="checkbox"/> : If Yes, please give details:
.....
Do you believe that the reason for this absence is considered to be regarded as a disability under the Equality Act 2010? Yes <input type="checkbox"/> No <input type="checkbox"/> : If Yes, please give details:
.....
Do you believe that the reason for this absence is related to an accident at work? Yes <input type="checkbox"/> No <input type="checkbox"/> : If Yes, please give details of the date and the location the accident occurred and if an accident report was completed (include date of completion):
.....
Declaration
I certify that, to the best of my knowledge, these details are correct.
Employee’s Signature: Date:

Appendix 2 – Return to Work Meeting Record (to be completed by the line manager/designated person)

Return to Work Meeting Record Line Manager/Designated Person to Complete

Name of Employee:	
Welcome the employee back to work and inform them of developments that have occurred during their absence.	
Check the employee has fully recovered and is capable of performing their duties (consider options to assist the return to work).	
Provide an opportunity for the employee to explain the circumstances of their absence and raise any on-going or underlying medical issues.	
<p>Confirm:</p> <ul style="list-style-type: none"> • Return to Work (Self Certification) Form has been completed • Fit Note received for absences over 7 calendar days • Dates of absence • Reason for absence • Correct procedures for reporting absence were followed 	<p>Has a Return to Work (Self Certification) Form been completed? Yes <input type="checkbox"/> No <input type="checkbox"/> : If No, ask employee to complete the form.</p> <p>Has a Fit Note been received for absences over 7 calendar days? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p>First working day of sickness absence (<i>insert date</i>):</p> <p>Last working day of sickness absence (<i>insert date</i>):</p> <p>First working day back at work (<i>insert date</i>):</p> <p>Number of working days lost (short term only):</p> <p>Reason for absence confirmed as:</p> <p>Reporting procedures followed? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If No, state reasons</p>
<p>Action for short-term absence:</p> <p>Review the employee’s sickness absence record over the previous rolling 12 months or since the start of any fixed 12-month review period (whichever is appropriate).</p> <p>Advise the employee of current position and whether triggers have been breached.</p>	<p>The Rolling 12 month or Fixed 12 month review period is</p> <p>From (<i>insert date</i>) To (<i>insert date</i>)</p> <p>During this period there has been the following short-term absence</p> <p>..... Working days / Periods (including this absence)</p> <p>Have triggers been breached? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes, the following action to be taken within 3/6 weeks of date of return to work:</p> <p><input type="checkbox"/> First Sickness Absence Review Meeting (Short-Term)*</p> <p><input type="checkbox"/> Second Sickness Absence Review Meeting (Short-Term)*</p> <p><input type="checkbox"/> Contract Review Hearing*</p> <p>*To be held on:</p>
Action for long-term absence:	The fixed 12 month review period is:

<p>For an employee returning from a period of long-term sickness absence, set a fixed 12 month review period from the date of their return to work and re-confirm triggers.</p>	<p>From (date) To (date)</p> <p>If you have 4 weeks continuous sickness absence in the above review period, the following meeting will be held:</p> <p><input type="checkbox"/> Second Sickness Absence Review Meeting (Long-Term)</p> <p><input type="checkbox"/> Contract Review Hearing</p>
<p>Dependency Leave:</p> <p>Review the employee's dependency leave for current academic year.</p>	<p>During this academic year there has been the following dependency leave absences</p> <p>..... Working days (including this absence)</p>
Declarations	
<p>Signed:..... (Line Manager/Designated Person) Date:</p>	
<p>I certify that this is a true record of the Return to Work discussion and that I have received a copy.</p> <p>Signed: (Employee) Date:</p>	

Appendix 3 – Guidance on phased returns to work

1. Phased Returns to Work

A phased return to work may be advised by the Occupational Health and/or an appropriate medical professional/specialist to facilitate recovery and rehabilitation back into the workplace following a period of sickness absence by enabling the employee to work reduced hours for a fixed period of time (phased return).

Occupational Health are able to provide advice on the suggested phased return relevant to the employee and how this should be structured, including the number of hours, working pattern and the duration of the phased return.

At Marish Academy Trust, the initial phased return period is no more than 4 weeks.

An employee returning to work on a phased basis will be paid as follows:

- Where the employee has exhausted their entitlement to sick pay, the salary payments made will be based on the number of hours worked.
- Where the employee is in receipt of sick pay at the time of their return to work on a phased basis, they will:
 - be paid the sick pay that would have been paid if they remained off sick **or**
 - be paid in accordance with the number of hours workedwhichever is the greater amount.

Any sick pay paid during a period of phased return will not count against the employee's sick pay entitlement.

- Where school closure periods fall within a period of phased return, they will be paid at the rate of pay immediately preceding the school closure period.
- If the employee is unable to return to their normal contracted hours after three months, salary payments will be based on the number of hours worked.

The school will need to provide its payroll provider with details of the hours worked as part of the phased return. An example of this can be found below.

A phased return to work should be monitored and managed by both the Headteacher/Designated Line Manager, and should last no longer than three months. If it becomes evident that the employee is unable to return to their normal contracted hours after a period of three months, the Headteacher/Designated Line Manager should meet with the employee to explain that a phased return to work is only agreed up to a maximum of three months. The Headteacher/Designated Line Manager should discuss with the employee whether the school is able to continue to support the request (either from the employee or through an Occupational Health recommendation) to work reduced hours taking into consideration the needs of the school, the reasons presented by the employee, any reasonable adjustments that have been requested particularly in relation to legal obligations under the Equality Act 2010.

If, following the discussion with the employee, the school is able to support the request to continue the reduced hours, the Headteacher/Designated Line Manager should advise the employee that this will require a contractual change in hours to be implemented and the implications of the contractual change e.g. pro rata salary and, where applicable, annual leave. Appropriate notification should be sent to the Payroll Provider.

If, following the discussion with the employee, the school is unable to support the request to continue the reduced hours, the Headteacher/Designated Line Manager must be clear about:

- Why the school cannot support the request;
- What may have been offered as an alternative to the employee (if anything); and
- Any reasonable adjustments that may have been offered (even if declined by the employee).

Advice must be sought in such cases from Schools HR and a referral to Occupational Health may be pursued to obtain advice about whether ill-health redeployment may be appropriate.

Notification to Payroll of Phased Return to Work Form

Name of School:

This is to notify you of the arrangements for a phased return for the following employee:

Name of Employee:	
Post Title:	
Pay Number:	

Details of the Phased Return:

Start date of phased return:	
Hours per week:	
Working pattern:	

Week Ending	Monday	Tuesday	Wednesday	Thursday	Friday	Total Hours to be paid*

*Total hours or sick pay entitlement will be paid, whichever is the greater amount.

Please complete the section below when the phased return has come to an end and the employee has resumed normal working hours:

End date of phased return:	
Date normal working hours resumed:	

Signed: _____ (Headteacher)

Name of Headteacher: _____

Date: _____

NB: Employees should be informed that adjustments to their salary will be made in the next available month.

Appendix 4 – Statement of Fitness for Work or “Fit Note” – Guidance for Headteachers and Line Managers

From July 2022 the Department for Work and Pensions updated the law for the statement of fitness for work, i.e. the “fit note”, so that it can now be issued by nurses, occupational therapists, pharmacists and physiotherapists in addition to doctors (hereafter referred to as “healthcare professionals”). This means that employees may be issued a fit note by health professionals other than a doctor as long as they are discussing the employee’s fitness to work. These health professionals should be treating the employee through NHS services.

A new version of the fit note is also now in circulation (see below). There will be a period when both the new and previous version of the fit notes are legally valid.

1.1 Getting a Fit Note

The healthcare professional will only issue the employee with a fit note if their health condition affects their fitness for work.

Fit notes are not required:

- If the employee is fit for work
- If the employee is off sick for 7 calendar days or less, because the employee can self-certify for this period. The fit note will still be required as evidence that an employee cannot work due to injury or illness from the eighth day of sickness absence.

1.2 Rules of the Fit Note

The fit note should be from the healthcare professional who is treating the employee. The healthcare professional can also issue a fit note based on a written report from another healthcare professional.

Fit notes can be handwritten, computer-generated and printed out or computer-generated and sent digitally to the employee. Duplicate fit notes can only be issued if the original has been lost.

1.3 Assessment of Fitness to Work

The fit note should state the health condition the employee is suffering from.

The fit note enables the healthcare professional to indicate whether the employee:

- Is not fit for work
- May be fit for work taking account of the following advice.

The healthcare professional will discuss with the employee how their health affects what they can do at work or the employee can raise this themselves. The healthcare professional will think about the employee’s fitness for work in general rather than just their current job. Employees will not automatically be assessed as unfit for work just because they have a health condition. Employees should ask the healthcare professional to give practical advice in the fit note about what the employee can do at work (without this impacting on

their medical condition), rather than simply record a health condition or the symptoms. The employee should then discuss this advice with their line manager, to see if any changes can be made to assist their return to work.

NB: Employees do not always need to be fully recovered to go back to work, and in fact it can often help their recovery if they go back to work as soon as they are able to.

The tick boxes in section 4 of the form enable the healthcare professional to indicate the kind of general adaptations that might help the employee to return to work. This is not binding. Adaptations include:

- A phased return to work: a gradual increase in work duties or hours
- Altered hours: changing employee's work times or total hours
- Amended duties: changing employee's work duties
- Workplace adaptations: changing aspects of employee's workplace. If the school cannot reasonably make any changes, they do not have to.

If, after having taken advice, it is not possible to put in place the suggested alterations, the fit note should be used as if the healthcare professional had advised the employee to be "not fit for work". The employee does not need to return to their healthcare professional for a new statement to confirm this until the duration of the existing statement has elapsed.

Where the "fit note" indicates that the employee "may be fit for work..." and the suggested alterations **do** include a phased return in respect of hours worked, the school should consider the following advice:

- Refer the employee to Occupational Health before any phased return is put in place. The referral form should be accompanied by the employee's job description and a copy of the fit note together with a detailed explanation of the implications of the healthcare professional's advice and the management issues in response to this advice.
- Any phased return will be in accordance with advice from Occupational Health, which will have taken into account the healthcare professional's advice given to the employee on the fit note.
- The terms and conditions of the phased return will be as detailed in the Managing Attendance Policy and Annex 4 – Guidance on Phased Returns to Work.

Section 5 of the fit note should confirm the dates the employee is signed off from work. This will either be from the date of the assessment, or between a particular start and end date. These dates are inclusive (so a fit note dated from 02 March to 10 March will no longer apply from 11 March onwards). This section may cover a previous period if the healthcare professional thinks that the employee's condition has affected their fitness for work before the assessment.

1.4 Issuer's Details

This section has changed from the GP's details to the issuer's details to cover the different healthcare professional who can now issue a fit note for employees.

The fit note must include the issuer's name and profession and the address of the medical practice. If the fit note does not include these details it is not valid and the school could reject it. The requirement for the form to be signed in ink has been removed and replaced by the issuer's name and profession.

The changes to the fit note will not impact on the present arrangements for payment of Statutory Sick Pay (SSP) and occupational sick pay.

For further information about fit notes, please visit [GOV.UK](https://www.gov.uk).

Sample Statement of Fitness for Work (“Fit Note”)

Statement of Fitness for Work
For social security or Statutory Sick Pay

Patient's name

1 I assessed your case on:

2 and, because of the following condition(s):

3 I advise you that: you are not fit for work.
 you may be fit for work taking account of the following advice:

4 If available, and with your employer's agreement, you may benefit from:
 a phased return to work amended duties
 altered hours workplace adaptations

Comments, including functional effects of your condition(s):

5 This will be the case for or from to

6 I will/will not need to assess your fitness for work again at the end of this period.
(Please delete as applicable)

7 Issuer's name

8 Issuer's profession

9 Date of statement

Issuer's address

Unique ID: Med 3 04/22