

Managing Absence Policy (F8)

Teachers & Associated
Professionals

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Owner	Fiona Whittaker	Contact	whittakerf@northlan.gov.uk
Governance Group	JNCT		
Author	Tracy Simpson/Lynn McKenzie/Ian Scott	Contact	simpsontr@northlan.gov.uk or mckenziel@northlan.gov.uk

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Strategic Alignment
Plan for North Lanarkshire
Improve North Lanarkshire's resource base by building a workforce for the future capable of delivering on our priorities and shared ambition.

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1. Introduction

North Lanarkshire Council is committed to supporting Teachers and Associated Professionals attendance at work to ensure the Council is equipped with a workforce that has the organisational capacity and capability to provide current and future service delivery needs.

The Council values and recognises the significant contribution made by Teachers and Associated Professionals at work and that the good health and wellbeing of its workforce and the provision of a healthy work environment are essential to achieving low levels of absence. The Council is fully committed to providing a range of health and wellbeing interventions and support to help our Teachers and Associated Professionals to be happy, healthy, and motivated at work.

In return, the Council expects Teachers and Associated Professionals to take responsibility for supporting and improving their own health and wellbeing, take advantage of wellbeing opportunities and actively seek support where and when required to ensure that they maximise their attendance at work.

It is however recognised that there will be occasions when a Teacher or Associated Professional is absent from work due to a period of sickness absence or ongoing ill health. The Council aims to ensure that all such absences are managed in a fair, sensitive, and consistent manner that considers the Teacher or Associated Professional individual situation and operational requirements.

1.1 Scope and Exclusions

In Scope: This policy applies to all Teachers and Associated Professionals (referenced collectively throughout this Policy as “Teacher”) regardless of their level, function, seniority, status, or any protected characteristics.

Excluded: The policy does not apply to single status staff for whom a separate, comparable policy exists.

1.2 Associated Policies and Legislation

There are a number of policies, codes and legislative frameworks that are relevant to the Managing Absence Policy including but not limited to the following:

Council Policies/Codes

- Leave of Absence Policy for Teachers
- Smarter Working Policy
- Equality & Diversity in Employment Policy
- Grievance Policy
- Discipline Policy
- Employee Code of Conduct
- Disability Policy
- Occupational Safety & Wellbeing Policy
- Data Protection Policy

Legislation

- Equality Act 2010 (where linked to a protected characteristic)
- Employment Rights Act 2008
- Public Sector Equality Duty
- Health and Safety at work etc Act 1974.
- Data Protection Act 2018
- General Data Protection Regulation (GDPR)
- Access to Medical Reports Act 1988

1.3 Purpose and Principles

This policy aims to provide a fair, consistent and supportive framework for managing sickness absence, balancing the need to maintain acceptable levels of attendance, with the needs of the individual circumstances. In support of this aim, the key principles of this policy are to:-

- Create and maintain a culture that promotes health and wellbeing of our Teachers.

- Promote and maximise attendance at work for all Teachers, including those affected by ongoing ill health.
- Work in partnership with Trade Unions and Teachers to achieve the aims of the policy and to support and improve health and attendance levels across the organisation.
- Provide effective but fair and consistent standards and procedures for the management of sickness absence and ill health, ensuring a positive impact on service provision.
- Ensure that Head Teachers/Depute Head Teachers take the appropriate action necessary to help reduce levels of sickness absence; whilst recognising the individual circumstances of each case and achieving the correct balance between supporting Teachers and taking the required action.
- Ensure that Teachers are provided with information and support that will help them improve their health and wellbeing; whilst ensuring they understand what actions may be taken to manage poor levels of attendance.

1.4 Key Roles & Responsibilities

Responsibility for implementing and complying with the provisions of this policy and associated procedures lie with individuals at all levels of the council.

The line management responsibility for a school educational establishment within this policy is the Head Teacher and Depute Head Teacher.

In all other educational services where a teacher is employed, the equivalent terminology will be the manager of that service or the tier below that manager known as the line manager.

Teacher/Depute Head Teacher/ Head Teacher is referenced throughout this policy but has equivalence to Teacher/ Line Manager/Manager for other educational services out with a school educational setting.

The roles and responsibilities of each level of staff is defined below.

Teachers

- Be aware of and understand the requirements of the Managing Absence Policy for Teachers and fully engage with the process including attending absence related meetings, referrals to Occupational Health and consideration of other interventions/support measures to help support a return to work and maximise attendance.
- Take personal responsibility and appropriate measures to manage their own health and wellbeing, including seeking medical advice, and bring any health or work-related issues to the attention of their Head Teacher/Depute Head Teacher at the earliest opportunity. This also applies to Teachers that are working from home.

- Adhere to the notification and certification procedures (Section 6.1) for reporting absence; including the timeously submission of fit notes if required and maintaining regular contact as agreed with their Head Teacher/Depute Head Teacher.

Head Teachers /Depute Head Teachers/Managers' Responsibilities

- Monitor and manage individuals and teams' attendance levels and be responsible for applying the terms of this policy fairly and consistently, taking account of individual circumstances.
- Ensure Teachers are aware of and understand the requirements of the Managing Absence Policy for Teachers and communicate the expected standards to Teachers on a regular basis.
- Create a working environment that encourages good attendance and gives Teachers the confidence to raise any concerns they have about their health or work-related issues at an early stage to try and prevent unnecessary absences.
- For those who experience ongoing ill health, ensure they feel supported yet understand the need to maintain the required level of attendance at work.
- Ensure Teachers are aware of the notification and certification procedures for reporting absence and the potential consequences of not adhering to these.
- Maintain regular contact with a Teacher throughout the duration of a long-term absence, the level of contact will depend on the circumstances of the absence, but as a minimum this should be every four weeks.
- Arrange and conduct meetings with Teachers to discuss their attendance levels and take appropriate action in accordance with the policy. Appropriate action may include referrals to occupational health, adjustments to duties, phased returns, flexible working, and attendance warnings.
- Have an up to date understanding of their responsibilities in terms of making reasonable adjustments where a Teacher is disabled in line with the Equality Act 2010.
- Treat information regarding a Teacher's health in a sensitive and confidential manner taking account of the GDPR regulations and Data Protection Act 2018.
- To manage health and safety in the workplace with the aim of minimising sickness absence and to take appropriate action, where necessary, to address any concerns.
- To participate in training related to supporting attendance. Upon commencement of Management Role appropriate training should be undertaken.

Chief Officers

- Ensure Heads of Establishment/Senior Managers are applying the terms of the policy including monitoring individual's attendance levels and undertaking all relevant meetings as appropriate.
- Review Council/Service sickness absence data and trends based on monthly and quarterly returns.
- Monitor sickness absence by service area on an ongoing basis using monthly absence data

- Determine as necessary, the requirement for targeted interventions in service areas with higher levels of sickness absence.
- Ensure Head Teachers/Depute Head Teachers are trained in applying the procedures for Managing Absence Policy for Teachers.
- Monitor action being taken by Head Teachers/Depute Head Teachers in respect of cases where trigger levels have been reached and further action is required.
- Undertake Formal meetings as required by the policy.

JNCT Trade Unions

- Support and advise members through processes related to the Managing Absence Policy for Teachers, recognising that a positive approach to absence management helps to create safe and healthy workplaces, to assist individuals to obtain the maximum benefits from the agreed arrangements and sustain attendance at work.
- Support the implementation of the policy and work with management, HR, and any other professionals that may be necessary when representing their members during the process.
- Support members to engage and comply with the Managing Absence Policy for Teachers.
- Participate in and contribute to Managing Absence Policy for Teachers and other Wellbeing initiatives and work in partnership with management to assist in reducing absence levels across the organisation and promote safe and healthy workplaces.

Employment & Policy

- Provide ongoing advice to Head Teachers/Depute Head Teachers and Teachers on the application of policy and procedure considering legal obligations and professional best practice.
- Attend meetings related to the formal stages of the Managing Absence process (as appropriate) and provide procedural advice.
- Liaise with the Council's Occupational Health provider and provide support and advice to Head Teachers/Depute Head Teachers on the preparation of medical referral documentation and case management of complex absence cases, as necessary.
- Prompt Head Teachers/Depute Head Teachers as necessary on outstanding actions including, in particular, attendance review meetings and referrals to occupational health.
- Facilitate training in partnership with Talent & Organisational Development for Head Teachers/Depute Head Teachers on the application of the policy and procedures.
- Monitor and report on levels of sickness absence and attendance overall and lead initiatives to reduce sickness absence across the organisation in partnership with the HR Business Partner team and Talent & Organisational Development.

2. Key Stages of Managing Absence

2.1 Early Support

The purpose of early support is to help a Teacher at an early stage of an absence or potential absence, as evidence shows early support mechanisms can aid a Teacher's recovery and increase the likelihood of a full recovery.

The Head Teacher/Depute Head Teacher should make an offer of an Early Support discussion with the Teacher as soon as the Teacher raises a concern or when the Head Teacher/Depute Head Teacher has concerns. The Head Teacher/Depute Head Teacher should try to establish any immediate support that might be provided to either prevent an absence or assist the Teacher's recovery and allow an earlier return to work. This is an informal discussion, and it is important that any discussion is conducted in a supportive and constructive manner.

The Teacher can choose not to accept the offer of early support however the Head Teacher/Depute Head Teacher should note that the offer was made.

Section 4 provides information on some of the types of support mechanisms that can be offered to a Teacher, however there are certain circumstances where specific support should be offered as soon as reasonably possible, these are outlined below.

2.1.1 Mental Health Support

Where a Teacher reports an absence or potential absence due to a psychological condition in particular stress, the Head Teacher/Depute Head Teacher should encourage the Teacher to complete the Stress Assessment (this is particularly important where workplace issues are identified).

There may also be occasions when an immediate referral to occupational health would be appropriate, advice on this should be sought from the Employment & Policy Team. Further information on how to support Teachers experiencing poor mental health including work related stress can be found in Section 4.

Where a Teacher considers that the Head Teacher/Depute Head Teacher is the cause of their stress and as such does not wish to discuss it directly, they should be directed to another appropriate person to ensure the matter is addressed.

The Teacher should also be signposted to the Employee Assistance Programme or other appropriate support services as outlined at Section 4.

The Education Support Officer for Staff Health & Wellbeing can also provide confidential support and advice, in relation to any difficulties Teachers may be experiencing with personal and/or work circumstances.

2.1.2 Temporary Adjustments/Alternative Duties

In order to prevent an absence or facilitate an earlier return to work the Head Teacher/Depute Head Teacher should consider whether adjustments to a Teacher's existing duties or some alternative work could be undertaken. i.e. a Teacher is recovering following surgery and are unable to use stairs but can carry out their teaching duties. If the service can accommodate a temporary relocation of the Teacher's classroom this could be accommodated to facilitate an earlier return to work. A clear timescale for any adjustments or alternative duties needs to be agreed.

Any adjustments or alternative duties should be for a limited period of time and should be commensurate with the level of responsibility that the Teacher has within their existing role. The offer of adjustments/alternative duties is there to try and help support a Teacher back to the workplace, once overall fitness for work has been determined, however they do not need to accept the offer.

If after the agreed period of adjustments/temporary duties the Teacher remains unable to fully carry out their duties, advice should be sought from occupational health with a view to establishing a longer-term solution in accordance with the appropriate policies/procedures.

2.2 Contact with Teacher during sickness absence

Teachers have a responsibility to adhere to the Councils SNCT notification and certification procedures as outlined at section 6.1 throughout the duration of an absence. In addition to this they are also required to fully engage with the Managing Absence procedures including attending meetings, occupational health appointments and any other appointments that the Council deem necessary to help maximise the Teacher's attendance within the Teachers working hours/days.

Head Teacher/Depute Head Teacher must ensure that Teachers are sensitively reminded of their responsibilities in regard to sickness absence and the notification and certification procedures at an early stage in the absence.

Where a Teacher fails to follow the notification and certification procedures and/or refuses to engage with the Managing Absence procedures the Head Teacher/Depute Head Teacher must ensure that steps are taken to remind the Teacher of their contractual responsibilities, and that continued non-compliance may be considered a conduct matter.

Whilst Teachers have a responsibility to adhere to the SNCT notification and certification procedures, in order to ensure effective and timeous management of sickness absence, it is critical that Head Teacher/Depute Head Teacher make arrangements for early, regular, and face to face contact with a Teacher who is absent from work taking the circumstances of the absence into account. In any event the timescales contained within the process for managing short- and long-term absence must be adhered to. A flowchart will be included in toolkit.

A record of contact (telephone and/or email) with the Teacher should be held by the Head Teacher/Depute Head Teacher and face to face meetings should take place in accordance with this policy. Head Teacher/Depute Head Teacher must ensure they have appropriate systems to retain and retrieve information regarding a Teacher's absence, taking confidentiality and the requirements of Data Protection into account.

Any meetings should normally be held at the Teacher's place of work or any other suitable Council establishment. However, there may be circumstances where holding the meeting in a work venue is not possible e.g. the Teacher does not wish to come into the workplace due to the circumstances of the absence, the Teacher is unable to travel to the workplace. In such instances, other suitable arrangements may be made including holding the meeting remotely, which must be held in accordance with Section 2.7.3.

2.3 Availability during sickness absence

Teachers who are absent due to sickness are expected to make themselves available for meetings and medical appointments. They must notify their Head Teacher/Depute Head Teacher of periods when they will be unavailable for contact visits, medical referrals, etc. and the reason for this. If a Teacher intends to take a holiday, then they must discuss this with their Head Teacher/Depute Head Teacher. Further information on annual leave and sickness absence can be found in Section 6.10.

Should the Teacher remain absent out with term time they would not be expected to make themselves available for meetings/medical appointments. However, they are still expected to comply with the notification and certification procedures in order to continue to receive the appropriate sick pay allowance.

Details of the initial (and subsequent contact) with the Teacher should be recorded on the Sickness Absence Recording Form contained in the Managing Absence toolkit.

2.4 Absence Recording and Monitoring

Head Teacher/Depute Head Teacher must record a Teacher's absence on iTrent through myTeam. This should be done on the first day of absence and should include an expected end date if known and the reason for the absence.

Where a Teacher is required to provide a "fit note" the Head Teacher/Depute Head Teacher must also record this information and monitor the submission of "fit notes" where the absence is long term to ensure the Teacher is submitting these in a timeous manner and there are no gaps in dates of cover.

2.4.1 Work Related Absence

Where a Teacher advises that the absence is work related this also needs to be recorded in iTrent. If a Teacher's reason for their absence is work related stress, there are some immediate actions a Head Teacher/Depute Head Teacher must take to address this. Further information on this is contained in Section 4.1.

Guidance on how to record an absence on iTrent can be found [here](#).

2.5 Return to Work Discussion

Return to work discussions are used to welcome the Teacher back to the workplace, provide an opportunity to discuss the absence, ensure the Teacher is fit to return and identify and address any problem that may be causing or contributing to the absence, and provides an opportunity to update on any key changes that have occurred during the absence e.g. new staff members, new policies/procedures etc.

A return-to-work discussion must be conducted by the Head Teacher/Depute Head Teacher after each period of sickness absence for every Teacher, every time (irrespective of the reason for sickness absence). It must take place on the first day that the Teacher returns from being off sick, or as near as possible to that date.

If there are concerns about the Teacher's level of attendance this must also be discussed at the return-to-work discussion and further appropriate action taken if required as outlined below.

Where the teacher is returning from a lengthy absence the return-to-work discussion also provides an opportunity to re-confirm any phased return arrangements or any other reasonable adjustments (these should have already been discussed and agreed as part of the managing absence process) to ensure the arrangements are still suitable and that the relevant support is in place.

The return-to-work discussion should be held face to face, however, can take place remotely if required, and the arrangement for remote meetings is outlined at Section 2.7.3 below.

A Teacher can request representation at a Return-to-Work Discussion if they feel this is required.

For more information on conducting meaningful Return to Work Discussions, please see the associated Guidance Note contained within the Managing Absence toolkit.

2.6 Absence triggers for Attendance Review Meetings

When a Teacher reaches any of the triggers detailed below the Head Teacher/Depute Head Teacher must hold an attendance review meeting with the Teacher and take appropriate action in accordance with the absence stages detailed below.

- 3 occasions* of sickness absence in a rolling 6-month period,
- 8 days or more cumulative absence* in a rolling 12-month period, or
- A continuous absence of 2 working weeks.

Please note that the rolling 6- or 12-month period is calculated from the date the most recent/current absence ended, not the day the employee physically returns to work.

*An occasion of sickness absence is based on an employee's working day unless part attendance at work applies – see section 6.6 below.

*Cumulative absence refers to the total number of days absent accrued over more than one period of absence i.e. not one continuous absence of 8 days.

2.6.1 Long Term Absence

In addition, where a continuous absence exceeds 4 working weeks - 29 calendar days (pro rata for part time) the first stage of the long-term absence process should commence.

2.6.2 Monitoring Period

Where an employee has reached a trigger point and is on Stage 1 or 2 of the process their absence will be monitored over a rolling 12-month period. Progression to the next stage of the process for short term absence will only occur if the employee reaches a trigger point within the monitoring period i.e. 3 occasions of absence in 6 months, 8 days or more cumulative absence or a continuous absence of 2 working weeks in the 12 months.

To calculate whether a trigger point has been reached managers must look back 6 or 12 months from the date the most recent absence ended, not the date the employee physically returned to work, or the date the previous stage meeting was held.

2.7 Absence Stages

Both short and long-term sickness absences will be managed through a 3-stage formal process, a Head Teacher/Depute Head Teacher must conduct stage 1 and 2 and stage 3 will be conducted by a Chief Officer or where appropriate a Senior Education & Families Manager. There is a difference in when the formal stages are instigated and the outcomes that apply to each stage, however ultimately whether the absence is short or long term the sustainability of a Teacher's attendance levels will be the deciding factor.

When dealing with a long-term absence Head Teacher/Depute Head Teacher should contact a Teacher as early in the process as possible and the early support mechanisms outlined at 2.1 should be explored.

As a minimum the Head Teacher/Depute Head Teacher must ensure that an attendance support meeting is arranged when the Teacher's absence is anticipated to exceed 4 weeks as detailed above.

Any meetings conducted under this policy must be arranged considering any reasonable adjustments the Teacher may require in accordance with the Equality Act 2010.

The process to be followed is outlined below however further guidance on when and how the formal stages should be undertaken is contained in the Managing Absence toolkit.

2.7.1 Formal Attendance Review Meeting

Where a Teacher has reached a trigger as at 2.6, either as a result of short-term absence, long term absence or a combination of both, the Head Teacher/Depute Head Teacher must conduct the appropriate "Stage" attendance review meeting as outlined in the process below. There are 3 formal stages to this process 2 of which the Head Teacher/Depute Head Teacher must conduct.

- Stage 1 - Attendance Review Meeting – to be held when a Teacher's absence reaches a trigger point within a rolling 6- or 12-month period or on reaching 8 to 12 weeks of a continuous absence.
- Stage 2 - Attendance Review Meeting – to be held when a Teacher's further absence results in them reaching a *further trigger point within a rolling 6- or 12-month period or on reaching 17 to 25 weeks of a continuous absence.
- Stage 3 – Capability Meeting - to be held when a Teacher's absence again reaches a *further trigger point within a rolling 6- or 12-month period or on reaching between 36 to 52 weeks of a continuous absence.

* A further trigger will be met where the Teacher has had 3 occasions of sickness absence in a rolling 6 months , 8 days or more cumulative absence in a rolling 12 months or a continuous absence of 2 working weeks in the 12 months, from the date of the last day of absence.

Following any stage of the formal process the Teachers attendance levels will be monitored for 12 months from the date of their return to work. Should they reach an absence trigger point during this period, due to either short- or long-term absence, the next stage of the formal process may be instigated.

If a decision is made to progress to a Stage 3 Capability Meeting this meeting will be conducted by a Chief Officer. If, however, prior to a Stage 3 Capability Meeting the Stage 3 Checklist recommends that discretion is applied, and the Chief Officer approves this, the Chief Officer can nominate the Senior Education & Families Manager to conduct the Stage 3 Capability Meeting, as dismissal will not be considered at that time.

There may be other circumstances where in agreement with the employee, the Senior Education & Families Manager conducts the Stage 3 Capability Meeting, for example, if Ill Health Retirement has been approved prior to the Stage 3 Capability Meeting.

It should be noted that the appropriate “Stage” meeting may take place earlier or later than the timescales referenced above, depending on the circumstances of the case. For example, where the teacher is undergoing treatment or is scheduled for surgery.

Before the Stage 3 meeting a review of the case must be undertaken by the Chief Officer in discussion with Employment & Policy to ensure appropriate action up to that stage has been taken. A Stage 3 Case Review Checklist Form will be completed by the Head Teacher/Depute Head Teacher who has been managing the case and will be submitted to the Chief Officer before the Stage 3 meeting can be arranged.

Unless there are grounds for discretion or other mitigating circumstances consideration may be given to termination of employment on the grounds of capability due to unsustainable levels of attendance or ill health at this meeting.

A representative from the Employment & Policy team will attend the stage 3 meeting, however they can provide support at an earlier stage of the process if necessary.

The outcomes of any formal meetings must be confirmed in writing to the Teacher. Template letters and further guidance are contained in the Managing Absence toolkit.

2.7.2 Attendance Support Meetings

In addition to the formal attendance review meetings above, it may be appropriate to hold attendance support meetings. These are particularly important for long term absences (i.e. to discuss referrals to occupational health, or to obtain an update on the Teacher’s condition) but may also be used to discuss any concerns about a Teacher’s attendance prior to formal action or review any supports or adjustments that may have been put in place.

Further guidance on these meetings and the formal absence stages is contained in the Managing Absence toolkit.

2.7.3 Conducting Meetings Remotely

Where necessary absence meetings can take place remotely i.e. via video or telephone, as long as the Teacher agrees to this.

When arranging a remote meeting Head Teachers/Depute Head Teachers must ensure that both theirs and the Teacher's environment allows for this and that the meeting is conducted in the same professional and confidential manner it would be if it were held face to face. Both parties should also ensure that noise levels and interruptions are kept to a minimum.

Consideration must also be given to any adjustments the Teacher may require in accordance with the Equality Act in the same way as would be considered for face-to-face meetings.

At the start of the meeting Teachers and their companion must be advised that recording of the meeting is strictly prohibited unless by mutual consent of both parties. Any covert recording of meetings will not be considered as part of any future Council proceedings.

2.7.4 Combination of Short- and Long-Term Absence

Where a Teacher's absence changes from being long to short term or vice versa, progression through the stages of the procedure will continue taking account of both types of absence.

Short Term to Long Term Absence

For example, where a Teacher is already on a Stage 1 for short term absence, and still within the agreed monitoring period and is then absent due to a long-term absence, the duration of which has reached between 8 and 12 weeks, they will progress to Stage 2. The Head Teacher/Depute Head Teacher should review the absence history, the reason for the absence and if appropriate refer to occupational health before proceeding to the next stage.

Long Term to Short Term Absence

Similarly, a Teacher who is at Stage 1 as a result of a long-term absence will proceed to Stage 2 if they reach a trigger as a result of short-term absence within the monitoring period.

Further guidance on the above is contained in the Managing Absence toolkit and advice can also be sought from the Employment & Policy Team.

2.7.5 Patterns of Non-Attendance

Regular patterns of sickness absence, or other patterns of non-attendance i.e. regular Monday off, short notice annual leave, excessive requests for special leave will be monitored and may be taken into consideration when reviewing a Teacher's level of attendance.

Head Teachers/Depute Head Teachers must take steps to monitor Teachers' overall attendance levels and take action where appropriate.

2.8 Right to be accompanied

Teachers have a right to be accompanied at any formal meetings that are conducted under this policy which include Return to Work Discussion, Attendance Support Meeting, Stage 1, Stage 2 or Stage 3 meetings. A Teacher can be accompanied by a trade union representative (this does not need to be a NLC TU representative), a colleague, or an official employed by a trade union. This person is legally known as a companion.

The companion should be allowed to:

- address the hearing to put and sum up the worker's case
- respond on behalf of the worker to any views expressed at the meeting
- confer with the worker during the hearing

The companion does not, however, have the right to

- answer questions on the worker's behalf
- address the hearing if the worker does not wish it
- prevent the employer from explaining their case

If a Teacher is not a member of a recognised trade union or does not wish to bring a colleague consideration can be given to allowing them to bring a relative or friend but this would only be for emotional support and not to make any representations on behalf of the Teacher.

Where the Teacher has a disability, reasonable adjustments must be made, and the Teacher will be able to bring an alternative companion with them to the meeting i.e. an appointed support worker (e.g. mental health/addiction/learning disability) or a family member/friend who has knowledge of the disability and its effects. However, it must be clarified with the Teacher as to what capacity the companion is there in i.e. to make formal representation or to provide emotional support.

2.9 Management Discretion

The above absence stages will be applicable across the Council to all employees; however, there is some discretion available to the Head Teacher/Depute Head Teacher when determining whether to progress to the next formal stage for either short- or long-term absence. Discretion can be considered from Stage 1 but can *normally only be applied once during the duration of the current absence and specific circumstances must apply.

*There may be circumstances where it is appropriate to apply discretion more than once during the formal absence process. Advice should be sought from the Employment & Policy team on this.

The Head Teacher/Depute Head Teacher will be allowed to authorise discretion at Stage 1 following discussion and agreement with their Employment and Policy Adviser and Chief Officers/Nominated Senior Officers will authorise discretion from Stage 2 onwards. A discretion request form must be completed at all stages.

Further guidance on what circumstances discretion may be applied and the process that should be followed is contained in the Managing Absence toolkit.

Pregnancy related absences will automatically be exempt from the managing absence procedure and therefore qualify for discretion.

The first two weeks of a bereavement absence due to the death of a close relative will be disregarded for the purposes of the absence triggers and qualify for discretion.

If a Teacher considers that management discretion has not been applied in line with the criteria, they should seek advice from the Employment & Policy Team in the first instance.

2.10 Right of Appeal

There is no right of appeal until such times that a Teacher is terminated on the grounds of capability/ill health. A Teacher who is dismissed from their employment with the Council on the grounds of capability will have the right to appeal to the NLC Education Employee Appeals Sub Committee.

Where a Teacher considers the process has not been applied correctly, they can raise this under the Councils' Grievance Framework for Teachers.

Further information on the appeals process is contained in the associated guidance within the Managing Absence toolkit.

2.11 Disciplinary Action linked to sickness absence

Conduct issues relating to sickness absence e.g. the Teacher failing to comply with the Council's notification and certification procedures; or where the Teacher has deliberately or negligently put themselves at risk of injury or ill health should be dealt with under the Council's Disciplinary Framework for Teachers, which can be found [here](#).

3. Occupational Health

3.1 Purpose of Occupational Health Referral

The Council's occupational health service gives advice to help support Head Teachers/Depute Head Teachers with the management of an ongoing absence or other issue that is impacting on a Teacher's health and work. They provide information to help Head Teachers/Depute Head Teachers make informed decisions as to how to manage a Teacher's absence and/or or health condition, but they do not manage absence for the Head Teacher/Depute Head Teacher or the Council.

The main aim of a referral is to obtain advice about a Teacher's fitness for work and any workplace adjustments either temporary or permanent that would benefit the Teacher. The advice is based on functional terms rather than medical terms (i.e. what the person can or cannot do rather than what is 'wrong' with them). Where medical detail is included, this is to assist the Head Teacher/Depute Head Teacher understanding of someone's condition and is only done with the consent of the Teacher.

3.2 When to refer

A referral to occupational health will depend upon the particular circumstances of the case, but will normally occur in the following circumstances:

- After a continuous absence of 4 working weeks or earlier if the Head Teacher/Depute Head Teacher deems it appropriate to do so.
- When a Teacher has advised that the reason for their absence is work related stress (a referral in these circumstances should only be made either once the stress assessment has been completed or an attempt has been made to complete it).
- When a Teacher has advised that they have an underlying condition that is impacting on their ability to carry out some or all of the duties of their role.

For further information on the role of occupational health and the referral process, please refer to the associated toolkit. [Section 7.2](#) below provides information on the consent process for Occupational Health.

3.3 Ill Health Retirement

Ill health retiral applies to Teachers that are members of the SSPA scheme and meet the criteria for either total incapacity benefit or partial incapacity benefit. Decisions will be made by SPPA based on the application and medical evidence received from the Teacher's medical

professional. A management referral to Occupational Health can also be made to obtain additional supporting medical information to assist with the application.

It is therefore important to note that Teachers should apply for ill health retirement whilst in paid employment. A time delay in making an application could result in the pension being deferred until normal retirement age.

Further information on the Ill Health Retirement process can be found in the toolkit.

4. Employee Wellbeing

4.1 Work Related Stress

The Council recognises that work related stress is a potential hazard that can lead to ill health if not addressed quickly. Head Teacher/Depute Head Teacher have a duty of care to ensure that Teachers are not exposed to excessive workplace pressure and that any concerns raised by Teachers are addressed promptly to try and prevent workplace pressure leading to stress which can be harmful and undermine the health of a Teacher and their ability to attend work.

Where a Teacher has advised that they are absent or have the potential to be absent due to work related stress or indeed have indicated that their personal stress is impacting on work the Head Teacher/Depute Head Teacher should immediately take the following steps irrespective of the duration or likely duration of the absence.

The Head Teacher/Depute Head Teacher must attempt to meet the Teacher in the first instance to gather more information on the nature of the stress. The Early Discussion process can be used. Where it is not possible to meet right away or the Teacher feels unable to meet, contact must be made with the Teacher either via telephone or email and a follow up face to face meeting arranged as soon as possible thereafter.

The Head Teacher/Depute Head Teacher and the Teacher should complete the Stress Assessment in order to identify the potential stressors, take steps to resolve them where possible and prevent a protracted absence. The stress assessment can be found [here](#)

If the Teacher remains absent following the completion of the stress assessment or if they are not willing to discuss the reasons for their absence, the Head Teacher/Depute Head Teacher should make a referral to occupational health and advise the Teacher accordingly.

Teachers must also be made aware that if they consider their Head Teacher/Depute Head Teacher to be the cause of their stress, they can discuss their concerns with another Head Teacher/Depute Head Teacher, or another appropriate person i.e. trade union representative, Employment & Policy Adviser.

If the Teacher considers that the cause of their stress is due to inappropriate behaviour/s by another Teacher it may be appropriate to direct them to the Dignity at Work Policy, see Section 4.2.4 below for further information.

4.2 Mental Health & Wellbeing Support

The Mental Health & Wellbeing strategy outlines what steps the Council is taking to promote and support positive mental health and wellbeing for all Teachers. Further information on the strategy can be found [here](#).

Increasing mental health awareness can help to create a psychologically safe workplace, reduce stigma, and ensure that staff seek help when they need to.

Head Teachers/Depute Head Teachers must be understanding, sensitive and available to Teachers who wish to discuss or disclose information about their mental health and provide a safe working environment for them to do so.

Teachers should be aware of their own mental health and wellbeing, and if concerned speak to their Head Teacher/Depute Head Teacher or other representative of the council e.g. Trade union, People Resources, Teacher Equality Forum.

The Education Support Officer for Staff Health & Wellbeing can also provide confidential support and advice, in relation to any difficulties Teachers may be experiencing with personal and/or work circumstances.

Section 4.2.1 below provides information on the additional services that are available to Teachers in supporting their mental health & overall wellbeing.

4.2.1 Employee Wellbeing Services

There are a number of wellbeing services that Teachers can be referred to that may prevent an absence or assist with an earlier return to work. Further information on these services can be found by accessing myNL or WorkWellNL. Information on the key services available are outlined below:

Employee Assistance Programme

The Councils' Employee Assistance Programme (EAP) is available to all staff to provide emotional advice and support during difficult times, whether the issue is personal, work-related or both. Advice and support can also be provided in regard to financial and legal concerns. This is a self-referral service but there may be times when it is appropriate for a Head Teacher/Depute Head Teacher to refer a member of staff, with their consent.

Physiotherapy Support

Where a Teacher reports an absence or potential absence due to a musculoskeletal condition, the Head Teacher/Depute Head Teacher should try and establish if a referral to the Council's Physiotherapy provider would be appropriate or whether any temporary adjustments to duties would assist the Teacher's recovery and either prevent an absence or allow for an earlier return to work.

Financial Wellbeing

Any employee that is worried about their money matters can access advice and support confidentially from the Councils' Tackling Poverty team.

Money worries can affect anyone, and the stress can have a big impact on someone's health. The Tackling Poverty team will provide free, impartial and confidential money management support to any employee who requests it.

There is also a wealth of external support services available to anyone struggling with financial issues including debt, loss of earnings, gambling worries etc. The "Money Worries" information leaflet contains helpful websites and telephone numbers and can be found [here](#).

Access to Work – Mental Health Support

Access to Work is an employment support programme funded by the Department of Work and Pensions and can help support disabled people start or stay in work. In addition to providing practical and financial support for a disability and/or physical condition, the service can also support people with a mental health condition that is preventing them from attending the workplace or impacting on their ability to do their job.

This support service provides personalised support plans to individuals along with nine months of practical advice and guidance. There are criteria that applies to this service. Further information is available either from [Access To Work \(maximusuk.co.uk\)](https://www.maximusuk.co.uk) or [Able Futures Mental Health Support Service](#)

4.2.2 Menopause Support

The Council recognises that the Menopause is a natural part of every woman's life and whilst it is not always an easy process with the right support at work it can be much better. Although every woman does not go through the same symptoms, putting support in place for those who do, will improve their work/life experience.

To support those individuals affected by the Menopause the Council seeks to:

- Encourage an environment of openness and transparency regarding the subject of menopause and help Teachers feel more comfortable talking to their Head Teachers/Depute Head Teachers and colleagues about menopause.

- Raise awareness about menopause in the workplace and provide guidance for Head Teachers/Depute Head Teachers to help them support Teachers experiencing symptoms of menopause.
- Ensure that Teachers are offered appropriate yet reasonable adjustments and support to help them manage the symptoms of menopause.

4.2.3 Support with Alcohol and/or Drugs Misuse

The Alcohol and/or Drugs Policy provides guidance on how to support a Teacher who has reported a problem with alcohol and/or drug dependence.

Where a Teacher discloses a problem with alcohol and/or drug misuse Head Teachers/Depute Head Teachers should encourage them to seek help from their General Practitioner in the first instance. A referral to occupational health must be made if the Teacher is absent from work. If the Teacher is still at work, it may be necessary to request that the Teacher refrains from work temporarily, undertakes restricted duties, or is assigned to an alternative temporary role to ensure their health and safety and that of others. A referral to occupational Health can be made to seek advice on restrictions, fitness for work.

4.2.4 Dignity at Work

Where a Teacher advises that their work-related stress is as a result of another Teacher's behaviour Head Teachers/Depute Head Teachers must take steps to ensure any concerns are responded to quickly and effectively, and appropriate actions taken, including directing the Teacher to the Dignity at Work Policy, where the stress relates to alleged bullying, harassment and/or victimisation, and other support mechanisms such as Dignity at Work Support Officers.

The policies outlined below link to Dignity at Work.

Sexual Harassment

The Sexual Harassment Policy aims to protect Teachers, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and job applicants from unwanted sexual advances and give them guidelines to report incidents. The policy also outlines how we manage claims, deal with sexual harassment, and help victims recover.

Gender Based Violence

The Councils' Gender Based Violence (GBV) policy outlines the Council's commitment to developing a workplace culture in which there is a zero tolerance for violence, and which recognises that the responsibility for GBV lies with the perpetrator. The Council is also committed to ensuring that any Teacher who is a victim, has the right to raise the issue with their employer in the knowledge that they will receive appropriate support and assistance.

Further information on all of the policies referenced in Section 4 above can be obtained on myNL or from People Resources. Advice and support can also be sought from the Employment & Policy Team.

5. Reasonable Adjustments

5.1 Phased Return

The purpose of a phased return is to allow a Teacher who has been absent from work due to a physical or mental health condition time to build up their physical and/or mental capacity to return to their normal working hours. There is no automatic entitlement to a phased return.

A phased return to work will generally only be considered for Teachers who have been absent from work for an extended period of time unless the Teacher has a disability and therefore phased returns may be considered for shorter absences (providing the phased return is no longer than the absence itself). Normally the requirement for a phased return will be based on medical advice from occupational health, however each case will be considered on its own merits.

Phased returns will be for a maximum of 4 weeks unless it has been recommended by an appropriate health professional e.g. occupational health, GP that longer is required (up to a maximum of 6 weeks). A requirement to go beyond 6 weeks would indicate the Teacher is not fit enough to return to work and a further referral to OH may be required.

If Teacher requests a phased return beyond 4 weeks and it has not already been agreed that longer will be needed (e.g. occupational health recommendation) the Head Teacher/Depute Head Teacher must discuss this with Employment & Policy to determine if there is justification for the Teacher to have additional weeks (up to maximum of 2).

During the phased return Teachers must gradually increase their hours and days to their normal contractual hours/days over the agreed number of weeks.

The Head Teacher/Depute Head Teacher should meet with the Teacher during the course of the phased return to discuss how this is progressing and any concerns.

Where there are concerns from either party as to the individual's health or fitness to be back at work further advice can be sought from the Employment & Policy team and a further referral to Occupational Health may be appropriate.

5.2 Equality Act

The Equality Act 2010 defines a disability for this purpose as “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”. The legislation creates a duty on employers to make “reasonable adjustments” and Head Teachers/Depute Head Teachers must make every reasonable attempt to retain a disabled Teacher in employment.

Head Teachers/Depute Head Teachers must continue to take such steps as are reasonable to manage the attendance of disabled Teachers. It is important to consider a Teacher’s disability related sickness absence. This includes identifying at the earliest opportunity any necessary support and assistance to be provided to disabled Teachers to ensure all reasonable adjustments are considered and that appropriate and relevant action is taken.

These considerations are an integral part of the Managing Absence process. They must take place at all stages of the process as a Teacher’s medical condition/disability may change over time and this may impact on their ability to carry out all or some of their duties.

In some cases, a Teacher may be unable to undertake the full duties of their post due to health-related issues which may be considered as a disability under the terms of the Equality Act 2010. In such circumstances, there is a duty to make reasonable adjustments in an effort to retain a disabled person in employment. Some examples of these may be:

- ensuring meetings are conducted using the most appropriate method of communication
- adjustments to premises, buying, or modifying equipment
- allocating some of the Teacher’s duties to another Teacher
- redeploying the individual
- altering working hours
- allowing time off during working hours for rehabilitation, assessment, or treatment
- providing training
- modifying procedures for testing/assessment during training
- providing a reader or interpreter
- extending the payment of occupational sick pay – but only in exceptional circumstances.
- altering the timescales for absence review and capability meetings and applying discretion to any formal action where appropriate.

Where it has been determined that a Teacher requires reasonable adjustments to be made, either short or long term the appropriate paperwork to record reasonable adjustments should be completed.

The purpose of the agreement form is to provide a framework for discussions between Teachers and Head Teachers/Depute Head Teachers in order to discuss, agree and record any reasonable adjustments required. This agreement should be held on the Teachers HR file and transfer with them should they move to a new role within the Council.

Further information on the requirements of the Equality Act and reasonable adjustments can be found in the Councils Disability Policy.

It should be borne in mind that if, after all attempts to make reasonable adjustments have been made, the Teacher is still unable to return to work, or to maintain an acceptable level of attendance, then their employment may be terminated on capability grounds with appropriate payments in lieu of notice.

5.2.1 Access to Work Support Services

Access to Work is an employment support programme funded by the Department of Work and Pensions and can help support disabled people start or stay in work. The service can provide practical and financial support for a disability and/or physical or mental health condition. The support an individual will get depends on their needs and certain eligibility criteria being met. An individual has to apply for this support themselves, but the Council may contribute to costs to help support the person back to work or to remain in the workplace. Further information on this service can be found [here](#)

5.3 Redeployment for Health Reasons

Redeployment will only be considered where all adjustment options have been exhausted and the Teacher remains unable to carry out the duties of their role.

Before deciding to dismiss a Teacher on capability grounds the Council would be expected to seek suitable alternative employment if a Teacher would be capable of carrying out the same role in a different establishment or a different role within Education and Families or the Council and has the necessary skills or could obtain these skills within a reasonable timeframe.

If it has been determined that redeployment is a suitable option a Teacher will be placed on redeployment for a maximum of 12 weeks. If a Teacher is not successful in obtaining another post within this timescale their employment will be terminated on the grounds of capability.

Further guidance on the redeployment process can be found in the Managing Absence Toolkit.

5.4 Dying to Work Charter

The Dying to Work Charter sets out an agreed way in which Council Teachers will be supported, protected, and guided throughout their employment following a terminal diagnosis.

The key principles are outlined below; however, the Council will only be able to offer support within the context of agreed terms and conditions (such as the sick pay provisions which cannot be amended):

Terminally ill Teachers will be fully supported following their diagnosis and treated with dignity and respect.

Teachers will be allowed to continue to attend work where it is safe and reasonable to do so and without any undue financial loss.

Head Teachers/Depute Head Teachers should seek advice and support from ER in these circumstances.

6. Associated SNCT Terms & Conditions and Other Policy Provisions

6.1 Notification & certification Procedures

To receive full entitlement to sickness benefits, all Teachers must follow the SNCT Notification and Certification procedure as contained as outlined below.

Teachers and Head Teachers/Depute Head Teachers should note that text messages or emails is not an acceptable form of communication when reporting sick for work unless exceptional circumstances apply.

Where a Teacher is absent due to work related stress and they consider this has been caused by their immediate Head Teacher/Depute Head Teacher and speaking to them would exasperate their stress, arrangements can be made for them to contact another Head Teacher/Depute Head Teacher at the appropriate intervals.

Head Teachers/Depute Head Teachers should seek advice from the Employment & Policy Team as to the appropriateness of this arrangement.

6.1.1 First Day of Absence

A Teacher who is unable to report for work must notify the Head Teacher/Depute Head Teacher as soon as reasonably practicable. If at all possible, this should include the reason for and the likely duration of the absence. In circumstances where the Teacher is unable to make personal contact with the Head Teacher/Depute Head Teacher, a relative or friend should be asked to make the necessary contact on their behalf.

6.1.2 Fourth Day

Where the absence continues to a fourth day, at that time the Teacher, or, exceptionally, some other person acting on the Teacher's behalf, shall notify the Council of the continuing absence and whether the period of absence is likely to continue beyond a seventh day.

6.1.3 Up to an Including Seventh Day of Absence

Where the absence is up to 7 calendar days the Teacher shall, on his/her return to work, self – certify their absence by ending the absence on mySelf.

6.1.4 Absence Exceeding 7 Days

Where the absence extends beyond 7 calendar days on the 8th day, the Teacher shall submit to the Council a “fit note” or other medical certificate(s) to cover the period of absence beyond 7 days. The Teacher shall additionally notify the Council at intervals of no more than 7 days of the position where the absence extends beyond 7 days, or at such longer intervals as Services may deem appropriate in individual cases.

The content of the fit note will be reviewed and discussed by the Head Teacher/Depute Head Teacher with the view of agreeing the basis of a return to work. A referral to Occupational Health may be made to seek additional medical evidence in support of a return.

6.1.5 Failure to Comply with Notification and Certification Procedure

Where a Teacher fails to comply with the requirements of the above procedure in respect of any day of sickness or a day of incapacity for work, entitlement in respect of that day to either SSP or sickness allowance may cease. In such circumstances, the case may also be considered under the Disciplinary Framework for Teachers.

6.2 Fit Notes

Where a Teacher’s absence from work exceeds 7 days and are therefore required to submit “Fit Notes” it is the Teacher’s responsibility to ensure these are submitted in a timeous matter and cover all days of sickness absence. Teachers should be reminded that failure to adhere to this requirement will result in their sick pay allowance ceasing.

Head Teachers/Depute Head Teachers must record the fit note information on iTrent and return the original to the Teacher.

6.3 Sickness Allowances

Payment for sickness absence is applied in accordance with [Part 2 Section 6 - of the SNCT Handbook](#).

There are circumstances in which a Teacher will not be entitled to sick pay i.e. has not met the qualifying service and also circumstances where sick pay may be suspended i.e. failure to follow notification and certification procedures. Payment for sickness absence may also be withdrawn where, following full consideration of the circumstances of the case, it is considered that a Teacher has contributed to the length/frequency of their absence(s) by engaging in conduct which has caused the absence or prevented recovery and return to work.

6.4 Infectious Diseases

Where a Teacher is unfit to attend work due to contracting a notifiable infectious disease, they should advise their Head Teacher/Depute Head Teacher immediately and will be entitled to receive normal pay.

Where a Teacher who has an infectious disease, is otherwise fit to return to their place of work but is unable to do so due to the need to observe a period of quarantine, consideration should first be given to whether a Teacher is able to undertake alternative duties during the quarantine period. Where this option is not feasible, the absence will be recorded as special leave.

If a Teacher has been in contact with another person who has an infectious disease and is concerned, they should be advised to seek advice from their GP.

A list of Infectious diseases/organisms that are notifiable under the Public Health (Scotland) Act 2008 can be found [here](#)

Certain work-related occupational diseases are also reportable to the Health & Safety Executive under the Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 2013 (RIDDOR). A list of reportable occupational diseases can be found [here](#)

For further information see SNCT Handbook 6.34 and 6.35 [Part 2 Section 6 - SNCT Handbook](#)

6.4.1 Respiratory Tuberculosis

Where a Teacher is suffering from respiratory tuberculosis, and where the absence is supported by a doctor's statement, full salary is payable for any period of absence up to a maximum of 12 months plus half salary up to a maximum of a further 6 months. The Teacher shall not return to duty until certified as fit to resume work.

Further information and advice can be obtained from the Occupational Safety & Wellbeing Team.

6.5 Work Related Injury/Illness

6.5.1 Absence due to Work Related Injury/Illness

An absence will only be deemed to be a work-related injury or illness and recorded as such following a full and proper investigation by the Council. Where a Teacher considers that their absence is due to an industrial injury or illness, Head Teachers/Depute Head Teachers must initially record this as a sickness absence until such times the accident/incident is recorded on the relevant Health & Safety system, an investigation is completed, and it is established that an accident/incident took place arising out of or in the course of employment.

Any Teacher who is absent due to an industrial injury or illness will still be subject to the same procedures as sickness absence including any formal action that is required.

Payment for any periods of absence as a result of an industrial injury or illness is separate from normal sickness absence as outlined in the SNCT Handbook "Absence Due to Work Related Injury/Illness". Periods of absence in respect of one will be offset against the other for the purposes of calculating entitlement.

Work Related Stress should not be recorded as an Industrial Injury. This should be recorded as sickness absence and the relevant field on iTrent completed.

6.5.2 Assault in the Course of Employment

Where a Teacher reports that a violent incident has occurred during the course of their work this should be reported and recorded in the relevant Health & Safety system, in the same way as a work-related injury/illness. However, the absence itself will be recorded as "Special Leave" not a Sickness Absence.

Further guidance on how to deal with a reported accidents/incidents at work can be obtained from the Councils Safety & Wellbeing Team.

Further information on the conditions and allowances for Work Related Injury/Illness can be found in the [SNCT Handbook 6.20 to 6.25 Part 2 Section 6](#)

6.5.1 Absence due to Non-work-Related Accident

Where a Teacher receives damages as the result of an accident, repayment of any sickness allowance advanced (either the total amount or proportion thereof represented in the number of damages received) must be repaid to the council. The Teacher shall be notified of any action taken.

Any period of absence where a refund is made in full will not be treated as sickness absence and will not count against the period of entitlement. Any such period will be counted as special leave.

6.6 Absence and Part Attendance at Work

If a Teacher reports for work and then goes home sick within 2 hours of their start time this will be recorded as a sickness absence and will count towards absence triggers.

If a Teacher reports for work and then goes home sick after working more than 2 hours this should be recorded as "other absence". Whilst this will not count towards absence triggers Head Teachers/Depute Head Teachers should monitor any patterns of non-attendance and discuss any concerns with the Teacher at an early stage.

6.7 Unauthorised Absence

A Teacher who does not report for work and has not followed the notification and certification procedures i.e. has not notified their Head Teacher/Depute Head Teacher they are off sick or provided some other reason for non-attendance will be considered to be on un-authorised absence. The Teacher's sick pay entitlement for that day may cease and furthermore the matter may be considered under the JNCT Disciplinary Framework for Teachers.

6.8 Suspension on Medical Grounds

There are certain circumstances which may require a Teacher to be suspended from work on medical grounds i.e. serious allergic reaction to a chemical they need to use in the course of their work. Any suspension would only be considered following advice from occupational health and whereby it had been determined that the risk or hazard could not be removed, or adjustments made that would allow the Teacher to continue working.

Before suspending on medical grounds, the Head Teacher/Depute Head Teacher must undertake a risk assessment to determine the potential impact upon the Teacher if they continued working in their role, and whether any adjustments would be possible to help them continue. Consideration should also be given as to whether it would be possible for the Teacher to work in an alternative role for a temporary period of time.

Where all of the above has been fully considered and adjustments are not possible, the Head Teacher/Depute Head Teacher may seek approval from a Chief Officer to suspend the Teacher on medical grounds in conjunction with advice from the Employment & Policy Team.

Whilst it would be rare there may be occasions where a Teacher needs to be suspended as the Head Teacher/Depute Head Teacher considers that they are not in a suitable condition to attend work i.e. serious mental health concerns, but the Teacher insists that they can and want to come to work. Head Teachers/Depute Head Teachers must carefully review and assess the situation having regard to the health and safety of the Teacher and advice must be sought from the Employment & Policy Team should this circumstance arise.

6.9 Suspension on Pregnancy related Grounds

Where a Teacher has advised that they are pregnant the Head Teacher/Depute Head Teacher must undertake a pregnancy related risk assessment, considering any advice the Teacher has received from their doctor or midwife. If any risks are identified and cannot be removed, the Head Teacher/Depute Head Teacher may need to consider suspending the Teacher from work on paid leave until their maternity leave begins or it is safe for them to return to work.

A Teacher will continue to be paid as normal during any period of suspension on medical or pregnancy related grounds.

Medical or pregnancy related suspension should last no longer than is necessary and should be kept under review. The length of suspension required will be dependent upon the circumstances and the condition of the Teacher but will last no longer than 26 weeks. Teachers will receive normal pay during any period of suspension.

Should any of the above circumstances arise the Head Teacher/Depute Head Teacher must contact the Employment & Policy team in the first instance for further guidance.

6.10 Annual Leave and Public Holidays in relation to Sickness Absence

6.10.1 Accrual of annual leave entitlement (Teachers & Music Instructors)

During a sickness absence of more than 8 consecutive days a Teacher may accrue compensatory leave. For each certified absence, the Teacher will accrue compensatory leave of 2 days for every 5 days of designated annual leave which cannot be taken, subject to a maximum credit of 8 such days accruing in any one leave year. Further information can be found in [SNCT Handbook Part 6 Section 6.37 – 6.43.](#)

6.10.2 Accrual of annual leave entitlement (All other Associated Professionals)

If the sickness absence exceeds 3 months during a leave year, the council has the discretion either to grant the full period of annual leave or to limit it to a proportion of the annual leave due for the period actually worked (subject to the minimum statutory leave provisions).

Where statutory leave provision has not been taken within a leave year owing to certified sickness, the appropriate balance of leave to bring the total leave to the statutory leave provision for that leave year should be provided. Pro rata arrangements shall apply to part time staff and those employed for any part of the leave year.

Further information can be found in [SNCT Handbook Part 6 Section 6.44 – 6.50.](#)

7. Confidentiality & Handling Sensitive Information

7.1 Data Protection

The General Data Protection Regulation (the "GDPR") and the Data Protection Act 2018 (The "Act") makes provision for how personal data (information) that relates to an identified or identifiable living individuals in any form including paper and electronic, must be collected, processed, and held.

The Council's Data Protection Policy provides information on the Data Protection principles, the definition of "personal" data and an individual's responsibility in relation to this. It is a condition of all Teachers' contract of employment that they comply with all relevant data protection legislation and/or any policy regarding data protection when processing personal data in the course of employment including personal data.

In addition to the general Data Protection principles information pertaining to a Teacher's health is considered "sensitive" personal data and the processing of this is a special category under GDPR (Article 6) and (Article 9) and the Data Protection Act 2018 (Schedule 1).

The employee privacy statement can be found [here](#).

7.2 Occupational Health Assessments - Consent

As part of the Council's terms and conditions of employment, Teachers are required to attend for medical assessments as deemed necessary by the Council to support decisions in relation to a Teacher's attendance at work or fitness for their current post (occupational health referral) and/or to comply with statutory legislation (i.e. Health Surveillance).

Before referring an employee to occupational health, the manager must discuss this with the employee and the employee will then be asked by occupational health to provide their written consent to any medical assessment and to the resulting reports being released to the Council.

If a Teacher refuses to consent to an occupational health referral which has been made in relation to their attendance at work and/ or their fitness for their current post or the release of the resulting information, the Council will make the relevant decisions based on the information available to them at the time, which could include the decision to terminate employment on the grounds of capability.

Once consent is given in accordance with the relevant legislation the Council will process occupational health information and any other sensitive personal data pertaining to absence as it is deemed necessary for the purposes of meeting legal and contractual obligations,(such

as not to unfairly dismiss, health & safety requirements), not to discriminate against a disabled Teacher, to identify reasonable adjustments where applicable and to ensure fitness for work.

Where an employee has consented to the assessment process but fails to attend an arranged appointment, without providing a reasonable explanation, further action may be taken.

7.2.1 Statutory Assessments

A Teacher needs to give their consent to any medical assessment and consent to the resulting reports being released to the Council by the occupational health provider. If a Teacher refuses to consent to a statutory medical assessment, they may be removed from their post and the matter considered under the relevant Discipline Policy.

7.3 Use and Retention of Absence Documentation

In order to effectively support a Teacher's attendance Head Teachers/ Depute Head Teachers will be required to:

- retain documentation relating to absence (i.e. return to works, attendance review meetings, occupational health reports etc.).
- ensure that any absence related information is retained on a secure electronic system or in a secure container and is only accessible by those that have a need to know the information and are authorised to use the personal data to ensure Teachers' confidentiality.
- take all reasonable steps to destroy or erase from their systems all personal data, sensitive or otherwise, that is no longer required for the purposes of supporting a Teacher's attendance.

The Council will maintain retention policies and procedures to ensure personal sensitive data is deleted after a reasonable time for the purposes for which it was being held unless a law requires such data to be kept for a minimum time. Further information on the Council's retention schedules and associated policies can be found [here](#).

8. Managing Absence Toolkits

This policy is supported by a separate Managing Absence Toolkit which will provide additional guidance and information for Head Teachers/Managers and Teachers on the requirements of the policy. The toolkit will also contain standard template letters and documentation that can be used at all stages of the process. The Employment & Policy Team will also provide support and advice to Head Teachers/Depute Head Teachers on the application of the policy and associated procedures.

9. Monitoring and Review of Policy

The Policy and Procedure for Managing Absence Policy for Teachers will be implemented in accordance with general provisions contained within this document and through application of the relevant processes.

The JNCT has approval authority for, and oversight of, this policy. The Employment and Policy Team – as key stakeholders – oversee its review and consider its contents before referring it on for approval. The Chief Officer of People Resources – is accountable for its governance.

The Employment and Policy Team is responsible for the following activities.

1. Produce, publish, and promote this policy.
 - a. Write it in a way that is easy to read and understand.
 - b. Consult with relevant stakeholders on its content and implications.
 - c. Make sure all users can access it.
2. Give guidance on how to apply and comply with this policy through standards, toolkits and guidance, legislation and regulations and other related policies and procedures.
3. Review and report on this policy.
 - a. Interim Review to be carried out after 1 year, following implementation.
 - b. Review as a minimum every 3 years, or with other reviews as needed. For example, following new legislation, new external or internal strategies/plans, to align with best practice.
 - c. Report to management teams, relevant governance and working groups, committees, and scrutiny panels.