



LONDON BOROUGH OF  
**HARROW**

# **Attendance Management Policy and Procedure For employees in Harrow Schools**

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## **1.0 INTRODUCTION**

The governing body and school are committed to the health, safety, and wellbeing of all staff. The school aims to encourage all its employees to maximise their attendance at work whilst recognising that, from time to time, employees may be unable to come to work due to ill health.

The school also recognises the significant impact of ill-health and sickness absence on costs and the quality of teaching and learning to pupils and expects all employees to make every effort to attend work.

It is essential that both senior leadership team (SLT) members and employees have a shared understanding of the actions that must take place at the time of sickness absence, be clear on the levels of attendance required and the action that will be taken where this is not achieved. Effective communication between SLT members and employees at all stages of the process is therefore a key requirement.

Focussing on employee's wellbeing, providing them with a healthy work environment to support them to maintain their physical and emotional wellbeing is an important priority for schools. This policy and procedure has clearly defined stages to ensure that efforts have been made to support the employee and where the level of sickness absence is having an adverse effect on service delivery. The informal stage of the procedure is to ensure a focus on early intervention to prevent sickness absence from escalating and impacting on service delivery.

## **2.0 PURPOSE**

The Attendance Management Policy and Procedure aims to ensure that sickness absence is managed in a fair, consistent, supportive, and effective way so that operational, teaching and learning standards are maintained.

## **3.0 SCOPE**

This policy applies to all school-based employees on permanent, temporary and fixed-term contracts, excluding those within their probationary period, and 'as and when' workers. It does not apply to agency workers, interims, or consultants.

This policy applies only to sickness absence; there are separate policies in place for other types of leave of absence.

## **4.0 ROLES AND RESPONSIBILITIES**

### **4.1 HEADTEACHER**

- The Headteacher is responsible for the management of absence of all employees and must inform all staff of the school's sickness absence reporting procedure. However, where there are many employees the Headteacher may nominate SLT/Managers to undertake the return-to-work contact for specific groups of staff.

- To proactively manage sickness absence in line with the policy and procedure and process guidance, taking personal responsibility and ownership for reducing sickness absence within their teams.
- To maintain regular contact with employees who are absent from school and keeping them informed of any relevant changes/updates.
- To ensure a Return-to-Work interview is conducted with employees following any period of sickness absence on each occasion of absence. Records to be updated. Where practical the Return-to-Work interview should be completed on the first day of return to school, or as soon as reasonably possible.
- To act promptly when a sickness trigger point is met.
- To undertake suitable risk assessments for work activities, review and ensure all identified actions are completed.
- To ensure documents related to sickness absence are completed in full and all relevant details are received from the employee.
- Ensure any personal information relating to an individual's health and/or wellbeing, is handled sensitively and kept in confidence.
- To recommend the schools Employee Assistance Programme (EAP) in appropriate sickness absence cases.
- Identify if Occupational Health referral is required, agree and complete the referral process with the employee.
- To pay due regard to the statutory duty to consider 'reasonable adjustments' to the work or working environment as required by the Equality Act 2010
- Identify and arrange appropriate Health & Safety training if required.
- Always fostering a culture of well-being
- The Headteacher will maintain records of employee absences to monitor the level of attendance of all employees.

#### **Concerns for employees who are still at work**

- Where the Headteacher or appropriate manager is concerned about an individual's health either mental or physical, perhaps due to deteriorating performance or uncharacteristic behaviour, and the employee is still at work, the Headteacher/Manager may ask to speak to the employee on an informal welfare basis.
- Furthermore, a Governing Body or Headteacher must take emergency action when they consider an employee may have become medically incapable of performing

duties if this puts at risk the health, education, safety and welfare of pupils. In such circumstances, advice must be sought from the HR Advisory Service.

## 4.2 EMPLOYEES

- To familiarise and understand the school's Attendance Policy and Process Guidance.
- To make every effort to attend work as per your contract of employment.
- Employees must notify the school in accordance with the agreed reporting arrangements on the first day of their absence from work due to sickness or ensure someone else does this for them as soon as possible. This should be done at the earliest opportunity and at latest within the first hour of their normal start time or shift start time unless otherwise agreed in accordance with the schools agreed reporting arrangements.
- To be honest about the reasons for absence and use alternative school absence provisions where applicable. Such as compassionate leave, parental leave etc. in agreement with their manager when these are more appropriate to the circumstances.
- Where sickness absence falls within a period of annual leave and the employee wishes to reclaim the annual leave, they are required to provide a fit note covering the period. The normal reporting and certification procedure applies if an employee falls sick on the day either side of a school closure period. If there is a cost to the employee to obtain a certificate the school will reimburse this payment.
- Remaining in regular contact with your manager during sickness absence and updating any change of contact arrangements.
- To attend Return-to-Work interviews as arranged by your manager and to make reasonable effort to attend meetings relating to sickness absence as requested.
- Providing relevant medical documentation including self-certification (under 7 days calendar days) and Statement of Fitness for Work / Fit Note for absences of 8 calendar days or more.
- Employees must provide fit notes to cover any period of absence of over 7 calendar days. Failure to do so without a reasonable explanation may result in the employee's sick pay being stopped from when the sickness required certification and absence being classed as unauthorised in accordance with the Disciplinary Procedure.
- Irrespective of the length of absence, a medical certificate should be submitted where the sickness absence continues or falls within annual leave, bank holidays and during notice periods.
- To attend appointments with the schools Occupational Health Service provider when referred by your manager. Missed appointments or cancellation less than 5 days prior to the appointment time, may incur a substantial cost which would be recovered from the school.

- Take all reasonable steps in identifying ways to improve their health, work or welfare issues contributing to their absence, including work related stress.

#### 4.3 **TRADE UNIONS**

- To work with managers in supporting employees' return to work in line with the policy/procedure.
- To work collaboratively during formal review meetings.
- To provide support to the employee
- Accompany the employee at formal meetings and hearings

#### 4.4 **HUMAN RESOURCES SERVICE**

- Provide advice and assistance on individual cases as requested including, where appropriate, referral to the OHS so that an employee's medical condition can be confirmed. Provide advice to ensure employee wellbeing is considered.
- Provide support to the headteacher or governing body by attending hearings.
- Ensure that the management of sickness is given a high priority and Headteachers are given appropriate support on the action they need to take.
- Provide Headteachers and Senior Manager with training on the policy.
- Monitor the application and effectiveness of the procedure, report trends and non-compliance to senior management and director.

#### 4.5 **REPRESENTATION AND POSTPONEMENTS**

- Employees can be accompanied or represented at formal meetings by a trade union official, or a work colleague.
- Where an employee is to be accompanied or represented, they should provide relevant details to the manager convening the meeting sufficiently in advance of the meeting.
- If copy documentation is requested directly by their representative or companion, the Headteacher / manager should ensure that this has been done with the permission of the employee.
- The manager and the employee's representative should aim to agree a convenient time for a hearing in advance to avoid postponements.

- 4.6 **Sickness presenteeism** is loss of productivity that occurs when employees are not fully functioning in the workplace because of an illness, injury, or other condition. Even though the employee may be physically at work, they may not be able to fully perform their duties and are more likely to make mistakes whilst working.

- Employees must report sickness absence when planned/agreed to be working from home and follow the normal school reporting arrangements, in the same manner if they were working from the office.

## 5.0 SICKNESS ABSENCE TRIGGERS

- To deal with sickness absence in a fair and consistent manner, while considering each case on its own merit, schools reviews absence against several different triggers. The reason for establishing sickness triggers is to ensure that an employee is continued to be supported when encountering health problems that result in their sickness absence. It also supports the schools' aim in reducing the number of days lost through sickness.
- The setting of further sickness targets beyond the initial corporate triggers stated below must be based on the individual absence/ health circumstances of the employee and the level of absence accrued. However, it is important to note that the targets must be realistic and support the aims of the school. The Headteacher/ manager could decide to lower these triggers, in an attempt to act as an incentive to reducing the level of sickness and addressing the matter by applying the appropriate stage of the process.
- Even if an employee is off sick when the triggers for action have been reached it is still necessary to consider the situation proactively and employees must be invited to attend meetings under this procedure. Managers must ensure that they advise employees of this. The schools can and must always continue to take proactive steps, even if the employee is still absent, to aid a safe and effective return to work.
- When setting the appropriate review, targets will be dependent on the individual circumstances of the employees, their condition and level of absence accrued. If you require further assistance on this matter, please contact Human Resources Service.
- The trigger points are only a guide to assist Headteachers/ managers and may not be automatically applied in all cases. Consideration can be given to act at an earlier or later stage depending on the circumstances. When reviewing absences against the trigger points it may be necessary in certain circumstances for Headteachers / manager to use their discretion on what the trigger points are and consider an extension to the trigger points as a reasonable adjustment resulting from OH advice. This particularly applies when an employee has an underlying medical condition that is covered under the Equality Act 2010.

### The current Sickness Absence Triggers are:

| Trigger Points  | Action Headteacher / Manager   |
|---|--|
| <p><b>*3 separate sickness absences</b> of any duration in a 3-month period (For example, 2 days off with headache, 3 days off with a cold, 10 days off with a bad back)</p> <p><b>*5 separate sickness absences</b> in a rolling 12-month period</p> | <p>Consider referral to Occupational health and any other reasonable adjustments to determine how to support the employee. Where stress or depression is given as a reason for sickness, employees should be referred to the OHS so that early interventions can take place to address any underlying work-related issues.</p> |

**\*A cumulative total of 12 days in a rolling 12-month period**

A pattern of sickness absence that causes concern e.g., regular absence often leaving work a few hours early due to sickness, absence on Mondays and Fridays, frequent medical appointments.

Single episode of 4 consecutive weeks or more in a rolling 12 month period (long term absence)

Each stage of the sickness absence process must be concluded within a reasonable timeframe inclusive of the sickness absence review meeting. Targets should be set at each stage of the procedure.

A reasonable review period should be set where appropriate.

•Managers must arrange a guidance meeting with the employee to discuss the reasons for the absences at the informal stage meeting. The meeting will also cover the attendance standards expected and targets to be set if a monitoring period is required.

If there is no improvement in their attendance despite relevant support and reasonable adjustments, managers to progress through the stages of the attendance Procedure.

\* The above triggers apply to both full time and part time employees regardless of the hours worked

## **6.0 INFORMAL STAGE - GUIDANCE MEETING**

- An informal guidance meeting should be held when any of the triggers above are breached or there are concerns about the amount of sickness absence or pattern of sickness. A guidance meeting will take place to explore the reasons for sickness absence,
- The Headteacher will carefully consider the particular circumstances of each individual case and will arrange a guidance meeting with the employee to discuss the reasons for the absences. Notes of meetings at all stages should be kept on file for future reference. All notes should be treated in strictest confidence.
- The Headteacher will meet with the employee to express their concern at the level of absence and to determine any underlying cause. The meeting will also cover the attendance standards expected and targets to be set if a monitoring period is required.
- Consideration should be given to determine if medical advice from the schools Occupational Health provider is necessary for support purposes, including whether any reasonable adjustment may be required for the role. When a medical report has been requested and received the employee will be met again to review the individual circumstances in the light of the additional information.



- It should be made clear that failure to meet the standards required during the monitoring periods may lead to the commencement of the formal process. This will be confirmed in writing.
- A date can be set for a review meeting at the end of the monitoring period. The outcome of any meeting held must be confirmed in writing.
- If a satisfactory level of attendance has been achieved at the end of the monitoring period, the employee will be advised in writing and reminded of the need to sustain their level of improvement. If the level of improvement is not maintained, the Attendance Management policy procedure will result in progression to formal stage of the procedure.
- Minutes of meetings at all stages should be kept on file for future reference. (A copy of these notes should be made available to the employee.) All documentation should be treated in strictest confidence.

## **7.0 FORMAL STAGE 1**

- Before a formal stage meeting is scheduled it is advisable to refer the employee to occupational health to seek advice on what support or reasonable adjustments may be required. Once this information is obtained it can be discussed at the formal stage meeting.
- If the trigger points set at the informal stage are exceeded a Formal Stage 1 meeting should be arranged.
- This stage can be initiated for employees who are continuously absent for 20 days or more without the need for the informal stage.
- The manager/Headteacher will:
  - I. Consider the causes of the sickness absence and its effect on work, taking into account medical advice.
  - II. Explain school policy on sickness absence including the focus on whether the
  - III. employee can give regular and efficient service.
  - IV. Explore any work, welfare or domestic problems or other explanation offered.
  - V. Set a review/monitoring period with a new trigger point for that period (this is for employees who are currently at work only).
  - VI. Set new triggers for action and a return-to-work date (if the employee is still absent from work)
  - VII. Issue any warning and determine a course of action which will consider the needs of the school, and where possible, the interests of the employee.
  - VIII. A further meeting should be arranged within agreed timescale e.g. 2 months depending on the nature of sickness
  - IX. Keep records and notes of the matters discussed.
- There can be more than one formal stage 1 meeting particularly if specialist consultant's reports are awaited. If a member of staff is on long-term sickness absence it is essential to maintain contact.

## 8.0 FORMAL STAGE 2

Stage 2 is reached in the following circumstances, either:

- When the initial monitoring period has failed to achieve a satisfactory reduction in the level of absence such that it falls below the defined trigger points.

OR

- The initial improvement achieved at the end of the monitoring period at Stage 1 has not been sustained.

➤

OR

- The employee has breached the triggers for action set at the formal stage 1
- A further meeting will be arranged by the manager to review the employee's sickness record. The outcome will depend on the circumstances of the case but will normally include setting a further monitoring period for improved attendance within a specified timescale.
- The employee will also be advised that their employment is at risk and failure to reduce their level of sickness absence will result in them moving to Stage 3 of the procedure where a decision to dismiss may be made. This will be confirmed in writing. There is a right of appeal against a decision to issue the final written warning.
- A record of the review will be placed on the employee's personnel file. This will be disregarded for the purposes of this procedure after a period not exceeding one year of satisfactory attendance.
- During the monitoring period the manager should ensure regular contact with the employee to discuss their attendance /sickness and progress. Further actions may also include:
  - I. Agreeing reasonable adjustments to working arrangements.
  - II. Further referral to Occupational Health.
  - III. Considering other types of support that may be available and/or appropriate.

## **9.0 FORMAL STAGE 3 – HEARING**

- If a satisfactory level of attendance has not been achieved at the end of the monitoring period or the triggers for action set at the formal stage 2 have been breached, the Attendance Management procedure will result in progression to Stage 3.
- Headteacher will contact the HR Advisory Service to request that the employee be referred to the Council's Occupational Health Advisor, to ascertain the employee's ability to undertake their duties. A meeting of the Governing Body will be convened.
- The Headteacher will present a report to the Governing Body which will include the information received from the Authority's Occupational Health Advisor. The employee will be afforded the opportunity of a personal hearing with the Committee.
- The procedure for this meeting is attached as Appendix 3. A representative of the Director of Education must attend this meeting.
- If at this stage, the relevant Committee of the Governing Body i.e. the Hearing Governing Body, having taken into consideration the medical opinion and the information submitted by the employee, assesses that the absence level is unacceptable the employee may be dismissed. If dismissal is not appropriate, the Hearing Governing Body may set a further target in accordance with Stage 2.
- The decision of the Committee will be notified to the employee, in writing, within 5 working days of the hearing.

## **10.0 APPEAL**

- Employees should be advised that any appeal against dismissal must be lodged in writing with the Chair of Governors within 10 working days of receipt of the written decision.
- It is important that an up-to-date Occupational Health report is obtained prior to the final stage meeting to ensure recent medical advice is available to the panel.
- In recognising the governing body's duty of care to employees, Headteachers/managers are expected to address concerns as soon as they arise. Informal reviews, and a referral to the OHS, may therefore take place before the trigger points are reached.

## **11.0 SICKNESS ABSENCE AND GRIEVANCE COMPLAINT**

- When a grievance is raised that relates to the Attendance Management procedure, it will be considered as part of these proceedings and will be considered as part of any hearing or appeal.
- If the grievance does not relate to the management of sickness absence, it will be dealt with separately through the Grievance Procedure and without delay to any sickness absence proceedings.

## 12.0 SANCTION LEVELS AND SCHEME OF DELEGATION

| Sanction   | Duration of Warning on file | Manager Level  |
|--|-----------------------------|--|
| Guidance   | 12 months                   | Headteacher/SLT  |
| First Written Warning                            | 6 months                    | Headteacher/SLT  |
| Final Written Warning                            | 12 months                   | Headteacher/SLT  |
| Appeals against First and Final Written Warnings | N/a                         | Governing Body relevant Hearing Committee. – supported by HR |
| Dismissal  | N/a                         | Governing Body relevant Hearing Committee.– supported by HR  |
| Appeal against Dismissal                         | N/a                         | Appeals Committee of the Governing Body.– Supported by HR    |

- A record of the review will be placed on the employee's personnel file. This will be disregarded for the purposes of this procedure after a period not exceeding one year of satisfactory attendance.

## 13.0 Fit notes

- In order to reduce pressure on doctors, particularly GPs, the Department for Work and Pensions (DWP) and the Department of Health and Social Care (DHSC) have proposed that nurses, occupational therapists, pharmacists and physiotherapists should be able to certify and issue fit notes. These new rules came into force from 1 July 2022, lifting the requirement that only doctors can issue the notes.
- For anyone who has been off work with illness for more than seven days, a fit note provides evidence to the school about their absence and any relevant advice on how to support them to remain in or return to work.
- The fit note may include reasonable adjustments for the manager to consider facilitating a return to work, phase return to work, amended duties, altered hours and workplace adaptations. In some cases, managers may need to discuss and explore redeployment opportunities with employees.
- Employees will be expected to return to work following the expiry of their fit note. They will not be required to get a confirmation of their fitness to return to work except when necessary.

## 14.0 EMPLOYEE HEALTH AND WELLBEING

- It is widely accepted that returning to work can be beneficial for someone who has suffered stress, anxiety, or other mental health related illness. Attendance at work is usually positive for an individual's overall wellbeing and it is acknowledged that the longer that you are away from the workplace the more difficult it can be for you to return to work.

- Managers, therefore, will support return to work following any stress, anxiety, or other mental health related illness by ensuring a workplace Stress Risk Assessment (SRA) is completed, in place and any concerns raised by employee are considered, and where possible, addressed. Managers can contact the schools Employee Assistant Programme provider for advice on how to best support employees with wellbeing concerns.

## **15.0 OCCUPATIONAL HEALTH SERVICE (OHS)**

- OHS provides specialist advice on preventing or resolving health problems which can affect the employee's ability to attend work or do their job effectively.
- A referral to OH can be made at any time if the line manager or employee is concerned about the impact of the employee's health on their performance or attendance. They do not have to wait until the employee has reached a Trigger Point, or they are absent from work before seeking advice.
- Employees must give consent before an OH referral is made.

## **16.0 PANDEMIC**

- The school will review and provide guidance considering government guidance on how sickness absence is managed in relation to national pandemics when they arise.

## **17.0 MEDICAL REDEPLOYMENT**

- The process of moving employees to a different role either on a temporary or permanent basis. All options will be considered when someone is unable to continue in their current role due to ill health, including change of working hours and Ill Health Retirement (IHR). Advice should always be sought from OH on the suitability of alternative employment and the possibility of IHR.
- The employee will be placed on the medical redeployment register for a 12-week period for the opportunity to seek suitable alternative employment with support from the line manager and HR. Where medical redeployment is not possible, or reasonable adjustments cannot be made to an existing role, consideration should be made to dismiss the employee on grounds of ill health capability and/or unsatisfactory levels of attendance.
- Where a suitable alternative role is identified through the medical redeployment process, the employee will be paid at the new rate of pay from the start of their new role following a successful 4-week trial period. Any change of hours will attract payment in line with the new hours.

## **18.0 PREGNANCY AND RELATED SICKNESS ABSENCE**

- Sickness absence related to pregnancy or miscarriage will not count in relation to trigger points but will be reviewed and recorded as sickness absence for sick pay

entitlement and support purposes. Managers should arrange informal supportive meetings should staff be on long-term absence.

- If an employee goes off sick within 4 weeks of the expected week of childbirth, for pregnancy related, maternity leave and maternity pay will commence. Managers should refer to the Maternity Policy for further information.

## **19.0 EQUALITY AND DIVERSITY**

- The school is committed to ensure the policy does not impact unfairly on employees with reference to protected characteristics detailed in the Equality Act 2010. Managers have responsibility to ensure that their application of the procedure does not have any adverse impact and their decision-making process is consistent across all groups of employees.
- The School has a duty to make reasonable adjustments where an employee has a disability covered by the Equality Act 2010. A disability is defined under the Equality Act 2010 as a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on an individual's ability to do normal daily activities.
- Employees should inform their manager if they consider their disability and/or health condition affects their ability to undertake their work and/or poses a health and safety risk.
- For disability related sickness absences, managers must consider OH recommendations and reasonable adjustment where appropriate. Due care and attention should be given to employees who have a disability, and this situation should be considered when setting revised targets.

## **20.0 SICK PAY**

- The school operates an occupational sickness payments scheme for all employees, which runs alongside the Statutory Sick Pay Scheme with entitlements dependent upon length of service.
- It is important that employees follow the school's sickness absence reporting procedures and provide supporting documentation as requested. Failure to do so may result in the employee's pay being stopped for the absence period. Formal action may be instigated under the disciplinary procedure.
- As part of their overall Attendance Management Policy, managers should inform employees of their sick pay entitlements during guidance and review meeting especially before their full and half pay entitlements expire. Managers and employees can contact the schools Payroll provider to request this information.

## **21.0 CONFIDENTIALITY**

- Sickness absence records are confidential, the information disclosed during the process must be treated with sensitivity, confidentially and kept securely in accordance with GDPR. Disciplinary action will be taken for any inappropriate handling or processing of personal data.

## Appendices

### APPENDIX 1

#### Procedure for Notification of Absence

- (a) The initial stage of the Attendance Management policy and procedure is the notification by the employee that they will be absent from their place of work due to sickness.
- (b) Headteachers must inform all staff of the school's sickness absence reporting procedure. **Details of the procedure should include the time by which initial notification must be made and to whom it must be made and deadlines for submission of the doctors notes (fit note). All employees should also familiarise themselves with these arrangements.**
- (c) The following steps for initial notification will apply.
  - (i) **Employees must** phone in on the first day of absence **in accordance with school reporting procedures.**
  - (ii) After a period of sickness absence of more than seven consecutive days, it is then necessary for a doctors medical certificate to be obtained and forwarded, in line with established arrangements. Further Fit note need to be sent in, as necessary, to cover the whole period of absence.
- (v) Upon return to work a Return to Work Interview is to be completed by the Headteacher or delegated manager.
- (d) In certain circumstances, advance notification of return to work may also be required.
- (e) **Failure to comply with this procedure will normally result in loss of pay, unless there are mitigating circumstances.**
- (f) Doctors Fit note are provided free of charge after seven days absence.
  - (g) All absences resulting from an industrial injury or illness will also require doctors Fit note, to cover the **whole** period of the absence.
- (h) **The employee should inform the Headteacher if they feel the reason for their absence is connected to their disability. This will assist in ensuring that reasonable adjustments can be made.**
- (i) **Where an employee has informed the Headteacher, a record will be kept of any absences which may be connected to an employee's disability.**



## **APPENDIX 2**

### **Procedure for the Governing Body**

If the absence is referred to the Governing Body, **the Director of Education must be represented at this meeting.**

The employee, their representative **and a representative from the Director of Education** shall be given not less than 10 working days notice of the date, time and place of the meeting of the Governing Body and the Committee shall hear the case in accordance with the following procedure:-

- (a) The Headteacher shall put the case in the presence of the employee and their representative.
- (b) The employee (or their representative) shall have the opportunity to ask questions of the Headteacher.
- (c) The members of the Committee shall have the opportunity to ask questions of the Headteacher.
- (d) The employee (or their representative) shall put their case in the presence of the Headteacher.
- (e) The Headteacher shall have the opportunity to ask questions of the employee (or representative).
- (f) The Committee shall have the opportunity to ask questions of the employee (or representative).
- (g) The Headteacher and the employee (or their representative) shall have the opportunity to sum up their case if they so wish.
- (h) The Headteacher, the employee and their representative shall withdraw.
- (i) The Committee with the Clerk to the Governors and the Director of Education (or representative) shall deliberate in private, only recalling the Headteacher and the employee (and their representative) to clear points of uncertainty on information already given. If recall is necessary, both parties shall return notwithstanding only one is concerned with the point giving rise to doubt.
- (j) The Committee shall announce the decision to the Headteacher and the employee (and their representative) personally.

If the Committee, after considering the information presented determine that the employee should be dismissed, the employee shall be advised accordingly, and the dismissal will take place with the notice prescribed by the employee's contract of employment. The notice shall be effective from the date upon which the decision is communicated to her/him by the **Director of Education**. The Committee may decide that a payment in lieu of notice be paid to the employee and that their dismissal be effective from the date upon which the decision is communicated to her/him by the **Director of Education**.

The employee will be informed of their right of appeal against the decision to the Appeals Committee of the Governing Body. The decision of the Committee will be notified to the employee in writing within 5 working days of the hearing.

**NOTE:**

**All personal information considered at this stage, must be treated in confidence**

### **APPENDIX 3**

#### **Procedure for the Appeals Committee**

The employee should notify the Clerk to the Governing Body in writing that they wish to appeal. This notification should be within 10 working days of receipt of the decision of the Governing Body.

If the employee appeals against the decision of the Governing Body the matter shall be dealt with by the Appeals Committee of the Governing Body. **The Director of Education must be represented at the meeting of the Committee.**

The employee and their representative shall be given not less than 10 working days notice of the date, time and place of the meeting of the Committee at which the appeal is to be heard. The Committee shall hear the case in accordance with the following procedure:-

- (a) The Chair of Governing Body shall put the case in the presence of the appellant and their representative and **may be assisted by the Headteacher.**
- (b) The appellant (or their representative) shall have the opportunity to ask questions of the Chair of Governing Body/**Headteacher** on the information given by them.
- (c) The **Appeals** Committee shall have the opportunity to ask questions of the Chair of Governing Body/**Headteacher.**
- (d) The appellant (or their representative) shall put their case in the presence of the Chair of Governing Body **and Headteacher.**
- (e) The Chair of Governing Body shall have the opportunity to ask questions of the appellant (or representative).
- (f) The **Appeals** Committee shall have the opportunity to ask questions of the appellant (or representative).
- (g) The Chair of Governing Body and the appellant (or their representative) shall have the opportunity to sum up their cases if they so wish.
- (h) The Chair of Governing Body and the appellant and their representative shall withdraw.
- (i) The **Appeals** Committee and the Clerk to the Governors and the **Director of Education** shall deliberate in private only recalling the Chair of Governing Body and the appellant (and their representative) to clear points of uncertainty on information already given. If recall is necessary both parties shall return notwithstanding only one is concerned with the point giving rise to doubt.
- (j) The **Appeals** Committee shall announce the decision to the Chair of Governing Body and the appellant (and their representative) personally.

The decision of the **Appeals** Committee shall be notified in writing to the appellant by the Clerk to the Governors and a copy of the letter shall be retained on the appropriate

employee's personal file. There shall be no further right of appeal under this procedure. However, nothing in this procedure shall be construed to limit an employee's rights under the Employment Protection (Consolidation) Act, 1978 or any other enactment.

**NOTE:**

**All personal information considered at this stage, must be treated in confidence.**

## **APPENDIX 4**

### **Headteacher Absences**

1. When a Headteacher is absent from work for medical reasons, they should notify their workplace and submit Doctors notes in accordance with the Procedure for Notification of Absence (detailed in Appendix 1).
2. When a Headteacher returns to duty, the return to work contact should be carried out by the Deputy Headteacher as part of their management role. The nature of this contact will vary according to the reasons for the absence and any previous absence, however, on most occasions this will be a short discussion to recognise that the Headteacher has been off work and to offer them support and encouragement on their return. If the Deputy Headteacher or Headteacher feel that such arrangements are inappropriate, the Chair of the Governing Body may support or replace the Deputy Headteacher during this contact.
4. The Deputy Headteacher, in liaison with the Chair of the Governing Body, will monitor the absences of the Headteacher. Any action relating to the short term or long term sickness absence procedure, in line with the guidance within the main document, will be carried out by the Chair of the Governing Body. In all cases, the Chair of the Governing Body will notify the **Director of Education** where action reaches stage 2 of either the short term or long term absence procedure. A representative of the **Director of Education** has the right to attend such meetings in an advisory capacity. **In cases where action reaches Stages 3 and 4, The Director of Education must attend such meetings in an advisory capacity.**
5. Headteacher absences should be included on the monthly sickness return and submitted to Payroll/HR following the usual procedure.

## **APPENDIX 5**

### **Questions for the Occupational Health Advisor**

The Occupational Health Advisor will be requested to consider the employee's ability to carry out the duties of their existing job referring to their current job description. The following list gives examples of possible questions which may be asked of the Occupational Health Advisor.

- Is the absence related to an employee's disability?
- If the employee's condition has worsened or is likely to worsen, what adjustments could be made to support the employee's continued employment in the post?
- Is there an underlying medical cause?
- **Is the employee's condition work related?**
- What are the effects of the condition on the employee's capability to perform the duties of the post?
- If the effects of the employee's condition are temporary, how long are they likely to last?
- What functions could the employee perform with reasonable adjustments?
- Could any reasonable adjustments be made to accommodate the employee in the post?
- Is the employee able to continue in the post up to 12 months of the absence or beyond?
- Should a transfer to another suitable post be considered?
- Is ill health retirement appropriate?
- Where the employee is being considered for transfer to an alternative vacancy, their abilities will be assessed against the new job description. In this case, the Occupational Health Advisor should be asked:
  - What functions of the alternative post could the employee carry out with reasonable adjustments?
  - The report to the Occupational Health Advisor should also include information on what alternative or lighter duties are available.

## **APPENDIX 6**

### **Access to Medical Report**

Employees have certain rights under both the Access to Medical Reports Act 1988 and the Access to Health Records Act 1990.

Under the Access to Medical Reports Act 1988, an employer cannot apply for a medical report from a doctor who has been responsible for the employee's health without the employee's written consent. The employee also has the right to see the report before it is sent to the authority's Occupational Health Advisor. The employer is also required to inform the employee of their rights.

This Act applies to all enquiries in cases of ill-health, capability, early retirement and inclusion in a pension scheme.

Under the Access to Health Records Act 1990, every patient has the right of access to both their written and computerised medical records compiled since 1st November 1991.

The medical forms developed by the Council, in conjunction with the Council's Occupational Health Advisor.