



# ATTENDANCE MANAGEMENT POLICY AND PROCEDURE

Version	3.3
Name of Policy Writer	Debbie Howard
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## 1. Introduction

- 1.1 The Trust is committed to helping its employees maintain the highest standards of health, wellbeing and attendance. It values the contribution employees make to the success of students and to the Trust. This policy explains what we expect from managers and employees when managing absence and how the Trust will work to reduce levels and manage sickness absence.
- 1.2 The MAT recognises that keeping employees at work and helping them return to work following absence can make a positive contribution towards an employee's health and wellbeing. The Trust has a duty to maintain educational provision and to minimise disruption to students and other employees.
- 1.3 The Trust respects the confidentiality of all information relating to an employee's sickness. This policy will be implemented in accordance with all data protection legislation.

## 2. Purpose and scope

- 2.1 This document applies to all staff including staff on fixed term contracts. The purpose is to encourage employees to maintain good standards of attendance and to support consistent and fair treatment of all employees.
- 2.2 Regular, punctual attendance is implicit in every employee's contract of employment and we expect each employee to accept responsibility for achieving and maintaining a good record of attendance.
- 2.3 The Trust will support employees who have genuine grounds for absence including leave for absences not caused by sickness (see 'Leave of Absence' Policy). It will use the services of an occupational health advisor where appropriate and where necessary will facilitate access to counsellors and rehabilitation programmes in cases of long-term sickness absence.
- 2.4 Meetings in relation to this policy should be held in non-teaching time.

## 3 Employee responsibilities

- 3.1 Employee responsibilities are as follows:
  - to look after their own health to minimise sickness absence;
  - to follow the sickness absence reporting procedures (failure to comply may result in suspension of pay);
  - to ensure appropriate documentation is submitted as necessary (failure to comply may result in suspension of pay);
  - to inform their manager if the absence is either disability related or due to an accident at work;



- to inform their manager if there are any relevant work issues that need to be addressed;
- to co-operate with referrals to occupational health and any other actions required to support a return to work.

#### **4 Administration Manager responsibilities**

4.1 Administration Manager responsibilities are as follows:

- to ensure all sickness absence is monitored effectively by overseeing the reporting and recording of the information.

#### **5 Line Manager responsibilities**

5.1 Line Manager responsibilities are as follows:

- to carry out return to work interviews promptly upon an employee's return from absence.
- in conjunction with the Nominated Absence Lead, to manage the employee's short-term absence.

#### **6 Nominated Absence Lead (NAL) responsibilities**

6.1 Nominated Absence Lead responsibilities are as follows:

- to oversee, co-ordinate and manage the short-term absence of all employee's within their academy.

#### **7 Headteacher (or Senior Manager) responsibilities**

7.1 The headteacher's or designated senior manager's (Line Manager/NAL/Member of SLT) responsibilities are as follows:

- To oversee, co-ordinate and manage the long-term absence of all employees within their academy
- to ensure on-going reasonable contact with the employee is maintained and records kept of the content of discussions and/or meetings
- to obtain occupational health advice where appropriate.

#### **8 HR Manager responsibilities**

8.1 HR Manager responsibilities are as follows:

- to proactively manage attendance within the trust and promote the well-being of all staff



- to oversee the mental health and well-being programme across the trust
- to ensure appropriate notice is given to employees for formal meetings and to allow representation at these meetings.

## 9 Special Considerations

- 9.1 Where an employee is regarded as disabled under the Equality Act 2010, an employer must demonstrate that they have considered and, where reasonable, implemented adjustments to support a disabled person in the workplace.
- 9.2 Many reasonable adjustments involve little or no cost and could include the following: making changes to a disabled person's working pattern; providing training or mentoring; making alterations to premises; modifying or acquiring equipment or ensuring that information is provided in accessible formats.
- 9.3 Any absence from work resulting from a work-related incident (including violence, musculoskeletal problem or stress) must be reported to the HR Manager.
- 9.4 It is a statutory requirement that the Trust should make a report to the Health & Safety Executive in accordance with the Reporting of Injuries, Disease and Dangerous Occurrences Regulations 2013 (RIDDOR) in the following circumstances:
- major injury as defined in the RIDDOR guidance
  - absence over seven days through workplace accidents
  - notifiable communicable disease
- 9.5 An employee may not be represented in a meeting by a person who has a conflict of interest.

## 10. Role of Occupational Health

- 10.1 The remit of occupational health covers both the impact of work upon an individual's state of health and the impact of the state of an individual's health upon their performance at work.
- 10.2 Occupational health practitioners have a duty to give independent, informed professional guidance and advice on work and health matters.
- 10.3 Occupational health can assist in:
- establishing the exact nature of an employee's illness;
  - estimating the likely duration of the illness/absence;
  - assessing the impact of an employee's state of health on their ability to discharge their duties;



- advising on measures to be put in place to support the employee to return to work (possibilities include redeployment where feasible or reasonable adjustments to their role in terms of specific duties or hours worked etc.)
- 10.4 Occupational health can also give an indication whether any adjustments may be facilitated to enable the Trust to meet its obligations to employees with a disability as defined by the Equality Act 2010.
- 10.5 Additionally the occupational health practitioner can provide an assessment as to the fitness of the employee to attend a meeting or hearing whilst they are absent from work due to illness or injury.
- 10.6 A referral to occupational health may also be required to enable an employee to obtain ill-health retirement by virtue of receiving (if they meet the criteria), a 'certificate of permanent incapacity' from an approved occupational health doctor. This documentation is then used in the employee's application to either Teachers' Pensions or West Yorkshire Pension Fund (local government pension scheme) in order to access their pension.
- 10.7 Information provided on the occupational health referral form must be comprehensive and the questions asked must be relevant and clear to facilitate the production of a meaningful report which will be of value to the employer. Any re-referrals to occupational health must update the occupational health practitioner of progress to date and any action taken in the interim period.
- 10.8 With the exception of ill health retirements, occupational health reports serve to provide guidance to senior managers so that employees are supported and absence is effectively managed.

## **11. Notification of absence from work (sickness reporting)**

- 11.1 Prompt notification of sickness absence is essential. It should be noted that persistent failure to comply with the Trust's notification arrangements (or giving misleading or false statements) may result in possible loss of pay and/or disciplinary action. Where sickness absence is likely to be protracted and in excess of four weeks, the manager and the employee should maintain contact at agreed intervals.
- 11.2 From day one of absence, the employee must ensure that the Admin Manager or nominated staff member is notified by 7.30am giving details of the nature of the illness (and if possible a likely return to work date). They should contact the relevant individual by telephone (text and email are inappropriate means of communication in this situation) and speak to them in person (unless there are extenuating circumstances).



Lily Park, A SHARE Primary Academy	01484 505228
Woodside Green, A SHARE Primary Academy	01484 508170
Heaton Avenue, A SHARE Primary Academy	01274 028613
Luck Lane, A SHARE Primary Academy	01484 505229
Millbridge, A SHARE Primary Academy	01924 668836
Royds Hall, A SHARE Academy	01484 463366
Shelley College, A SHARE Academy	01484 868777
Thornhill Community Academy, A SHARE Academy	01924 324890
Share MAT Central Services	01484 508184

- 11.3 The employee must also advise the Admin Manager or nominated staff member of any work-related matters to which their absence could be crucial in order to enable alternative arrangements to be put in place. Teachers must, if at all possible, provide details of work to be done by their classes, in exceptional circumstances work will be set by their Line Manager.
- 11.4 For sickness absence lasting between four days and seven days, employees must, within one working day of their return to work, submit a completed self-certification form (via EVERY portal) to the Admin Manager.
- 11.5 For sickness absence extending beyond seven days (including Saturday and Sundays) employees must obtain and submit by day eight the Statement of Fitness (fit note) from their doctor. The employee's continuing period of sickness absence must be covered by submitting further medical certificates which should follow immediately on the expiry of the previously submitted fit note (and sent into the office to arrive no later than the next working day following expiry of the previous fit note).
- 11.6 If the fit note does not cover the first seven days of absence the employee may additionally be required to submit a self-certificate to cover this period.
- 11.7 A fit note will normally state categorically that an employee is 'not fit for work' (for a defined period of time). In some cases, however, a conditional fit note may be issued by the medical practitioner, indicating that the employee 'may be fit for work' dependent on certain conditions being met (such as, for instance, 'no heavy lifting' or 'sedentary work only' etc.).
- 11.8 If the employee's doctor advises on the fit note that the employee 'may be fit for work' the manager will arrange for a meeting to take place with the employee to discuss appropriate ways of supporting them back into work. This may be by means of: a phased return; altered hours; workplace adaptations; or amended duties etc.
- 11.9 If it is not possible to satisfy the conditions for a return to work, or if the employee feels unable to return on the basis of those adjustments that can



be agreed as reasonable, then the fit note will be used in the same way as if the doctor had advised that the employee was 'not fit for work'.

## 12. Return to work interviews

- 12.1 A return to work interview is good practice following any period of sickness absence in order to establish the employee's fitness for work.
- 12.2 These interviews are normally informal and the individual's Line Manager (or appropriate person) will discuss each absence with the employee on their return to work. The return to work interview should ideally take place within a short period following the return to work, depending upon circumstances.
- 12.3 At the interview the Line Manager should:
- check that the employee is well enough to return to work;
  - explain to the employee that the purpose of the return to work interview is to manage and monitor every employee's attendance to identify problems and offer support where appropriate;
  - ask the employee about the reason(s) for their absence (verifying dates of sickness), ensuring that any questions are asked in a supportive way and that the employee is assured of appropriate confidentiality;
  - establish whether the employee has (or is likely to be regarded as having) a disability and if so whether the provisions of the Equality Act apply (discussion around reasonable adjustments, modification of duties, retraining etc. may be considered);
  - establish whether the employee's sickness absence is work-related, and if so whether any health and safety issues need to be addressed.
- 12.4 Records of each interview should be kept on the 'Every' MIS database. A copy of the online interview content is shown at Appendix 1.  
NB. Paper documents should be used in exceptional circumstance where access to a computer is not available, in which case a copy should be provided to the employee.

## 13. Short term management action (including use of trigger points)

- 13.1 Short Term absence will be managed by the employee's Line Manager or the school's Nominated Absence Lead.
- 13.2 Trigger points are quantifiable measures of sickness absence which act as markers for initiation of appropriate management action once they have been reached or exceeded. Different trigger points may be used for long-term and short-term sickness absence.
- 13.3 The Line Manager or Nominated Absence Lead will make contact with an employee who has been absent for two weeks or more. The purpose of the contact is to establish the facts of the sickness and any circumstances surrounding it, to discuss the absence and ascertain the likely return date and the level of support needed. Any period of absence more than four consecutive weeks in duration is considered long term (effectively



equivalent to a trigger point) at which time the HR Manager will establish contact.

13.4 The Trust has determined that its short-term trigger points will be:

Four or more occasions of sickness absence in a rolling twelve-month period;
Eight days in a rolling twelve-month period;
Any recurring, recognisable pattern such as frequent absence on a Friday/Monday, around public holidays etc.;

13.5 Hitting a trigger point is highly likely to lead to management arranging an attendance management meeting which may, in turn, lead to a referral to occupational health. Earlier referral may be considered for absences due to stress, workplace accidents or musculoskeletal problems.

13.6 Managers will endeavour to alert employees who are at risk of reaching a trigger point. When this appears imminent, for example when an employee has had three occasions of sickness absence in a rolling twelve-month period, the Line Manager or Nominated Absence Lead will invite the employee to an informal meeting to draw attention to their absence rate and/or pattern, to offer support and to discuss the consequences of hitting a trigger point.

13.7 Absences that will be discounted from the trigger points include those that:

- result from an accident at work (unless the accident was caused by employee's negligence)
- are linked to a pregnancy-related condition (as this could be construed as indirect sex discrimination).

## 14. Attendance management meetings

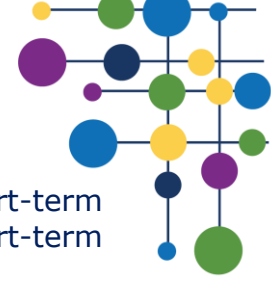
14.1 First formal meeting (stage 1)

As a result of an employee reaching one of the short-term trigger points (as defined above) they will be invited (in writing) to attend a formal meeting to discuss their absence record. This will be referred to as an 'attendance management meeting'.

14.2 The letter of invitation (to which a copy of the employee's sickness absence record will be attached) will inform them that their absences have hit a trigger point and that this represents a cause for concern. The letter will also advise that they can be accompanied in the attendance management meeting by a trade union representative or work colleague.

14.3 At the meeting the employee should be invited to put forward to the Line Manager or Nominated Absence Lead the reasons for their absence(s) and ask for any mitigating circumstances to be considered. An example of the





Employee Absence Summary required in advance of a short-term management review meeting is provided at Appendix 2. The short-term attendance management meeting form is provided at Appendix 3.

- 14.4 Discussion may include some or all of the following elements:
- initiating referral to occupational health if appropriate;
  - undertaking a stress risk assessment if appropriate;
  - any additional remedial action and support measures as may be necessary;
  - whether the employee has a disability and/or is likely to be considered disabled under the Equality Act 2010.
- 14.5 Following the discussion, the employee may be issued with (in the form of a letter) an individual improvement target with timescales and advised of the next stage of the process should they fail to meet their improvement target. Targets will have a review period normally of either three or six months.
- 14.6 Second formal meeting (stage 2)
- Where the employee has failed to meet the initial improvement target, a second formal meeting will be arranged in which a further review period will be set with improvement targets and timescales (as in the first formal meeting detailed above). There is no requirement to hold a further review meeting if the employee has succeeded in meeting the initial improvement target.
- 14.7 Third formal meeting (stage 3)
- Where the employee has failed to meet the second improvement target, a third formal meeting will be arranged. This is the final stage of the process and may result in the employee's dismissal.
- 14.8 When, during the course of the third formal meeting, it is established to the satisfaction of the Line Manager or Nominated Absence Lead that the employee has failed to meet the improvement targets at both stage 1 and stage 2, the Line Manager or Nominated Absence Lead may recommend the employee's dismissal on grounds of capability due to long-term ill-health and accordingly will prepare the management case to be presented in a dismissal hearing (see section 22 below).

## **15. Long-term absence – management action**

- 15.1 Long term absence will be managed by an appropriate Senior Manager (Line Manager/Nominated Absence Lead/Member of SLT) supported throughout the process by the HR Manager.
- 15.2 Absences of over four consecutive weeks' duration are considered long term (for both full time and part time employees). At the four-week stage, the HR Manager will make telephone contact with the employee to establish their health status and will update the Senior Manager accordingly. A referral to occupational health at this point may be considered dependent upon the circumstances. However, it may be decided not to instigate an



occupational health referral under circumstances where it is clear that a return to work is imminent and that no adjustments are required in the workplace.

- 15.3 Procedures for long-term sickness absence differ from those indicated for short-term sickness absence and as such advice should be sought from the Trust's occupational health provider regarding the duration of sickness absence, the medical prognosis, the predicted date for a return to work, and whether a return to present duties is likely to prove feasible and sustainable.
- 15.4 In the event that the employee remains unfit for duty, the first formal meeting will be arranged at week eight by the Senior Manager, supported by the HR Manager. The employee may be accompanied by a trade union representative or work colleague at this meeting. The purpose of the meeting is to discuss the current situation, review any up to date medical reports as appropriate and determine next steps. The senior manager will explore ways in which the employee could be helped to return to work. This could include reasonable adjustments to duties, a reduction in hours, a phased return or re-deployment if a suitable vacancy is available. It should be stressed these options are designed to be supportive options for the employee to consider.
- 15.5 The need for further formal meetings will be determined on a case by case basis, however it is expected there will be a minimum of two formal meetings with the Senior Manager prior to a potential dismissal hearing. Employees will be informed of the impact of their absence and warned that their employment could be at risk if they are unable to fulfil their duties or return to work within a reasonable period of time.
- 15.6 The Senior Manager should keep in regular contact with the employee and discuss any options for returning to work, following advice specified in the employee's fit note(s) and/or received from occupational health. Such options may include, where appropriate, medical redeployment (see section 18 below).
- 15.7 Regardless of the above, where a member of staff has a serious condition or terminal illness they should be treated with greater sensitivity and sympathy and should not be subjected to rigorous monitoring procedures.
- 15.8 If the employee's work has either caused or contributed to the employee's illness, the issues must be fully explored by the Senior Manager (having sought advice from the HR Manager) and steps taken to ensure they are addressed prior to the employee returning. For stress-related cases, it may be appropriate to refer to the trust's Stress Guidance Document and Risk Assessment.
- 15.9 During the formal meetings the Senior Manager can discuss referral to occupational health (where appropriate) and plan the employee's return to work. Consideration should be given to the likely duration of the sickness absence and its impact on the effective and efficient operation of the academy.



- 15.10 All formal meetings should be documented with a signed copy provided to the employee and their union representative see Appendix 4. Throughout an extended period of sickness absence, the Senior Manager should keep the employee fully informed of his/her position including ongoing eligibility for sick pay and of any changes impacting on the employee's working environment.
- 15.11 The Senior Manager may (after an investigation of the facts and following a proper process and seeking HR advice) consider dismissal as a last resort once all other options have been considered.
- 15.12 Accordingly, if the Senior Manager is satisfied, having taken recent (normally within the last three months) advice from occupational health, that a return to work within an acceptable timescale is no longer realistically likely, they may recommend dismissal on grounds of capability due to long-term ill-health and in such circumstances will prepare the management case to be presented in a dismissal hearing (see section 22 below).

## **16. Ill-health retirement - teachers**

- 16.1 If a teacher becomes too ill to continue teaching they may be eligible for ill-health retirement, this will only be granted if the medical evidence shows that the teacher is permanently incapacitated from teaching on both a full and part-time basis.
- 16.2 In such cases, the Senior Manager (supported by the HR Manager) should facilitate a referral to occupational health to assess eligibility. If the teacher meets the criteria, a certificate of permanent incapacity (CPI) will be issued by the approved occupational health doctor enabling the teacher to pursue ill-health retirement.
- 16.3 Where a teacher who is absent on sick leave applies to Teachers' Pensions (TP) for an ill-health pension and is subsequently granted their pension, the trust does not formally dismiss the teacher. In these circumstances, the teacher is declaring themselves unfit to return to work and the award of the pension is the trigger for the ending of the contract. The Senior Manager (supported by the HR Manager) should seek to agree a mutually acceptable date for the teacher's last day of employment which enables the teacher to have early access to their pension.
- 16.4 For applications for ill-health retirement received by Teachers' Pensions there are two tiers of ill-health retirement: Total Incapacity Benefit (TIB) and Partial Incapacity Benefit (PIB).
- 16.5 For both categories teachers must satisfy Teachers' Pensions medical advisers that they are permanently incapacitated from teaching on a full or part-time basis.
- 16.6 Teachers will be assessed as meeting the criteria for TIB if they are deemed to be unable to undertake **any** gainful employment.



- 16.7 Teachers will be assessed as meeting the criteria for PIB if deemed to be permanently incapable of teaching/lecturing but capable of undertaking a range of other types of work.
- 16.8 The decision as to whether a teacher is awarded TIB or PIB will be determined by the DfE's medical adviser based upon the medical evidence submitted with the employee's application.
- 16.9 If the teacher is deemed unfit to return to work, but does **not** wish to apply for ill-health retirement, a decision must be taken by the Senior Manager to instigate dismissal proceedings (see section 22 below) on grounds of incapacity related to long-term ill-health.

### 17. Ill-health retirement - support staff

- 17.1 If a support member of staff has to leave work at any age due to illness they may qualify for immediate payment of benefits (based on an opinion from an independent qualified doctor that they will be permanently unable to do their own job and that there is a reduced likelihood of them being capable of obtaining alternative gainful employment before their normal pension age) and if a member of support staff becomes too ill to continue working in their current post they may be eligible for ill-health retirement.
- 17.2 In such cases a referral to occupational health should be instigated by the HR Manager. If the employee meets the criteria, a certificate of permanent incapacity (CPI) will be issued by the approved occupational health doctor. The Local Government Pension Scheme (LGPS) operates a three-tier system for those members who meet their criteria for issue of a certificate of permanent incapacity.
- 17.3 The CPI will entitle the employee to differing levels (tiers 1, 2 and 3) of benefit based on the likelihood of an employee being capable of obtaining alternative gainful employment after leaving their current position.
- 17.4 On receipt of the CPI, the Senior Manager should obtain an estimate of the ill-health retirement pension figures and arrange a case review meeting with the employee, who may be accompanied by their trade union representative or work colleague.
- 17.5 The purpose of the case review meeting is to discuss the facts and impact of a CPI being issued, including the following possibilities:
- redeployment within the trust (see section 18 below);
  - early retirement on grounds of ill-health;
  - application for pensionable benefits.
- 17.6 If early retirement on the grounds of ill-health is identified as the appropriate outcome for a member of support staff (always bearing in mind that the issue of a CPI relates to the current role performed by the member of staff and consideration must be given to the possibility that an alternative role might prove viable) the Senior Manager (upon advice from the HR Manager) will make arrangements to effect dismissal\* (see section 22 below).



*\* Under LGPS regulations no provision exists for a member of support staff to gain access to their pension by means of early retirement through resignation on grounds of ill-health – it is therefore necessary for them to be (by negotiated agreement) officially dismissed on grounds of capability.*

- 17.7 If the employee does not wish to contest either the decision to dismiss, or the pension recommendation and CPI determination made by the occupational health practitioner, dismissal can, in these circumstances only, be effected by means of an informal meeting in which the employee will be advised as to the process (including the agreed date on which their dismissal will take effect) and will be given written notice of termination with the appropriate notice period according to their length of service.
- 17.8 If the employee does wish to contest the decision to dismiss they should be invited to a formal dismissal hearing (see section 20 below) where the case will be heard in full before a decision is reached as to whether or not the employee should be dismissed.

## **18. Medical redeployment**

- 18.1 Where the occupational health practitioner considers that medical redeployment may be an option, consideration will be given to such redeployment. It will be the decision of the headteacher as to whether redeployment represents a realistic prospect within the trust.
- 18.2 Any offer of redeployment will be made on a trial basis for four weeks (equivalent to the statutory notice period of the employee) to establish the employee's suitability for the alternative role. The trial period will not extend beyond the employee's notice period except in cases where retraining is required.
- 18.3 The duration of the trial period will be confirmed in writing and statutory notice given of the date when termination of employment will take place if no suitable alternative employment is identified.
- 18.4 The occupational health practitioner's opinion may be sought regarding the employee's capability to undertake the duties of the post proposed for redeployment. There is no salary/band protection in respect of medical redeployment to a lower graded post and the terms and conditions of employment will be those relating to the new post.

## **19. Dismissal on grounds of long term sickness without issue of a CPI**

- 19.1 Where a return to work appears improbable within the foreseeable future and/or the length of absence can no longer be sustained by the trust, the Senior Manager will carry out a formal review meeting. During all formal meetings/hearings the employee is entitled to be represented by a trade union representative or work colleague.
- 19.2 The Senior Manager will write to the employee inviting them to the meeting and encouraging representation. The letter of invitation should clarify that



the employee's continued employment is potentially at risk, in other words, that this process may lead to dismissal on grounds of capability relating to long-term ill-health.

19.3 Discussion during this meeting will be likely to include the following:

- whether referral to occupational health would be appropriate at this stage  
*(normally referral to occupational health will have taken place prior to this stage but dismissal on medical grounds should not be considered without a recent OH assessment usually within the last three months being on record;*
- length of absence, current prognosis, previous attendance record, impact on students/colleagues;
- any necessary support/reasonable adjustments required under the Equality Act 2010;
- any steps the employee may be taking to help him/herself;
- potential outcomes if the absence continues such as dismissal on grounds of ill-health with or without immediate access to pension.

19.4 In the event of a decision, following the formal review meeting, that the Trust wish to progress to consideration of dismissal on grounds of ill-health the Senior Manager will arrange a dismissal hearing to consider the employee's continued employment. (see section 22 below).

19.5 The Senior Manager will usually have held at least two formal meetings with the employee at this stage and will (where a certificate of permanent incapacity has not been provided) prepare the management case for dismissal on the grounds of incapacity due to long-term ill-health.

19.6 When considering dismissal for unsatisfactory attendance, there are three basic principles of natural justice which are:

- the individual is fully aware that their attendance record is unsatisfactory
- the individual has been afforded the opportunity to improve their attendance
- the individual has been allowed to make representations on his/her own behalf.

## **20. Preliminaries to dismissal hearing**

20.1 Prior to a dismissal hearing taking place the management case should have afforded full consideration as to whether:

- procedures have been followed;
- referral to occupational health (as appropriate) has been undertaken and an up to date OH report is available;
- it has previously been made clear to the employee that their continued employment was at risk;
- the employee has had sufficient opportunity to state their case;
- any new information has come to light;



- the option of reasonable adjustments has been considered;
  - the option of redeployment has been considered;
  - the case has been prepared with due reference to the Equality Act 2010.
- 20.2 The employee must be given reasonable notice (not less than five working days) of the date, time and venue of the dismissal hearing and must be informed of the right to be represented by a trade union representative or work colleague.
- 20.3 The Senior Manager will prepare the management case for dismissal (with accompanying documentation such as sickness record, summary of occupational health information and any other relevant information).
- 20.4 A copy of the management case with accompanying documentation, will be sent to the headteacher and the employee (and their Union Representative) prior to the meeting.
- 20.5 If it is not possible to include copies of the management case and accompanying documentation along with the formal notification of the dismissal hearing, then the relevant information should be sent to the headteacher and the employee (and their Union Representative) under separate cover within a reasonable timescale prior to the hearing.

## **21. Presentation of the Management Case**

- 21.1 The Senior Manager will present the case in a dismissal hearing and this will be heard by the headteacher.

## **22. Dismissal hearing**

- 22.1 During the dismissal hearing, the Senior Manager will present the management case with a recommendation of dismissal. This should not be a surprise to the employee who will be aware of this as a likely outcome. The employee (or their representative) will then be given the opportunity to present their case to oppose the recommendation.
- 22.2 After the Senior Manager has presented the management case the employee (or their representative) will then be given the opportunity to present their case to oppose the recommendation.
- 22.3 Either party may then be questioned by the headteacher. Following presentations from both sides and the completion of any subsequent enquiry the headteacher will call an adjournment to consider their decision.
- 22.4 The decision of the headteacher will be communicated to the employee in writing without delay.
- 22.5 Where a decision is taken to dismiss, the outcome letter (to be sent by recorded delivery) will inform the employee of the clear reason(s) for dismissal and the date of termination. They will also be informed of their right of appeal, and to whom an appeal should be sent.



22.6 The employee has the right to appeal against any decision to dismiss and also has the right to complain about any decision reached by the West Yorkshire Pension Fund which affects their pension benefits. This latter right includes access to the West Yorkshire Pension Fund 'Internal Dispute Resolution Procedure'.

### **23. Appeal against dismissal**

23.1 In order to exercise their right of appeal against dismissal, the employee must write to the Executive PA to the CEO within five working days of being informed of the decision to dismiss, stating their grounds for appeal.

23.2 The appeal hearing will be held within ten working days of receipt of the employee's letter of appeal. The employee will be given at least five working days' notice of the hearing. The appeal will be heard by the CEO.

23.3 Following introductions and the explanation of the purpose of the appeal hearing and how it will be conducted, the member of staff and their representative will be invited to present their grounds for appeal. Where grounds are unclear, the CEO may ask for clarification.

23.4 The headteacher of the original dismissal hearing panel will then present the reasons for the decision taken in the previous hearing and may call as a witness in the appeal hearing the Senior Manager who presented the case in the original dismissal hearing.

23.5 After ensuring that all relevant issues have been thoroughly explored the appeal panel will make a determination either to confirm the previous decision or to uphold the appeal. If an appeal is upheld the matter should be referred to the headteacher to be reconsidered.

23.6 The member of staff will be informed of the outcome of the appeal hearing in writing, normally within five working days of the date of the appeal hearing. The decision at this stage is final and this represents the conclusion of the dismissal process.

### **24. Other policies and procedures**

24.1 This policy will be supported by the following policies and procedures:

- Capability Policy
- Leave of Absence Policy
- Management of Stress Policy





## Appendix 1

### CONFIDENTIAL – RETURN TO WORK MEETING

<b>Date of Return to Work:</b>	
<b>EMPLOYEE DETAILS</b>	
<b>Full Name:</b>	
<b>Job Title:</b>	
<b>Line Manager:</b>	
<b>ABSENCE DETAILS</b>	
<b>First day of absence:</b>	
<b>Last day of absence:</b>	
<b>Total working days lost:</b>	
<b>When did you consider yourself fit to return to work:</b>	
<b>Reason for absence:</b>	
<b>Did you see a GP and/or seek health advice?</b>	
<b>Was the reason for the sickness absence in any way related to work?</b>	
<b>RETURN TO WORK DISCUSSION</b>	
<b>Are there any issues relating to the recent absence that the employee thinks the school should know about? (Does the employee consider themselves to have a disability?)</b>	
<b>Does the issue of reasonable adjustments or support need to be considered?</b>	
<p><b>I understand that this information will be used for the purposes of recording and monitoring sickness absence.</b></p> <p><b>Signed Employee</b>            .....</p> <p style="text-align: right;"><b>Date</b> .....</p> <p><b>Signed Manager</b>            .....</p> <p style="text-align: right;"><b>Date</b> .....</p>	



## Appendix 2

### MANAGEMENT DOCUMENT

Information required in advance of attendance management review meeting

<b>EMPLOYEE ABSENCE SUMMARY</b>	
<p><b>Number of days' absence in last rolling period of 12 months</b></p> <p><b>Number of separate occasions of absence</b></p> <p><b>NB Separate absences are defined by return to work <u>between</u> absences – any absences which span either side of a school holiday should be regarded as <u>continuous</u></b></p>	<p>..... (total) days on</p> <p>..... (separate) occasions</p>

<p><b>Which of the school trigger points has been met?</b></p> <p><b>1. 4 occasions of absence in a rolling 12 months</b></p> <p><b>2. Regular pattern of absence (e.g. Mondays and Fridays)</b></p> <p><b>3. 8 days in a rolling 12-month period</b></p>	<p><b>Yes / No</b></p> <p><b>Yes / No</b></p> <p><b>Yes / No</b></p>
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<p><b>Is referral to Occupational Health indicated?</b></p>	<p><b>Yes / No</b></p>
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### Appendix 3

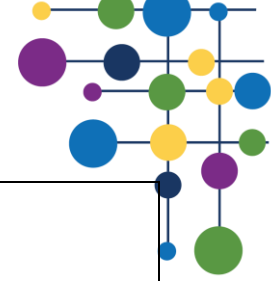
## Record of (Short-Term) Attendance Management Review Meeting

<b>Name of Employee:</b>	
<b>Date of Meeting:</b>	
<b>Nominated Absence Lead:</b>	
<b>People Present (Name and Role):</b>	

<b>Reason for meeting: (provide copy of Attendance Management Policy &amp; Procedure)</b>	Trigger(s) hit:	4 occasions of absence in a rolling 12 months	
		Regular pattern of absence	
		8 days in a rolling 12-month period	

<b>Nature of Illness (causing absence):</b>	
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<b>Issues Discussed:</b>	Add notes as appropriate:
Absences considered as disability?	Y/N or N/A
Mitigating circumstances?	Y/N or N/A
Impact of absences on work/colleagues/pupil progress?	



<p><b>Proposed course of action or plan for improvement/support:</b></p> <p>include if required:</p> <p>Referral to Occupational Health (Please seek HR advice)</p> <p>Mental Health Support:</p> <ul style="list-style-type: none"> <li>• Stress (or other) Risk Assessment</li> <li>• Counselling</li> <li>• Mental Health First Aider</li> </ul> <p>Any Remedial Action, such as:</p> <ul style="list-style-type: none"> <li>• change of role</li> <li>• change of duties</li> <li>• specific adjustments etc.</li> </ul>	<p>Add notes as appropriate:</p>
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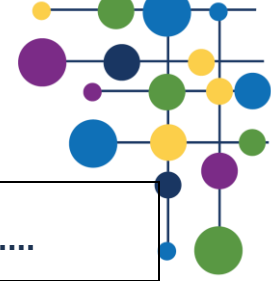
<p><b>Agreed Outcome:</b></p> <p>(to include explanation of next steps)</p>	<p>Add notes as appropriate:</p>
<p><b>Please can I check that you are happy with the way this meeting has been conducted?</b></p>	<p>Yes / No (please state why if no)</p>

<p><b>Review Period:</b>(if relevant)</p>	
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<p><b>Date of next review meeting:</b></p>	
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**A copy of the signed form will be given to the employee and their representative.**

<p><b>Signed as a true record by Employee:</b></p>	<p>.....</p>	<p><b>Date:</b></p>	<p>.....</p>
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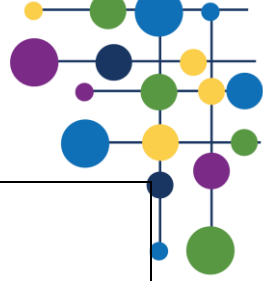
<b>Signed as a true record by Line Manager or NAL:</b>	.....	<b>Date:</b>	.....
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**Appendix 4**

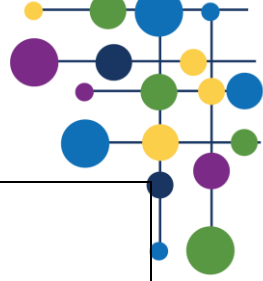
Record of (Long-Term) Attendance Management Review Meeting

<b>Name of Employee:</b>	
<b>Date of Meeting:</b>	
<b>HR Manager:</b>	
<b>People Present (Name and Role):</b>	

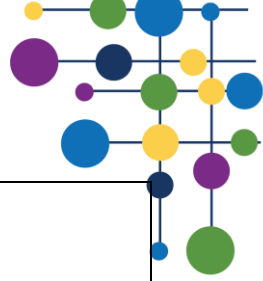
<b>Reason for Meeting:</b>  (Provide copy of Attendance Management Policy & Procedure)	
<b>Nature of Illness/Update:</b>	
<b>Absence considered a disability? (Equality Act 2010)</b>	



<b>Mitigating Circumstances</b>	
<b>Impact of absence on work colleagues/students</b>	
<b>Consider referral to OH/Discuss medical evidence available:</b>	
<b>Expiry date and details of current fit note:</b>	



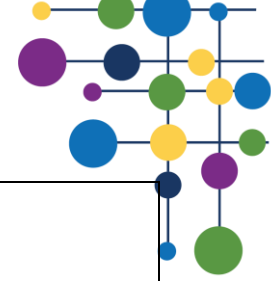
<b>Likelihood of an improvement in health:</b>	
<b>When is a return to work envisaged?</b>	
<b>Any other sickness preventing the employee's return to work?</b>	
<b>Information about the employee's current pay position:</b>	



<b>Full Pay Expiry Date</b> <b>Half Pay Expiry Date</b>	
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<b>For Discussion:</b>	<b>Confirmation (Y/N or N/A) and Notes:</b>
<b>Potential for dismissal</b>  (if a return to work is not affected prior to the exhaustion of sick pay and all other outcomes have been fully exhausted)	
<b>Reasonable Adjustments to affect a return to work</b>	
<b>Re-deployment</b>	





<b>Part-time working / Reduced Hours</b>	
<b>Mental Health Support:</b> <ul style="list-style-type: none"><li>• Counselling</li><li>• Stress (or other) Risk Assessment</li><li>• Mental Health First Aider</li></ul>	
<b>Physiotherapy</b>	
<b>Ill- health retirement</b> <ul style="list-style-type: none"><li>- for cases where a Certificate of Permanent Incapacity (CPI) has been issued</li></ul>	
<b>Phased Return</b>  (informed by medical opinion - typically a maximum of 4 weeks)	



<b>Agreed Actions:</b>	
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<b>Please can I check that you are happy with the way this meeting has been conducted?</b>	<b>YES</b>
	<b>NO (please state why)</b>

**A copy of the signed form will be given to the employee and their representative.**

<b>Signed as a true record by Employee:</b>	.....	<b>Date:</b> .....
<b>Signed as a true record by HR Manager:</b>	.....	<b>Date:</b> .....