MANAGING STAFF ABSENCE IN SCHOOLS

Guidelines for Managers
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1. INTRODUCTION

1.1 STATEMENT OF PURPOSE

The Governing Body:-

- is committed to providing education of the highest quality for pupils. The Governing Body believes that a high level of attendance from all staff in the School is an important element in achieving this.

- believe that it is inevitable that there will be some degree of staff absence, but recognises a high level of absence affects remaining staff, is detrimental to pupil learning and is costly and time consuming to the school.

- is committed to ensuring that all sickness absence is responded to appropriately in a caring, sympathetic and confidential manner, whilst ensuring that sickness absence is appropriately managed.

- will ensure all systems and procedures relating to sickness absence are applied consistently to all members of staff and that staff will have access to counselling or other medical guidance where appropriate.

- will maintain a good working environment.

- will work collaboratively with the appropriate council services.

- recognises its responsibilities and duty of care to all staff employed within the school and their rights in relation to National/Local Conditions of Service.

These guidelines cover all staff employed at the school.
1.2 OVERALL PHILOSOPHY AND APPROACH

The Governing Body and Headteacher are intended to manage whilst offering sufficient care and sensitivity to employees.

To be effective, the absence procedure will form part of an overall strategy in the school and will positively encourage good attendance levels.

There will be a co-ordinated approach to absence which will be initiated and supported by the Governing Body and Headteacher. The Headteacher/Chair of Governors will play a key role in the day to day management of the procedure and will have personal oversight of all absence in the school.

The overall strategy will include:

- Adequate induction for new starters where these guidelines, which apply to sickness and other leave of absence are made clear and reporting procedures and other details are communicated effectively.

- Provision of training for Governors, the Headteacher and other managers/staff on the effective implementation of these guidelines.

- Maintenance of good working conditions and health and safety standards.

- Communicating these guidelines to all staff so that they are widely known, clearly understood and consistently applied.

- A systematic procedure for monitoring absence.

- Awareness of other policies/guidelines (Drug & Alcohol, Stress etc).
1.3 GENERAL PRINCIPLES

1.3.1 Absence management

Absence management does not aim to prohibit absence but to achieve improved employee attendance at work.

The key objectives are to :-

(i) Establish, maintain and review proper management systems for individual absence records. This requires:

- communicating guidelines to all employees;
- good communication and consultation with staff throughout their absence(s);
- information namely monitoring data, interview findings, and medical advice;
- good interpersonal skills to allow for tactful, sensitive and professional handling of interviews or other consultation with employees;
- consideration of individual circumstances;
- consideration of medical advice and;
- communication and consultation with staff throughout their absence.

(ii) Address causes of absence in order to;

- identify the reason for/type of absence;
- establish a positive attendance culture;
• tackle work related issues;

• promote occupational health and staff welfare.

(iii) Minimise absence levels by:-

• Introducing training and health promotional policies;

• Treating staff fairly and in good time when processing requests for special leave

• Actively put into practice policies which reduce stress in the workplace; and;

• Introduce positive policies for improving the physical working conditions of staff.

1.3.2 Sickness Absence

Sickness absence will generally fall into two main categories, both of which require different handling:-

• frequent intermittent absence which may be defined as persistent short-term absence which may follow a pattern;

• long-term absence as normally defined by an employer for example absences of over one month or over three months.

These are referred to in more detail at point 6.2.1 and 6.2.2.
2. ROLES AND RESPONSIBILITIES

The key to successfully managing absence is that everyone has a clear understanding of the roles that all parties have in the process.

This includes:

Governing Body
Headteacher and other Managers
Staff
Education & Cultural Services Personnel Section
Occupational Health Unit
Trade Union and Professional Associations

2.1 Governing Body

In addition to the items stated in the general introduction and overall philosophy the Governing Body has a responsibility for managing staff absence.

(i) Managing the absence of the Headteacher

Specifically, the Chair of the Governing Body will be responsible for managing and reporting the Headteacher’s absence. The Chair’s role is the same as the Headteacher’s role in this respect. Any Chair using these guidelines should read all references to the Headteacher as references to themselves.

(ii) Management of Information

The Governing Body will receive confidential termly reports on absence levels from the Headteacher for monitoring purposes and ensuring that all necessary action has been taken in relation to staff absence.

2.2 Headteacher
The Headteacher will have a key role to play in managing absence in the school. This will be supported by the provision and monitoring of statistical information and through their personal contact with individual employees.

The Headteacher will take an active interest in the health, welfare and attendance of staff and will take note of any factors which may be contributory to a poor attendance. It is important to know the level of absence within the school and to take action to reduce it where it is unacceptably high. This will be achieved by:-

(i) **Recording and monitoring absence**

Ensuring that appropriate systems for recording and monitoring absences are set up and maintained.

Ensuring that a termly report on employee attendance is presented to the Governing Body.

(ii) **Communicating procedures**

Ensuring all staff are aware of the procedures and their responsibilities when making appropriate arrangements for reporting their absence. The procedures should be included in any induction pack and training for new staff.

2.3 **Headteachers/Line Managers**

The management of absence in a school is an intrinsic part of any manager’s role.

In some schools the responsibility for a group of staff may be allocated to a member of staff other than the Headteacher. This could include for example a Senior Teacher, Office Manager or Caretaker. In these cases it is for the school to decide who will have day to day responsibility for managing sickness absence. This nominated member of staff will be responsible for:-

(i) **Personal contact**
Regular personal contact with the member of staff during periods of absence either by telephone, written communication or arranging a home visit.

(ii) Return to work arrangements

Ensuring that each member of staff is seen on their return to work and is fit to carry out his/her duties.

(iii) Review of attendance records

Ensuring that records are reviewed on a regular basis including reasons for staff absence.

(iv) Taking further appropriate action

This may include (where appropriate):-

- seeking early advice from Education & Cultural Services Personnel Section;
- return to work support programme;
- ensuring all staff receive sympathetic counselling, assistance and encouragement to improve attendance;
- seeking specialist advice from the Authority’s Occupational Health Unit and the Education & Cultural Services, Personnel Section;
- considering appropriate action through the school’s adopted formal procedures. Refer to Section 8 prior to invoking formal procedures.

2.4 Staff

Are required to familiarise themselves with the absence procedure in order to communicate and fulfil their obligations.

(i) Communication
Staff are responsible for communicating their absence in accordance with the school’s absence procedures.

(ii) Co-operation with Absence Procedure

Staff are responsible for co-operating with all aspects of the school’s absence procedures.

The overall aim is to assist the Governing Body and Headteacher in maintaining the effective running of the school and provide the necessary support for the member of staff.

2.5 Education & Cultural Services Personnel Section

Education & Cultural Services Personnel will provide Headteachers, Governing Bodies and staff with professional confidential advice and interpretation of policies/procedures relating to absence.

Appropriate officers are available to provide:-

• advice and assistance on general and/or individual absence.

• assistance in dealing with problems affecting attendance at work;

• advice on pension, pay and other benefit entitlements;

• appropriate contact with the Occupational Health Physician, the DFEE, Department of Social Security and other relevant agencies;

• support for staff during a period of sickness absence;

• administrative support;

• details of all absences received from schools via absence return forms and to forward information to salaries/wages section;

• salaries/wages with monthly absence return forms which are completed within the designated time scales (including nil returns);

• statistical information relating to individual absences;
• Authority-wide statistical information relating to all schools in Tameside.

2.6 Occupational Health Unit

The Occupational Health Unit is based within the Council Offices and the Occupational Physician/Nurse is there to provide advice and support. An appropriate assessment will be undertaken and written reports are forwarded to the Education & Cultural Services Personnel Section. The relevant Personnel Officer will maintain contact with the Headteacher.

Circumstances under which Occupational Health Unit will consider a referral are as follows:-

• where a member of staff’s absence is giving cause for concern;

• where a member of staff has been off sick and where there is concern about the particular aspects of an employee’s health in relation to their ability to do their job;

• following an accident in the workplace;

• on being informed of a notifiable disease;

• where a member of staff wishes to return to work following a period (long or short term) of sickness absence. This may include, for example, consideration of variation to patterns of work or requirements under the Disability Discrimination Act;

• where a member of staff requests a referral due to health reasons.

The Occupational Health Physician will not refer to, or recommend, dismissal or termination of employment. Reference is only made to the continuing capacity of a person to do his/her job.

2.7 Trade Union & Professional Associations

Trade Union representatives can be a valuable ally when managing the absence of an employee.

They should be seen as another party who has an interest in the health and welfare of employees and should not be seen as a barrier
to managing absence.

They can:-

- act as a point of liaison between manager and staff;
- advise staff of their rights within the procedures relating to absence;
- advise on pay and pension entitlements;
- represent and/or support staff at meetings/home visits and hearings.

### 3. PROCEDURE FOR REPORTING AND RECORDING ABSENCE

The Governing Body and the Headteacher need to demonstrate that the school has in place a fair and consistent procedure for reporting and recording absence.

This is a vital part of any management procedure and will form the basis of any further action.

Guidance on a member of staff’s responsibility when reporting sick is attached as Appendix 1. This can be used as an information sheet for staff.

#### 3.1 Process

(i) **First day of absence**

Staff must notify their nominated member of staff by telephone as soon as possible (normally before .......) on the first day of absence. If the member of staff cannot telephone, someone else can ring on their behalf. If they do not have access to a telephone, written communication posted on the first day of absence is acceptable.

(ii) **Up to 3 days continuous absence**

If a member of staff returns after one, 2 or 3 days absence, normally no further action is necessary The Headteacher/nominated member of staff may undertake a return to work discussion, if appropriate. At this meeting an attendance/absence record card should be completed.
(iii) 4 to 7 days continuous absence

If a member of staff is absent for between 4 to 7 calendar days, the Headteacher/nominated member of staff must be notified of the reason for the continued absence. Notification should be by telephone, but could be by letter. A return to work interview must take place and an appropriate attendance/absence record must be completed.

(iv) Over 7 days continuous absence

If a member of staff is sick for more than seven calendar days (including Weekends, Bank Holidays etc.), a medical certificate is required on the eighth day of sickness absence. Subsequent medical certificates must be obtained and forwarded to cover all periods of further sickness absence.

(v) Self Certification form

The Self-Certification form should be completed to support the first seven calendar days of absence. If an employee is absent in excess of 4 calendar days, on return to work the employee must complete a Self-Certification Declaration form and present it to the Headteacher/nominated member of staff. The Headteacher/nominated member of staff must complete the acknowledgement slip, detach and return this portion to the employee. (See Appendix 5).

Failure to comply with this procedure could result in loss of sick pay entitlements. For this purpose week-end, Bank Holidays, occasional days, training days and school holidays must be included.

4. MONITORING

The availability of accurate and up to date attendance records and statistical information, is the key to effectively managing absence in the school.

In order to identify the problem of absence, it is necessary to measure a school’s overall position in respect of its objectives. It is also
important to have the facility to identify departments/units and ultimately, individual records of attendance.

Schools are required to provide monthly absence returns to Education & Cultural Services Personnel for the purposes of payment of statutory and occupational sick pay, and other paid and unpaid leave.

Records should identify types and reasons for absences as indicated on Appendix 7.

Monthly absence returns can be used by the school to provide termly and yearly absence figures. Headteachers can use these figures to monitor absence and at the same time to investigate any issues that might affect attendance.

5. MANAGING SICKNESS ABSENCE

Headteachers and nominated members of staff henceforth are to referred to as the Manager.

Managers principally are responsible for the operation of the sickness management process. Problems may arise if this is mishandled or where the response is too late.

5.1 Communicating with the Member of Staff

Many of the problems encountered in the management of the sickness absence process can be avoided through establishing effective communication systems from the start. By communicating with staff throughout their absence managers are informed about the employees’ particular circumstances. This may also provide the opportunity of determining the possibility and timescale for a planned return to work, or of further absence.

5.2 Consultation

Consultation is central to managing sickness absence and should only be undertaken following appropriate training. It allows the member of
staff to contribute to any possible solution and demonstrates the school’s duty of care. Consultation includes:-

- discussions at the start of the illness and periodically throughout.
- alerting members of staff to the fact that the school is concerned about their absence.
- allowing members of staff to inform the school of any problems that may have caused the condition.
- allowing the school to obtain better information on the health problems of the member of staff and the likely prognosis.
- allowing possible solutions to be aired; including the consideration of alternative employment where appropriate.

Often the earlier the manager consults, the sooner there will be a mutually satisfactory solution to the problem. The member of staff should be given the opportunity of having a friend or member of his/her professional association present.

5.3 **Interpersonal Skills**

The process of interviewing and consulting a member of staff can prove difficult for both parties. Managers may feel that they are delving into private lives of members of staff. Consequently, managers may feel uncomfortable with the process unless they are properly trained to deal with the situations that result from it. Members of staff may feel vulnerable and threatened, tact and sensitivity should therefore be foremost.

5.4 **Individual Approach**

Managers should review the position of members of staff off sick. It is equally important their personal circumstances and record are taken into account when considering any appropriate action:

5.5 **Triggers for Action**

The following criteria should indicate the need for a more detailed review of the absence levels of members of staff:-

- Any period of unauthorised absence;
- After 3 periods of uncertified absence of 1-3 days within a 3 month period;
• After 3 periods of self certified absence of 4-7 days within a 12 month period;

• After 4 periods of self certified absence of 4-7 days within a 12 month period;

• After one period of 4 weeks absence;

• Recurring patterns of absence i.e. regular Friday or Monday.

OTHER TRIGGERS RESULTING IN IMMEDIATE REFERRAL TO OCCUPATIONAL HEALTH PHYSICIAN

There may be exceptional circumstances where an immediate referral to Occupational Health would be beneficial to the school and/or the member of staff. For example:-

• Where he/she is absent as a result of disciplinary or capability procedures being invoked

• Following an accident/incident at work.
6. PRACTICAL STEPS AND GUIDANCE IN THE MANAGEMENT OF SICKNESS ABSENCE

The management of sickness absence is not always an easy and straightforward process. It is important to treat each case individually as no case will be exactly the same.

It is important that no assumptions are made and to treat every individual in a sensitive manner, at the same time ensuring complete confidentiality of the unique situation.

Sickness absence is an ongoing issue and individual cases will take different lengths of time to resolve.

Managers are not alone in their dealings with sickness absence and should seek advice from the available resources such as staff in Education & Cultural Services Personnel.

6.1 Return to work
As outlined previously a significant part of a manager’s role is to be aware of staff absences on a day to day basis and to ensure that each member of staff is seen on their return to work.

It is generally recognised that formally discussing the absence with the member of staff on their return to work, plays a fundamental role in the management and control of absence levels.

In any event it is good practice to meet with the member of staff, particularly to discuss the reasons for absence. Managers are advised to keep formal records of this. Remember that this may be an opportunity to highlight the support to be given and explore any particular problems the employee may have. An outline recording form for this purpose is shown in appendix 3.

6.1.1 Re-integration into school/workplace

As part of the return to work process it may be appropriate to consider options for supporting an individual’s return to full working. The level and type of support will vary according to the length and nature of the absence. Flexibility at this stage may be crucial to securing a sustained return for an individual member of staff.

Reference should be made at this stage to options listed in paragraph 8.2 if the return follows a medical referral or where there are Special Considerations as in section 7 of the guidelines.

Options to consider at an early stage could include:

- reduced of part-time working for a mutually agreed period.
- adjustments to the job description and/or working environment.
- counselling.
- mentoring arrangements.

6.2 Different Types of Absence

6.2.1 Long-term Certified Absence

Long-term absence can be broadly defined as medically certified absences lasting four weeks or more. It can normally be distinguished
from frequent intermittent absence in that it tends to be continuous and usually can be traced to an underlying medical condition. Medical referral is of major importance and needed in all cases of long term absence. This should occur at the earliest practical opportunity in order to gain a speedy and useful response.

One of the most demanding issues that employers have to face is determining a suitable period of time before considering any appropriate action. This assessment will naturally follow consultation with the member of staff and consideration of the needs of the school. (see appendix 4 - Dealing with Long Term Sickness Absence).

6.2.2 Frequent and Intermittent absence

This can be defined as persistent short term absences. These are the absences that are normally sporadic and attributable to minor ailments, in many cases unconnected. Refer to the triggers for action detailed in paragraph 5.5 for information. Often the member of staff will only be absent for a maximum of a week, but more often for single days. The difficulty that Managers face is the frequency of the absence and reasons behind the absence. It can be the most difficult type of absence to deal with and it can only be addressed effectively through monitoring systems and informed management action.

When reviewing frequent intermittent absence, special attention needs to be paid to the fact that sometimes the nature of the absence and the causes will differ. The Manager should recognise that the absences may differ for unconnected reasons, some of which may be suspect. In many instances, however, frequent intermittent absence may be entirely genuine, for example where it is related to a chronic underlying condition.

The first step will be to hold an absence monitoring interview as detailed in appendix 5 (Absence Monitoring Interviews - Frequent/Intermittent Absences.)

(I) Conduct

Where it is evident that the facts concern a conduct issue, for example, abuse of procedures or submission of a fraudulent medical certificate, the matter should be dealt with under the school’s disciplinary procedure. See appendix 6 for details
(ii) Health

It should be stressed that an apparent inability to attend work due to frequent sickness absence is not normally a disciplinary matter. Emphasis should be placed on:

- ‘cautions’ rather than ‘sanctions’
- ‘review periods’ rather than ‘live warnings’
- ‘consultation’ rather than ‘hearings’

Nevertheless, it is appropriate for a member of staff to be warned that a continued pattern of frequent/intermittent absence may place their employment in jeopardy.

7. SPECIAL CONSIDERATIONS

7.1 There are a number of special considerations some of which are covered by existing policies which give specific advice and guidance on dealing with these issues. These policies will take precedence over this document and include for example:

The Teachers Terms and Conditions of Employment
Alcohol & Drug Abuse
Stress
Maternity
Assault to Staff
HIV and AIDS
Sick whilst on Annual Leave
Harassment
7.2 Terminal Illness

Where the Headteacher becomes aware that a member of staff is suffering from a terminal illness, and this is causing him/her to be absent from work, the following needs to be taken into consideration:

- the member of staff may not be aware that he/she has a terminal illness, or of the nature of the illness. This can occur where the medical practitioner has decided that it is not in the person's bests interests to be informed of their condition.

- the benefits which are available, in the event of the member of staffs death, may be substantially more if the he/she remains employed by the Council until the time of death; it may be appropriate to refer the situation to Education and Leisure Services Personnel and/or their professional association for guidance as to other benefits which may be available.

- people are affected differently by illness, terminal or otherwise; for some staff, attendance at work may be relatively unaffected and they may be keen to continue working; others may find it impossible to work. The length of absence will also vary depending on the individuals condition.

- the Headteacher should be sympathetic to the situation of the member of staff, and make every effort to deal with cases of terminal illness on an individual basis, giving the interests of the member of staff serious consideration.

- obviously this can be a particularly sensitive and emotional issue for both the individual and the Manager. Careful consideration needs to be given as to what information is revealed to the Governing Body and other members of staff.
7.3 Industrial Injury

- All accidents/injuries to staff in schools should be recorded and reported in line with Health & Safety guidelines. Any absences as a result of an industrial injury should be highlighted on the absence return.

- A person who is injured in the course of his/her work may claim injury compensation. Additionally, sick pay entitlements are affected.

- Advice must be sought in these cases from Education and Leisure Services Personnel at the earliest opportunity.

7.4 Medical Suspension

This is covered within the Education (Teachers Qualifications and Health Standards) (England) Regulation 1999.

The regulations set out the statutory framework relating to the medical fitness of teachers and specify certain requirements which local education authorities and governing bodies have to fulfill when appointing teachers and when dealing with teachers who become unfit during service.

There are a number of medical conditions that could lead to a medical suspension such as:-

- pulmonary tuberculosis;
- epilepsy;
- psychiatric disorder.
- German measles

If Headteachers/line managers become aware of any medical condition such as those detailed above then contact should be made with Education & Cultural Services Personnel Section for further advice.
7.5 Schools in Special Measures

The policies and procedures in these guidelines will apply equally to those schools in special measures. Particular consideration will be given to the timescales involved in dealing with individual cases in line with the “business needs” of these schools. Temporary arrangements to cover for staff absences may be detrimental to turning around failing schools.

7.6 Ill Health Retirement

In cases of chronic ill health, ill health retirement is an option that can be considered after all other options have been exhausted.

Teaching Staff

A teacher may apply to Teachers Pensions for ill health retirement benefits. Following a decision in the teachers favour, a mutually convenient date for the commencement of the pension will be agreed between the teacher and the school. Ill health benefits must come into payment at the earliest possible date because the person is unfit for further employment as a teacher. The teacher would not normally have a right to complain to an employment tribunal on grounds of unfair dismissal, since no dismissal is deemed to have taken place.

Non Teaching Staff

Following a referral to the Occupational Health Physician, a decision may be made to sign the certificate to declare the member of staff medically unfit for work.

If a member of staff does not have a compelling case for ill health retirement, backed up by the necessary medical evidence, or medical advisers do not support the application, the school may still wish to terminate their employment on the grounds of incapability due to ill health. This may also arise where the member of staff does not recognise that he/she has a health problem but the school is convinced that they have an underlying medical condition which makes their continued employment impossible. In these cases the member of staff would not have access to an ill health pension and may, be able to claim unfair dismissal.

Where dismissal in these circumstances is being considered. It is essential that advice is sought from Education & Cultural Services Personnel Section.
7.7 The Disability Discrimination Act (DDA) 1995

DfEE circular 4/99 states “Disabled staff can make an important contribution to the overall school curriculum, both as effective employees and in raising the aspirations of disabled pupils and educating non-disabled people about the reality of disability”.

A Headteacher must ensure that he/she treats a member of staff fairly in relation to their sickness/disability.

Under the DDA an employer must take all reasonable steps to accommodate a member of staff who suffers from an illness and is capable of working and who may have become disabled e.g. now wheelchair bound, due to an injury.

To enable a disabled person to do their job, Governing Bodies may have to make reasonable adjustments to the employment arrangements or premises if these substantially disadvantage a disabled person compared to a non-disabled person.

Contact Education and Cultural Services Personnel Section for further advice and assistance.

8. REFERRALS TO OCCUPATIONAL HEALTH UNIT

Where monitoring information indicates that a member of staff has, or is acquiring, an unacceptable level/pattern of absence, the Manager should request to see them on an informal basis to discuss their concerns.

Managers should give careful consideration to the timing of the meeting and the venue. The member of staff may be accompanied by
a union representative or friend.

The purpose of the meeting is to have an open and honest discussion and to explore possible outcomes. This may include for example a referral to Occupational Health, change in working hours or environment, referring to specialist agencies for advice, etc. Where monitoring information indicates that a member of staff has, or is acquiring, an unacceptable level/pattern of absence, the Manager should request to see them on an informal basis to discuss their concerns.

8.1 Medical referrals to Occupational Health

Having considered the nature and length of a member of staff’s absence, in some cases it may be necessary for the Manager to proceed with a medical referral.

8.1.1 Steps to take before a referral is made

Medical referral may be an integral part of managing absence. It is important that specific information is supplied to and sought from Occupational Health. A referral form is attached at appendix 6. Reasons for the referral should contain factual information only.

It is essential that the medical adviser is properly informed about the nature of the individual’s job and asked direct questions about the prognosis for fitness to return to work. Following consultation and agreement with the Education & Cultural Services Personnel Section, it may be appropriate for Headteachers to attend a pre-meeting with the Occupational Health Physician prior to the member of staff’s appointment. A record and notes of this meeting should be kept with the referral papers.

The Headteacher must discuss with the member of staff concerned the reasons for their referral. The member of staff may wish to be accompanied at the medical appointment by a friend or representative of his/her choice.

It is essential that the Headteacher maintains regular contact with the member of staff and keeps the situation under review (see section 5). When the absence of a member of staff causes concern, consultation should take place with Education & Cultural Services Personnel with a view to a referral to the Occupational Health Unit for medical advice. At the latest it is expected that this will have occurred before the sixth week of absence. This will begin a medical investigation although a decision may not be immediately available.
8.1.2 The Referral

Before referring a member of staff to the Occupational Health Physician for a medical assessment the referral must be discussed with the member of staff concerned and following points covered:

- the reason(s) why management intends to refer them for a medical assessment;
- the rights of the member of staff throughout the assessment (see appendix 8);
- the purpose of the assessment;
- the nature of the questions management will be asking of the Occupational Health Physician;
- the role and involvement of Education & Cultural Services Personnel.

The Role of Education & Cultural Services Personnel Section:

- to make the necessary appointment and notify the member of staff of the referral arrangements (Appendix 8).
- to ensure that the member of staff is made aware of their rights under the Access to Medical Reports Act 1988 and given a copy of the Explanatory Notes for the Employees (appendix 8).
- to inform the Headteacher of the appointment arrangements and the timescale.
- to ensure that the Occupational Health Physician is given all relevant information for the medical assessment.
- to facilitate communication between all parties involved.

8.2 Outcomes of the medical referral

The medical report if requested is first seen by the individual employee for their information. By law they have up to 21 days to consider and comment on the medical report before a final report is forwarded to Education & Cultural Services Personnel Section.
The Education & Cultural Services Personnel Section will receive all medical reports from the Occupational Health Unit and will advise Headteachers/line managers on its contents.

It is important that the role of medical advice is understood: it is to provide medical information to help the manager decide about the future of the employee. Decisions concerning the handling of an employee's sickness absence are essentially managerial, not medical, but the manager must have taken steps to establish the true medical position as an essential step in being fair to the employee and making an informed decision.

The medical report will assist in deciding appropriate outcomes and support strategies. In discussion with Education & Cultural Services Personnel Section such options may include:

- return to work at an agreed date with no further action.
- planned staged return to work that may include a reduction in hours on a permanent or temporary basis.
- a return to different or less onerous responsibilities for an agreed period of time
- adjustment to job description or working environment.
- alternative employment.
- additional medical/non-medical support e.g. counselling.
- a review period.
- ill health retirement due to permanent incapacity.
- mutual termination of contract.

- invoking the disciplinary procedure (see Appendix 2).
- dismissal on the grounds of capability due to ill health.

Consideration of current legislation must underpin any decision
taken e.g Employment Law, Health & Safety, Disability Discrimination Act, Equal Opportunities etc.

9. LEAVE OF ABSENCE

Please refer to the current agreed policy on leave of absence. Contact Education & Cultural Services Personnel for further advice/assistance

Appendix 1

STAFF GUIDANCE
1. **First Day Of Sickness Absence**

   (i) You must notify the nominated member of staff as soon as possible on the first day of absence, by ……. at the latest

      Contact ______________________________

      Telephone No. __________________________

   (ii) If possible, the following information should be given:-

      • why you are not attending work
      • when you expect to be back to work
      • when you became unwell

   (iii) If you cannot telephone yourself someone else can ring on your behalf. If you do not have access to a telephone written communication posted on your first day of absence is acceptable.

      The school office (Tel No. ) is open from am.

      In exceptional circumstances you may be required to provide a medical certificate from your first day of absence.

2. **Fourth Day Of Sickness Absence**

   (i) You should telephone the school to report that you are still unable to attend for work and if possible given some indication of your likely date of return.

   (ii) If your fourth day of absence is a non-working day, you should contact the school the next working day.

      Note: Saturdays, Sundays and Bank Holidays should be counted.

3. **After Seven Days Of Sickness Absence**

   30
(i) On your eighth day of sickness absence, you must obtain a medical certificate from your Doctor and forward it to school as soon as possible.

(ii) Subsequent medical certificates must be obtained and forwarded to cover all periods of further sickness absence.

4. **During Your Absence.**

(i) You may be contacted by the school (In accordance with Section 2.3.1 of Managing Absence Guidelines).

(ii) You may be required to attend for an examination by the Council’s Occupational Physician (In accordance with Section 2.6 and Appendix 5 of the Managing Absence Guidelines).

**Important Notes.**

1. Failure to comply with this procedure could result in loss of sick pay entitlements and possible disciplinary action.

2. If you are not entitled, or have exhausted your entitlement to occupational sick pay / statutory sick pay you must still send in medical certificates to the School (it may be that these are only copies as the Department for Social Security require the originals).

3. In accordance with National Conditions of Service, you can be required at any time to attend a medical examination by the Council’s Occupational Health Physician (In accordance with Section 2.6 and Appendix 5 of the Managing Absence Guidelines).

4. If there is reasonable concern over your level of sickness absence, you will be asked to discuss the matter with the Headteacher/Chair of governors. You may be accompanied by a trade union representative or friend if you wish. Concern for your health and the needs of the School will be considered.

5. All information will be treated in the strictest confidence. It is recognised that medical matters are personal and sensitive. However for decisions to be made about your situation, it is in your own interests that the School has as much relevant information as possible.
Appendix 2

TAMESIDE METROPOLITAN BOROUGH

Sickness Declaration Form for all Employees

THIS FORM MUST BE USED FOR SICKNESS ABSENCES OF FOUR TO SEVEN CONSECUTIVE CALENDAR DAYS (INCLUDE BANK HOLIDAYS, WEEKENDS AND ANNUAL LEAVE IF YOU WERE ILL ON THOSE DAYS).

THE FORM MUST BE COMPLETED ON THE FIRST DAY OF RETURN TO WORK AND HANDED TO THE MANAGER AS SOON AS POSSIBLE THEREAFTER IN ORDER TO AVOID ANY DELAY IN THE PAYMENT OF WAGES/SALARIES/STATUTORY SICK PAY.

Name……………………………………………………..Employee No………………………………………

Address………………………………………………………………………………………………………….

Department……………………………………………..Occupation…………………………………………

First date of Sickness………………………………… Last Date of sickness………………………….

Date resumed duties…………………………………………..

Nature of illness……………………………………………………………….

In your opinion is sickness the result of an industrial injury? YES/NO*

If yes, was the accident reported? YES/NO*

*Delete as applicable

DECLARATION

I declare that the details given above are true to the best of my knowledge

Signed………………………………………………..Date……………………………….

I acknowledge receipt of this declaration

Signed………………………………………………..Date………………………………

Manager/Designated Officer

TO BE RETURNED TO THE EMPLOYEE BY MANAGER

Employee’s name…………………………………..Period of absence…………..

Signature of Manager………………………………..Date…………………………….
To all Local Government Officers and Teaching Staff

Sickness Absence Procedure for
Tameside Metropolitan Borough Employees

Since the 14th June 1982, Doctors have no longer been issuing Medical Certificates for absences up to 7 days. The Trade Unions have been consulted about the Council’s sickness declaration form to replace the medical certificates for absences of 4 days or more, a copy of the Council’s sickness declaration form is shown above.

The following arrangements apply:-

- On first becoming sick inform your manager by phone, written message, word of mouth stating the reason for absence and, if appropriate, the possible date of return to work. This should be done immediately or as soon as is reasonably practicable on the first day of illness.

- If the absence lasts less than 4 days you do not need to complete the Council’s sickness declaration form. If the absence lasts between 4 and 7 days you need to complete the Council’s sickness declaration form at your place of work upon returning to work.

- If your absence lasts longer than one week, please submit a Doctors statement for the second and subsequent weeks and complete a sickness declaration form, upon returning to work.

- Employees should continue to return Form BS12 to Exchequer Services to indicate the amount of state benefit they have received.

- Employees who fail to comply with this procedure may have pay deducted from wages/salary, e.g. an employee who fails to inform his manager on the first day of sickness will lose one days pay unless there is a reasonable explanation.

- Footnote: If after a total of 8 weeks sickness absence in a year you are absent through sickness your sick pay is made form your local DSS office and to ensure payment of sickness benefit you should contact the DSS office on receipt of Form SSP1 from Exchequer Services.
Appendix 3

RETURN TO WORK DISCUSSION FORM

Name:

Job Title:

<table>
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<tr>
<th>Date of Return to Work Discussion</th>
<th>Period of the Absence from work</th>
<th>Type of Absence e.g. sick note, self cert</th>
<th>Reason for Absence</th>
<th>Outcome of Discussion e.g. support offered, action taken</th>
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Head member of staff
Appendix 4

DEALING WITH LONG TERM SICKNESS ABSENCE

It may not always be clear at the outset if the initial absence will be prolonged and it is important that regular communication is established between the member of staff and the school. This is necessary to assist in planning work and cover arrangements as well as to enable any appropriate guidance to be given to the member of staff. It is not appropriate to require the member of staff to prepare or provide work while they are absent due to sickness.

It may not always be appropriate for the Headteacher to be in direct contact with the member of staff although, it will be necessary for the Headteacher to be kept informed of progress and to receive medical certificates. An appropriate line manager may be a suitable link. In some circumstance, a Trade Union/Professional Association representative may assist this process.

Unless a satisfactory course of action has already been established, it is recommended that an appointment with Occupational Health is arranged after approximately two months. (see section 8 - Referrals to Occupational Health Unit)

Where a return to work is not anticipated, the Headteacher should meet with the member of staff and/or their Trade Union/Professional Association representative. A representative of the Human Resource Unit should be in attendance. The purpose of this meeting is to discuss options:-

- ill health retirement benefits and procedures for application
- termination by mutual agreement
- consideration of alternative employment (if appropriate)

In circumstances where the member of staff’s job cannot be kept open, the member of staff must be informed at a meeting that it is proposed to terminate their employment.
A meeting of the appropriate sub committee of the Governing Body should be arranged. The member of staff should be notified in writing, giving the date, time and place of the meeting, the reason for the meeting.

Appendix 5

ABSENCE MONITORING INTERVIEWS – FREQUENT/INTERMITTENT ABSENCE

Preliminary Stage

Following a period of monitoring a member of staff’s absences and where this gives cause for concern, it may be appropriate to hold an interview on a more formal basis. At this stage, the emphasis should be on counselling and support.

Prior to an “interview”, the member of staff should be informed, in writing, of:-

• their right to be accompanied by a trade union representative or a friend, who may make representations on his/her behalf;
• The matters for discussion at the interview;
• The school’s concerns relating to his/her level of sickness absence and advising on the effect of the absences on the service.

The discussion might also include:

• allowing each party the opportunity to comment and discuss the position
• exploring whether there may be some underlying reason causing the high levels of absence;
• a commitment from the member of staff to improve their attendance
• deciding upon an agreed review period

Options for consideration by the Headteacher may include:-

• offering additional support within school;
• offering any other support which may include the opportunity to see the Occupational Health Physician/Nurse;
• use of leave of absence
• consider a requirement for certification from the first day of absence for a
defined period (with reimbursement of cost incurred in obtaining such
certificates);
• informing the member of staff, that a marked and sustained improvement
in attendance levels over a given period is required.

A record of this interview should be made and given to all parties policies.

First Stage

A member of staff who has not shown sufficient improvement in attendance
following the preliminary interview, or whose attendance has deteriorated
again following some initial improvement will be required to attend a formal
interview.

Prior to the “formal interview”, the member of staff should be informed, in
writing, of:-

• their right to be accompanied by a trade union representative or a friend,
  who may make representations on his/her behalf;
• the matters for discussion at the interview;
• the school’s concerns relating to his/her continued level of sickness
  absence and advising on the effect of the absences on the service.

The content of the review interview should be consistent with the provisions
detailed above. Additionally the purpose of the interview will be to:-

• Offer any further help or guidance;
• Consider specialist medical advice from Occupational Health

The member of staff might be issued with a second ‘warning’ or, if there is
sufficient justification, a ‘final warning’. This warning should state that, unless
there is a marked and sustained improvement in attendance levels over a
given period, then, appropriate action would be taken to recommend
dismissal on the grounds of incapability to perform duties required due to the
level of absence from work.

In the event of a further warning being issued or a requirement for
certification of all absences, this must be confirmed in writing by the
Headteacher. The member of staff should be informed of their right of
appeal. Any appeal should be in accordance with agreed school policies.
If the member of staff’s record improves following this stage, the Headteacher will write to the member of staff and inform him/her that the improvement is noted, that the improvement should be maintained and that attendance will continue to be monitored. The consequences of deterioration in attendance level should also be stated.

**Second Stage**

A member of staff who has not shown sufficient improvement in attendance following a First Stage interview, or whose attendance has deteriorated again following improvement after the First Stage interview will be required to attend a formal Second Stage Interview.

Notification and the content of this interview should be consistent with both the preliminary and first stage interview. Additionally, the purpose of this stage will be to:-

- seek a final commitment to improve attendance by the member of staff

A detailed record should be kept including the member of staff’s responses and any agreed action plans

The member of staff might be issued with a final ‘warning’. This warning should state that, failure to make a significant improvement within a given period, will result in termination of employment. This must be confirmed in writing by the Headteacher. The member of staff should be informed of their right of appeal. Any appeal should be in accordance with agreed school policies.

If the member of staff’s record improves following this stage, the Headteacher will write to the member of staff and inform him/her that the improvement is noted that the improvement should be maintained and that attendance will continue to be monitored. The consequences of deterioration in attendance level should also be stated.

**Third Stage (Meeting with a Committee of the Governing Body)**
A member of staff who has not shown either sufficient improvement, or has a deterioration in attendance following the Second Stage review will be required to attend a formal Third Stage Interview before the appropriate Committee of the Governing Body. The Director of Education & Cultural Services or a representative will be in attendance.

The notification to the member of staff should be in writing, giving the date, time and place of the meeting, the reason for the meeting and a reminder of their rights of representation.

The purpose of the interview will be:

• to inform the member of staff of his/her attendance record and that it shows insufficient improvement
• explore the reasons for lack of improvement
• if no acceptable reason is given, to recommend termination of employment to the Authority

During the interview, a full discussion of the situation should be held.

If reasons given are acceptable the member of staff must be advised that their attendance should be improved over the next three working months and will continued to be monitored.

If no satisfactory reason can be determined, the member of staff should be advised that the attendance levels remain unsatisfactory and their employment is terminated subject to appropriate notice.

If the decision is to terminate employment:

• the member of staff should be advised of their right to appeal the decision to the Governing Body in accordance with the schools policies.
• the Governing Body must request the Director of Education & Cultural Services to terminate the employment in accordance with the appropriate Education Act.
• after the appropriate appeal period, the Governing Body will request the Authority to remove the member of staff from the school.
• a member of staff cannot be removed from the school until any appeal has been heard
Appendix 6

**MISCONDUCT AND SICKNESS**

If the Headteacher has good reason to believe the incapacity is not genuine then where appropriate, the employee should be referred to the Occupational Health Physician or their own doctor for a medical report. If subsequent evidence proves that the employee is abusing the sick pay scheme, the Manager should refuse to authorise sick pay and the appropriate disciplinary procedure should be invoked.

On occasion consideration may need to be given to the use of the disciplinary procedure following either information from the Occupational Health Unit and/or misconduct in relation to the other items listed below.

It is important not to ignore misdemeanours even if they are relatively minor as failure to take action could lead to escalation of the problem. Examples of where consideration may be given to instituting the School’s Disciplinary procedures are as follows:-

- failure to follow the school’s guidelines regarding notification of the absence;
- failure to provide a reason for absence;
- providing a totally unsatisfactory reason for the absence from
work;

- a continuing pattern of absences;

- deliberate falsification of self-certification form;

- deliberate falsification of medical certificate;

- evidence of abuse of the sick pay scheme.

This list is not exhaustive.

Sickness absence will not normally be dealt with as an issue of conduct unless there is clear evidence of malingering or fraud. Pursuing genuine sickness absence under a disciplinary procedure may lead to problems in establishing reasonableness.

For further advice please contact Education & Cultural Services Personnel Section.

The member of staff is entitled to make representations at the meeting, in person or in writing and will have a right to be represented by a Trade Union/Professional Association representative.

If the decision is to terminate employment:-

- the member of staff should be advised of their right to appeal the decision to the Governing Body in accordance with the schools policies.
- the Governing Body must request the Director of Education & Cultural Services to terminate the employment in accordance with the Education Act 1996.
Appendix 7

REQUEST TO REFER A MEMBER OF STAFF TO
THE OCCUPATIONAL HEALTH UNIT

SCHOOL NAME:

HEADTEACHER/CHAIR OF GOVERNORS:

NAME OF MEMBER OF STAFF:

JOB TITLE AND BRIEF OUTLINE OF DUTIES: (please attach job description if appropriate)

____________________________________________________________________________________________________

Is the member of staff absent due to sickness at present? YES/NO

If yes, please state the date absence began: ...........................................................................................................

Please state reason for absence:

____________________________________________________________________________________________________

REASON FOR REFERRAL

Please give specific details of previous sickness absence, injuries and other relevant details. Please continue on a separate sheet if necessary.

Prior to forwarding this form to the personnel section the member of staff must be informed of your intention to refer to the occupational health unit.

SIGNED: ..................................................................................................DATE: ..............................................................................................
Dear

REFERRAL TO OCCUPATIONAL HEALTH UNIT

Following your recent discussions with your Headteacher, I understand that you have agreed to be referred to the Occupational Health Unit.

I have arranged for you to see the Occupational Health on at. You should report to the Occupational Health Unit, Level B, Council Offices, Wellington Road, Ashton Under Lyne.

The purpose of the referral is to seek a report from the Occupational Health Physician in order to establish the following:-

- Is there any underlying medical explanation for your absences?
- Are the medical aspects job related?
- What is the likelihood of you being able to fulfill the duties and responsibilities of your job in the foreseeable future?
- Is it likely that you will be able to fulfill your full duties in the next 6 months?
- Will there be any restriction on your ability to carry out your full duties in the future?
- Would you be able to carry out other duties?
- Are you disabled within the meaning of the Disability Discrimination Act?
• What adjustments, if any, could be made to working arrangements, or physical features of premises/workplace to facilitate your return to work, either to your original job or to any other alternative employment that might be available?

Occupational Health will send a report to the Personnel Section who will inform the school of its contents and give advice where necessary.

I have enclosed a copy of the Explanatory Notes for Employees - Access to Medical Reports Act 1988 which explains your rights regarding medical reports. I have also enclosed an Employee Consent Form which allows the Occupational Health Unit to gain access to your medical reports under the Act. Please sign this form and return to myself in the enclosed pre-paid envelope prior to your appointment.

If you wish to discuss any part of the referral process or would welcome a general discussion about any issues that might be of concern to you please contact me on the above telephone number.

Yours sincerely

Personnel Officer
Human Resources
EXPLANATORY NOTE FOR EMPLOYEES ACCESS TO MEDICAL REPORTS ACT
1988

This note sets out your statutory rights under the Access to Medical Reports Act 1988 and explains the procedure for applying these rights. Under the Act an employer cannot apply for a medical report from a doctor who has been responsible for your physical or mental health care without your consent. The consent form attached also asks, in accordance with the Act, whether you wish to see the report before it is sent to the Council.

If you decide that you would like to see the report first, the Council will inform the doctor of that fact and will notify you of the date that the application for the medical report is actually made. You will then have 21 days in which to make arrangements with the doctor to see the report. You must make these arrangements yourself, the Council cannot make them for you. Whilst there is no charge for reading the report, if you arrange with your doctor to have the report photocopied and, if necessary, posted to you the doctor may charge a reasonable fee to cover the cost of doing so.

If you did not indicate on the consent form that you wish to see the report but later change your mind, on your own initiative, you will be able to notify the doctor that you wish to see the report before it is sent to the Council. You will then have 21 days from the date of your notification to the doctor to make arrangements to see the report. Please note however that the doctor is not obliged to delay supplying the report to the Council in case you change your mind. By the time you have decided that you would rather see the report first, the doctor may already have supplied it to the Council.

If, following notification to the doctor, you have seen the report, the doctor will not be able to supply the report to the Council without your further consent. Having seen the report, you will be entitled to request that the doctor amend any part of the report which you consider to be inaccurate or misleading. If the doctor does not agree to amend the report as requested you will be able to attach a written statement to the report giving your view on its contents.

Whether or not you decide to see the report before it is supplied to the Council the doctor will be obliged to keep a copy of the report for at least six months after the date it was supplied to the Council and you will be entitled to have access to that report.

Please note that the doctor is not obliged to let you see those parts of the medical report that he or she believes would be likely to cause serious harm to your physical or mental health or that of others, or which would reveal information about another person or the identity of a person who has supplied the doctor with information about you health unless that person also consents. In these circumstances the doctor will notify you and you will be limited to seeing any remaining parts of the report.

You would be advised to keep this explanatory note for future reference.
EMPLOYEE CONSENT FORM FOR THE OCCUPATIONAL HEALTH ADVISER TO REPORT TO MANAGEMENT

For reasons which have already been explained to you, Tameside MBC (the Council) is referring you to the Council’s Occupational Health Adviser for a report giving advice to Management about your health. While you may withhold your consent to the release of this report to Management, the Council must make decisions on whatever information is available.

Under the Access to Medical Reports Act 1988, you have certain rights, in summary:

1. you may allow the Occupational Health Adviser to send a report to Management;

2. if you request to see the report, you have twenty-one days from the date of the report to agree to the release of the report to Management.

3. you may ask the Adviser to amend any part of the report which you consider to be inaccurate or misleading

4. if the Adviser refuses to amend the report, you may attach a written statement giving your views on its content; or

5. you may withhold your consent to the release of the report to Management

Please note that, very rarely, the Doctor may withhold sections of the report which he, or she, feels you will be seriously harmed by seeing.

If you wish to discuss this, please contact:

Name: ................................................................. Ext. .................

Name...................................................................... Dept: .................

Employee No..........................................................

1. I have been informed of my statutory rights under the Access to Medical Reports Act 1988 and I consent to being referred to the Council’s Occupational Health Adviser so that a report can be sent to Management on my health.

2. I do/do not wish to see the Occupational Health Adviser’s report before it is sent to the Council.

Signed: ................................................................. Date: .................