SCHOOLS MODEL

MANAGING ATTENDANCE

POLICY AND PROCEDURE

Adopted by Iveson Primary Governing Body on 15/07/25

To be reviewed by Governors Summer 2 2028

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1. THE POLICY

1.1 Introduction

The policy sets out the procedure that employees must follow to report sickness absence. It also sets out the procedure for the management of employees' sickness absence in a fair and consistent way. This policy will apply to all school based employees where the Governing Body has agreed its adoption.

A positive approach to health, safety, wellbeing and attendance is essential to ensure a safe and healthy environment for all employees.

The School and its employees are responsible for ensuring that regular attendance at work is maintained so that the school is able to deliver teaching and learning with minimum disruption. Where absence levels become a concern the procedures set out in this policy will be followed, alongside recommendations from the accompanying Guidance.

The underlying principle of the policy is recognition that the majority of employees have excellent attendance records, and will take time off only where absolutely necessary and where they are unable to attend work because of ill health

The policy is intended to be used in cases involving absence from work due to sickness and is designed to ensure that all employees are dealt with compassionately.

The policy also sets out employees' responsibilities in managing their attendance at work. The policy is supported by Guidance and where additional support is needed the HR Schools team, or your own HR provider can provide specialist advice on individual or complex cases and where necessary seek further expert advice from, for example, Occupational Health.

The policy applies to all employees including those with disabilities. Additional safeguards have been built into the policy and the Guidance to ensure that specialist advice is sought and reasonable adjustments are considered in respect of disabled employees.

1.2 The Aim of the Process

The Policy aims to:

- ensure the effective management of sickness absence and support of employees suffering from ill health;
- improve and maintain the health of employees;
- treat sickness absence in a fair, consistent, sensitive, constructive and supportive manner;
- monitor sickness absence on a regular basis to identify any job related issues;
- manage and deal with absence relating to a disability positively as part of the support and management of the employee;
- develop and maintain a culture which encourages high attendance levels;
- ensure that all managers receive appropriate guidance and training.

1.3 Key Principles

Sickness absence from work is always assumed to be genuine. It is recognised that most employees have minimal sickness absence and that they make every possible attempt to attend work. Whilst there is an understanding that there will inevitably be some absence amongst employees, this must be balanced with the need of the School to deliver teaching and learning with minimal disruption to its pupils.

The Headteacher or a nominated person are responsible for monitoring absence levels and for applying this policy. The nominated person will normally be a senior employee within school e.g. Deputy Head, Head of Department or line manager In the case of a Headteacher's absence, the Chair of Governors will appoint a nominated person to monitor any absences in keeping with the principles of this policy.

Where the Headteacher has nominated a person to undertake absence management, that person must keep the Headteacher up to date regarding the employee's absence. They are also responsible for arranging home visits, contact and support as appropriate. Initial contact will be of an informal nature; formal contact will be agreed in long term absence cases when a continuous period of absence exceeds or is likely to exceed **4 weeks.**

Where employees have frequent short-term absences or long term absence, medical advice will be sought and counselling offered where appropriate.

All employees dealing with colleagues who have been absent due to sickness and have access to absence records will have regard to the need for confidentiality and the Access to Medical Reports Act, 1988.

1.4 Roles and Responsibilities

It is recognised that there is a need for everyone to play their role in the management of sickness absence. **All employees should be made aware of and provided with access to a copy of the policy**. It is expected that schools will have their own procedure for employees to notify the Headteacher or nominated person when they return to work after a period of absence.

Where the sickness absence of an employee gives cause for concern the Headteacher or nominated person will discuss this with the individual concerned. This will normally be where trigger points have been reached or following a period of sustained long term absence.

In summary the general roles and responsibilities of the Headteacher or nominated person and all school employees are detailed in the following table.

Responsibilities: Headteacher or Nominated Person
• Ensure and promote safe and healthy work conditions and policies. • Ensure employees are aware of the importance of good attendance, the support available to help them and the impact of absence on learning productivity and colleagues. • Ensure all employees have an awareness and understanding of the Managing Attendance Policy and Procedure • Ensure employees understand and follow the policy regarding notification procedures. • Seek further advice and support where appropriate from your HR provider and Occupational Health, and consider medical advice and any recommended adjustments • Maintain and agree an appropriate level of contact with employees who are absent from work due to ill health. Conduct a return to work meeting with employees promptly after every period of sickness absence. • Explore with employees who are absent whether there are any work related or other issues affecting their attendance with a view to determining an agreed way forward. • Follow the policy for managing sickness absence and ensure that the employee is aware of their responsibilities and the implications for their continued employment. • At each stage of the procedure check whether the employee has any work related or other problems affecting their attendance and provide support or seek further advice.

• **Responsibilities: All School Employees**
• Take responsibility for looking after their own health and safety and advise the school as early as possible of any work or health related issues. This is especially important if suffering from stress related illness as the School may be able to provide support and/or expert help at an early stage. • Familiarise themselves with the policy and if they do not understand anything ask their manager. • Notify the School of their sickness absence in accordance with the procedure.

- Agree how/when regular contact will be made with Headteacher/nominated person during the absence.
- Attend appointments (telephone or face to face) with Occupational Health when requested and ensure that any communication with your GP / Specialist is dealt with within a reasonable time to avoid delays.
- Follow any medical advice and avoid any activities that may hinder or delay a return to work.
- Ensure you inform the Headteacher of any other employment you are undertaking, or may undertake during your absence.
- Respond to the Headteacher/nominated person during any period of absence and fully participate in return to work meetings or meetings arranged during absence.
- Work with the Headteacher/nominated person to take action to improve their attendance.
- Ensure that the Headteacher/nominated person is kept up to date and informed of the expected return to work date.

1.5 SICKNESS ABSENCE RECORDS AND PAY

The Headteacher/nominated person should ensure that all instances of sickness absence are documented appropriately and countersigned as necessary. In conjunction with payroll services, individual sickness records will be kept for every employee. These will show details of each absence; the reason, whether they are self-certified or medically certified and the duration. Individual records should be updated after each absence and reviewed on a regular basis. By maintaining accurate records the scope for dispute when dealing with sickness absence cases under the policy will be minimised.

Employees, when absent from work, will be entitled to **a) Statutory Sick Pay (SSP)** provided relevant regulations are satisfied; and **b) Occupational Sick Pay** in accordance with employment terms and conditions, provided that an employee complies with the following points as detailed below;

- Contact the School in accordance with the School's sickness absence notification procedure.
- Provide doctor's statement of fitness notes at the appropriate times.
- Maintain an appropriate level of contact as agreed with the nominated person.
- Make every effort to attend Occupational Health appointments and meetings when requested.

Failure to comply with the above requirements may be viewed as a serious matter and may result in Occupational Sick Pay being withheld and/or disciplinary action being taken.

<u>It is important to note that under this policy should an employee refuse or fail to attend Occupational Health appointments or meetings arranged under this policy by the School without good reason it may result in decisions being taken without the benefit of up to date medical advice.</u>

The sick pay scheme is intended to supplement Statutory Sick Pay and incapacity benefit so to maintain normal pay during defined periods of absence. Further details of

this entitlement can be found within each employee's contract of employment and referenced in the supporting guidance document to this policy.

1.6 WORKING DAYS

For the purposes of giving notice for formal meetings/hearings arranged under this policy a working day shall exclude Saturday, Sunday, Public and Statutory Holidays, school holidays for teachers and term time only employees and any extra Statutory Holidays or additional days granted by the Governing Body or the Secretary of State for Education.

1.7 MAINTAINING CONTACT

It is important that reasonable and regular contact is maintained with employees who are absent due to sickness.

Any contact with an employee should be handled sensitively and should not be intrusive or carried out in a manner that could be seen as harassment. In cases of stress/anxiety related absence or where disciplinary action may/has been taken, or in particularly complex situations, advice should always be sought from Human Resources before contact is made. Contact should be through the Headteacher or a nominated person who is familiar with the employee.

Contact may be made by telephoning the employee at home, sending a card, arranging for them to visit the school or an alternative venue, or any other agreed form of contact. The purpose of such contact is to:

- provide support;
- demonstrate the school's interest/concern;
- ensure reporting policies are followed so there is no loss of pay or benefits; and
- to help the Headteacher assess the possible length of absence to plan cover.

1.8 SICKNESS ABSENCE AND DISABILITY

Sickness absence may result from a disability. At each stage of the procedure particular consideration must be given to whether there are any reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work to improve attendance and/or assist a return to work.

Should an employee consider that he/she is affected by a disability or any medical condition which affects their ability to undertake a return to work or ability to undertake their job role fully the Headteacher or Nominated person should be informed.

Disabled employees will not be treated less favorably than other employees because of their disability and the school will make reasonable adjustments where necessary to ensure disabled employees are not disadvantaged. The Guidance to this procedure provides further advice on this.

2. NOTIFICATION AND CERTIFICATION OF SICKNESS ABSENCE

All employees who are unable to attend work as a result of sickness must comply with the following to avoid loss of pay:

2.1 First Full Day of Absence

All employees should normally notify the school on the first day of absence by a ***specified time and to a designated person, which will be determined by the school***. A person nominated by the employee may contact the School if illness prevents the employee from doing so.

All employees will be required to provide the following information:-

a) The nature of the illness;
b) The date on which the employee is expected to be fit for work if known;
c) Present home address or contact address;
d) Whether the absence is a result of an injury at work;
e) Any outstanding or urgent work which requires attention.

It is the School's policy to keep in contact with employees who are absent from work due to ill health. If for any reason an employee should be away from the named contact address during a period of sick leave it is the employee's responsibility to inform the Headteacher/nominated person in writing.

The School should ensure that:

a) Any sickness absence that is notified is recorded and payroll informed
b) Arrangements are made, where necessary, to cover work and to inform colleagues and clients (while maintaining confidentiality).

2.2 Absence Up To and Including Seven Calendar Days

Absences of up to seven calendar days do not normally require a doctor's statement of fitness note. **If the return date is unknown, the employee must contact the school on each day of the absence. In some circumstances less frequent contact may be agreed.**

Contact should be made to either confirm a return to work date as previously notified, or that the absence will continue and that an appointment will be made to see a doctor with a view to obtaining a Statement of Fitness note.

2.3 Absence of More Than Seven Calendar Days (Statement of Fitness Note)

For absences of more than seven calendar days a statement of fitness note is required. Doctor's statement of fitness notes will only be accepted for sick pay purposes from the date that they have been signed by the Doctor or the 'from' date indicated by the doctor on the fit note.

Employees must ensure that there are no gaps between their statement of fitness notes. Continuation of statement of fitness note must be received by the school within **five working days** of the expiry of the previous note to ensure that payment of occupational sick pay is not affected. Only in exceptional circumstances will discretion be applied.

If a statement of fitness note is produced to cover a period that has been authorised as annual leave, the employee will be regarded as being on sick leave from the date of signing of the statement of fitness note.

Additional consideration for statement of fitness notes:
Where there is a concern about the reason for absence, or frequent short term absence, a statement of fitness note for each absence regardless of duration may be required. In such circumstances, any costs incurred in obtaining such medical evidence for absences of 7 working days or less will be reimbursed on production of a doctor's invoice.

2.4 Returning to Work

It is good practice that a meeting is held on the first day back with an employee on their return to work from sickness absence to check that they are fit to be at work. At this meeting the Headteacher or nominated person should;

a) explore any support that may be needed,
b) update as necessary,
c) to emphasise their importance to the school and subsequent effect of their absence,
d) inform that they will require formal monitoring if appropriate,
e) identify if an individual work place risk assessment needs to take place.

When an employee is returning following long-term sickness, it will usually be appropriate for the nominated person to meet with them prior to their expected date of return to establish a return to work support plan to facilitate effective rehabilitation back into the workplace.

The supplementary Guidance to this policy also provides further advice on returning to work and payroll administration.

2.5 Common Medical Conditions including Mental Health, Stress and Muscular/Skeletal Issues

Advice should be sought from Human Resources and Occupational Health as soon as possible for absences relating to any of the above for example in cases of back injuries, arthritis, rheumatism, upper limb disorder, stress, anxiety and depression. If appropriate the following support should be identified and offered to the employee as soon as possible:

- counselling through VIVUP EAP;
- a workplace risk assessment;
- a referral to Occupational Health to help identify quickly measures to support the employee.

Further information and referral forms can also be found on within the Wellbeing toolkit on Leeds for Learning.

2.6 Pregnancy Related Absence

The Guidance to this policy provides further advice on the procedure to be followed in respect of pregnancy related illness. Further information can also be found in the Work and Families Policy.

2.7 Work related Ill Health or Injury

The school aims to provide a safe and healthy work environment. Any incident that is or could be related to ill health or injury sustained in the workplace should be investigated and consideration given to trigger levels. Further advice can be sought from Health and Safety team.

2.8 Further Guidance

Anyone using this Policy and Procedure should have regard to the further Guidance. Where appropriate this policy and Guidance Document will direct the reader to other relevant School Policies and Procedures.

Advice and support can be obtained from your HR provider and Occupational Health at any stage.

3. Absence Trigger Points

Formal intervention is necessary if an employee meets one or more of the following trigger points during a **rolling 12 month period** because of the impact this level of absence has on the School:

- ***Where the employee has had four separate absences of a full day or more within a rolling twelve month period***
- ***Where the employee has had twelve or more full days of absence within a twelve month rolling period*** *(this will be proportionate for employees with a working pattern that does not cover every day of the standard school working week)*
- ***Any period of long term absence (4 weeks or more)***
- ***Where any unusual patterns of absence are identified*** *(e.g. repeated part day absences or absences linked to weekends or other breaks).*

3.1 Formal Procedure for Managing Attendance

Occasional spells of absence are to be expected. It is important when dealing with any type of absence that a sensitive and flexible approach is taken in each case. There may

be underlying domestic, personal or work related issues, which need to be taken into account. A negative approach may have a detrimental effect on morale and will not achieve the desired effect, which is to improve attendance.

In the case of employees absent on long term sickness paragraphs 3.2-3.6 do not apply. In those cases managers should refer to Section 4 of this policy.

3.2 STAGE 1

If an employee meets one or more of the trigger points the Headteacher/nominated person will then arrange a meeting in writing with the employee to inform them that their absence is a cause for concern and to discuss the absence.

The employee must be given **five working days** notification of the meeting and must be **advised of their right to be accompanied to the meeting by a work colleague or trade union representative.**

The Headteacher/nominated person should consider:

- aiming to improve the level of attendance through monitoring and reviewing the situation after a reasonable period e.g. 3 months or 12 working weeks or any other appropriate period depending on the circumstances (The monitoring period to commence on the first day that the employee returned to work after their last absence)

- attempting to resolve any working difficulties or welfare problems identified during the meeting;

- advising the employee to consult his/her doctor;

- reasonable adjustments in line with the reasonable adjustments toolkit;

- obtaining advice from your Human Resources provider on whether to refer to Occupational Health. (Please see the section 'Referral to Occupational Health Service/Medical Practitioner' within this policy for further information.)

- referring the matter to the Headteacher, if they are not already involved, and to consider redeploying the employee to another post within the school. (This option should only be considered where it is felt that the employee's sickness absence record is specifically attributable to workplace/occupational factors or disability, and where a suitable alternative vacant post is available);

- requiring the employee to certify any future absences by a medical statement of fitness note; (Where this option is pursued there may be a charge; this will need to be met by the school.)

The outcome of any meeting will normally be confirmed in writing within five working days or as soon as possible. This written confirmation should include details of any improvements required of the employee, any actions to be undertaken and any review period.

If an employee prefers not to discuss his/her medical condition with the Headteacher/nominated person, because it is of a sensitive or personal nature, the School will arrange, if possible and at the employee's request, for the employee to meet with someone of the same sex.

In cases where the Headteacher's sickness absence meets one of the trigger points then the Chair of the Governing Body should contact your Human Resources provider who will provide advice on how to proceed.

3.3 Reviewing Stage 1 Attendance

As detailed above, a period of monitoring and a review date should be agreed at the Stage 1 meeting. If there has been a satisfactory improvement in attendance during the review period the Headteacher/nominated person should remove the employee from the procedure.

However, if there has not been a satisfactory improvement within the review period the Headteacher/nominated person should address the issues raised at the previous meetings, and any new issues that may have arisen or come to light, and should consider:

- moving the employee to Stage 2 of the procedure (see below for further detail of what should be discussed); or
- agreeing to extend the review period under Stage 1 of the policy; or
- referring the employee to Occupational Health.

A review meeting should be brought forward in cases where it becomes apparent that the employee's attendance has fallen below the expected standard before the end of any agreed review period.

3.4 STAGE 2

Where a decision is taken to move an employee to Stage 2 a meeting will be arranged following the same approach as used for stage one, including the same rights to representation. In addition the following actions should be taken:

1. The Headteacher/nominated person should explain to the employee that Stage 2 of the review is a final opportunity to improve attendance and, unless the required improvements are made, the next stage of the procedure could lead to their dismissal;

2. The employee will be referred, if they have not already, for an assessment with Occupational Health.

Unless any valid objection is raised a separate Stage 2 meeting does not have to be convened and can form part of the same meeting as the Stage 1 review. The Headteacher/nominated person may feel it appropriate to be supported by a representative from your HR provider if the employee is likely to enter Stage 2.

As per Stage 1 meetings, the outcome of any Stage 2 meeting will normally be confirmed in writing within <u>five working days or as soon as possible, and should</u>

include details of any improvements required of the employee, any actions to be undertaken and any review period.

3.5 Reviewing Stage 2 Attendance

Reviewing attendance at Stage 2 should follow the same approach as Stage 1.

If there has not been a satisfactory improvement within the agreed Stage 2 review period the Headteacher/nominated person should consider the following options at the review meeting:

- extend the review period under Stage 2;
- where there are serious concerns, refer to a Stage 3 Ill Health Capability Hearing; or
- where the employee's attendance record is deemed to be acceptable the procedure will end. If at any time within the twelve month period immediately following the date of the review meeting, the employee's attendance again falls below an acceptable level the Headteacher/nominated person may reintroduce the formal procedure and commence the procedure at a point which is appropriate in the light of previous action. In such circumstances it is advisable to seek advice from your HR provider.

If the employee has met the requirements set out in the Stage 2 meeting, the procedure will end.

As at Stage 1, a review meeting should be brought forward in cases where it becomes apparent that the employee's attendance has fallen below the expected standard before the end of any agreed review period.

3.6 STAGE 3 - Ill Health Capability Hearing

IT IS RECOMMENDED THAT IN ALL CASES ADVICE IS SOUGHT FROM YOUR HUMAN RESOURCES PROVIDER BEFORE TAKING ANY ACTION UNDER THIS STAGE OF THE POLICY.

Where an employee's attendance record has not improved as required at Stage 2 of the procedure then the employee should be told, as described above, that a hearing will be called where their employment may be terminated on the grounds of ill health. In cases of employees absent on long term sickness please refer to Section 4.3 Ill Health Capability Hearing.

(See Section 7 – **PROCEDURE FOR A HEARING ON THE GROUNDS OF ILL HEALTH CAPABILITY**)

4. ADDITIONAL CONSIDERATIONS: LONG TERM ABSENCE

Long term sickness is a continuous absence of **four weeks or more**.

All requirements relating to notification, certification and maintaining contact apply equally to employees who are on long-term sickness as they do for short-term absence.

Upon returning from long term sickness an employee will enter Stage 1 of the procedure for further monitoring and support, unless they were previously in a later stage, in which case they will enter the stage of the procedure they were in immediately prior to the long term absence.

4.1 Meeting the Employee

Regular contact should be maintained during the absence, as appropriate.

The Headteacher/nominated person will normally arrange to meet with the employee after the **fourth week of absence**. However, in cases where earlier intervention would benefit the employee, a meeting will be arranged before the 4 week point, for example where the absence is linked to a mental health condition.

Consideration should be given to arranging appropriate therapeutic interventions as early as possible, such as counselling and Occupational Health, before a meeting takes place.

The purpose of the meeting will be to:

- establish the medical condition and, if necessary, seek advice from your Human Resources provider who may advise that Occupational Health advice is obtained;
- discuss a possible date for return to work if appropriate;
- discuss any adjustments necessary to facilitate a return to work.

The employee will be advised of their right to be accompanied by a work colleague or trade union representative at the meeting.

Consideration will be given to the location of the meeting depending on the nature of absence.

4.2 Summary of Options/Actions Available to the School

Where an employee is absent from school due to ill health for a long period of time the following options need to be considered on an ongoing basis by the school:

a) establish the nature and likely duration of any medical condition using the diagnosis from the Occupational Health Service/Medical Practitioner

b) establish the support needs of the employee, and consideration should be given to any reasonable adjustments that could be made to enable the employee to return to work

c) establish whether there is a need for alternative employment.

d) consider the possibility of **ill health retirement**. Employees who are certified as permanently unfit by their own doctor or an independent doctor nominated may be able to retire from employment.

e) consider a phased return to work where the employee is fit to return. In some cases a phased return may help to facilitate an earlier return to work than would otherwise have been the case.

During any period of phased return, unworked hours should be regarded as authorised absence rather than sick leave. Employees will receive normal pay during the first four weeks of a phased return to work. Where it is agreed to extend a phased return beyond this period separate payment arrangements will be dealt with on a case by case basis.

4.3 ILL HEALTH CAPABILITY HEARING

If, after all the options in Section 4.2 have been fully exhausted and there is no prospect of a return to work in the foreseeable future the Headteacher/nominated person should advise the employee that a formal ill health capability hearing will be held where consideration will be given to their future employment. The school will normally confirm this, in writing, to the employee within five working days.

(See Section 7 – **PROCEDURE FOR A HEARING ON THE GROUNDS OF ILL HEALTH CAPABILITY**)

5. ILL HEALTH SUSPENSION

It may be necessary to temporarily suspend an employee from work on the grounds of ill health in the following circumstances:

- in the opinion of Occupational Health the employee is unfit for work, but is declaring themselves fit or being declared fit by their own Doctor, seeking advice from legal and H&S regarding any requirement to seek third party opinion and the cost of this.
- if the individual is deemed to be a risk to themselves or to others because of their medical condition,
- if any adjustments or adaptations are not operating or in place.

Ill health suspension is the Headteacher's decision. Any medical suspension will be at the normal rate of pay; it is not a disciplinary suspension. Advice should be sought prior to making a decision to suspend an employee from your HR provider and from Occupational Health.

Wherever practically possible the Headteacher should inform the relevant Trade Union.

6. REFERRALS TO OCCUPATIONAL HEALTH SERVICE/MEDICAL PRACTITIONER

In some cases it may be appropriate to refer the employee to the Occupational Health Service or to a medical practitioner, who may be the employee's own Doctor, to obtain a diagnosis and to identify any appropriate support measures.

In determining whether this sort of referral is an appropriate course of action the Headteacher/nominated person should have regard to a number of factors including:

- the overall sickness absence record;
- any medical evidence available;
- any mitigating factors or explanations presented by the employee;
- the degree of disruption caused by the absence;
- the likelihood of an improvement.

To ensure that a relevant referral report is prepared, the Headteacher/nominated person should provide as much background information as possible (e.g. current duties, job description, special characteristics of the post and sickness record) together with a clear indication of the advice required.

Where a referral is made to Occupational Health the employee may be asked to sign a consent form for their medical records to be released to the Occupational Health Service. The requirements of any relevant legislation must be taken into account when making such a request. Advice on this is available from your HR provider. Will add to guidance that the employee has the right to see their OH report before issued as per standard OH process.

7. PROCEDURE FOR A HEARING ON THE GROUNDS OF ILL HEALTH CAPABILITY

The Governing Body will appoint a panel of three Governors to hear cases in accordance with this policy and, where required, a separate panel of three non-staff Governors to hear any subsequent appeal.

7.1 Notification of a Formal Hearing

At the Headteacher/nominated person's request, your HR provider will provide an adviser who will assist in the arrangements for convening a hearing to consider the employees future employment.

The employee will be given written notice of the hearing at **least ten clear working days** before the date of the hearing. The letter of notice must include the following:

- details of the date, time and place of the hearing.;
- an explanation of the purpose of the hearing, which is to consider the employee's attendance record;
- advice to the employee of his/her right to be accompanied by a representative or work colleague;
- notice to the employee that dismissal is a possibility at the conclusion of the hearing;
- enclosed copies of any documentation to be considered at the hearing;
- details of any witnesses to be called at the hearing; and
- an enclosed copy of the Managing Attendance Policy and procedure.

If the employee wishes to present documentary evidence to the hearing, or to call any witnesses, they should provide details of these to the named person supporting the hearing at **least three working days** in advance of the hearing.

The hearing will be before a Panel of Governors who will be advised by your HR provider and will follow the format detailed below. Detailed notes of the hearing will be taken.

7.2 Persons Involved in the Hearing

The Panel – As stated above, a panel of three non-staff Governors will be appointed to decide the appropriate action.

The Nominated Person - This person presents information about the employee's attendance and health record to the panel. The nominated person could be the person who has been involved in the stages leading up to the hearing, a line manager, the Headteacher, or somebody supplied by your HR provider. They will normally be supported by a HR Adviser.

The Employee - The employee and his/her representative will be present.

The HR representative - The HR representative will advise the panel on the hearing policy and procedure. (Note the HR representative acting as adviser to the panel can be the same person who arranged the hearing).

Witnesses – Where appropriate either party may call witnesses to present relevant information. If either party intends to call witnesses it is their individual responsibility to make the arrangements and to inform the other party of their intention.

7.3 Conduct of the Hearing

The Nominated Person will present the case for the School. To do this the Nominated Person may call witnesses and/or refer to documentation if appropriate.

The employee or his/her representative may question any witnesses called.

The Nominated Person may re-examine the witnesses.

The Panel may ask questions of the witnesses.

The HR representative advising the panel may, through the Chair of the Panel, seek to clarify points made in evidence.

The employee or his/her representative will then respond, calling witnesses and referring to documentation if appropriate.

Witnesses may be questioned by the Nominated Person, re-examined by the employee or his/her representative and questioned by the panel and HR Adviser as above.

The Nominated Person, then the employee or his/her representative, will then make a concluding statement.

Both parties will withdraw while the Panel considers what action should be taken. In the event that further information or clarification is required by the panel then all parties should return to the meeting whilst such information is obtained. An opportunity should be given to each party to question or comment on this additional information.

Parties are recalled to hear the decision. Employees should be informed of their right of appeal and that they will receive this in writing in **three working days.**

7.4 Action available to the Governors Panel

In deciding what action to take the Governors Panel will take account of:

- the overall sickness absence record;
- all records of discussions with Nominated Person/HR Adviser and whether the procedure has been followed;
- the likelihood of a change in the attendance record;
- the availability of suitable alternative work within the School;
- whether any reasonable adjustments could be made which would enable the employee to return to work taking into account the Equality Act;
- the degree of disruption caused by the absence;
- any medical evidence available;
- any mitigating circumstances.

In the light of the evidence available and the above considerations the Panel may decide on one of the following options:

a) To take no action but to keep the record under review for a specified period.

b) To take any other action as may be appropriate in the circumstances.

c) To withdraw the facility for the employee to self certify subsequent absences and thereby require production of a Doctor's statement of fitness note to cover all subsequent periods of sickness absence (if this option is chosen they will be

reimbursed the cost of the private Doctor's note). Where this option is chosen the Panel should specify for how long this facility will be withdrawn and when the situation will be reviewed, this should not normally be a period in excess of six months. Failure to provide a Doctor's statement of fitness note in these circumstances will result in loss of pay for any days of uncertified absence.

d) To defer a decision pending further investigations/medical report.

e) To consider redeployment to another post within the School.
(This option should only be chosen where it is felt that their sickness absence record is specifically attributable to workplace/occupational factors or disability and a suitable alternative vacant post is available).

Where a post offered is on a lower grade there will be no entitlement to protection of earnings or other conditions of employment. It will be necessary to secure the employees consent before implementing this course of action.

f) To dismiss the employee on the grounds of ill health.

The outcome of the meeting will be **confirmed in writing normally within five working days**.

If it is decided to terminate the employee will be paid their contractual period of notice (this may be paid in lieu of notice). The letter should state the reason for termination, i.e. as a consequence of the employee's unacceptably high incidence of sickness absence, which renders them incapable of fulfilling the contract of employment.

7.5 Right of Appeal

Any appeal must be made to the named person within **ten working days** of receipt of written notification of the Panel's decision.

The appeal hearing will be held **within 20 working days** of receipt of the letter of appeal, but at **least five working days notice** of the appeal will be given.

In some circumstances it may be appropriate to obtain further medical information from Occupational Health and or medical specialist before the appeal hearing is arranged. Where further information needs to be obtained the timescales above may need to be adjusted.

The appeal hearing will take place before a panel of three governors (none of whom sat on the hearing panel) and will follow the same format as used in the formal hearing.

In the light of the facts and evidence presented the Appeal Panel may:

a) confirm the original decision

b) uphold the appeal and take no further action

c) in the case of dismissal uphold the appeal and take some other course of action as might be deemed appropriate in the circumstances

d) take any other course of action as may be appropriate in the circumstances; but without increasing the penalty

The decision of the Appeals Panel will be conveyed to the employee in writing **within five working days** of the appeal hearing. This is the final stage of the Policy.