



SUPPORTING ATTENDANCE IN SCHOOLS

GOVERNING BODY APPROVAL: Autumn 2020/21

COMMITTEE WITH RESPONSIBILITY FOR MONITORING
AND REVIEW:
[Curriculum Committee](#)

NEXT REVIEW DATE: Autumn 2021/22

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1. Introduction

This policy and procedure provides Head teachers and line managers with a structured framework which will enable them to promote a culture of attendance within the school and provide the tools to manage the difficult and sensitive area of employee sickness absence.

By encouraging a positive and proactive approach to the health and wellbeing of employees the school is committed to improving effectiveness and attendance at work and assisting those who are ill to return to work.

2. Policy Summary

This Policy helps Head teachers and line managers to deal with sickness absence and successfully reduce sickness levels whilst promoting the health, safety and wellbeing of all employees.

Each case of ill-health will be treated individually and will be assessed and managed according to its particular circumstance. Head teachers and line managers are expected to take formal action in accordance with this policy.

3. Equality Duties

Head teachers and line managers are required to ensure that their application of this policy does not impact unfairly on employees with reference to age; disability; gender re-assignment; pregnancy and maternity; race; religion or belief; sex, marriage and civil partnership; or sexual orientation.

The school has a duty not to discriminate against disabled people and to make, "reasonable adjustments" as appropriate, monitoring on an ongoing basis.

4. Who is and isn't covered by this Policy

This policy **applies** to:-

- .. Teachers (including Head teachers) and support staff in any Community, Community Special, Voluntary Controlled, Nursery, Foundation, Foundation Special or Voluntary Aided School maintained by the Council where the governing body has adopted it.
- Teachers (including Head teachers) and support staff employed by the Council in educational units other than in schools, e.g. Pupil Referral Units where the management committee has adopted it.

The policy **does not apply** to:-

- New non-teaching employees during their probationary period where separate monitoring processes apply.
- Temporary employees with less than 6 months' continuous employment with their current employer.

- Employees in Community, Community Special, Voluntary Controlled and Nursery Schools if and so long as the school's delegated budget has been suspended by the Council (a similar procedure apply, but officers of the Local Authority will monitor the situation, rather than the Governing Body.)

5. **Types Of Sickness Triggers**

For the purposes of this policy:-

- **Short-term sickness** is either separate occurrences of sickness absence in a rolling month period; or **i** or more separate occurrences of sickness absence amounting to **ft** or more working days in a rolling **12** month period which may be unlinked illnesses.
- **Long-term sickness** is for a continuous period of time of usually weeks

This needs to be pro-rated for part-time staff.

6. **Sickness Recording**

Only working days are recorded e.g., if a full time employee falls sick on a Friday and returns to work on the following Tuesday, then this is recorded as 2 days sickness.

7. **Sickness During Working Hours**

If an employee becomes sick and leaves work before completing half of their contracted hours for that day, they will be recorded as being sick for half a day. If they work more than half of the day, then they will be treated as if at work for the full day and sick leave will not be deemed to start.

8. **Medical, Dentist, Optician And Hospital Appointments**

All staff should try, whenever possible, to attend appointments outside of their normal working hours. Where this is not possible, employees may be required, on request of the Head teacher, to provide an appointment card or some other similar record of appointment; and they must give reasonable notice.

An absence of up to 3 hours 36 minutes (for full-time staff) (pro-rata for part-time employees) for such appointments, should be recorded as half a days sickness absence. An absence of more than this will be recorded as one day's sickness. In exceptional circumstances, the Head teacher may approve leave.

9. **Medical Redeployment**

Where changes in hours or work practices have proved unsuccessful or are inappropriate, it may be necessary to consider, with advice from Occupational Health, whether alternative employment should be sought in the school. Any search for medical redeployment opportunities should be documented and undertaken for a period of up to one month.

If a redeployment search is unsuccessful, then at the end of the one month period, the case will be referred for consideration as to whether the employee should be dismissed on the basis of incapability to undertake their duties. (Comments

10. Planning A Return To Work

In some cases, a phased return to work for someone returning from long-term sickness absence will be appropriate. This recommendation will usually come from Occupational Health. This may mean a structured return to work over a number of weeks, working reduced hours or carrying out fewer/different tasks, gradually building up to normal contractual arrangements. This should usually take no more than 4 weeks but a shorter phased return may be appropriate.

The employee will receive full pay for normally up to four weeks during a phased return to work programme. Progress on the phased return to work programme will need to be reviewed weekly.

At the end of the phased return period, the line manager should meet with the employee to establish whether they are able to undertake full duties. If necessary the line manager will take further advice from Occupational Health in liaison with Schools' Human Resources.

11. Pregnant Employees

If an employee has a pregnancy-related illness, these absences should be recorded as pregnancy-related. Such illnesses are usually of a temporary nature and the law gives extra rights and protection to pregnant employees. In particular, an employee should not be subject to any detriment as a result of sickness that is caused by pregnancy. Illness could also trigger an early start to maternity leave. Please refer to the Schools' Maternity Policy for guidance.

12. Gender Reassignment

Schools' must not treat employees less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would treat them if they were absent for reason of illness.

13. Disability Related Absence

For those employees who by definition have a condition which is covered under the Equality Act 2010 and require regular medical appointments/treatment, such absence will not be recorded as contributing to one of the sickness triggers; however, the absence will still be recorded as sick.

14. Roles And Responsibilities

Employees

Employees must follow the schools' notification procedure on the first day of absence.

Employees must keep in touch with the school while they are off sick and provide regular updates on their condition for the duration of their absence.

Employees must complete a self-certification form on the day they return to work. Employees must provide a medical certificate to cover absences longer than 7 calendar days. Employees will also need to complete a self-certification form for the first 7 days where the medical certificate does not cover this.

Further medical certificates must be submitted as necessary and in a timely manner (i.e. within 3 days of issue) to cover the total period of absence. Failure to comply with the certification procedures may result in loss of sick pay.

Head teachers/Line Managers

Head teachers/Line Managers will normally maintain regular contact with an employee who is absent from work due to sickness to ensure they receive any support which they need and to ease their return to work.

The Head teacher/Line Manager should also conduct the return to work meeting on the day of return or as soon as is practically possible. The Head teacher/Line Manager should at this meeting review the level and/or patterns of sickness for the previous 12 month rolling period and this meeting should be an opportunity to discuss any concerns.

15. Where Sickness Levels Are Causing A Concern

Where the level and/or pattern of sickness absence gives cause for concern or if (including the most recent episode of absence) it is **approaching** occasions of sickness in a rolling month period or **g** or more occasions of sickness amounting to working days or more in a rolling **12** month period which may be unlinked illnesses, the Head teacher/Line Manager should use the return to work meeting to:

- Review the employees sickness record
- Discuss the reasons for the sickness absence
- Consider any previous relevant medical information which is available
- Explain the impact of the sickness absence on the school, pupils and work colleagues
- Consider whether there are any reasonable adjustments that the school can make to help reduce the level of sickness absence
- Consider early intervention of an Occupational Health referral as a duty of care by the school
- Discuss with the employee that continued sickness may trigger action under the formal process
- Where appropriate, inform the employee that this latest sickness has triggered formal action

Head teachers/Line Managers should confirm these discussions in writing.

16. Occupational Health Referral

Schools are advised to refer employees to Occupational Health from the first day of absence when the cause of sickness absence is as a result of a Musculoskeletal injury, anxiety, stress, depression or is as a result of an underlying health condition. This early intervention will demonstrate the school's duty of care to the employee by ensuring it is clearly informed in order to consider making any reasonable

adjustments in the workplace that may be necessary. All employees who are sick for 3 or more weeks should as a matter of course be referred to Occupational Health, to establish whether there is an underlying health condition, whether any reasonable adjustments may be necessary and an anticipated return to work date, where applicable.

The school also may request advice from Occupational Health when:

- .. Absences are high or a pattern of absence emerges
- .. If the Head teacher/Line Manager has concerns about the employees health and well being

The employee should be informed that the referral is taking place and the reasons for this.

17. Managing Short-Term Sickness Absence

	Triggers	Actions for Head Teachers/Line Managers
1.	<p>Either:</p> <p>3 occasions of sickness in a rolling 3 month period</p> <p>Or</p> <p>2 or more occasions of sickness amounting to 9 working days or more in a 12 month rolling period</p>	<p>Assess the sickness absence on an individual basis.</p> <p>Where the school is satisfied that the sickness absence was due to a specific circumstance and would not be likely to recur, no further action is required. Sickness absence should continue to be monitored in the normal way.</p> <p>If, however, there has been a previous trigger in the last 12 months, then it may be appropriate to review sickness in line with the formal stages of the sickness procedures.</p> <p>Where there have been previous triggers or sickness is long term, and then it may be appropriate to conduct a Stage 1 Formal Review meeting. An initial target of no more than 3 days of sickness over a 3 month period (excluding holidays) should be set.</p> <p>Early intervention via an Occupational Health referral is advised.</p> <p><u>If this target is met, a further target</u></p>

		of 0 days over the next 3 months should be set.
2.	Where there is a failure to meet the targets set at the Stage 1 Formal Review Meeting	<p>A Stage 2 Formal Review Meeting should take place, whereby a further target of no more than 3 days over a 3 month period (excluding holidays) should be set.</p> <p>If not done previously, an Occupational Health referral may be required.</p> <p>If this target is met, a further target of 0 days over the next 3 months should be set.</p>
3.	Where there is a failure to meet the targets set at the Stage 2 Formal Review Meeting	<p>A Stage 3 Formal Review Meeting should take place whereby a decision to dismiss will be considered.</p> <p>Where dismissal is not recommended, a further target of 0 days over the next 3 months should be set. If this is met, then no further action may be required; sickness will however continue to be monitored in the normal way.</p> <p>Where, however, this target is still not met then it will be referred back to another Stage 3 Formal Review Meeting, where a decision may be made to dismiss.</p>
4.	If the employee is dismissed	Right of Appeal - the appeal should be made within 10 working days of receipt of the dismissal letter.

At all stages of the formal process:-

- The Head teacher/Line Manager must investigate the reason for the sickness levels
- Assess the effect of sickness on the pupils, school and work colleagues
- Seek Occupational Health advice (where appropriate)
- Review the strategy for reducing the sickness levels, e.g. reasonable adjustments
- Inform the employee of the consequences of not reducing the level of sickness, i.e. progressing to the next stage which ultimately may result in dismissal.

18. **Improvement During Monitoring Period**

Where attendance is satisfactory during the monitoring period, the Head teacher/Line Manager should advise the employee in writing to this effect at the end of the monitoring period and remind them of the need to sustain the level of improvement. This letter should also advise that if the employee has no further sickness absence for a further 3 month period then they will come out of the procedure.

19. **Stage 1 Formal Review Meeting**

When having discussed their concerns previously with the employee about their sickness absence levels and there has not been an immediate and sustained improvement in the employees level of attendance, the employee will be invited to a **Stage 1 Formal Review** meeting so that the Head teacher/Line Manager can:

- Investigate further the reasons for the sickness
- Identify if the employee has any Health and Safety or Occupational Health requirements or concerns
- Bring their concerns formally to the attention of the employee
- Discuss the impact that their sickness levels has on their colleagues, the school and most importantly the pupils
- Discuss with the employee a strategy for reducing the sickness to an acceptable level
- Consider the employee's explanation
- Discuss targets and the monitoring period
- a If not already undertaken, and where appropriate, inform the employee that they will be referred to Occupational Health

20. **Entitlement Of The Employee At All Stages**

The employee is entitled to:-

- 5 working days' notice in writing
- The date, time and venue
- The name of who will be conducting the meeting
- Know the purpose of the meeting and any concerns will be stated
- a Right of representation (A Trade Union representative or a work colleague)
- One postponement within 5 working days of the original date if their chosen representative is not able to attend
- Have the opportunity to state their case and provide an explanation
- An outcome letter following the meeting confirming the issues considered including an action plan.
- Where a target has been set the letter should state the duration and the consequences of a failure to meet this which may result in progressing to the next stage of the Supporting Attendance Policy, and possible dismissal if progressed to Stage 3.
- The right to medical confidentiality
- Access to any records or notes of the matters discussed
- All formal meetings will be minuted and a copy given to the employee

21. Stage 2 Formal Review Meeting

Where sickness absence levels exceed the target set in the outcome of the **Stage 1 Formal Review Meeting** or continue at an unacceptable level following the end of the review period, the Head teacher/Line Manager will decide whether or not to progress to a **Stage 2 Formal Review Meeting**.

The employee's entitlement is stated above (see para 20).

On the basis that the employee would have previously been referred to Occupational Health (OH), one outcome may be a recommendation for medical redeployment. If the employee has not yet been referred to OH this should be considered now.

When the Head teacher/Line Manager considers the sickness absence levels to be unacceptable the outcome letter in addition to the above will also include the following:

- A further monitoring period during which sickness absence levels should reduce
- Further targets for improved attendance
- Clear notification to the employee that a failure to reduce the level of sickness absence places their job at risk and may result in them moving to a **Stage 3 Formal Review Meeting** where the decision to dismiss may be made

22. Stage 3 Formal Review Meeting Preparation and Consideration

Where sickness absence levels exceed the target set in the outcome of the **Stage 2 Formal Review Meeting** or continue at an unacceptable level following the end of the review period, the Head teacher/Line Manager will decide following consultation with Human Resources, whether or not to progress to a **Stage 3 Formal Review Meeting**.

A further Occupational Health referral should be undertaken to provide up to date information surrounding the employee's condition prior to the Stage 3 Formal Review Meeting. Having considered this report, the Head teacher/Line Manager will make a decision on how to proceed. The options include:-

- Implementation of any recommendations or advice that has come from Occupational Health
- Extending the timescale for monitoring to allow for anticipated improvement in attendance
- Medical redeployment
- Refer the case to a duly authorised person(s) with a view to considering the employee's dismissal

23. The Stage 3 Formal Review Meeting

The purpose of the **Stage 3 Formal Review Meeting** is to consider the inability or failure of the employee to undertake the duties of their post by virtue of intermittent short-term absence, certified or self-certified as sickness absence.

The employee's entitlement is as stated in paragraph 20 except the notification time is extended to 10 working days and that they will be notified that the outcome may be dismissal.

Usually the Head teacher/Line Manager will present the management case and prepare a case summary with supporting documentation from previous formal review meetings.

The employee has the right to call witnesses if requested and provide name(s) 5 working days before the hearing.

The employee should provide copies of any documentation they wish to present 5 working days before the hearing.

Conducting the Meeting

Where the hearing may result in a dismissal the hearing must be conducted by the Head teacher or by a panel of the Governing Body or Management Committee consisting of a minimum number of members as decided on by the Governing Body/Management Committee from time to time.

In the following circumstances, the Head teacher will not conduct a hearing which may result in a dismissal:

Where the Head teacher will be presenting the management case at the Stage 3 Meeting.

Or

Where the Head teacher's previous involvement with the case could reasonably be seen as having come to a decision prior to the Stage 3 Meeting concerning whether the employee should be dismissed.

Format of Meeting

- The panel will open the meeting by explaining the reasons why the meeting has been arranged and the order of proceedings and answer any issues with regard to procedure. The panel may be advised by a HR Adviser.
- Management will present their case and call upon any witnesses to give evidence and/or produce any necessary documentary evidence in support of the case. The presenting person(s) may be assisted by an advisor.
- There will then be the opportunity for questions from the employee/ representative, the panel and the advisor.
- Any witnesses shall withdraw after giving evidence and answering any questions put to them.
- The employee/representative will submit her/his case and call upon any witnesses to give evidence and/or produce any necessary documentary evidence in support of her/his case.
- There will then be the opportunity for questions from management, the panel and the advisor.

- Any witnesses shall withdraw after giving evidence and answering any questions put to them.
- Management and the employee/ representative may sum up their cases if they so wish. The employee has the right to sum up last.
- The chair person will then end the meeting to start considering the panel's decision in relation to the case. If any recall is necessary to clarify points of uncertainty, both parties will be asked to return. In addition the panel may require that other witnesses/evidence should be called / produced in order to ensure that all the necessary facts can be considered before making a decision on the case. The panel may decide to adjourn the hearing to allow for this if necessary.
- The panel will decide to take such action as may be appropriate in the circumstances.
- The letter confirming a decision will be sent to the employee within 5 working days of the meeting to confirm the issues considered the decision and any right of appeal. The panel may review the decision during the notice period if fresh medical evidence is provided e.g. that the employee is now fit to work.

Factors for the Panel Conducting the Stage 3 Meeting to consider - Short Term Sickness

The Employment Appeal Tribunal has set out the following factors that should be considered before a dismissal decision is taken in a case of persistent short-term sick absence:

- The nature of the illness.
- Whether or not this may be work related.
- The likelihood of recurrence, or some other illness arising.
- The length of the various absences and the spaces of good health between them
- The need of the school for the work to be done by the employee
- The impact of the absences on other employees
- Following the correct procedure
- Will the employee be able to give regular and efficient service?
- The extent to which the employee has been made fully aware of the departments situation and when the point of, "no return" would be reached

24. Appeal Against The Decision To Dismiss On The Grounds Of Failure/Inability To Undertake The Duties Of Their Post By Virtue Of Intermittent Short-term Absence

Any employee who is dissatisfied with a decision to dismiss may appeal to ("the Appeal Hearing Officer /Management Committee or Chair of Governing Body").

The Head teacher/Line Manager/Chair of the panel who took the decision to dismiss will normally present the management case at the appeal hearing. The appeal must be lodged within 10 working days of the date of the letter confirming the dismissal decision.

The appeal must be made in writing and must clearly and specifically state in detail

the ground or grounds for appeal and the detailed basis for each ground of appeal relied on. The ground(s) for appeal must fall within one or more of the following:

There was a procedural irregularity which had a material effect on the dismissal decision

The hearing officer came to a conclusion on a material point of fact which no reasonable person could have come to

The decision to opt for dismissal rather than an alternative option was one that would not have been reached by any reasonable person

There is new evidence which the employee wishes to introduce for the first time at the appeal which could not reasonably have been raised at the original hearing and the absence of which had a material effect on the dismissal decision.

Where the letter of appeal does not provide the necessary information to allow it to be processed Human Resources will write to the employee seeking clarification.

A clerk to the panel of the Governing Body/Management Committee will, wherever possible, arrange for the appeal to be convened within 15 working days. The employee will be sent an invite letter 10 working days prior to the hearing advising them that:

- ., The hearing may be postponed by up to 5 working days to enable the employee's chosen representative to attend.
- ., They have the right to be accompanied by a Trade Union Representative or a work colleague.
- The appeal hearing will not be a full re-hearing of the case. It will only address the specific grounds of appeal set out in the letter of appeal.
- ., The Governing Panel and the employee will provide each other with any documents to be used by them and the names of any witnesses to be called by the fifth working day before the appeal hearing.
- ., A Governing Panel will chair the meeting and Human Resources and a note taker will be in attendance. The Governing Panel's decision will be final and there shall be no further internal right of appeal.

The Governing Panel will have the authority to confirm the dismissal decision or to overturn it. In the latter event, re-instatement or re-engagement with continuous service will apply.

25. Format Of The Appeal Hearing

- ., The Chair of the Governing Panel will introduce all parties and state the purpose of the appeal hearing.
- ., They will confirm with the employee their understanding of the right to representation.
- ., They will summarise the order of the proceedings namely:

The employee will present their case referring to documentation in connection with their grounds of appeal and call any witnesses necessary.

The Head teacher/Governor defending the decision appealed against, the panel and the HR advisor may then ask questions of the employee. Any witnesses shall leave after giving evidence and answering questions put to them.

The Head teacher/Governor will present their grounds for dismissal

The employee/TU Representative, the panel and the HR advisor may then ask questions of the Head teacher/Governor.

The employee followed by the Head teacher/Governor may then summarise their appeal case.

All parties will then be asked to withdraw.

- The Governing Panel will deliberate and decide whether a decision can be made immediately or will need further deliberation.

The parties will be recalled and given the panel's decision on the matter where possible or notified that the outcome will be confirmed in writing within 5 working days of the hearing.

26. Absence Of Employee At Any Stage Of The Formal Review Meetings

Where the employee has previously failed to attend at least one meeting, the Head teacher/Line Manager may decide having considered the reasons for the non-attendance to proceed in their absence.

Submissions from the employee may be presented on their behalf by a representative in person or in writing or by telephone.

27. Managing Long-Term Sickness

	<u>Trigger</u>	Actions For Head teachers/Line Managers
1.	weeks continuous sickness	Stage 1 Ensure regular contact with the employee Occupational Health Referral
2.	After no later than 9 Months continuous sickness	Stage 2 Arrange a Formal Sickness Review Meeting
3.	No later than months continuous sickness	Stage 3 Refer to Head teacher/Governors to consider taking a decision to dismiss
4.	Where the employee is dismissed	Right of Appeal

Long term sickness is defined as continuous sickness for three weeks or more.

The Head teacher/Line Manager should regularly review long term sickness cases. In order to come to a reasonable judgement, they will need to have accurate and up to date medical information and should refer the employee to Occupational Health.

At **Stage 2** and **Stage 3** the Head teacher/Line Manager will write to the employee and explain the purpose of the meeting. The employee should also be advised in the letter of their right to be accompanied by a Trade Union representative or a work colleague.

28. **Stage 2 Formal Review Meeting**

The Head teacher/Line Manager will discuss with the employee the serious concern that exists about the length of the sickness absence and its impact on work colleagues, the school and most importantly the pupils.

The Head teacher/Line Manager will refer to the Occupational Health report and discuss its contents and consider any recommendations.

The employee in turn will be given the opportunity to explain any factors or personal circumstances that they would like taken into account.

The manager must tell the employee if they feel that the employee's future employment is potentially at risk, set a **deadline** for review usually one month, and confirm in writing.

29. **Stage 3 Formal Review Meeting**

Where there is neither significant improvement nor a reasonable expected return date after the review date set at the **Stage 2 Formal Review Meeting**, the Head teacher/Line Manager will decide following consultation with Schools' Human Resources, whether or not to progress to a **Stage 3 Formal Review Meeting**.

A further Occupational Health referral should be undertaken to provide up to date information surrounding the employee's condition. Having considered this report, the Head teacher/Line Manager will make a decision on how to proceed. The options include :-

- ., Implementation of any recommendations or advice that has come from Occupational Health
- .. Extending the timescale for monitoring to allow for anticipated improvement in attendance
- ., Medical redeployment
- ., Refer the case to a duly authorised person(s) with a view to considering the employee's dismissal

Where a recommendation is made to progress to a **Stage 3 Formal Review Meeting**, this will be chaired by the Head Teacher/Chair of Governors to consider dismissal.

Usually the Head teacher/Line Manager will present the management case and prepare a case summary with supporting documentation from the previous formal review meeting.

The employee has the right to call witnesses if requested and provide name(s) 5 working days before the hearing.

The employee should provide copies of any documentation they wish to present 5 working days before the hearing.

30. Absence Of Employee At Any Stage Of The Formal Review Meetings

Whereby the employee has failed to attend at least one meeting, the Head teacher/Line Manager may decide having considered the reason(s) for the non-attendance to proceed in their absence.

Submissions from the employee may be presented on their behalf by a representative in person or in writing or by telephone.

31. When It Is Appropriate To dismiss On The Grounds Of Long Term Sickness

An employer can fairly dismiss an employee due to long term absence, based on incapacity to perform the job. Any decision in relation to such a dismissal will take into consideration the need to ensure the efficient operation of the school.

In the case of long term sickness, dismissal can take place where an employee has been off sick for 3 months and/or where there is no reasonable anticipated date for return to work. Where a decision to dismiss is taken, it will be implemented regardless of whether or not an employee's entitlement to sick pay has been exhausted.

32. Appeal Against The Decision To Dismiss On The Grounds Of Absence Due To Ill Health

Any employee who is dissatisfied with a decision to dismiss on the grounds of absence due to ill health may appeal to ("the Appeal Hearing Officer/Management Committee or Chair of Governing Body").

The Head teacher/Line Manager/Chair of the Panel who took the decision to dismiss will normally present the management case at the appeal hearing. The appeal must be lodged within 10 working days of the date of the letter confirming the dismissal decision.

The appeal must be made in writing and must clearly and specifically state in detail the ground or grounds for appeal and the detailed basis for each ground of appeal relied on. The ground(s) for appeal must fall within one or more of the following:

There was a procedural irregularity which had a material effect on the dismissal decision

The hearing officer came to a conclusion on a material point of fact which no reasonable person could have come to

The decision to opt for dismissal rather than an alternative option was one that would not have been reached by any reasonable person

There is new evidence which the employee wishes to introduce for the first time at the appeal which could not reasonably have been raised at the original

hearing and the absence of which had a material effect on the dismissal decision.

Where the letter of appeal does not provide the necessary information to allow it to be processed Human Resources will write to the employee seeking clarification.

The clerk to the panel of the governing body or management committee will arrange for the appeal to be heard wherever possible within 15 working days. The employee will be sent an invite letter 10 working days prior to the hearing advising them that:

- They have the right to be accompanied by a Trade Union Representative or a work colleague.
- The appeal hearing will not be a full re-hearing of the case. It will only address the specific grounds of appeal set out in the letter of appeal.
- The Governing Panel and the employee will provide each other with any documents to be used by them and the names of any witnesses to be called by the fifth working day before the appeal hearing.
- A Governing Panel will chair the meeting and Human Resources and a note taker will be in attendance. The Governing Panels decision will be final and there shall be no further internal right of appeal.
- The Governing Panel will have the authority to confirm the dismissal decision or to overturn it. In the latter event, re-instatement or re-engagement with continuous service will apply.
- The hearing may be postponed by up to 5 working days *to* enable the employee's chosen representative to attend.

33. Format Of The Appeal Hearing

- The Chair of the Appeal Panel will introduce all parties and state the purpose of the appeal hearing.
- They will confirm with the employee of their right to representation.

.. They will summarise the order of the proceedings namely:

The employee will present their case referring to documentation in connection with their grounds of appeal and call any witnesses necessary.

The Head teacher/Governor defending the decision appealed against, the panel and the HR advisor may then ask questions of the employee. Any witnesses shall leave after giving evidence and answering questions put *to* them.

The Head teacher/Governor will present their grounds for dismissal

The employee/TU Representative, the panel and the HR advisor may then ask questions of the Head teacher/Governor.

The employee followed by the Head teacher/Governor may then summarise their appeal case.

All parties will then be asked to withdraw.

The Appeal Panel/Panel of the Governing Body or Management Committee will deliberate and decide whether a decision can be made immediately or will need further deliberation.

The parties will be recalled and given the panel's decision on the matter where possible or notified that the outcome will be confirmed in writing within 5 working days of the hearing.

34. Appeal Outcome Options

The Appeal Panel will have the authority to:

- Confirm the dismissal decision
- Overturn the dismissal decision whereby reinstatement of continuous service will apply.
- Where the decision to uphold the appeal in the case of a procedural flaw or new evidence, it will have the discretion to refer the case back for a rehearing where depending on the circumstances they will decide whether this should be held by the original Head teacher/Governor or to rehear the case themselves.

Insert **Name Of School**

SELF-CERTIFICATION OF SICKNESS FORM

To be completed on the first day of absence.

Name _____

Job Title

Absence noted (date) • • by telephone/via another person/letter (please delete as applicable)

Person notifying absence (where known) A. t (time)

Anticipated length of absence

Name of person receiving notification

Further notification received on (date) • • by telephone/via another person/letter (delete as applicable)

(a) To be completed on the day of return to work in the presence of the appropriate line manager

(b) I was unable to attend work due to sickness on (please state day and dates)

DAY	DATES (PLEASE COMPLETE)	DAY	DATES (PLEASE COMPLETE)
Monday		Monday	
Tuesday		Tuesday	
Wednesday		Wednesday	
Thursday		Thursday	
Friday		Friday	

The reason for my absence was.....



c) To the best of my belief and knowledge this form is accurate and complete.

Signed Date

Completed in the presence of (Line Manager)

Signed Date.....

RETURN TO WORK DISCUSSION FORM

This form is to record the discussion between the employee and their line manager following their return to work.

Employee Name: _____ Job Title _____

Period Unfit for Work: From (am/pm) _____ To: (am/pm) _____

Reason for Absence:

Total number of working days lost: _____

Yes/No

If absence is due to an accident at work - has H&S reporting procedure been completed?

Working days lost over rolling 12 month period: __

Working days lost over rolling 3 month Period: _____

Number of occasions in rolling 12 month period _

Number of occasions in rolling 3 month period _

Yes/No

Has the employee been certificated as fit to return to work?

If no, provide details.

--

Is there anything the School needs to do to help employee resume normal work? If yes, provide details. (e.g counselling, OH referral, etc)

Yes/No

Did the employee consult their GP?

Yes/No

If yes, diagnosis summary

Is there an underlying reason that may result in further absence?

Yes/No

If yes, refer to Occupational Health as a duty of care

Has employee been advised of the impact their absence has had on other staff/team/pupils

Yes/No

Has employee reached a Trigger Point under the Supporting Attendance Procedure

Yes/No

*(3 occasions of sickness in rolling 3 month period **or** 2 or more occasions of sickness amounting to at least 9 working days in a rolling 12 month period).*

Progress to Formal Review Meeting

Yes/No

Comments:

Signature of Employee.: _____ **Date:** _____

Signature of Manager _____ **Date:** _____

CONTACT LOG

EMPLOYEE NAME _____

POSITION _____

LINE MANAGER _____

DATE REPORTED	DATE OF CONTACT	TYPE OF CONTACT	NOTES
SICK		<i>e.g E mail, letter, phone, home visit</i>	

INFORMAL LETTER REGARDING CONCERNS

Date

Address

Dear xxxxxx

I am writing to confirm the outcome of our discussion on **(Date)**, in which we talked about my concerns in regard to your levels of sickness absence **(insert details)**

I explained that although I do not doubt the genuineness of your sickness it places an additional burden on your colleagues, the school and most importantly the pupils. ,+

We discussed what support could be provided in order to help you improve your attendance. **(Explain what support has been discussed/agreed e.g health & safety training, counselling, work place assessment).**

To date, I am dealing with this matter informally and I will continue to monitor your attendance . If you are unable to achieve an immediate and sustained improvement in your attendance, I may have to consider your sickness absence using the formal procedures in accordance with the Supporting Attendance policy and procedure.

My preference would be to avoid this, but it very much depends on your ability to sustain the required improvements in attendance.

Please do not hesitate to contact me if you have any questions about this letter.

Yours sincerely

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

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TEMPLATE INVITE LETTER - STAGE 1 FORMAL REVIEW MEETING - SHORT-TERM

Date

Address

Dear xxxxxx

Stage 1 Formal Review Meeting

Your level of sickness has now reached a trigger point under the Supporting Attendance procedure for managing short term sickness absence. Having undertaken the informal process, your attendance levels have failed to demonstrate an immediate and sustained improvement. Over the past (12 or 3) months, you have been off sick for a total of XXX days on XXX separate occasions.

I am therefore writing to inform you that you are requested to attend a Stage 1 Formal Review Meeting, the details which are as follows:-

Date:

Time:

Location:

You have the right to be represented at this meeting by a current employee or a Trade Union Representative.

The purpose of the meeting is for me to:

- Investigate further the reasons for your sickness
- Identify if you have any Health & Safety or Occupational Health requirements or concerns
- Bring my concerns to your attention in a formal meeting
- Discuss the effect of your sickness and give you clear information about the adverse impact of your sickness absence on the school, your colleagues and most importantly the pupils
- Discuss with you a strategy for reducing your sickness to an acceptable level
- Consider your explanation
- Decide whether to set targets for an acceptable level of sickness together with a review period
- To explain the School's policy on sickness absence
- Decide whether to refer you to the Occupational Health Service for assessment

A copy of the procedure, copies of your return to work discussions and (if any) the occupational health report are attached.

If you have any queries surrounding this letter, please do not hesitate to contact me.

TEMPLATE LETTER - REVIEW OF TARGETS - ALL STAGES

(met targets/2nd target setting)

Date

Address

Dear xxxxxx

Stage One Review Outcome

I refer to my letter dated xxxxxxxx confirming the actions implemented following the stage ½ review meeting held on xxxxxxxx to bring about the required reduction in your sickness absence to an acceptable level. At that meeting I set a target of no more than three days over a period of three months with effect from xxxxxxxx

Having reviewed your sickness record, I am pleased to note that you have met the target set, having taken :xxxxxxxxx days on :xxxxxxxxx occasions. In accordance with the procedure, I am now setting you a further target of zero days over the next three month period commencing on xxxxxxxx

If you meet this target then you will come out of procedure and any future excessive sickness absence will be dealt with separately. However, in circumstances considered by the School to be exceptional, in the event of further excessive short-term sickness absence the formal procedures may start at the Stage 2 Formal Review level.

If you have any queries surrounding this letter, please do not hesitate to contact me.

Yours sincerely

TEMPLATE LETTER - REVIEW OF TARGETS (Out of Procedure)

Date

Address

Dear xxxxxx

Review of Targets

I refer to my letter dated xxxxxxxx in which I confirmed that you had met the first target set under the Stage 1/2*(*delete as appropriate*) of the Supporting Attendance Procedure. I am now pleased to confirm that you have successfully met the second target of zero days set over the three month period (**insert dates**]. I hope that you will now continue to sustain this level of improvement.

You are therefore no longer in the formal procedure and any other sickness will be considered separately. However, in circumstances considered by the School to be exceptional, in the event of further short term sickness absence the formal procedure may start again at Stage 2.

Yours Sincerely

TEMPLATE LETTER STAGE 2 FORMAL REVIEW MEETING INVITE - SHORT-TERM

Date

./

Address

Dear xxxxxx

Stage 2 Formal Review Meeting

I refer to my letter dated **xxxxxxxxxx** confirming the actions implemented following the Stage 1 Formal Review meeting held on **xxxxxxxxxx** to bring about the required reduction in your sickness absence to an acceptable level. At that meeting I set a target of no more than three days over a period of three months with effect from **xxxxxxxxxx**.

Unfortunately, over the review period you have taken a total of **xxxxxxxxxx days** on **xxxx number of occasions**. The reasons for your absence were recorded as **xxxxxxxxxxxxxxxx** As a result of this I have decided to progress your case to the Stage 2 Formal Review of the Supporting Attendance Procedure.

I am therefore writing to inform you that you are requested to attend a Stage 2 Formal Review Meeting, the details which are as follows:-

Date:

Time:

Location:

You have the right to be represented at this meeting by a current employee or a Trade Union Representative.

The purpose of the meeting is for me to:

- ., Investigate further the reasons for your sickness
- ., Identify if you have any Health & Safety or Occupational Health requirements or concerns
- ., Bring my concerns to your attention in a formal meeting
- ., Discuss the effect of your sickness and give you clear information about the adverse impact of your sickness absence on the school, your colleagues and most importantly the pupils
- ., Discuss with you a strategy for reducing your sickness to an acceptable level
- ., Consider your explanation
- ., Decide whether to set targets for an acceptable level of sickness together with a review period
- ., To explain the School's policy on sickness absence

.a Discuss your Occupational Health Report

A copy of the procedure, copies of your return to work discussions and the occupational health report are attached.

If you have any queries surrounding this letter, please do not hesitate to contact me.

Yours sincerely

TEMPLATE LETTER - STAGE 2 FORMAL REVIEW OUTCOME- SHORT-TERM

Date

Address

Dear xxxxxx

Stage 2 Formal Review Meeting Outcome

I am writing to confirm the outcome of the Stage 2 Formal Review Meeting held with you on xxxxxx in accordance with the school's Supporting Attendance procedure. The purpose of the meeting was to discuss with you my continued concerns relating to your levels of absence. You were reminded of the right of representation and (either, you chose to be accompanied by xxxxxx or however, you declined the right to be represented)

We had already met to discuss the issue of your level of sickness absence on xxxxxx at the Stage 1 Formal Review Meeting, whereby I had set you a target of **no more than 3 days sickness over the following 3 month period** as part of your attendance plan.

Since the Stage 1 Formal Review Meeting you have been absent on **xxxx** occasions totalling **xxxx** days

I explained the impact that your sickness absence levels have on your colleagues, the school and most importantly the pupils.

I acknowledged the reasons that you gave for this, **(insert reasons given by individual for not meeting required levels)**.

You were referred to Occupational Health on xxxxx and we referred to the subsequent report **(outline discussions)**

WHERE APPLICABLE: We discussed the support you have been provided with in order to help you improve your attendance **[over the past X weeks/months)**. This has included: **[explain what support has been provided e.g. reasonable adjustments**

However, it is disappointing to note that despite these actions there has been insufficient improvement in your attendance.

At the meeting I set you a further target of no more than 3 days sickness over the next 3 month period.

If you meet the target then I will write to you again setting a further target of zero days over the next three months. If this target is met, then you will come out of procedure and any other sickness absence considered separately. However, in circumstances considered by the School to be exceptional, in the event of further excessive short term sickness absence, the formal procedure may start at **the Formal Stage 2**.

You should be aware that failure to reduce your level of sickness absence may result in you moving to a **Stage 3 Formal Review Meeting** where the decision to dismiss may be made.

I hope that this clarifies the points we discussed and that there is a significant and sustained improvement in your attendance level.

Yours Sincerely

TEMPLATE LETTER - STAGE 3 FORMAL REVIEW MEETING INVITE

Date

Address

Dear xxxxxx

Stage 3 Formal Review Meeting Invite

I refer to my letter dated xxxxx confirming the actions implemented following the Stage 2 Formal Review meeting held with you on xxxxx to bring about the required reduction in your sickness absence to an acceptable level. I set a target of no more than xx days over a period of three months with effect from xxxxxxxx.

Unfortunately, over the review period you have been absent a total of xxxxx days on xxxxx occasions. The reasons for your absence were recorded as xxxxx. As a result of this I have decided to progress your case to a Stage 3 Formal Review Meeting.

Whilst I wish to continue to support you during the difficulties you are experiencing with your health, as I have explained to you during the previous review meetings, it may not be operationally possible in the longer term to continue with an employment contract where there is frequent or prolonged absence.

The Stage 3 Formal Review meeting will consider your current health situation, the effect that your absence is having on the school, and when you are likely to be able to ***return to work/attain a sustainable level of attendance.*delete as applicable.**

The details of the Stage 3 Formal Review Meeting is as follows:-

Date:

Time:

Location:

The meeting will be chaired by **(insert Headteacher/Governor Panel Names)** They will be supported by xxxxx from Human Resources . I will be presenting the management case regarding your absence, (and xxxxx from Human Resources will also be attending **if applicable**)

The purpose of the meeting is to consider:

- .. If you are capable of providing regular and efficient service
- .. If you need time to recover your health
- .. If this is compatible with the need for work to be done
- .. If your job can be kept open

It is important that you understand that at the meeting the School will be deciding if your job can be kept open, and that one of the options available to the Chair of the Review Meeting is to consider termination of your employment. You may of course, be accompanied to the meeting by a Trade Union Representative or a current work colleague. At the meeting you and your representative will have the opportunity to put forward your case.

The attached documents will be presented at the hearing.

If your sickness absence is related to a disability, then you will be given the opportunity, time and support, to request and receive any appropriate facilities to be available (such as sign language, interpreter, induction loop systems), or whatever appropriate facility you may need in order for you to fully participate in the interview.

If you do not attend the meeting and I do not accept that you have a satisfactory reason for not attending, then I may decide to go ahead in your absence. I will consider any submissions made on your behalf by a representative in person or made by, or on your behalf of you, in writing or by telephone.

If you have any questions, please contact (insert H.R name & contact details).

Yours sincerely

TEMPLATE LETTER FORMALREVIEW MEETING INVITE - LONG-TERM

Date

Address

Dear xxxxxx

Stage 2 Formal Review Meeting Invite

I hope you are feeling better .

As you know I have been in contact with you on a number of occasions regarding your long term sickness absence. Following receipt of the Occupational Health Service report I advised you that in the light of that information, I have undertaken an assessment of your case.

Subsequently, I would like to invite you to attend a Formal Review Meeting to discuss your continuous absence.

The details of the Formal Review Meeting are as follows:•

Date:

Time:

Location:

You may be accompanied by a colleague or official representative of your trade union if you wish and you may also wish to bring documents to support your explanation. I will be supported by **[Insert advisor's name/title]**.

Please note that if you are unable to attend the meeting and do not provide a satisfactory reason for non-attendance, I may decide to proceed with the meeting in your absence based on the documentary evidence I have. In this regard, you may wish to instruct your trade union official to represent you.

Please find enclosed a copy of the Supporting Attendance Policy and Procedure for Staff in Schools.

Yours sincerely

Outcome of Formal Review Meeting (Long & Short Term Sickness)

Date

DearX

Re: Outcome of Formal Review Meeting

As you know, I have been in contact with you on a number of occasions regarding your absence from work through **[insert long or short]** term sickness. I wrote to you on (date) and on (date) to refer you to the Council's Occupational Health Service. I have received a report from them that you are not permanently unfit, but that there is no indication when you will be fit for work/or your expected date of fitness for work is too far into the future. On that basis I reviewed your case and have concluded that the estimated length of your sickness absence is greater than can be borne by the service. Having done that I decided to call you to a Formal Review meeting to enable me to discuss with you my serious concerns about your sickness absence, to hear your own account of events, and for me to decide on the most appropriate employment option.

The review meeting took place on----. You were represented by----- •

During the review meeting I discussed with you:

the serious concerns that exist about the length of your sickness absence **(insert details)**.

In your defence you explained that the reasons for your sickness absence were **(insert details)**

At the conclusion of the review meeting I examined all the available information before me and having considered the circumstances of your case, and consulted with the Senior HR Advisor/HR Manager, I have decided on the following employment option:

Either

- Implement the recommendation of the Occupational Health Physician.
- Phased return to work (insert details) *or*
- (Medical Redeployment search for a period of 4 weeks)

If the redeployment search is unsuccessful then regrettably your employment will be potentially at risk and I shall refer you to-----*

OR

Given the circumstances of your case **(insert details e.g. employee awaiting medical appointment with specialist)** I will conduct a further review on -----

Or

*Regrettably I must advise you that your employment is potentially at risk and I shall refer your case to a Formal Hearing to be chaired by **(insert name of appropriate senior manager or school governor)** and in that hearing I shall recommend your dismissal from service of - ----- Unit/School*. Therefore, unless you return to work in the meantime, I shall ask for a Formal Review Hearing to be convened in due course, so that the issues can be considered in full, and a decision taken about your continued employment with the Unit/School*.

A copy of this letter will be placed on your file.

Yours Sincerely

Inviting Employee to Formal Review Hearing (Long Term Sickness)

Date

DearX

Re: Formal Review Hearing

As you know I have been in contact with you on a number of occasions regarding your long term sickness absence. Following receipt of the Occupational Health report I advised you that in the light of that information, I reviewed your case.

I called you to a Formal Review Meeting on -----. Following that meeting I advised you that your future employment with the School was potentially at risk and that if your sickness absence continued, I would refer your case to a Formal Review Hearing in approximately 4 weeks so that the governing body panel/chair (in the case of Teachers employed in Units other than schools) could consider whether you should be dismissed from the service of the School.

Regrettably your sickness absence has continued and you have now been absent continuously for (insert time period)

The purpose of the review hearing is to consider:

- If you are capable of providing regular and efficient service
- If you need more time to recover your health and if so how much longer
- If this is compatible with the need for work to be done
- If your job can be kept open and if so for how long.

It is important that you understand that, at the Formal Review Hearing, the panel **[insert names]** will be deciding if your job can be kept open, and that one of the options available to the panel/him/her is also to consider termination of your employment. You may of course bring a work colleague or official employed by a trade union, or a certified trade union official to represent you at the review hearing. The purpose of the review hearing is to allow you and your representative the opportunity to put forward your case.

The **[insert name of person presenting management case]** shall be presenting the management case to the panel.

I am enclosing copies of previous letters to you on the matter of your attendance at work. Also enclosed are other documents **[insert name of person presenting management case]** will be making reference to in support of the management case.

Please contact me on telephone number **[insert number]** before **[insert date-fifth working day before hearing]** to confirm your attendance and if you are to be accompanied at the hearing by a work colleague or your trade union representative.

Please forward any documents you will be making reference to in support of your case. If you intend to call any witnesses, please let me know, in the same timeframe, who they will be and why you need them. It is your responsibility to inform any witnesses you may wish to have attending of the date and time of the hearing. I will require details to be sent by **[insert date-fifth working day before hearing]** to **[insert name]** at **[insert address]**.

In summary, the following information should be supplied to me as soon as possible and no later than five clear working days before the date of the hearing, by **insert date-fifth working day before hearing**:

1. The name of any union representative or work colleague who will be with you at the hearing;
2. Any written evidence or relevant documents you wish have considered;
3. The names of any witnesses and copies of written statements detailing their evidence.

The **Formal Review Hearing** will take place on **{date}** at **{place}**.

Please note that if you are unable to attend the meeting and do not provide a satisfactory reason for non-attendance, the panel/I may decide to proceed with the meeting in your absence based on the documentary evidence I have. In this regard, you may wish to instruct your trade union official to represent you.

Yours sincerely

Outcome of the Formal Review Hearing (Long Term Sickness)

Date

Dear X

RE: Outcome of the Formal Review Hearing

I am writing with reference to the Formal Review Hearing held on (date) to assess the full facts of your long term sickness absence and its implications in terms of your capability in employment. At the meeting the panel/I was advised by/ accompanied by -----and you were represented by-----

After giving careful consideration to the management recommendations, and your own representatives and responses, the decision of the panel/my decision is that: (insert the appropriate decision)

1. the panel/I will review your case (insert time period) following receipt of a further medical report from the Council's Occupational Health Physician /or specialist medical opinion.
2. the panel/I will keep your case under review, and set (insert time scale) for improvement.
3. the Panel/I will consider whether suitable alternative employment is available for you and reconvene on (insert date) to let you know the outcome of that process.
4. the Panel/I have agreed with you and your headteacher to vary your hours and/or your duties of employment
5. the Panel/I will terminate your employment with the School/Council.

In the event of a decision to terminate employment (insert the following):

The panel/I have decided that, given your long term sickness absence and the medical advice submitted by the Council's Occupational Health Physician as far as we/I can see you will not provide regular and efficient service and you are not to be capable of fulfilling the terms of your employment contract. The panel/I have considered the impact of your continued sickness on the service, and the mitigation in terms of -----put forward by your representative. Having done that regrettably I conclude that the School/Council can no longer keep your job open.

Regrettably, the panel/I have decided to terminate your services from the Council for reasons of lack of capability due to your continued long-term sickness absence. You are entitled to weeks which will be paid in lieu of notice.

Notice. Therefore your last day of service will be -----

You have the right of appeal to the headteacher, who will make arrangements for the appeal to be heard by a Governing Body Appeal Panel/the relevant Assistant/Deputy Director or a Service Unit Director/Manager, or a manager of similar seniority to a Service Unit Director/Manager (for teachers employed in units other than schools). If you wish to exercise this right, you should lodge your appeal in writing to ----- within 10 working

days of your receiving this letter). Your grounds of appeal must be clear and specific and can be raised on one or more of the following grounds.

- Procedural flaw
- The decision on the facts
- The sanction of dismissal was too severe
- New Evidence has come to light

You must give full details of your reasons for appealing. It is not sufficient to list the grounds of appeal. The Appeal Hearing Panel/Manager will consider your grounds of appeal, and whether the decision of the Review Hearing was reasonable in the light of all the circumstances of the case.

I would like to take this opportunity to thank you for your services to the School/Council and I hope that given time you will recover your health.

Yours sincerely

Chair of the Formal Review Hearing

Inviting Employee to Appeal Hearing

Date

DearX

Appeal Hearing

I am in receipt of your *(/letter/E mail* delete as appropriate)* dated **XXX** in which you state your intention to appeal against the outcome of the formal **(Long Term Sickness Review*)** or *delete as appropriate (review held under Stage 3 of the Sickness Management Policy and Procedure*)*, undertaken by **(insert name person who undertook formal review)**.

You have stated that your grounds for appeal are:

(Insert details of appeal)

An appeal hearing has been arranged to take place on **(insert date)** at **(insert time)** at **(insert details of venue)**. **(insert name)** chairing the Hearing and will be assisted by **(insert name of advisor)**.

Please let me know the names of any witnesses that you intend to call and ensure that any documents that you wish me to consider at the appeal, are sent to me by no later than **(insert date- fifth working days before appeal hearing)**.

You have the right to be represented at the appeal meeting by a work colleague, an official employed by a trade union or a certified trade union official (but not a legal representative). If your chosen representative cannot attend the meeting, and does not propose an alternative date and time for the meeting which is reasonable and within 5 working days of the date for the meeting that I have proposed, then the meeting will proceed in their absence.

Please contact me on telephone number **[insert number]** before **[insert date-fifth working day before hearing]** to confirm your attendance and if you are to be accompanied at the hearing by a work colleague or your trade union representative.

Please forward any documents you will be making reference to in support of your case. If you intend to call any witnesses, please let me know, in the same timeframe, who they will be and why you need them. It is your responsibility to inform any witnesses you may wish to have attending of the date and time of the hearing. I will require details to be sent by **[insert date-fifth working day before hearing] to [insert name] at [insert address]**.

In summary, the following information should be supplied to me as soon as possible and no later than five clear working days before the date of the hearing, by **insert date-fifth working day before hearing]**:

1. The name of any union representative or work colleague who will be with you at the hearing;
2. Any written evidence or relevant documents you wish have considered;
3. The names of any witnesses and copies of written statements detailing their evidence.

Where possible you will be advised of the outcome of your appeal after a brief adjournment. However, if this is not possible, you will be advised of the decision within the expected timescale.

Yours sincerely

Clerk of Governing Body

Outcome of Appeal Hearing

Date

DearX

Re: Decision of the Appeal Hearing

I am writing to inform you of the decision of the Appeal Hearing which met on -----

As Chair of the Appeal Hearing Panel/Manager, the panel/I considered your appeal against the decision of the initial Governing Body panel/Chair of the Review Hearing, to terminate your services on the grounds of lack of capability, due to your long-term sickness absence.

During the Appeal Hearing, the panel/I was advised by ----- I examined your grounds of appeal, and heard representations, made by you and your representative, followed by those of the Chair of the Review Hearing. Having given careful consideration to the oral and written submissions, I decided

(insert the appropriate decision)

To overturn the decision to terminate your employment, and substituted my own decision as follows:

- To reinstate you/reengage you to the school/Council's employment, subject to the following conditions (insert as appropriate)

Or

- to ask the Chair of the Review Hearing to further investigate whether alternative employment is available. The Appeal Hearing will reconvene on (insert the date) to consider whether management have been able to achieve this. If they have not, then the management decision to terminate your employment will be confirmed.

Or

- the panel/I concluded that the decision made by the Chair of the Review Hearing to terminate your services was reasonable, and therefore correct in the circumstances. I confirm that your last day of service is/was.

The decision of the Appeal Hearing is final and there is no further internal right of appeal.

I am sorry that your employment with the School has ended in such circumstances and on behalf of the Governing Body, I wish you well for the future.

Yours sincerely

Chair Of Appeal Pana!

Format of Stage Three Meeting (Short Term Sickness) &

Formal Review Meeting (Long Term Sickness)

1. The panel will open the meeting by explaining the reasons why the meeting has been arranged and the order of proceedings and answer any issues with regard to procedure. The panel will generally be advised by an advisor.
2. Management will present their case and call upon any witnesses to give evidence and/or produce any necessary documentary evidence in support of the case. The presenting person(s) may be advised by an advisor.
3. There will then be the opportunity for questions from the employee/ representative, the panel and the adviser.
4. Any witnesses shall withdraw after giving evidence and answering any questions put to them.
5. The employee/representative will submit her/his case and call upon any witnesses to give evidence and/or produce any necessary documentary evidence in support of her/his case.
6. There will then be the opportunity for questions from management, the panel and the adviser.
7. Any witnesses shall withdraw after giving evidence and answering any questions put to them.
8. Management and the employee/ representative may sum up their cases if they so wish. The employee has the right to sum up last.
9. Management and their advisor, and the employee/ representative will withdraw whilst the panel and their advisor considers the case. If any recall is necessary to clarify points of uncertainty, both parties will be asked to return. In addition the panel may require that other witnesses/evidence should be called/produced in order to ensure that all the necessary facts can be considered before making a decision on the case. The panel may decide to adjourn the hearing to allow or this if necessary.
10. The panel will decide to take such action as may be appropriate in the circumstances.
11. The letter confirming a decision will be sent to the employee within 5 working days of the meeting (Appendix 15) to confirm the issues considered, the decision and any right of appeal. The panel may review the decision during the notice period if fresh medical evidence is provided e.g. that the employee is now fit to work.

The Format of the Appeal Hearing

- 1) The Chair of the panel will introduce all parties and state the purpose of the appeal meeting. S/he will then summarise the order of the proceedings and answer any issues with regard to procedure.
- 2) The employee and/or representative may present their case based on the grounds specified when submitting the appeal. At this stage the employee will be entitled to refer to documentation in connection with the grounds for appeal and call any witnesses necessary in connection with the grounds for appeal.
- 3) The person (s) defending the decision appealed against, the panel and the advisor may ask questions of the employee, the employee's representative and any witnesses. Any witnesses shall withdraw after giving evidence and answering any questions put to them.
- 4) The person (s) defending the decision appealed against will then answer the employee's presentation, call witnesses as necessary in connection with the grounds of appeal and use any relevant documents.
- 5) The employee and/or representative, the panel and the advisor may ask questions of the person(s) defending the decision appealed against and any witnesses. At the Chair's discretion a party may be allowed to ask questions of their own witnesses arising from questions of the other party. Any witnesses shall withdraw after giving evidence and answering any questions put to them.
- 6) The employee and/or representative will summarise their appeal case.
- 7) The person (s) defending the decision appealed against will summarise their appeal case.
- 8) The parties to the case will be asked by the Chair to withdraw.
- 9) The panel will deliberate and come to a decision.
- 10) The parties will be recalled and given the panel's decision on the matter where possible. Otherwise the employee will be sent a letter within five working days of the hearing.

TEMPLATE LETTER - STAGE 1 FORMAL REVIEW OUTCOME-SHORT-TERM

Date

Address

Dear xxxxxx

Stage 1 Formal Review Meeting Outcome

I am writing to confirm the outcome of the Stage 1 Formal Review Meeting held with you on xxxxxx in accordance with the school's Supporting Attendance procedure. The purpose of the meeting was to discuss with you my continued concerns relating to your levels of absence. You were reminded of the right of representation and either, you chose to be accompanied by xxxxxx or however, you declined the right to be represented.

I explained that the reason for my concern was that you have had xxx days on xxx occasions of absence during the last (12 or 3) months. The reasons for absence have been recorded as xxxxxxxxxxxxxxxxxxxx

As you are aware, I have previously raised and discussed with you, my concerns regarding your levels of absence. We have also talked about what support is available to you such as xxxxxxxxxxx and any other actions that may be appropriate to bring about an improvement in your attendance. These have included xxxxxxxxxxx

At the review meeting on xxxxxxxx we discussed further your sickness absence levels and reasons for absence. Your response was xxxxxxxx We also discussed whether there was any additional support that could be provided to you such as xxxxxxxx

We agreed that the following measures would be put in place:-

(include reference to support measures agreed and targets set with timescales• usually no more than 3 days in a rolling 3 month period).

I explained that it was important that if you continue to experience problems that affect your attendance record you discuss these with me, so that we can determine whether any further support could be made available to you.

I hope that the measures that we have agreed will help you to improve your attendance.

However, if you fail to meet the target set over the next three months, I will consider whether or not it will be necessary to progress matters to a Stage 2 Formal Meeting at which your continued employment may be placed at risk. If you meet the target then I will write to you again setting a further target of zero days over the next three months. If this target is met, then you will come out of procedure and any other sickness absence considered separately.

I hope that this clarifies the points we discussed and that there is a significant and sustained improvement in your attendance level.

Yours Sincerely

