



Athena Learning Trust Trust-wide Attendance Policy

Review

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1.1 INTRODUCTION

This policy has been developed to promote a positive attendance culture, manage sickness absence effectively and provide for the fair and consistent treatment of staff. It is the Principal's responsibility to monitor sickness levels and actively manage attendance.

The Principal should ensure that Occupational Health has been involved in the sickness absence case of an employee before considering dismissal on the grounds of lack of capability due to ill health as an option. Following a referral of the employee to Occupational Health, the school should also explore possible options for redeployment which would accommodate the employee's condition of health and would facilitate his/her return to work. If there are no suitable alternative employment or redeployment opportunities, dismissal on the grounds of lack of capability due to ill health will be an option available to the school.

The Principal has an on-going responsibility to provide help and support to members of staff and to ensure the quality of education provided to children in their school. The Principal has a duty of care for the welfare and health of their staff and must seek to balance these different responsibilities in a sensitive, supportive and reasonable manner.

When considering the absence of an individual the Principal must be sensitive to the reasons behind the absence. In order to consider the absence properly it is essential that appropriate medical advice has been sought. It is recommended that Occupational Health (OH) is involved through a referral by the school.

Contact with the individual is essential if the school is to have a reasonable understanding of the individual's absence. It may be appropriate for a local Trade Union representative, an assistant principal or a close work place colleague to act as the contact between the individual and the school. The purpose of this contact is not only to inform the school but also to offer support and assistance to the member of staff. However, in broad terms it is the employer's right to be kept informed of an individual's absence, consequently an employee cannot refuse to keep the school informed concerning their absence. It is important to recognise that individuals must be allowed time to recover from their illnesses, but it is also important that the school is kept involved with the individual's progress.

Arising from the regular contact between the school and the individual there are likely to be medical questions on which the school will need professional medical advice from OH in order to understand the individual's circumstances. The initial OH involvement and the on-going frequency will depend upon the medical condition. For example, if the individual is absent due to an operation which is covered by a Doctor's certificate, it may not be reasonable to refer the person to OH until after the individual has left hospital and has had some time to recover; however, if the person is absent due to work related stress, according to the Doctor's certificate, it is important to involve OH at an early stage. Subsequent OH appointments will be arranged by OH at intervals they believe are sensible.

The school can contact OH to ask for specific information of a non-confidential nature, or to give relevant background information that they feel may be helpful. This is not only



reasonable but is welcomed by OH as it enables them to build a rounded picture of the school and the individual's place within it. Clearly OH will observe medical ethics and patient confidentiality, at all times.

1.2 PROCEDURE

Having monitored the individual's absence, the school may, at a point in time, need to consider what line of action they should take next. Any decision taken will be based upon the individual circumstances of the case and will include the medical reports and especially any guidance on the long-term prognosis, the individual's overall attendance record and the operational impact of the absence on the school. It is therefore very important to involve OH. Advice from OH can be sought on an individual case by referring the employee to OH. This process is undertaken by completing an OH Referral. If as a result of the OH reports the prognosis concerning the foreseeable return to work looks unlikely, the school may decide to look at the situation in more detail and understand guidance regarding a return to work and in an appropriate time frame.

Following the report from OH, the school will need to decide upon their next course of action. In light of the medical reports, the school should consider possible options for redeployment which would accommodate the individual's condition of health and would facilitate a return to work.

- 1 Do nothing but continue to maintain contact and to offer support as the individual is progressing satisfactorily and is likely to return to work in the near future.
- 2 Explore possible options for reasonable adjustments to working arrangements (either temporary or permanent) to accommodate the employee's condition of health and that would facilitate a return to work.
- 3 Explore possible options for redeployment which would accommodate the employee's condition of health and would facilitate his/her return to work.
- 4 If the employee has not returned to work as expected, the school could contact Occupational Health to ask whether, in the circumstances, OH would recommend ill health retirement. This option is only likely to be of benefit if the employee contributes to the TPA or LGPS.
- 5 If the employee has not returned to work as expected, the school may move to consider dismissing the individual on the grounds of lack of capability due to ill health. This option should be seen as the last resort but in some cases where the individual's ongoing absence is causing adverse operational difficulties to the school, then it may be appropriate. If the school is considering this option they should take appropriate advice from HR.



2. MANAGING SICKNESS ABSENCE LEVELS

Attendance problems need to be handled fairly and sensitively and call for a supportive approach (e.g. phased return to work, see paragraph 5.6). Principals are seeking to promote a positive attendance culture amongst all members of staff.

High sickness absence levels, both short and long term, can add substantially to school costs and may also affect the morale, motivation and performance of other members of staff. It may also have an adverse effect on pupils' education.

The day-to-day management of attendance is the Principal's responsibility but specialist advice from HR and/or Occupational Health may be called upon at any stage. Principals (and their governing bodies) also have responsibilities for whole school attendance and make certain decisions in relation to dismissal. Employee sickness absence should be monitored by the school.

3. CONSIDERATIONS IN MANAGING ATTENDANCE

Attendance management should not be approached in isolation from other general management issues in schools. The Equality and Health and Safety Acts should be properly considered.

3.1 Work Related Stress

The effective management of stress requires employers to recognise that stress exists, putting in place adequate measures to prevent it happening and where able, to successfully prevent it utilising measures to control it.

The Principal needs to ensure that their staff have appropriate workloads, and support of a reasonable work/life balance, having regard to their health and welfare. The prevention of ill health due to stress and the maintenance of employee health and wellbeing through recognising and managing work related stress should be promoted and employees themselves have an important part in this.

3.2 Return to Work Meetings

Return to Work Meetings are considered to be a significant tool for managing sickness as they give the opportunity for the line manager and the employee to meet on an informal basis to discuss the reason for the absence and agree any supportive measures to improve things in the future.



4. Occupational Health

Occupational Health works with the school and employees to promote good health with Occupational Health staff offering alternative and impartial advice aimed at maintaining and improving employees' physical and mental well-being. When the school is concerned about the effect of a possible health problem, (with due regard to the levels of absence indicated in the Attendance Policy or a potential period of lengthy absence, or a member of staff's performance at work), the individual may be referred to Occupational Health for an assessment.

Occupational Health will offer the individual an appointment to obtain appropriate information about the condition, and advise the school and the individual on any significance it may have for work. The purpose is to obtain a clear medical view of the whole situation which can then inform management decisions and enable appropriate support to be offered to the individual.

For all Occupational Health enquiries please contact the HR team.

4.1 Occupational Health Referrals

A member of staff whose health is causing concern may be referred to Occupational Health by the school at any time. They do not have to be off work at the time. Should a member of staff be off work with an unclear diagnosis or continuing fit notes for more than one month an early referral to Occupational Health is more likely to contribute to an earlier return to work. However, should a member of staff's level of absence reach the levels identified in the Trust Attendance policy, the Principal (or designated manager) should contact the HR team for advice to ensure that a prompt referral takes place.

When a decision is made to refer a member of staff to Occupational Health, the designated manager (or Principal) should speak with/write to the member of staff (or their representative where appropriate) explaining the reason for the referral. To avoid unnecessary stress for the employee, the Principal should explain that this is normal procedure and emphasise the supportive role of Occupational Health. To avoid unnecessary stress for the employee, the individual should also be informed that she/he will be contacted by Occupational Health by telephone or via a face to face appointment to assess their state of health.

4.2 Medical Reports

The purpose of medical reports provided by Occupational Health Advisers are to advise managers on how an employee's health condition may impact on their work. Occupational Health Advisers are required to observe full medical confidentiality and therefore no clinical or personal details about the individual are imparted to the Headteacher (manager). Where a member of staff refuses to give written permission to approach her/his doctor/specialist it may become necessary to make a decision without the benefit of medical opinion.

Following the initial referral, a provisional report will be made to the school (with a copy to the individual member of staff) pending any further reports from specialists if necessary.



In most cases those members of staff should be referred to Occupational Health within 4 weeks of the commencement of their absence. In some instances of absence it is important that an early referral should be made to Occupational Health. This is particularly important when members of staff are absent due to a stress related illness. It should also be noted that members of staff have the right to self-refer themselves to Occupational Health.

In certain cases, especially of long term sickness, further reviews will take place following the initial management referral and medical reports will be provided regularly to monitor progress.

4.3 Medical Examinations

All members of staff should, if required by the school, attend a medical examination with Occupational Health. If a member of staff refuses to attend a medical examination the individual will risk losing his or her sick pay. The cost of medical reports obtained from GP's or Consultants will be borne by the appropriate school within the Trust.

4.4 Further Action following Occupational Health Reports

Following receipt of an advisory report from Occupational Health, further action could include:

- return to work at an agreed date with no further action
- reduction in hours on a permanent or temporary basis (and adjustment of pay accordingly)
- phased return to work
- liaison with the GP or other health care workers to arrange further treatment
- liaison with trade union/professional association
- adaptation to job or working environment
- counselling
- change of employment
- application to the Teachers' Pension Scheme / Local Government Pension Scheme for Ill Health Retirement
- dismissal on the grounds of lack of capability due to ill health.

4.5 Phased Return to Work

In some circumstances Occupational Health may recommend a phased return to work following a serious illness or injury. Such a return, by mutual agreement may take a variety of forms including; working at school only on certain days of the week, a temporary reduction in contact hours or undertaking restricted duties for a period of time. Generally a phased return to work will not be for a period of more than four weeks. It would be unlikely for a phased return to work to be appropriate for more than four weeks except in unusual circumstances and in those instances where a reduction in hours is necessary for more than four weeks then pay should be adjusted accordingly. Principals and schools should make every effort to ensure that the phased return to work is successful.



4.6 Alcohol and Drug Problems

It may become apparent from a change in behaviour and/or deterioration in performance that there is an underlying problem. Whilst it is important not to jump to conclusions, behaviour and performance can be indicators of alcohol or drug use. Schools should be aware of apparent changes with the individual. Should the individual's work performance suffer, it would be appropriate to discuss a referral to Occupational Health who can provide a range of support including referral to specialist services.

4.7 Terminal Illness

Any member of staff who has a terminal illness is exempt from the normal procedures for dealing with long term or frequent short term sickness. Instead Principals are advised to liaise with HR at the earliest available opportunity, who will arrange for the most appropriate course of action, involving Occupational Health where appropriate. This is extremely important in establishing the most beneficial course of action for the individual. Every care should be taken regarding the individual's well-being in these circumstances.



ATTENDANCE POLICY

1. Introduction

The Health and Safety at Work Act requires Principals to ensure, so far as it is reasonably practicable, the health, safety and welfare at work of all their employees. In addition, all employees have a responsibility to take reasonable care for the health and safety of themselves and of other persons who may be affected by what they do, or fail to do, at work.

This policy may not cover all circumstances and the Principal is therefore advised to seek advice from the Trust HR team at the earliest opportunity.

“School days” refer to days on which the school is open.

For the purposes of this policy the term “Principal or Manager” can refer to the Principal, Vice/Assistant Principal, other nominated person in the school’s leadership team or the line manager.

2. Purpose

To manage sickness absence effectively and provide for the fair and consistent treatment of staff.

3. Scope

This procedure applies to all members of staff employed at the school and Trust.

‘Sickness Absence’, for the purposes of this procedure, refers to all occasions where a member of staff is absent from work because of sickness.

Where Principals have reasonable grounds to believe that a member of staff is abusing the system with due regard to Occupational Health advice (e.g. sickness is not genuine, failure to comply with sickness notification procedure without good reason) the matter will be dealt with in accordance with the Disciplinary Procedure.

4. Policy Statement

The Trust wishes to establish a positive attendance culture by providing a fair and consistent framework for handling staff absence and by promoting occupational health and staff welfare. When illness or injury occurs, the school will respond in a supportive manner. Equally staff are responsible for caring for their own health, seeking medical help when appropriate, attending work unless unfit to do so and co-operating with the requirements of the attendance policy.

This policy is designed to encourage full attendance and the proper management of sickness absence. The existence of the policy will be made known to every member of staff via the appropriate shared online folder.



This procedure will be applied in a non-discriminatory way, irrespective of sex, age, race, marital status or disability.

During the formal stages of this procedure, the member of staff has the right to representation from a trade union representative or work colleague.

5. Contact with Absent Staff

It is important that regular communication is established between the member of staff and the school. Many members of staff who are absent through sickness for a period of time wish to be kept up-to-date with school news; similarly, the school will wish to be regularly updated on the individual's progress. It is essential that the school receives timely medical certificates.

It will not always be appropriate for the Principal to be in direct contact with the absent member of staff. If this is the case a senior member of staff may act as a link, with the agreement of the Principal, the absent person or his/her trade union representative. The Principal or other senior person should maintain contact with the absent member of staff and monitor the situation effectively. It is important that the Principal or nominated person adopts the correct balance as primarily the concern should be for her/his welfare and the Principal or nominated person must be careful not to give the member of staff the impression that she/he is being pressurised into returning to work when not fit to do so.

If it is necessary for the Principal or other senior member of staff to meet with the member of staff, a mutually convenient meeting should be arranged. Principals are advised not to make unaccompanied home visits or to require staff to work from home. If the member of staff wishes, a trade union representative or work colleague may be present at any such meeting or may represent them in their absence.

6. Sickness Reporting

This procedure identifies the actions to be taken by staff and Principals.

If a member of staff wilfully fails to follow the notification procedure, this may lead to sick pay entitlement being withheld and in exceptional circumstances, disciplinary action may be taken. Whilst on sick leave staff must take care not to do anything that may prejudice recovery.

In essence, the following action (shown below) should be taken in the event of sickness absence:

When	Line Manager/Principal responsibility	Staff responsibilities
1st day of absence on normal working day	Staff should telephone the agreed school point of contact to let you know why she/he is absent, the date s/he expects to return to work and whether s/he has taken medical advice.	Staff should telephone the agreed point of contact by 7.30am and before the start of the teaching day, giving reasons for the



	<p>If absence is attributable to an injury sustained at work you should ensure that an appropriate entry is made in the First Aid Log.</p>	<p>absence, stating whether she/he has been to the doctors, giving a likely return date, if possible, and preferably noting any tasks that need to be undertaken.</p>
<p>4th day of absence (counting normal work days and non work days)</p>	<p>Staff should telephone the school point of contact to indicate the reason for her/his continuing absence, when a return to work is likely, and whether medical advice has been taken. Staff who are absent with stress or stress-related illnesses should not be pressed into stating a return date.</p> <p>You should advise the member of staff whether further contact is required.</p>	<p>Staff should telephone the agreed school point of contact, giving reasons for the continued absence and stating whether medical advice has been sought, giving a likely return date, if possible.</p>
<p>4th day of absence (counting normal work days and non work days)</p>	<p>You should ensure that the member of staff completes a self certification form when she/he returns to work.</p>	<p>All staff must complete a self certification form on return to work.</p>
<p>8th day of absence (counting normal work days and non work days)</p>	<p>Staff should provide you with a doctor's medical note confirming their absence.</p> <p>If the absence continues after the date given by the doctor, you should request further medical notes.</p>	<p>Staff must provide a doctor's medical note confirming their absence.</p> <p>Should absence continue beyond the date given by the doctor, staff must produce further note to cover all absence. If you wish to return to work before the expiry of your note this should be confirmed with your doctor.</p>
<p>Return to work</p>	<p>Where a staff member wishes to return to work before the expiry of their medical note, then a meeting should take place with the employee to agree this, undertaking an appropriate risk assessment and/or seeking advice from Occupational Health as necessary.</p> <p>You, or a nominated manager, should talk to the member of staff on their return to work within the first 5 working days. See appendix 1. The overriding principle of the return to work meeting</p>	<p>Wherever possible staff should give notice of at least one day of their intention to return to work. In cases of long-term absence, further notice may be required in order to ensure appropriate OH advice is available and any necessary adjustments to work arrangements have been agreed and put in place.</p>



	<p>is to support the member of staff with their return to work and if necessary discuss any area which may facilitate a smooth return to work.</p> <p>The discussion might need to cover (depending on the number of absences):</p> <ul style="list-style-type: none"> • a discussion regarding the member of staff's level of sickness absence; • underlying reasons causing the absence; the reason for absence should be reported on the notification • available support such as EAP and Occupational Health. <p>At any time in the procedure it may be appropriate to ask a member of staff to produce a doctor's note for each and every period of absence. In such cases the School will meet any costs.</p>	<p>If the return to work is prior to the expiry of a medical certificate then a meeting should take place with the Principal or designated manager to agree this. A risk assessment and/or advice may be sought from Occupational health as necessary.</p> <p>Staff will be asked to attend a "return to work" meeting.</p>
Stress	<p>In cases where it has been identified that an employee is suffering from work related stress, you are advised to undertake a workplace stress risk assessment and liaise with HR to ensure OH/EAP is offered as appropriate.</p>	<p>If it is identified that you are suffering from work related stress then your line manager may undertake a workplace stress risk assessment with you.</p>

7. Return to Work Meetings

On the employee's return to work the Line Manager should hold a return to work meeting within five working days of the return (an exception to this may be in the case of employees who have been on long term sick leave; in which case a return to work meeting can often be helpful prior to the employee returning to work as this allows time for a structured return to work plan to be devised).

Return to work meetings are considered to be a significant tool in managing sickness as they give the opportunity for the manager and the employee to discuss the reason for the absence and agree to any supportive measures to improve things.

All employees, regardless of how long they have been absent for, should be asked to attend a return to work meeting with their manager. They are important both for the employee and the manager; for the manager to welcome the employee back and to enquire as to how they are feeling. Also to update them on things that have happened in the workplace in their absence, particularly if they have been absent for an extended period of time. Additionally, for the employee to have the opportunity to discuss where the cause of the absence may be work related.



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The meeting should be conducted in a sensitive and confidential manner, using the Return to Work meeting form as a guide and a record. As such meetings are seen to be part of normal day to day management there is no right to be accompanied at the meeting.

It is expected that the reason for the absence will be explored in order to ensure that the employee is fit enough to return to work and for the manager to consider whether any help and support is required to ensure a sustained attendance at work is achieved.

The employee will be required to sign the self-certification section of the return to work meeting form for any period of absence not covered by a medical note. If a medical note is required but has not been received the employee will be reminded of his/her obligation to provide one.

If the employee has failed to comply with any aspect of the attendance management procedure the manager will remind them what is required.

If the level of absence is unacceptable, the manager may inform the employee that a further absence review meeting is necessary in view of the unsatisfactory level of attendance and in accordance with this Procedure.

8. Managing Short Term Absence

Frequent short term absences are normally attributable to minor ailments which in many cases are unconnected. However, if it may be that it is thought that the absence(s) may be related to a disability or a particular health condition, it is recommended that the manager advises HR, who may recommend an Occupational Health referral to understand whether an employee may be expected to have higher than average levels of absence. If a member of staff has an unsatisfactory level of absence or a regular pattern of absence the manager should deal with it appropriately. Schools may decide to apply the Policy on a case by case basis with due regard to the individual circumstances of each case or may apply the Policy where a member of staff(s) absence differs from the normal pattern of absence. As a matter of guidance schools **may** wish to consider the following levels of absences as indicating a potential problem that could lead to informal and formal action.

- during any three term period a member of staff has five or more occasions of uncertificated, self-certificated or medically certificated absence; or
- during a three term period a member of staff has had ten or more school days of uncertificated, self-certificated or medically certificated absences.

It should be emphasised that it will be up to each school to decide on a case by case basis what level of absence should activate possible action under the procedure.

9. Informal Approach

The manager should meet with the member of staff who has been identified as having a level or frequency of absence which gives cause for concern. At the meeting the manager will:



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- discuss concerns about the current level of absence;
- explore the reasons for the absence including inviting comments from the member of staff;
- find ways to resolve any problems that might improve attendance and identify areas of support and assistance;
- seek a commitment from the member of staff to improve her/his attendance.

At this stage the meeting should be informal, with an emphasis on counselling and support. Should a member of staff ask to be accompanied by a trade union representative at this stage, such a request can be considered.

At the end of the meeting the manager should summarise the main points discussed including:

- concern about the unsatisfactory level of absence and the need for improvement in attendance over a specified period;
- the action points that have been agreed including areas of assistance and support;
- the need to monitor the member of staff's attendance and schedule a date for the next review meeting. When a date for the next review meeting has been set the member of staff can request a Trade Union representative or a workplace colleague to accompany him or her to the informal stage review meeting. The member of staff should make this arrangement immediately as the informal stage review meeting will not be cancelled due to the non-availability of a Trade Union representative or a work place colleague.

A record of the meeting and agreed actions should be kept, noting the member of staff's responses. A copy of the record of the meeting should be given to the member of staff.

10. Informal Stage Review Meeting

At this meeting the manager should determine whether any improvement has been made and may consider the following options.

- taking no further action if attendance is now satisfactory;
- requiring continued or further improvement in attendance over a reasonable specified period;
- ensuring that medical advice has been taken to establish whether treatment is needed and/or to establish whether absences are work-related;
- requesting a doctor's statement for further periods of absence;
- contacting HR to arrange for a referral for the employee to Occupational Health
- reviewing/monitoring work programme;
- taking formal action.

A record of the meeting and agreed actions should be kept, noting the member of staff's responses. A copy of the record of the meeting should be given to the member of staff. In doing so the manager should take account and be sensitive to the health and welfare of the member of staff.

11. Short Term Absence - Formal Procedure

The member of staff should be informed of her/his right to be accompanied to a meeting, at any stage of this procedure, by a trade union representative or work colleague.

The parties may, by mutual agreement, modify the time limits referred to in this procedure.

Notification of all meetings at any stage in this procedure should be in writing, giving at least ten days' notice of the date, time and place of the meeting and the reason for the meeting.

At all stages of the procedure consideration should be given to the need for medical advice from Occupational Health and the member of staff's medical condition, which should be monitored throughout the process. This may help in determining whether attendance is likely to improve if the member of staff remains in post.

The school may take advice from HR who may also advise the Principal/Managers/Governors at meetings and who may attend any meeting where dismissal of a member of staff is to be discussed.

A detailed record of the interview at each stage of the procedure should be kept, including the member of staff's responses, and any agreed areas of support and assistance.

The Principal may delegate responsibility for the application of this procedure at Stage One and Stage Two to a designated manager. Any concerns that the member of staff has about a particular manager's role in the process should be carefully considered when applying this procedure.

11.1 Stage One

A member of staff who has not shown sufficient improvement in attendance following the informal interview, or whose attendance has deteriorated again following some initial improvement, will be required to attend a formal interview (see appendix 4).

The Principal or designated manager will conduct the meeting. The Principal/designated manager will cover the following points during the course of the meeting:

- explore why the absence level continues to be unsatisfactory and the reasons for the absence, including inviting comment from the member of staff
- explain concern at the absence level and the impact on the school;
- offer any further help or guidance, e.g. changes that might be made to the teacher's working environment;
- seek an agreement that the member of staff will improve her/his attendance;
- the Principal should emphasise the level of absence remains unsatisfactory, the level of improvement required and the continued need for monitoring and specify the review period.



In most circumstances a referral for specialist advice should be sought from Occupational Health.

The Principal/designated manager should consider comments, circumstances and perspectives presented by the employee at the meeting and may consult a representative from HR in this respect. Following these considerations, the Principal/designated manager should consider the following options:-

- no further action (where the employee's explanation and circumstances are such that the Principal/manager is satisfied that no further action is required under this Procedure);
- extension to the informal review period; or
- issue a formal written warning

The outcome of the meeting should be confirmed in writing to the member of staff within five school days. Where continued further review is required, reference should also be made to:

- any improvement required;
- the timescale for any improvement to be made (which must be of sufficient length to allow adequate time for improvement and assessment);
- the likely consequences of a failure to improve;
- further monitoring and review meetings.

Where a written warning is issued, this should be confirmed in the outcome letter (see Appendix 5). Reference to the employee's right of appeal should be made in the letter (see section 11.7).

11.2 Stage One Review Meeting

On completion of the review period, an assessment of attendance will be undertaken. The Principal (or designated manager) will meet with the member of staff (or his/her representative) to assess whether the required improvement in attendance has been achieved. The outcomes at the end of Stage One could be that:

- the required improvement in attendance has been achieved. The individual will be encouraged to maintain attendance and the procedure will cease;
- where some but insufficient improvement in attendance has occurred a further review period within Stage One shall occur;
- where the required improvement in attendance has not occurred the individual will be advised that Stage Two of the procedure will be invoked.

11.3 Stage Two

A member of staff who has not shown sufficient improvement in attendance following the Stage One Review Meeting, or whose attendance has deteriorated again during the period of the written warning, will be required to attend a formal Stage Two interview (see Appendix 4).



The Principal (or designated manager) will conduct the meeting. The Principal/designated manager will cover the following points during the course of the meeting:

- explore why the absence level continues to be unsatisfactory and the reasons for the absence, including inviting comments from the member of staff;
- explain concern at the absence level and the impact on the school;
- offer any further help or guidance;
- seek an agreement that the member of staff will improve her/his attendance;
- the Principal should emphasise the level of absence remains unsatisfactory, the level of improvement required and the continued need for monitoring and specify the review period.

A referral for specialist advice from Occupational Health should be sought in advance of the Stage 2 Formal Interview. It is also strongly recommended that advice is sought from HR.

The Principal/designated manager should consider comments, circumstances & perspectives presented by the employee at the meeting and may consult a representative from HR in this respect. Following these considerations, the Principal/designated manager should consider the following options:-

- no further action (where the employee's explanation and circumstances are such that the Principal/manager is satisfied that no further action is required under this Procedure);
- extension to the informal review period; or
- issue a final written warning.

Where a final written warning is issued, the Principal should inform the member of staff that unless there is a significant improvement her/his job might be at risk. The final written warning should be confirmed in writing and sent to the member of staff within five school days (see Appendix 67 for standard letter). If appropriate, reference should also be made to:

- any improvement required;
- the timescale for any improvement to be made (which must be of sufficient length to allow adequate time for improvement and assessment);
- the likely consequences of a failure to improve;
- further monitoring and review meetings.

Reference to the employee's right of appeal should also be made in the letter (see section 11.7).

11.4 Stage Two Review Meeting

On completion of the review period, an assessment of attendance will be undertaken. The Principal (or designated manager) will meet with the member of staff (or her/his



representative) to assess whether the required improvement in attendance has been achieved. The outcomes at the end of Stage Two could be that:

- the required improvement in attendance has been achieved. The individual will be encouraged to maintain attendance and the procedure will cease;
- where some but insufficient improvement in attendance has occurred a further review period within Stage Two shall occur;
- where the required improvement in attendance has not occurred the individual will be advised that Stage Three of the procedure will be invoked.

11.5 Stage Three

A member of staff who has not shown sufficient improvement in attendance at the Stage Two Review Meeting, or whose attendance has deteriorated again following improvement, will be required to attend a formal Stage Three Hearing. The case will be heard by a first committee panel composed of the Principal (where appropriate) and 2 further members of the governing body/trustees, or a panel of 3 where the Principal has been involved in decision making. The letter requesting attendance at this meeting can be seen in Appendix 4.

The purpose of the interview will be to:

- to inform the member of staff of her/his attendance record and that it shows insufficient improvement;
- explore the reasons for lack of improvement including a report from Occupational Health and invite the individual or her/his representative to present her/his case as to why she/he should not be dismissed;
- consider the comments, circumstances & perspectives presented by the employee;
- consider the feasibility of alternative working arrangements that would facilitate a satisfactory level of attendance from the employee that could be accommodated by the school;
- if no acceptable reason is given for the inadequate attendance and if there is no prospect of the employee achieving the required levels of attendance in the future, consideration should be given to dismissal, subject to the right of appeal.

The hearing should be conducted in accordance with the Procedure as set out in Appendix 13.

If no satisfactory reason for the continuing poor level of attendance can be determined and if there is no prospect of the employee being able to provide a satisfactory level of attendance taking into account any possible alternative working arrangements that may be arranged, the panel may resolve to dismiss the member of staff. In such circumstances, HR will support the formal process. A letter confirming the decision should be sent to the member of staff within five school days (see Appendix 7). If the decision is to dismiss the member of staff, appropriate contractual/statutory notice should be provided and the employee should be advised of her/his right of appeal.



11.6 Appeals

General:

A member of staff has the right of appeal against dismissal or any formal warning issued to them in respect of unsatisfactory attendance.

Where a member of staff wishes to exercise the right of appeal, he/she should make his/her appeal in writing to the Principal outlining the reasons for appeal within 2 calendar weeks of receiving written confirmation of the warning. Appeals will be heard by way of a formal appeal hearing, which will be convened (where practicable) within 4 calendar weeks of receipt of the appeal.

The member of staff has the right to attend the appeals' hearing represented by a trade union representative or a work colleague. The member of staff and/or his/her representative has the right to make written and verbal submissions at the appeal hearing. The Procedure for appeal is set out in Appendix 14.

Appeals will be heard by a second committee panel of 3 governors/trustees who have not been previously involved in the situation. All parties will be provided with copies of relevant background documents regarding the case. Additionally, the Principal/Panel chair who issued the appealed decision may be required to attend the appeal hearing for the purpose of explaining to the Panel the reasons for issuing the formal decision to the employee.

The Appeals' Panel's decision is final.

Appeals' Against Dismissal:

Where a member of staff has lodged an appeal against dismissal as determined by a first committee panel, the appeal will be heard by a second committee panel of Governors/Trustees who have had no prior involvement in the case (ie: the Appeals' Panel cannot include any members who sat on the previous Panel that made the recommendation to dismiss). In addition, the number of Trustees constituting the Appeals' Panel of Trustees cannot be less than the number of Trustees who sat on the Panel that made the decision to dismiss.

The Appeals' Panel will receive all documentation considered by the Panel that made the decision to dismiss. The member of staff and/or her/his representative may make verbal and/or written submissions to the Appeals' Panel.

After having considered the matter, the panel may either confirm or overturn the dismissal decision. If the panel decide to uphold the decision to dismiss the member of staff, the member of staff is entitled to written notice in accordance with their contract of employment or alternatively an arrangement of pay in lieu of notice may be agreed.

The Appeal Panel may announce their decision verbally or in writing. In all cases, a letter confirming the decision of the Appeals' Panel should be sent to the member of staff within one calendar week (see Appendix 8).



12. Managing Long Term Absence

A number of supportive actions should be put in place where a member of staff has been absent, or is likely to be absent, for a prolonged period as a result of sickness. The following arrangements should be made:-

- An agreed arrangement for continued contact with the employee, either through the trade union representative, the line manager, the Principal, or a work colleague;
- A referral appointment to Occupational Health to seek a medical prognosis on the employee's state of health and advice on any supportive actions that may be undertaken by the school';
- Regular updates on school/work activities for the employee as part of maintaining contact;
- Where appropriate, regular review meetings with the employee to discuss progress in recovery (subject to employee's fitness to engage in such meetings).

12.1 Informal Approach

If it proves impossible to estimate when a member of staff will be able to return to work, or if this is unlikely to be within a reasonable period, the manager or Principal should seek advice from HR who may assist with an appropriate Occupational Health visit. Occupational Health will consider the likelihood of a return to work in the foreseeable future, the scope of the member of staff's medical condition and its effect on her/his present or continuing capability, alternative working arrangements that may facilitate the employee's return to work or whether the employee would be able to return to a suitable alternative role.

Due regard should also be taken of the Equality Act when considering the suitability of alternative employment or whether employees should be dismissed on grounds relating to their capability (see below).

If medical advice suggests that an employee is incapable of undertaking her/his duties, consideration should be given to the following:

- the availability of 'reduced' duties (such as teaching smaller classes or less contact time) or alternative work pending recovery and a return to normal duties; or
- where recovery is insufficient to enable the member of staff to return to her/his normal duties, in some circumstances it may be possible to find alternative employment through the redeployment procedure.

It should be noted that the school cannot insist that a different school appoints a redeployee to a vacant post that may represent suitable alternative employment for the redeployee. This is because schools have the autonomy to make their own decisions in terms of staff appointments to their schools. The school, with the assistance of HR, will explore the availability of suitable alternative employment options that may be available in other schools and will facilitate contact with those schools as a means of attempting to secure alternative employment for the employee where an appropriate opportunity may exist.



Where Occupational Health suggests that an employee is incapable of fulfilling her/his full range of duties (either permanently or within a reasonable timescale having regard to operational or other considerations), and no suitable alternative employment can be found, the Principal is strongly advised to consult with HR before considering any proposal to terminate the employment of the member of staff.

13. Procedure for Dismissal on the grounds of lack of capability due to ill Health

Where the informal approach to managing long term absence has not resulted in a return to work of the member of staff, the school may decide to make arrangements for formal consideration to the prospect of the employee's continued employment in view of the ongoing lack of capability due to ill health. Before considering the option of terminating the member of staff's employment, the school should be satisfied that there is no medical evidence to suggest that the member of staff will be returning to work in the foreseeable future and that the absence is having detrimental effect on the school

13.1 Medical Referral Meeting

Prior to holding a formal meeting, the Principal or line manager should write to the member of staff to confirm the proposed action of convening a formal hearing to consider the question of the employee's ongoing employment (see Appendix 10).

The member of staff should have had an appointment with an Occupational Health adviser prior to the formal meeting. The purpose of a recent Occupational Health appointment is to give the member of staff an opportunity to submit up to date medical evidence from her/his General Practitioner/ Consultant or Specialist and make medical representations to the Occupational Health Consultant. The employee may ask any suitably qualified medical practitioner to attend this meeting with them to make representations on her/his behalf.

Following the Occupational Health appointment, the Occupational Health Consultant will provide a report to the school on the member of staff's capability to continue in her/his post, or ability to undertake work on the basis of certain adjustments being made or undertake alternative work.

A date for the medical representations meeting should be set giving the employee at least two calendar weeks' notice.

13.2 Formal Committee Meeting

A Panel will be convened to hold a formal meeting to consider the question of the employee's continued employment. The Panel should be represented by not less than 3 committee members. The Procedure for the meeting is set out in Appendix 13

In advance of the meeting, the Panel will be provided with copies of any relevant documents in respect of the case (e.g: copies of medical reports, Principal's report regarding impact on the school etc.). The employee and his/her representative will also be provided with copies of the relevant documentation no later than 10 days before the meeting. The employee and/or his/her representative may also make verbal and/or written



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submissions to the hearing. Where the employee intends to make written submissions to the meeting, he/she should endeavour to provide these no later than one calendar week before the hearing where possible.

At the meeting, the Panel should hear representations from the member of staff as to why s/he should not be dismissed on grounds of lack of capability due to ill health. Additionally, the Principal may be required to attend the hearing to present to the Panel information on the process undertaken to date in respect of attempts to facilitate the employee's return to work, any considerations of redeployment that may have been made, any relevant medical information (including medical reports) and the impact of the ongoing sickness absence on the operations of the school.

The letter requesting the employee's attendance at this meeting should be set out as in Appendix 4 giving at least ten school days' notice.

The Panel will decide, on the basis of evidence available, including the Occupational Health Consultant's report, whether or not to recommend that the member of staff is dismissed (subject to the individual's right to appeal).

A letter confirming the decision should be sent to the member of staff within one calendar week of the meeting (see Appendix 6 and 7). If the decision is to dismiss the member of staff s/he should be advised of her/his right of appeal.

Should the individual choose not to appeal within the specified period or the appeal is not upheld, the Panel will advise the school who will issue a dismissal letter to the individual with due notice (see Appendix 7). The dismissal letter will state the reasons for dismissal.

13.3 Appeals

Appeals against dismissal must be made by the member of staff in writing to the Principal or, where the appellant is the Principal, to the Panel Chair, outlining the reason for the appeal within two calendar weeks of receiving written confirmation of the dismissal. Appeals will be heard, where practicable, within twenty school days of receipt of the appeal application.

Appeals against dismissal will be heard by a second committee Panel. This Panel will exclude those governors/trustees who have previously sat on the Panel that made the recommendation to dismiss. Additionally, the number of governors/trustees constituting the Appeals' Panel cannot be less than the number that constituted that Panel that made the recommendation to dismiss. The Procedure for the Appeal meeting is set out in Appendix 14.

All documents that were considered by the Panel that made the recommendation to dismiss at the first meeting will be provided to the Appeals' Panel. The employee and/or her/his representative will also be provided with a copy of the relevant documents in advance of the hearing. The employee and/or his/her representative may also make verbal and/or written submissions to the Appeals' Panel at the appeal meeting. Where documents are submitted to the Appeals' Panel, the employee and/or his/her representative should endeavour to ensure these are provided no less than one calendar week before the date of the appeal meeting.



The Appeals' Panel, having considered the matter, may either uphold or overturn the decision of the previous Panel. If the Appeals' Panel decides to uphold the decision to dismiss the member of staff on grounds relating to capability due to ill health, the employee is entitled to written notice in accordance with his/her contract of employment or as an alternative, pay in lieu of notice may be made where this is agreed with all parties.

The Appeals Panel may announce their decision verbally or in writing. In all cases, the Panel must confirm the decision to the employee in writing within one calendar week of the appeal meeting (see Appendix 8).

14. Termination of Employment

In all cases where an employee's contract of employment is terminated on the grounds of ill health, the termination date must take into account the contractual notice period. Regardless of the status of the employee's sick pay entitlement, full pay must be reinstated for the notice period so as to ensure no breach of contract occurs.

In accordance with the relevant case law employees may be entitled to receive payment for accrued statutory holiday entitlement where this has not been taken as a consequence of sickness absence.

15. Ill Health Retirement

In cases of chronic ill health, ill health retirement should be considered after all other options relating to facilitated return to work, reasonable adjustments to work or redeployment have been exhausted.

15.1 Teaching Staff

Under the Teachers' Pensions Regulations it is the teacher who instigates the approach to Teachers' Pensions for the payment of an ill health pension. Teachers' Pensions will then assess the medical evidence and make a decision on whether or not to award the pension. The school should support teachers in this application as necessary, using Occupational Health to liaise with their own consultants/specialists as necessary to provide specialist information about the medical condition which prevents their return to work.

If the teacher does not have a compelling case for an application for ill health retirement, or the Teachers' Pensions medical advisors do not support the application, the school may still wish to terminate the teacher's employment on the grounds of lack of capability due to ill health.

15.2 Non-Teaching Staff

If an employee is a member of the Local Government Pension Scheme (LGPS) the school can refer to the Occupational Health provider who will support the process of consideration given to a request for ill health retirement. If the OH doctor, the employee's consultant and an independent registered medical practitioner (who is qualified in occupational health medicine) has confirmed that the member of staff is permanently



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incapable of performing her/his duties and has recommended ill health retirement, then the member of staff may be able to receive an immediate retirement pension. There are graded levels of benefit based on how likely an individual will be capable of obtaining gainful employment after they leave.

Managers are advised to seek guidance from HR on behalf of the employee on whether an employee is a member of the LGPS and whether they would be entitled to an ill health pension from the Pensions Section. Estimates of benefits are not normally prepared until the decision has been made to recommend ill health retirement.



Appendix 1 Return to work form

Part 1: Self-Certification *(to be completed by employee)*

Name:	Job Title:
1 st Day of Absence:	Date Returned to Work:
Number of working days absent:	Are you: full time / part time * *Delete as appropriate
State briefly why you were unfit for work (specify nature of illness or injury. Words like "illness" or "unwell" are not enough)	
I reported my absence to: _____ on (date): _____	

Signed (employee): Date:
.....

Part 2 : Return to Work meeting

1. How are you now?
2. What was the cause of your absence?
3. Did you consult a Doctor or other medical practitioner? (please give details of when)
4. Is any further absence expected? (if yes please detail)
5. Are you able to carry out your normal hours and duties? If No please detail which duties you are unable to do. If no please detail which duties you are unable to do.
6. Was the absence related to an accident in work? If Yes please detail and confirm if an accident or incident report form has been completed (if not why not).



7. Are you on any medication which may affect your performance? If yes please detail.
8. Do you require any additional support? If yes please detail.
9. Are there any issues which the employee wishes to raise following their recent absence?

Part 3: Next Steps

<p>10. Has employee met trigger points as outlined in the Sickness Absence Policy:</p> <p>3 periods of sickness absence in a 12month period</p> <p>Regular absence on certain days</p> <p>A combination of odd days, longer periods and patterns of absence cause the line manager concern</p>	<p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;">If yes manager to contact HR for guidance Occ health apt may be advisable.</p>	<p style="text-align: right;">No <input type="checkbox"/></p>
--	---	---

Summary of action points agreed and any other comments
--

Review date for agreed action			
Employee's signature		Date	
Manager's signature		Date	



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Appendix 2 Draft letter to individual - Occupational Health Referral

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Dear

I am sorry to learn that you are still unwell and unable to attend work. I am writing to you in order to maintain contact with you during your period of sick leave and inform you on the school's established process for supporting employees who are unable to attend work due to prolonged sickness absence.

As you will be aware, you have been on sick leave since DATE and in view of the duration of your absence and in accordance with the Whole School Attendance Policy I am writing to advise you that I have referred you to Occupational Health. This process will ensure that I am provided with medical advice on ways in which the school can support you in your recovery, and also advise me on your fitness to return to work and any appropriate arrangements that may help facilitate a successful return to work for you at the appropriate time.

Occupational Health will contact you directly and arrangements will be made for you to either undergo a telephone consultation or you may be asked to attend an appointment with an Occupational Health Nurse or Consultant. Following your consultation, OH will provide a report giving general management advice, a prognosis and likely timescales for your recovery and return to work.

I must emphasise that this is the normal procedure followed when a member of staff is absent due to sickness.

Should you have any queries, please contact me.

Yours sincerely

XX XX
Headteacher

Appendix 3

Draft letter to individual – Occupational Health Referral (stress related)

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Dear

Workplace Stress Risk Assessment & Referral to Occupational Health

I am sorry to learn that you are still unwell and unable to attend work. I am writing to you in order to maintain contact with you during your period of sick leave and inform you on the school's established process for supporting employees who are unable to attend work due to prolonged sickness absence.

I understand from our discussions that the reason for your sickness absence is work related stress.

OR

The fit note provided by your GP indicates the reason for your sickness absence is work related stress. In order to establish those areas at work that you find stressful it is necessary for me to undertake a workplace stress risk assessment with you, followed by a referral to Occupational Health. This will help me to take appropriate action where possible to address any aspects of your work that you may find stressful.

Whilst I appreciate that you are not feeling well at this moment in time, it would be helpful if we could meet in order for the workplace stress risk assessment to be completed as soon as possible and I propose DATE at TIME. I do appreciate that at this time you may not wish to attend the school so in confirming your attendance on the above date an alternative suitable venue can be agreed.

Please be assured that this process reflects the school's established practice for supporting an employee absent from work for a prolonged period with work-related stress and is consistent with the School's Attendance Policy.

I look forward to hearing from you.

XX XX
Headteacher



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Appendix 4

Attendance to Stage One/Two/Three meeting

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Dear

(Specify Stage One, Stage Two or Stage Three) Capability Meeting

I write to request your attendance at a meeting on INSERT DATE at INSERT TIME at INSERT VENUE. The purpose of the meeting is to discuss concerns about your sickness absence record.

According to our records you have been absent from school on the following occasions:

INSERT DETAILS INCLUDING REASONS FOR ABSENCE IF GIVEN.

During the meeting the attached documents will be referred to. (INSERT DETAILS OF ANY OTHER PEOPLE ATTENDING AND AN INDICATION OF THEIR ROLE.)

You have the right to be accompanied at the meeting by a workplace colleague or your trade union representative. You and/or your representative have the right to make a written submission prior to the meeting and/or to make statements at the meeting. You also have the right to nominate persons to provide your own supporting evidence and to question other parties called by management. Could you please let me have names of any persons you propose to call in order that arrangements can be made for them to be released from their duties.

Please be advised that this letter constitutes notification that the MAT's Attendance Policy is being formally invoked.

A copy of the procedure to be followed at the meeting and a second copy for your workplace colleague or trade union representative is enclosed.

Yours sincerely

XX XX
Headteacher



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Appendix 5

Written Warning

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Dear

Written Warning

I write further to the meeting which took place on INSERT DATE in accordance with INSERT NAME OF SCHOOL Whole School Attendance Policy. At that meeting INSERT NAMES OF PEOPLE AND AN INDICATION OF THEIR ROLE were in attendance.

At the meeting it was established that your attendance record has been unsatisfactory because INSERT DETAILS OF ABSENCE.

I confirm that you were issued with a written warning. This written warning will remain valid for a period of twelve months from the date of the meeting, after which it will be disregarded. You were informed that the following improvements are required INSERT AN INDICATION OF IMPROVEMENTS REQUIRED AND OVER WHAT TIMESCALE.

A review meeting will take place on INSERT DATE, TIME AND VENUE to assess whether the necessary improvement in attendance has occurred.

You should be aware that failure to make the required improvements in your attendance may lead to further formal action being taken against you and may ultimately lead to your dismissal.

I enclose a copy of the MAT's Attendance Policy, and draw your attention to your right of appeal. If you wish to appeal against this formal written warning you must do so in writing to me within ten working days of receipt of this letter.

Yours sincerely

XX XX
Headteacher



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Appendix 6 Final Written Warning

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Dear

Final Written Warning

I write further to the meeting which took place on INSERT DATE in accordance with the MAT's Attendance Policy. At that meeting INSERT NAMES OF PEOPLE AND AN INDICATION OF THEIR ROLES were in attendance.

At the meeting it was established that your attendance record has been unsatisfactory because INSERT DETAILS OF ABSENCE.

I confirm that you were issued with a final written warning. This final written warning will remain valid for a period of eighteen months from the date of the meeting, after which it will be disregarded. You were informed that the following improvements are required INSERT AN INDICATION OF IMPROVEMENTS REQUIRED AND OVER WHAT TIMESCALE.

A review meeting will take place on INSERT DATE, TIME AND VENUE to assess whether the necessary improvement in attendance has occurred.

You should be aware that failure to make the required improvements in your attendance may ultimately lead to your dismissal.

I enclose a copy of the MAT's Attendance Policy, and draw your attention to your right of appeal. If you wish to appeal against this final written warning you must do so in writing to me within ten working days of receipt of this letter.

Yours sincerely

XX XX
Headteacher



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Appendix 7 Notification of dismissal

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Dear

Outcome of Sickness Absence Meeting, (date)

I write further to the meeting of the Panel of Governors appointed by the Governing Body of INSERT NAME OF SCHOOL which met on INSERT DATE, TIME AND VENUE at which you were present / were represented / were not present (delete as applicable). The purpose of the meeting was to consider the question of your ongoing employment in view of the concerns for your ongoing sickness absence / level of sickness absence (delete as applicable). The Panel of Governors comprised of INSERT NAMES OF GOVERNORS. The meeting was also attended by INSERT NAMES AND AN INDICATION OF THEIR ROLES.

At the meeting it was established that your attendance has been unsatisfactory for a prolonged period of time since (DATE) and regrettably this is becoming increasingly difficult for the school to accommodate. After careful consideration of all the evidence, the Governors concluded that there was no prospect of you being able to sustain the required standards of attendance. The Governors therefore resolved to dismiss you on grounds of lack of capability.

I enclose a copy of the MAT's Attendance Policy and draw your attention to your right of appeal against dismissal to the Appeals Committee of Governors.

If you wish to appeal against this dismissal you must do so in writing within ten working days of receipt of this letter.

If I have not heard from you by INSERT DATE IN EXCESS OF TEN WORKING DAYS, I will assume that you do not wish to appeal.

Yours sincerely

XX XX
Chair of Panel of Governors

Copy to: Headteacher
 Trade union representative (where applicable)



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Appendix 8

Notification of dismissal after appeals

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Dear

Outcome of Staff Dismissal Appeal Hearing on INSERT DATE

A Panel from the Appeals Committee of Governors of INSERT NAME OF SCHOOL met on INSERT DATE to consider your appeal against dismissal following the decision of the Panel of Governors from the Personnel Committee who made the decision to dismiss you at a hearing held on INSERT DATE.

The Governors considered all the evidence brought to the previous Panel of Governors from the Personnel Committee (including the occupational health report, the Headteacher's report, the grounds of your appeal and any new evidence available) and concluded that there was no prospect of you being able to sustain the required standards of attendance. The Appeals' Panel therefore upheld the decision of the previous Panel of Governors that you be dismissed from INSERT NAME OF SCHOOL with effect from 30 April / 31 August / 31 December.

If there is anything that you believe that the school can reasonably do to offer you support at this time, please let me know.

Yours sincerely

XX XX
Chair of Appeals' Panel of Governors

Copies to:
XX, Headteacher, INSERT NAME OF SCHOOL
XX, Trade Union Representative, INSERT NAME OF TRADE UNION



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Appendix 9

Letter to individual commencing dismissal proceedings

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Dear

I write on behalf of the Governors of (INSERT NAME OF SCHOOL).

As you know, you have now been absent due to sickness from your post at (INSERT NAME OF SCHOOL) since (INSERT DATE). You have been referred to Occupational Health, but to date no indication has been received to suggest that you are likely to be fit to return to work in the near future. The Governors are obliged to consider the ongoing educational and development needs of the pupils at the school, and as such the Governing Body recently met to determine a way forward.

The Governing Body has reluctantly concluded that given the length of your sickness absence and the fact that there has been no indication that you will be fit to return to work in the foreseeable future, it has no option but to consider the likelihood of your return to work in the foreseeable future and the commence dismissal proceedings on the grounds of lack of capability due to ill health. The procedure which they now intend to follow is set out below for your information and a copy of this letter has been forwarded to your trade union representative.

Following your Occupational Health appointment you will be invited to attend a representations meeting with the appointed Panel. You will have an opportunity to be represented at the meeting by your trade union and you and/or your representative will have an opportunity to present your views to the Panel as to why you should not be dismissed on the grounds of lack of capability due to ill health. The Panel will decide, on the basis of evidence available, including the OH report, whether or not to dismiss you. A provisional date has been set for the representations meeting for (INSERT DATE) at (INSERT TIME) am/pm. If you wish to make representations to the appointed Panel, please let the school know.

If the Panel determines that your employment should be terminated, you will be offered an opportunity to appeal to a second committee Panel. The Appeals' Panel may either decide to confirm or overturn the decision of the previous Panel of Governors that made the decision to dismiss. If they uphold the decision to dismiss, you will be issued with notice to terminate your employment with effect from 30 April / 31 August / 31 December. A provisional date, should it be necessary, for the Appeal hearing has been set for (INSERT DATE).



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If there are any aspects of this letter which you or your trade union representative would like to discuss with me, or any alternative proposals which you would like to put forward as to how this situation might otherwise be resolved, please do not hesitate to contact me.

Yours sincerely

XX XX

Copies to: XX, Headteacher, INSERT NAME OF SCHOOL
XX, Trade Union Representative



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Appendix 10

LONG TERM ABSENCE – Invitation to Panel Meeting

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Dear

I am writing further to your recent appointment with INSERT NAME OF DOCTOR of Occupational Health. The report that INSERT NAME OF DOCTOR has produced following this appointment states the following:

INSERT DETAILS.

As discussed in my letter to you dated INSERT DATE, I am now writing to invite you to attend a meeting with the Panel of Governors appointed by the Governing Body to consider the prospect of you returning to work in the foreseeable future and the question of your ongoing employment. The meeting has been arranged to take place on INSERT DATE, TIME AND VENUE. .

You will have an opportunity to be represented at the meeting by your trade union and you and/or your representative will have an opportunity to present your views to the Panels as to why you should not be dismissed on grounds of lack of capability due to ill health. The Governors will decide, on the basis of evidence available, including INSERT NAME OF DOCTOR report and the Principal's report (attached), whether or not to dismiss you with effect from 30 April / 31 August / 31 December. I would be grateful if you or your representative would inform me by midday on INSERT DATE whether you wish to make representations to the Panel

If you or your representative have any queries, please do not hesitate to contact me on XXXX.

Yours sincerely

XX XX

Copies to: XX, Headteacher, INSERT NAME OF SCHOOL
XX, Trade Union Representative



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Appendix 11A Notification of dismissal

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Dear

The Panel of Governors appointed by the Governing Body of INSERT NAME OF SCHOOL to consider the question of your ongoing employment met earlier today at INSERT VENUE. At that meeting INSERT NAMES OF PEOPLE AND AN INDICATION OF THEIR ROLES were in attendance.

The purpose of the meeting was for the Governors to decide, on the basis of the evidence available to it, including Dr INSERT NAME OF DOCTOR report, whether or not to dismiss you. Evidence considered by the Governors included the following:

- 1 The Occupational Health Consultant's report dated INSERT DATE;
- 2 A report by the Headteacher dated INSERT DATE;
- 3 Insert details of any representations made by the employee and/or her/his representative.

After careful consideration of the evidence, the Governors regrettably concluded that there is no prospect of you being able to return to work in the foreseeable future in any capacity and therefore resolved that they have no option but to dismiss you on grounds of lack of capability due to ill health with effect from 30 April / 31 August / 31 December.

You have the right to appeal against this decision to an Appeals' Panel of Governors. If you wish to appeal, please inform me in writing by INSERT DATE. Should it be necessary, the appeal hearing has been scheduled for INSERT DATE at INSERT TIME in the INSERT VENUE. You have the right to be represented at this meeting by your trade union and I suggest that you contact your trade union representative for advice. If I have not heard from you by INSERT DATE, I will assume that you do not wish to exercise your right of appeal and I will write to you formally to issue you with notice of dismissal.

Yours sincerely

XX XX

Copies to: XX, Headteacher, INSERT NAME OF SCHOOL
XX, Trade Union Representative



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Appendix 11B Notification of Dismissal

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Dear

I am writing following the meeting of the Panel of Governors appointed by the Governing Body to consider the question of your ongoing employment, which took place on INSERT DATE. The Governors met and carefully considered all information that was available to them, including a report/s from Occupational Health and the Headteacher's report, and the written and oral representations made by you and/or your representative.

The Governors considered the effects of your absence on the educational and development needs of pupils and concluded that INSERT DETAILS.

IF APPLICABLE

Whilst the Governors remain hopeful that your application to retire on grounds of ill health is successful, they resolved that they have no option but to dismiss you on grounds of lack of capability due to ill health with effect from 30 April / 31 August / 31 December. I appreciate that this decision is likely to come as a disappointment to you and notwithstanding this fact, if there is anything that you believe the school can reasonably do to offer support and assistance at this time, please let me know.

You have the right to appeal against this decision to an Appeals' Panel of Governors. If you wish to do so, please inform me in writing by no later than INSERT DATE. The date of the Appeal Hearing has been provisionally arranged to take place at INSERT TIME on INSERT DATE. You have a right to be represented by your trade union.

Finally, can I emphasise that whilst the Governors have made this decision, they did so after much deliberation. They all wished to express their sympathy to you over your continuing ill health.

If you have any queries regarding the contents of this letter, please do not hesitate to contact me on XXXX.

Yours sincerely

XX XX

Copies to: XX, Headteacher, INSERT NAME OF SCHOOL
XX, Trade Union Representative



ATHENA
LEARNING TRUST

Appendix 12

Termination of employment

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Dear

Termination of Employment on the grounds of lack of capability due to ill health

I write further to the letter dated INSERT DATE from INSERT NAME AND TITLE.

(FOR TEACHERS) I therefore issue you with notice of dismissal on grounds of lack of capability due to ill health and confirm that your last day of employment will be 30 April / 31 August / 31 December. In accordance with the terms of your contract, you are entitled to INSERT months/weeks notice for which you will receive full pay.

(FOR SUPPORT STAFF) I therefore issue you with notice of dismissal on grounds of lack of capability due to ill health and confirm that your last day of employment will be DATE. In accordance with the terms of your contract, you are entitled to INSERT months/weeks notice for which you will receive full pay.

I would like to express my genuine regret at the circumstances which have required that your employment be terminated. I hope that your health soon improves and wish you all the very best for the future.

Yours sincerely

XX XX
Employee Relations Consultant / Adviser
Schools' Employee Relations Team

Copies to: XX, Headteacher, INSERT NAME OF SCHOOL
XX, Trade Union Representative

Appendix 13

PROCEDURE FOR FORMAL DISMISSAL HEARING

(on the grounds of lack of capability due to ill health or ongoing unacceptable attendance levels)

- The Headteacher shall present the case in respect of the employee's ongoing ill health/unacceptable standard of attendance in the presence of the employee.
- The employee and the Panel of Governors will have the opportunity to ask questions of the Headteacher.
- The employee (and/or his/her representative) will present his/her case, including any medical representations they may wish to make in the presence of the Headteacher.
- The Headteacher and the Panel of Governors will have the opportunity to ask questions of the Headteacher.
- The Headteacher will be given the opportunity to sum up the case.
- The employee (and/or his/her representative) will be given the opportunity to sum up the case.
- The Headteacher and the employee (and his/her representative) will withdraw.
- The Panel of Governors will deliberate in private, only recalling the Headteacher and the employee to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return.
- The Panel of Governors will announce the decision to the parties.

Appendix 14

PROCEDURE TO BE FOLLOWED AT APPEAL HEARINGS

- The appellant (and/or his/her representative) will present his/her case in the presence of the Headteacher.
- The Headteacher and the Appeals' Panel of Governors will have the opportunity to ask questions of the appellant (and/or his/her representatives).
- The Headteacher will put forward his/her case in the presence of the appellant (and/or his/her representative).
- The appellant (and/or his/her representative) and the Appeals' Panel of Governors will have the opportunity to ask questions of the Headteacher.
- The appellant (and/or his/her representative) will be given the opportunity to sum up the case.
- The Headteacher will be given the opportunity to sum up the case.
- The Headteacher and the appellant (and/or his/her representative) will withdraw.
- The Appeals Panel will deliberate in private, only recalling the Headteacher and the appellant to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return.
- The Appeals Panel will announce the decision to the parties.