

**MODEL MAXIMISING ATTENDANCE AND  
MANAGING SICKNESS ABSENCE POLICY FOR  
SCHOOLS**

**JUNE 2008**

This policy was adopted by ..... School Governing Body on  
..... (date)

**Delegated responsibilities**

In line with Staffing (England) Regulations 2003, the Governing Body has agreed to delegate responsibility for Hearings, which may lead to dismissal, as part of the Maximising Attendance and Managing Sickness Absence Procedure as follows:

To the Headteacher	Yes/No	Date agreed _____
To the First Committee of Governors	Yes/No	Date agreed _____

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**DEVON COUNTY COUNCIL  
PERSONNEL AND PERFORMANCE DIRECTORATE**

**SCHOOLS MODEL MAXIMISING ATTENDANCE AND  
MANAGING SICKNESS ABSENCE POLICY**

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## MAXIMISING ATTENDANCE AND MANAGING SICKNESS ABSENCE

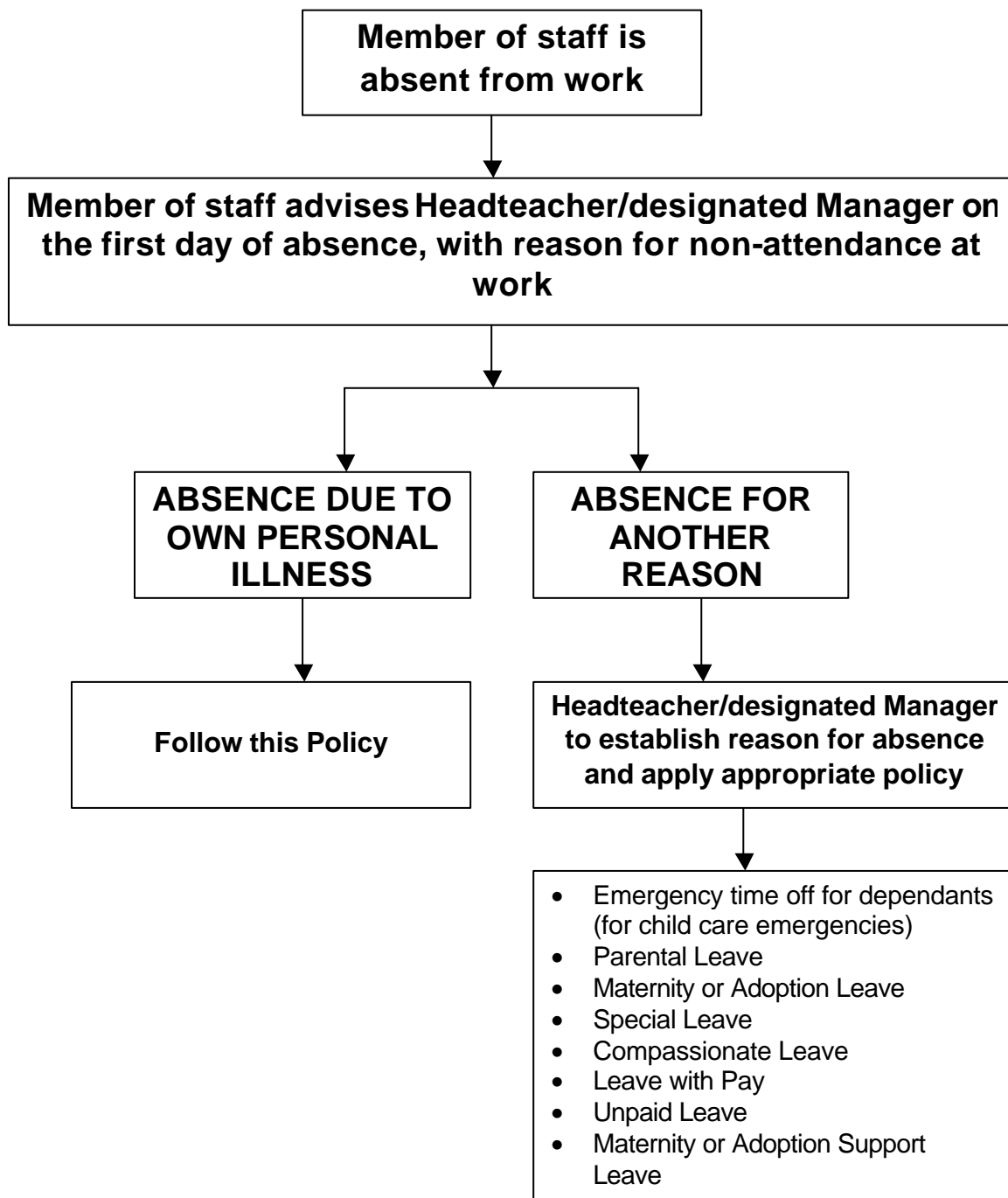
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Schools must ensure that the best education is provided for children and in order to achieve that, it is essential for line managers to know when a member of staff is unable to attend work in order that they can re-organise work and minimise the impact of staff absence for students and colleagues. This Policy also assists managers in taking action to arrange any appropriate support for the member of staff and to address issues that may prevent maximum attendance of staff. Line managers must ensure that staff are aware of and follow the procedure for notifying every absence.



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## **A. INTRODUCTION AND PURPOSE**

### **A.1. Responsibility for maximising attendance and managing staff absence**

It is the responsibility of the Governing Body and Headteacher to ensure that the attendance of staff is maximised and any sickness absence is managed effectively with a view to it being kept to a minimum. Effective absence management ensures that members of staff are not at school if they are ill and that causes of absence are addressed, where appropriate. Good absence management depends on prompt, sensitive and appropriate action by managers.

### **A.2. Consultation**

This model policy is provided, following consultation with Trade Unions/Professional Associations, for the Governing Body to consider for adoption. Should the Governing Body wish to make changes to this model policy, the required consultation must be undertaken with the County Officers of the recognised Trade Unions/Professional Associations.

### **A.3. Costs**

Schools that do not purchase support from the DCC Schools' Personnel Service, must ensure that either they or their personnel service provider have adequate financial resources to cover any costs arising from any subsequent claims.

### **A.4. Legislative Base**

This policy takes into account the statutory requirements of:

- Employment Rights Act 1996 (as amended)
- Employment Act 2002
- Employment Relation Act 2004
- Disability Discrimination Act 1995
- The Employment Equality (Age) Regulations 2006
- Education (Health Standards) (England) Regulations 2003.
- Conditions of Service for School Teachers in England and Wales
- National Joint Council for Local Government Services

### **A.5. Aim of this policy**

This policy supports and manages staff during ill health absences and return to work. This policy also provides clear guidance on dealing with frequent non-attendance at work. The aim of this policy is to secure a sustained improvement in attendance through a sympathetic and supportive approach. All previous managing sickness absence procedures adopted by the Governing Body are superseded by this policy.

### **A.6. Coverage**

This policy applies to all staff in the school and will be made available to every member of staff through the school's internal systems.

### **A.7. Contractual provisions**

Standards of attendance are implied within the employment contract and require staff to attend work when they are fit to do so and comply with this policy.

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## **B. POLICY**

### **B.1. Duty to act**

The Governing Body values the contribution of all its staff to the provision of education of children at the school. Whilst recognising that staff may be prevented from attending work through ill health, the Governing Body has a duty to provide an effective education and minimise disruption and is therefore committed to maximising attendance by managing sickness absence. This will be achieved through:

- promotion of the health, safety and well-being of all staff;
- procedures to support and manage staff at work, during ill-health absences and returns to work, whilst dealing with unjustified absence;
- monitoring levels of absence for individuals within the school.

### **B.2. Terms and Conditions of Sickness scheme**

The terms and conditions of the sickness scheme are detailed in the appropriate conditions of service; NJC for Local Government Services Handbook (Commonly known as the 'Green Book') or Conditions of Service for School Teachers in England and Wales (Commonly known as the 'Burgundy Book').

### **B.3. Application of the Policy:**

This policy for maximising attendance and managing sickness absence will be:

- non-discriminatory and in accordance with the School's Equality policies;
- in compliance with the provisions and requirements of the Disability Discrimination Act, 1995;
- consistently and fairly applied across the School;
- positive and preventative rather than punitive;
- sensitive and supportive to those individuals suffering the effects of ill health;
- conducted with respect for the confidentiality of individuals and in accordance with the Data Protection Act 1998;
- based on open communication between members of staff and their managers;
- explicit about the responsibilities for all involved;
- aimed at distinguishing between sickness absence and the abuse of the sickness absence system.

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## **C. CONFIDENTIALITY**

The application of this policy and any information divulged as a consequence should be considered confidential by all parties involved. Disclosure of any information to any third party will be made in accordance with this policy and/or for the purposes of obtaining appropriate professional advice and/or that may be required to do by law.

## **D. EQUAL OPPORTUNITIES**

This procedure is based on best practice and is designed to promote a consistent and fair approach to attendance issues in the school. The Governing Body will ensure that the application of the policy will not disproportionately or unfairly affect any staff in the school recognising the diversity of the community.

## **E. GENERAL PRINCIPLES**

### **E.1. Being accompanied at meetings**

A representative from a recognised Trade Union/Professional Association, or an appropriate work colleague, may accompany a member of staff at all stages of the procedure. The Headteacher/designated Manager is advised to make staff members aware of this provision.

### **E.2. Sensitive situations**

There may be occasions when, due to the highly sensitive nature of the cause of absence, extra discretion and sensitivity are required, e.g. a female member of staff may prefer to discuss her absence with an agreed appropriate female manager, a male member of staff with an agreed appropriate male manager. Once agreed on such sensitive occasions, this arrangement may apply for the whole of the application of this policy.

### **E.3. Support for employees**

Additional support for employees who are experiencing absence from work, can be obtained from their Trade Union/Professional Association, as well as the Devon County Council Counselling Service via their confidential mailbox at: [counsel@devon.gov.uk](mailto:counsel@devon.gov.uk) or by telephone to 01392 383277.

Further information on the Counselling Service can be found at:

[www.staff.devon.gov.uk/pp/er/healthsafetywellbeing/wellbeing/wawdetail/counsellingwelfare.htm](http://www.staff.devon.gov.uk/pp/er/healthsafetywellbeing/wellbeing/wawdetail/counsellingwelfare.htm)

Teachers can also seek information and support from the Teacher Support Network at: [www.teachersupport.info/contact](http://www.teachersupport.info/contact).

### **E.4. Trade Union/Professional Association representatives**

Although the usual standards of attendance apply to Trade Union/Professional Association representatives, no action will be taken within this policy against an employee who is an accredited Trade Union/Professional Association representative, nor will suspension normally be applied, until the circumstances of the case have been discussed with a full-time or other official nominated for such purposes of the Trade Union/Professional Association concerned.

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### **E.5. Principles of Natural Justice**

Essential to the fair and reasonable application of these procedures, is the underlying commitment to the principles of natural justice, namely:

- The employee must know, in full, where the manager's has concerns about his/her attendance levels at the earliest appropriate opportunity;
- The employee must have an opportunity to state his/her case before any decision is made;
- The determinations must be unbiased, fair and made in good faith;
- The employee must have the right to appeal in as specified in this policy;
- The employee has the right to be accompanied.

### **E.6. Local Authority Representation**

The Director of Children and Young People's Service must be represented by a DCC Personnel Officer at any meeting where dismissal is being considered. Any advice given must be considered by the Governing Body or any person or persons to whom such functions have been delegated when reaching any such decision.

### **E.7. Time Limits**

The time limits in this policy may be varied by mutual agreement in individual cases.

### **E.8. Pensions**

Termination of employment under this procedure does not mean that the member of staff's pension will be released automatically. The employee should seek further advice from their pension provider. The employee's Trade Unions/Professional Association may also be able to provide information.

Teachers should contact Teachers' Pensions at <http://www.teacherspensions.co.uk/>. Support staff belonging to the Local Government Pension Scheme can make contact at: [www.lgps.org.uk](http://www.lgps.org.uk)

### **E.9. Medical Suspension**

In a few rare cases it may be necessary to suspend a member of staff on full pay on medical grounds in order to ensure that the employee does not stay at work or resume his/her duties if there is a risk to him/herself, pupils or anyone s/he may come into contact with. Suspension should only be carried out on the advice of the Wellbeing@Work in line with the Education (Health Standards) (England) Regulations 2003. Advice should always be taken from the personnel provider before the headteacher makes any such determination. The suspension may only be lifted by the Governing Body.

## **F. STATUTORY REPORTING OBLIGATIONS**

No Statutory reporting obligations exist under this policy

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## **G. ENTITLEMENT TO SICK PAY SCHEME- TEACHERS**

### **G.1. Eligibility and conditions**

The 'Conditions of Service for School Teachers in England and Wales' (commonly known as the 'Burgundy Book') sets out in Section 4 the eligibility for sick leave and conditions where sick pay is payable to teachers.

To receive sick pay, a teacher must meet the conditions and eligibility detailed in the Burgundy Book, and in addition, **must**:

- Notify the School on the first day of absence in accordance with School arrangements;
- Provide a doctor's certificate by the eighth day for absences over seven consecutive days;
- Provide consecutive medical certificates to cover the whole period of absence prior to the previous medical certificate lapsing, where there is a continuing sickness absence, even if this covers school holidays;
- Undertake any examination that the School or the LA may require by an approved medical practitioner nominated by the School or the LA, where prolonged or frequent absences occur.
- Declare to the School or the LA an entitlement or alteration to any benefits received.

### **G.2. Circumstances where sick pay may not be paid - Teachers**

In line with Burgundy Book conditions, sick pay may not be paid to teachers if the Governors are of the opinion that the absence of the teacher is due to:

- misconduct;
- not complying with the conditions detailed in 'Eligibility and Conditions' above;
- conduct that is prejudicial to his/her recovery.

In these circumstances, sick pay will be suspended and the School's Conduct policy will be followed.

### **G.3. Sporting Activities - Teachers**

A teacher may also not be paid sick pay if the absence is due to active participation in sport as a professional unless the School decides otherwise.

### **G.4. Absences arising from accidents, injury or assault at work**

In the case of absence due to an accident, injury or assault which is attested by an approved medical practitioner to have arisen out of and in the course of the teacher's employment, further provisions may apply which are detailed in clause 9 of the Burgundy Book.

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## **H. ENTITLEMENT TO SICK PAY SCHEME- SUPPORT STAFF**

### **H.1. Eligibility and Conditions**

Conditions for Local Government employees, including those in Schools, are contained in the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (Commonly known as the 'Green Book') which sets out the eligibility for sick leave and conditions where sick pay is payable to support staff.

To receive sick pay, a member of the support staff must meet the conditions and eligibility details in the Green Book and in addition **must**:

- Notify the School on the first day of absence in accordance with School arrangements;
- Provide a doctor's certificate by the eighth day for absences over seven consecutive days;
- Provide consecutive medical certificates to cover the whole period of absence prior to the previous medical certificate lapsing, where there is a continuing sickness absence and provide a final doctor's certificate confirming fitness to work, following absences of more than 14 days, before returning to work;
- Undertake any examination that the School or the LA may require by an approved medical practitioner nominated by the School or the LA, where prolonged or frequent absences occur.

### **H.2. Circumstances where sick pay may not be paid – Support Staff**

Sick Pay may not be paid to members of the support staff if the Headteacher/designated Manager is of the opinion that the absence of the employee is due to:

- an abuse of the sickness scheme
- the employee's own misconduct or neglect
- active participation in professional sport
- working for another employer
- non-compliance with the conditions detailed in 'Eligibility and Conditions' above
- conduct that is prejudicial to his/her recovery

In these circumstances, sick pay will be suspended and the School's Conduct policy will be followed.

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## **I. EMPLOYEE RESPONSIBILITIES**

All members of staff must comply with the conditions below, regardless of whether they will receive sick pay. Staff must:

- a. follow the sickness notification procedure detailed in this policy;
- b. provide doctor's certificates to cover sickness absences of seven consecutive days or more (including weekends) and continue to provide doctor's certificates for continuing absences prior to the previous certificate lapsing, including weekends and school holidays;
- c. provide a certificate of fitness before returning from any absence over 14 days if no end date is on the final certificate, the cost of which will be paid by the school;
- d. attend any appointments with Wellbeing@Work, as directed by the School and/or the LA;
- e. attend any meetings in accordance with this policy unless too unwell to do so;
- f. inform the Headteacher, if s/he thinks that s/he may have come into contact with infectious diseases. The Headteacher will liaise with the County Health and Safety Adviser and the Health Authority;
- g. keep the Headteacher/designated Manager or other nominated person informed of progress;
- h. be aware of the impact of any other employment, whether with DCC or another employer, on the employment in the school;

A member of staff may at any time provide medical information from his/her GP/consultant to the Headteacher/designated Manager, if s/he wishes.

## **J. MANAGEMENT RESPONSIBILITIES**

The Headteacher and the Governing Body have a responsibility to:

- a. create a healthy and supportive work atmosphere where staff will feel valued, want to come to work and have a good work/life balance;
- b. establish a good attendance culture;
- c. tackle any work related causes of illness;
- d. promote the occupational health, safety and well-being of staff by showing commitment to supporting policies which enhance working conditions, support staff and enable them to work well and effectively;
- e. have clear and reliable arrangements in place for reporting absence;
- f. ensure that all absences are recorded to ensure that sick pay is paid properly where applicable;
- g. follow up all absences on the return of the member of staff to ensure that all is well and that there are no underlying problems that may recur;
- h. not make any assumptions about sickness absence without the facts being clearly established;
- i. always remain open and sympathetic to the needs of individual members of staff and be sensitive to the particular circumstances applying in each situation;
- j. be aware that high levels of absence may affect other colleagues, resulting in a loss of morale, and leading to possible resentment when the member of staff returns to work;
- k. be aware that a member of staff may not be willing to discuss details of her/his illness with her/his direct line manager but may prefer to discuss it with a manager of the same sex;
- l. be aware that if a member of staff is disabled as defined by the Disability Discrimination Act 1995, there is a duty to make reasonable adjustments.

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## K. REPORTING ABSENCE

### K.1. The First Day of Absence

Every absence must be notified by the employee and recorded by the school. Reporting by the school must also take place to ensure the prompt and correct payment of sick pay/allowances is made to employees that meet the eligibility criteria. Accurate records must be kept by the school of the employee's absences from work.

#### EMPLOYEE RESPONSIBILITIES

- Telephone Headteacher/designated Manager in line with school arrangements.
- Give details of illness or injury, anticipated length of absence from work, and if there are any work commitments or deadlines that need re-arranging/meeting.
- If absence may have been caused by something that happened at work inform Headteacher/designated Manager of the cause and as soon as possible complete a PO3 form - Report of an Accident, Incident or Act of Violence or Aggression.
- Exceptionally, if unable to telephone in person, arrange for someone else to telephone and give reason that staff member is unable to call.
- Self-certification on Report of Absence Form must be completed from FIRST day (including part days) of any absence and on returning to work.
- Failure to inform a Headteacher/designated Manager of absence may be considered as unauthorised absence and may be investigated under the Schools Conduct Policy.

#### LINE MANAGER RESPONSIBILITIES

- Try to speak to a member of staff when informed of his/her absence to establish the cause and anticipated length of absence. The employee should only be contacted once by the school on the first day of absence.
- Clarify any current work commitments and rearrange or cover where necessary
- Ensure details are recorded on Absence Form having due regard for confidentiality.
- In the event of an accident or injury at work, ensure accident reporting procedures are followed.
- When employee recommences work, conduct a 'Return to Work' meeting.

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## **K.2. The Eighth Day of Absence**

Every absence over seven consecutive days has to be certificated by a Medical Practitioner. Reporting by the school must also take place to ensure that prompt and correct payment of sick pay/allowances is made to employees that meet the eligibility criteria. Accurate records must be kept by the school of the employees absences from work.

### **EMPLOYEE RESPONSIBILITIES**

- For absences over seven consecutive days, (regardless of whether or not these are working days), a doctor's certificate must be provided and forwarded to the Headteacher/designated Manager by the 8th calendar day of absence.
- Where there is a continuing sickness absence then consecutive medical certificates to cover the whole period of absence must be submitted and provided to the Headteacher/designated Manager prior to the previous medical certificate expiring.
- Where an end date is not specified on a medical certificate, (which can be a specific date or the expiry of a certificated period), and the period of absence exceeds **14** calendar days, a certificate of fitness, (i.e. medical certificate), to resume work must be obtained from the GP and provided to the school before recommencing work. The school will fund, if necessary.
- Failure to complete a self-certification form or to submit a medical certificate may result in delay or loss of sick pay. See 'Entitlement to Sick Pay'

### **LINE MANAGER RESPONSIBILITIES**

- To ensure correct medical certificates are received from members of staff and appropriate action taken.
- To ensure prompt and correct completion of Absence Form.
- To review the trigger points in this policy.
- When employee recommences work, to conduct a 'Return to Work' meeting.

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## L. KEEPING IN TOUCH

It is important for Headteacher/designated Managers and staff to keep in contact in order to encourage staff to return to work as soon as they are able to do so and to avoid members of staff losing touch with the School. Headteacher/designated Managers need to be kept informed of a member of staff's progress in order to try to ensure appropriate support, organise work and maintain service delivery.

In exceptional circumstances it may be appropriate for the direct contact to be with a manager in the School other than the member of staff's Headteacher/designated Manager. The Headteacher/designated Manager needs to ensure this responsibility is designated to an appropriate person. In exceptional circumstances the School may agree to contact being maintained via a named representative agreeable to the school and the employee (e.g. relative, Trade Union/Professional Association representative).

### EMPLOYEE RESPONSIBILITIES

- Keep Headteacher/designated Manager informed of progress.
- Advise on the continuing reason for absence and when likely to be fit to return to work, if known.
- Provide medical certificates in accordance with this policy.
- Advise any adjustments that could be made to work place or duties to facilitate a return to work.

### LINE MANAGER RESPONSIBILITIES

- Ensure reasonable, sensitive and appropriate contact is maintained with staff absent from work due to ill health.
- Contact may be made through telephone conversations, letters or meetings at mutually agreed locations.
- Keep a file note of dates of contact and progress made.
- Ascertain if the staff member wishes to be kept up to date with school issues e.g. notes of staff meetings, school newsletters etc. There should be no expectation that an employee will undertake work while they are off sick.
- If a member of staff is absent for over three weeks, contact should be made through a meeting at a mutually agreed location, by prior arrangement.

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## **M. RETURN TO WORK MEETINGS**

Every member of staff should be seen by their Headteacher/designated Manager after every sickness absence to make sure s/he is fit for work and to determine whether any support or adjustments are needed. This could be an informal contact depending on the circumstances of the absence.

### **EMPLOYEE'S RESPONSIBILITIES**

- Inform the Headteacher/designated Manager at the earliest opportunity of proposed date of return to work (and no later than at the beginning of the first day back).
- Discuss the circumstances of the absence with the Headteacher/designated Manager.
- Discuss any support or adjustments that could be considered.

### **LINE MANAGER'S RESPONSIBILITIES**

- Meet with the employee, face-to-face ideally, on the first day back at work.
- Confirm the reasons for the absence. Identify and address any problems at an early stage. Ensure all certification is complete.
- Ensure the employee has complied with certification requirements.
- Discuss any support or adjustments that could be considered.
- Record the absence on the Absence Record Chart.
- Update staff member on relevant school issues.
- Discuss any concerns about the absence or absence record generally.
- Consider referral to W@W if appropriate.
- Completion of appropriate risk assessment.
- Consider need to convene Absence Meeting.

## **N. MONITORING ABSENCE**

### **N.1. Responsibility to maximise attendance and monitor absence**

The Governing Body and the Headteacher must monitor sickness absence within the school. This is to ensure that an accurate record exists of sickness absence both individually and by School and to enable positive action to be taken to address excessive levels.

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## **N.2. Trigger Points**

Triggers points provide consistency of approach and ensure the Governing Body and the Headteacher are aware of developing patterns of absence, and will define the points at which it is appropriate for managers to review the sickness absence history of an individual member of staff, in order to help improve the member of staff's attendance at work. The trigger points should be equally applied to all staff.

The trigger levels are:

- **3 or more instances of sickness absences in any 3 month period**
- **6 or more instances of sickness absences in any 12month period**
- **8 or more days sickness absence within any 12 month period**
- **Any other recognisable pattern, e.g. always absent on a Monday or at certain times of year.**

**If any member of staff accumulates the above levels of absences, the Headteacher/designated Manager should initiate the process documented in this policy.**

## **N.3. Who should manage the process**

In the case of a Headteacher, the Chair of Governors supported by the School's Personnel Provider should be responsible for applying the procedure. For all other employees, the staff member's Headteacher/designated Manager (or in exceptional circumstances another manager identified by the Headteacher, e.g. Deputy Headteacher) will be responsible for carrying out all stages of the procedure. For ease of reference the person managing the process will be known as **'the Responsible Officer'**

### **EMPLOYEE'S RESPONSIBILITIES**

- To participate with the Responsible Officer in a review of his/her absence record.
- To attend a medical examination at Wellbeing@Work. (Failure to attend agreed appointments for reasons other than those acceptable to the authority e.g. being too unwell or on pre-booked leave, may result in disciplinary action).

### **RESPONSIBLE OFFICER'S RESPONSIBILITIES**

- To ensure that he/she has up to date and correct information on all staff absence, utilising the reports available e.g. Absence Record Chart.
- To review a member of staff's absence record when trigger points are reached.

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## O. FIRST ABSENCE MEETING

This meeting should take place as soon as possible and normally within ten working days:

- of any one of the trigger points above being met and/or
- of any concern for the employee's welfare and/or
- of any concern for the welfare of others who s/he may come into contact with.

The meeting should be carried out at a suitable location depending on the circumstances. If the employee is absent from work it may be appropriate to have the discussion on the telephone or via a union representative with the consent of the employee.

### O.1. Advising the Member of Staff

The employee should be given a copy of this policy and advised that the meeting will consider:

- a) the circumstances surrounding the absences (continuing sickness absence or frequent short term absences) or the concerns for his/her welfare and/or the welfare of others;
- b) the effect his/her absence is having on the education being provided to the pupils and informed of the arrangements in place;
- c) his/her absence record, a copy should be give to the employee in advance of the meeting – the member of staff should be asked to confirm this as accurate;
- d) where advice from W@W is already available and this does not indicate that the employee is permanently unfit or should be redeployed, the implications of the medical advice on his/her continued employment should be outlined and confirmed;
- e) that the member of staff may be accompanied by a Trade Union/Professional Association representative or work colleague;
- f) that the Responsible Officer may be accompanied by a personnel officer or senior manager
- g) that notes will be taken of the meeting and a copy will be provided to the employee;
- h) that the meeting may go ahead in the absence of the employee

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- i) any particular issues the member of staff wishes to raise in connection with his/her sickness absence levels or the welfare concerns raised or any concerns s/he has which would require specialist support and that assistance is available through W@W, the County's Disability Awareness Adviser and the DCC Counselling Service;

## **O.2. Determining the appropriate course of action**

At the First Absence Meeting the Responsible Officer will consider all the circumstances and decide whether or not any action should be taken.

This may include:

- a) a decision to take no further action because:
- no recurrence of the absence is expected and/or
  - welfare concerns have been addressed;
- b) advising the member of staff that the Responsible Officer is monitoring his/her level of absence and that an improvement is expected;
- c) a referral to Wellbeing@Work, if this has not already taken place;
- d) a decision on a new trigger for the level of any additional sickness absence;
- e) a requirement to provide a doctor's certificate from the first day of any absences until further notice; A receipt must be obtained for reimbursement from the School.
- f) changes to be made to the member of staff's duties or responsibilities, if appropriate;
- g) combinations of the above
- h) that if the W@W adviser has recommended that redeployment on medical grounds should take place because the individual cannot return to his/her post, the Responsible Officer will apply the Schools' Redeployment Policy.
- the Responsible Officer will determine the redeployment period in accordance with the Schools' Redeployment Policy
  - the Responsible Officer will continue to meet with the member of staff during the redeployment period to monitor progress.
  - If in the event of successful redeployment not being achieved within the timescale determined in accordance with the Schools' Redeployment Policy, the Responsible Officer will move to a Formal Hearing.

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### **O.3. Next Meeting**

The Responsible Officer should set a date for a Second Absence Meeting. It is recommended that this is between 6 – 8 weeks.

### **O.4. Confirmation in writing**

The Responsible Officer should confirm the details of the meeting in writing giving a summary of the points discussed together with a confirmation of the outcome of the meeting.

## **P. SECOND ABSENCE MEETING**

The Responsible Officer should arrange a Second Absence Meeting with the employee on the date agreed at the First Absence Meeting to discuss his/her attendance. If the employee has returned to work, the Responsible Officer should ensure that the employee is fit to return, well supported and that any work related matters are discussed.

The Responsible Officer will confirm the details of the Second Absence Meeting in writing to the employee:

### **P.1. Notification of Second Absence Meeting**

The employee should be advised that the meeting will consider:

- a) the circumstances surrounding the absences (continuing sickness absence or frequent short term absences) or the concerns for his/her welfare and/or the welfare of others;
- b) the effect his/her absence is having on the education being provided to the pupils;
- c) the accuracy of the absence record;
- d) advice from W@W that has been received including the implications of the medical advice on his/her continued employment;
- e) that s/he may raise any particular issues, which s/he wishes to, in connection with his/her sickness absence levels or any concerns s/he has which would require specialist support and that assistance is available through W@W, the County's Disability Awareness Adviser and the DCC Counselling Service;
- f) that ultimately consideration may have to be given to his/her continued employment unless his/her absence(s) through sickness diminish;

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- g) that if the W@W adviser has recommended that redeployment on medical grounds should take place because the individual cannot return to his/her post, the Responsible Officer will apply the Schools' Redeployment Policy.
- h) that the member of staff can be accompanied by a Trade Union/Professional Association representative or work colleague;
- i) that the Responsible Officer may be accompanied by a personnel officer or senior manager;
- j) that notes will be taken of the meeting;
- k) that a Third Absence Meeting is appropriate and if it is that a review date of not more than six weeks will be set;
- l) that the meeting may go ahead in the absence of the employee;
- m) that the matter may be referred to a Formal Hearing.

## **P.2. Possible Outcomes**

At the meeting consideration will be given, but not limited, to:

- a) referral to the W@W for further advice;
- b) in cases where the employee has a disability, to making any reasonable adjustment(s) that will help to alleviate any sickness problems related to his/her disability;
- c) a requirement to provide a doctor's certificate from the first day of any absence until further notice. A receipt must be obtained for reimbursement from the School.
- d) any other assistance that can be given to aid an improvement in attendance levels;
- e) the impact of any other employment the member of staff has, either with DCC or outside.
- f) a further review period, normally of not more than six weeks;
- g) convening of a Formal Hearing.
- h) that if the W@W adviser has recommended that redeployment on medical grounds should take place because the individual cannot return to his/her post, the Responsible Officer will apply the Schools' Redeployment Policy.

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- the Responsible Officer will determine the redeployment period in accordance with the Schools' Redeployment Policy
- the Responsible Officer will continue to meet with the member of staff during the redeployment period to monitor progress.
- if in the event of successful redeployment not being achieved within the timescale determined in accordance with the Schools' Redeployment Policy, the Responsible Officer will move to a Formal Hearing.

### **P.3. Significant improvement in attendance**

Where there has been no absence during the period between the First and Second Absence Meeting, the Headteacher may, in conveying the decision, advise the employee that should s/he meet the trigger points within the next 12 months that the procedure will continue from Second Absence Meeting Stage.

## **Q. THE FORMAL HEARING**

The Hearing may be conducted by the Headteacher in accordance with his/her delegated responsibilities and if he/she has had no previous involvement in the matters being considered, otherwise the First Committee of Governors will conduct it. In the case of the Headteacher, the First Committee will conduct the Hearing.

The purpose of the Hearing is to consider the Responsible Officer's report and to give the member of staff the opportunity to respond to it and/or provide any details of special circumstance before a decision is made on the member of staff's future employment.

The Hearing should be conducted in accordance with employment law and good employee relations practice.

Once the decision has been made to convene a Formal Hearing under the Maximising Attendance and Managing Sickness Absence Policy, the employee will be notified in writing that a Hearing will take place to consider either:

- his/her on-going absence of the member of staff from work due to ill health
- or
- his/her inability of the member of staff to attend work and give regular service.

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The Responsible Officer will prepare a report on the level and effect of the sickness absence and action taken, including meetings and appropriate notes of meetings, factual medical information and a current medical opinion from Wellbeing@Work (including any information from the employee's GP/consultant, subject to the Access to Medical Records Act) should be covered in the report. In the case of a person with disabilities, the report should state what efforts have been undertaken to make any reasonable adjustments.

The employee will be given a copy of the Absence Report with the letter. At least ten clear consecutive days' notice of the Hearing must be given.

#### **Q.1. Formal Notification of Formal Hearing**

The formal notification will include:

- a) the date, time, place of the Hearing;
- b) the names of the person(s) who will hear the case;
- c) the Responsible Officer's report;
- d) details of the employee's employment
- e) who will present the management case
- f) who will be the Personnel Adviser to the panel
- g) copies of any written material or evidence that is relevant
- h) names of any witnesses to be called;
- i) the fact that the Hearing may result in the determination that the employee shall cease to work at the school and subsequently have his/her employment terminated;
- j) the fact that the Hearing may take place in the member of staff's absence if s/he fails to attend without a satisfactory explanation. If s/he is unable to attend through illness, s/he should arrange representation at the meeting and provide written submissions to the Hearing.
- k) the employee's right to be represented by a recognised Trade Union/Professional Association representative or work colleague and to call witnesses and that it is his/her responsibility to arrange this;
- l) the employee's right to submit any documentation;
- m) a copy of the Maximising Attendance and Managing Sickness Absence Policy;
- n) that the member of staff should confirm to the Clerk to the Governors that s/he will be attending and who his/her representative will be.
- o) that the Clerk to Governors must receive from the employee or his/her representative, all the documentation, the names of witnesses that s/he may wish to call and any written representations the employee may wish to make at least four days before the date set aside for the Hearing;

A copy of the formal notification letter and report and any submissions from the member of staff should be sent to the person(s) conducting the Hearing and the Personnel Adviser.

If a Hearing may result in the dismissal of a member of staff, a DCC Personnel representative will attend to represent the Director of CYP S. Advice from the Director's representative's advice must be considered by the person (s) conducting the Hearing.

At the end of the Hearing, there will be an adjournment to enable the person(s) conducting the Hearing to consider all the evidence presented. It is normal practice for the Personnel Adviser who has advised the panel to be present during the decision making process. The Personnel Adviser will not have been previously involved in advising on the specific case. The person(s) conducting the Hearing may take one of the following courses of action, according to the circumstances of the case:

- a) To issue the member of staff with a final warning advising that the stage has been reached where it will be impossible to continue his/her employment unless his/her level of absence from school improves and that the situation will be kept under review within a defined period up to a maximum of 12 months with a target for attendance set by the Responsible Officer.
- b) Where an employee's absence has been at such a level as to impair/limit his/her experience or development in his/her post, alternative work of a nature more suitable to the member of staff's state of health shall be sought within the school, failing which, his/her employment will be terminated as below.
- c) to dismiss the employee with the notice to which they are entitled by law or under his/her contract of employment because his/her sickness record is such that the stage had been reached when it is impossible to continue with his/her employment as they are incapable of satisfactorily performing the job for which they are employed.
- d) Any other appropriate action in keeping within the spirit of this policy (to maximise attendance and manage sickness absence) that has due regard to the financial means of the School and does not impact on the provision of education to children nor the health, safety and/or wellbeing of the employee or his/her colleagues.

The decision will be announced orally to the employee or his/her representative at the conclusion of the Hearing or as soon as appropriate.

The decision will be confirmed in writing to the employee within seven clear, consecutive days.

If the decision is to recommend dismissal, the Chair of a Community or Voluntary Controlled School will formally notify DCC Schools' Personnel in writing, within 7 days, giving the reason for the determination.

Schools' Personnel will issue notice of dismissal on behalf of the LA in Community and Voluntary Controlled schools within 14 days. In the case of summary dismissal this will be with immediate effect from the date of the letter from the LA.

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In the case of Voluntary Aided, Foundation or Trust Schools, the Chair of Governors will issue notice of dismissal.

## **R. THE APPEAL HEARING**

An employee can appeal against the outcome of the Formal Hearing, if that decision is to issue the employee with a final warning or dismiss the employee from their employment.

The right of appeal must be exercised in writing to the Clerk of Governors stating the grounds for the appeal within ten clear consecutive days of receipt of the letter of confirmation of the decision of the Hearing.

The potential grounds for appeal are that:

- a) The investigation process was flawed;
- b) The decision of the Hearing was too harsh taking into account the circumstances;
- c) There was a procedural error.

The purpose of the Appeal Hearing is to give the employee the opportunity to have the grounds of appeal considered by a committee of governors who have had no previous involvement.

The Appeal Hearing will be convened at the earliest convenient date and seven clear consecutive days notice will be given.

The Appeal Committee will ensure that the proceedings adhere to good personnel practice.

Following an adjournment to allow the committee to consider the evidence and reach their decision, the Chair of the Committee will notify the appellant of the decision and the reasons for it. It is normal practice for the Personnel Adviser who has advised the panel to be present during the decision making process.

The Committee may decide:

- a) To adjourn pending reconsideration by the person(s) who conducted the original Hearing, where a significant amount of fresh information or evidence which was not available at the time of the Hearing is brought to light;
- b) To uphold the appeal by determining that the person(s) conducting the original Hearing erred in judgement and to determine what further action should take place;
- c) To conclude that a procedural irregularity occurred and make a recommendation to rectify the situation;
- d) To reject the appeal and the decision of the original Hearing stands.

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The decision will be confirmed in writing within seven clear consecutive days.

Where there is determination to uphold the appeal, the Chair will notify the Schools' Personnel Service in writing within seven clear, consecutive days, giving the reason for the determination. The Schools' Personnel Service will rescind the notice for Community and Voluntary Controlled schools. In the case of Voluntary Aided and Foundation schools, the Chair of Governors will rescind the notice of dismissal.

The Appeal Committee decision is final.

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