

# Looe Community Academy

## Whole School Attendance Policy

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## **MODEL WHOLE SCHOOL ATTENDANCE POLICY**

### **INFORMATION AND GUIDANCE NOTES**

#### **1.1 Introduction**

These guidelines have been developed by the Local Authority in consultation with recognised Trade Unions. This policy has been developed to promote a positive attendance culture, manage sickness absence effectively and provide for the fair and consistent treatment of staff. This policy is recommended to schools for adoption immediately however should schools decide to develop their own procedure, they will need to reopen Trade Union consultation on an individual basis.

It is the Headteacher's responsibility to monitor sickness levels and actively manage attendance. The Health and Safety at Work Act requires Governors and Headteachers to ensure, so far as it is reasonably practicable, the health, safety and welfare at work of all their employees.

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

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

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

Contact with the individual is therefore essential if the school is to have a reasonable understanding of the individual's absence. This communication channel, whilst being essential, can be effected in a number of different ways, for example the most appropriate person to keep in touch with the person may not be the Headteacher; it may be more appropriate for a Deputy Head or Head of Department or the local Trade Union representative, or a close work place colleague to act as the contact between the individual and the school. The purpose of this contact is not only to inform the school but also to offer support and assistance to the member of staff. However, in broad terms it is the employer's right to be kept informed of an individual's absence, consequently an employee cannot refuse to keep the school informed concerning their absence. It is important to recognise that individuals must be allowed time to recover from their illnesses, but it is also important that the Governors are kept involved with the individual's progress.

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

Headteachers and Governors are at liberty to contact OH to ask for specific information of a non-confidential nature, or to give relevant background information that they feel may be helpful. This is not only reasonable but is welcomed by OH as it enables them to build a rounded picture of the school and the individual's place within it. Clearly OH will observe medical ethics and patient confidentiality, at all times.

## **1.2 Procedure**

Having monitored the individual's absence, the Headteacher and Governors may, at a point in time, need to consider what line of action they should take next. The decision the Governors take will be based upon the individual circumstances of the case and will include the medical reports and especially any guidance on the long-term prognosis, the individual's overall attendance record and the operational impact of the absence on the school. It is therefore very important to involve OH. Advice from OH can be sought on an individual case by referring the employee to OH. This process is undertaken by completing an OH Referral Form (see Appendix 2) which is available on-line via School Messenger. If as a result of the OH reports the prognosis concerning the foreseeable return to work looks unlikely, the Headteacher and Governors may decide to look at the situation in more detail. In these cases it would be appropriate for the Headteacher and Governors to request OH to see the individual specifically to ask for guidance regarding a return to work and in an appropriate time frame. Appendix 4 is a model letter that Headteachers and Governors can use.

Following the report from OH, the Headteacher and Governors will need to decide upon their next course of action. The Headteacher should contact the Schools' Employee Relations Team who will write to the Governors setting out the options (see Appendix 13).

In light of the medical reports, Governors should consider possible options for redeployment which would accommodate the individual's condition of health and would facilitate a return to work.

- 1 Do nothing but continue to maintain contact and to offer support as the individual is progressing satisfactorily and is likely to return to work in the near future.
- 2 Explore possible options for reasonable adjustments to working arrangements (either temporary or permanent) to accommodate the employee's condition of health and that would facilitate a return to work.
- 3 Explore possible options for redeployment which would accommodate the employee's condition of health and would facilitate his/her return to work.

- 4 *In the case of teachers*, do nothing as the individual has applied to Teachers' Pensions for Ill Health Retirement. This is a medical decision and the Governors play no part in that decision.

*In the case of non teaching staff*, if the employee has not returned to work as expected, Governors could write to Occupational Health at Fowey Building, New County Hall, Truro, TR1 3AY to ask whether, in the circumstances, the OH Physician would recommend ill health retirement. Governors could await the outcome of this request before considering further options. This option is only likely to be of benefit if the employee contributes to the Local Government Pension Scheme.

- 5 Governors may consider offering the individual Early Retirement on the Grounds of Efficiency of the Service. This has a cost attached to it for the school and a significant cost to the Local Authority (LA). The LA is only supporting these cases in ***very limited and specific circumstances***. If the Governors are considering this option they must contact the School's Employee Relations team for advice.

- 5 If none of the above options are appropriate in the considered view of the Headteacher and Governors, then they may consider dismissing the individual on the grounds of lack of capability due to ill health. This option should be seen as the last resort but in some cases where the individual's on going absence is causing adverse operational difficulties to the school, then it may be appropriate. The process to follow is set out in the letter to be sent to the individual by the Schools' Employee Relations Team is set out in Appendix 13. Clearly, the letter to the individual is quite blunt as it does refer to dismissal as a possible outcome of the meeting; this is unavoidable as the law requires that the individual is aware of this potential outcome. However, wherever possible the individual's Trade Union representative should be advised that this course of action is being pursued by the Governing Body before the letter at Appendix 13 is sent. This will allow the Trade Union representative the opportunity to speak to the individual prior to the letter being sent. If the Governors are considering this option they must contact the Schools' Employee Relations Team for advice.

## **2 Managing Sickness Absence Levels**

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

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

The day-to-day management of attendance is the Headteacher's responsibility but specialist advice from the Schools' Employee Relations Team and/or Occupational Health may be called upon at any stage. Governors also have responsibilities for whole school attendance and make certain decisions in relation to dismissal. Employee sickness absence should be monitored by the school (see Appendix 1 for example template)

### **3 Considerations in Managing Attendance**

Attendance management should not be approached in isolation from other general management issues in schools. The following should also be considered:

#### **3.1 The Equality Act 2010**

Schools will need to comply with the provisions of the Equality Act 2010, which makes it unlawful to discriminate against people with disabilities in employment. Under the Act, a person is disabled if they have a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day to day activities. A long term effect of an impairment is one which a) has lasted at least 12 months; or b) where the total period for which it lasts, from the first time of the first onset, is likely to be 12 months; or c) which is likely to last for the rest of the life of the person affected. The person must have an impairment that is physical or mental.

There is a requirement on schools to make "reasonable adjustments" to accommodate the needs of staff, including making adjustments to premises and altering hours of work with the member of staff's agreement.

There are many organisations providing information and advice on disability issues to disabled people, to their families, their carers and to employers. For example the Commission for Equality and Human Rights provides a central source of information and advice to disabled people and employers.

Further advice on the scope and application of the Equality Act 2010 can be obtained from the Schools' Employee Relations Team or the Disability Employment Adviser at the job centre (DEA). The DEA will also be able to give you details of how to apply for Access to Work to help with the practicalities of employing a disabled person(s).

#### **3.2 Health and Safety**

The Health and Safety at Work Act 1974 imposes a general obligation that "it shall be the duty of every employer to ensure, as far as is reasonably practicable, the health, safety and welfare of all his employees".

The Management of Health and Safety at Work Regulations 1992 require effective systems and action to be taken to identify, prevent and reduce risks to the health and safety of staff. Many of these employer responsibilities can only be implemented effectively with the active support of the Headteacher and the Management Team. There are requirements to undertake risk assessments in the workplace for members of staff. Further information can be found on the Council's Health, Safety & Wellbeing website via the Schools Messenger website.

##### **3.2.1 Accidents at Work**

Cornwall Council reports and records work related accidents using an electronic, on-line form. Please note that access will be restricted to authorised users. To register yourself and receive guidance on how to use the on-line system type in the following web address <http://forms.cornwall.gov.uk/riddor>.

The following types of incident must be reported:-

- minor injuries
- violent incidents
- over 3 day injuries

- major injuries
- death
- specified dangerous occurrences
- specified occupational diseases

Any accident requiring any first aid treatment should be recorded in the First Aid Log.

### **3.2.2 Work Related Stress**

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

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

Cornwall Council has produced a Stress Management Toolkit and Guidance. This information is available to schools via the Schools Messenger website under Health, Safety and Wellbeing and may be useful to consider in the management of work-related stress cases. This guidance has been produced in line with published best practice guidance from the Employers Organisation Stress Guide and the Health and Safety Management Standards.

### **3.3 Return to Work Meetings**

Return to Work Meetings are considered to be a significant tool for managing sickness as they give the opportunity for the Headteacher/Manager and the employee to meet on an informal basis to discuss the reason for the absence and agree any supportive measures to improve things in the future. A template for return to work meetings is provided in Appendix 24.

## **4 Occupational Sick Pay (OSP)**

### **4.1 Non Teaching Staff**

All staff are required to be medically screened before appointment so that they may be admitted to the appropriate sick pay scheme on commencement of service. Provided that a satisfactory report has been received from Occupational Health and sickness reporting procedures are followed, the school will pay salary (subject to paragraph 4.3) during sickness in accordance with the scale of entitlement shown below:

During the first year of service	1 month's full pay and (after completing 4 months' service) 2 months' half pay
During the second year of service	2 months' full pay and 2 months' half pay
During the third year of service	4 months' full pay and 4 months' half pay
During the fourth and fifth years of service	5 months' full pay and 5 months' half pay

After five years' service	6 months' full pay and 6 months' half pay
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The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

#### **4.2 Teaching Staff**

Under the Teachers' Regulations a teacher cannot be appointed or continue in employment unless s/he has the necessary health and physical capacity to do so. All teachers will be medically screened before appointment. Provided that a satisfactory report has been received from Occupational Health and sickness reporting procedures are followed, the school will pay salary (subject to paragraph 4.3 of notification of full pay) during sickness in accordance with the scale of entitlement shown below:

During the first year of service	full pay for 25 working days and after completing four calendar months' service, half pay for 50 working days
During the second year of service	full pay for 50 working days and half pay for 50 working days
During the third year of service	full pay for 75 working days and half pay for 75 working days
During the fourth and subsequent years	full pay for 100 working days and half pay for 100 working days

Two half school days shall be deemed to be equivalent to one working day.

For the purposes of calculating the allowance payable, the year shall be deemed to begin on April 1 of each year and end on March 31 of the following year.

Whilst sickness during school holidays will not affect the period of a teacher's entitlement to sick pay allowance, it will be relevant so far as deduction of benefit is concerned.

#### **4.3 Notification of Full Pay and/or Half Pay Ceasing**

Schools must notify the Children, Schools and Families (CSF) Employment Support team on form FP10/the sickness absence spreadsheet whenever a member of staff is absent on sick leave and the reason for the absence. This will ensure that accurate sickness records are maintained and that staff receive the correct amount of pay when on sick leave. The CSF Employment Support team will notify staff when sick pay is to reduce to half pay or ceases.

### **5 Statement of Fitness for Work – 'Fit Notes'**

Many people with health conditions can, with some basic support from their employer, work as they recover from their condition. This helps the individual because for many people work can aid recovery and also benefits the employer by reducing sickness absence.

To help more people get the support they need to get back to work the fit note system means that doctors can advise that an employee is either 'unfit for work' or 'may be fit for work'. A doctor will give a 'may be fit for work' statement if they think that their patient's health condition may allow them to work taking into account certain recommended adjustments at work where these can be accommodated by the employer. If an employee is too ill to work the doctor will sign the employee as 'unfit for work'.

If the doctor advises that an employee is unfit for work, this advice will normally be accepted as a basis for legitimate absence from work and the statutory and contractual sick pay entitlements will apply.

Where the doctor states that the employee "may be fit for work", s/he may suggest suitable support to help the employee's return to work. Recommendations may include temporarily changing their hours, amending their duties and/or workplace adaptations. The doctor's recommendations as provided on a fit note where the prognosis is that an employee 'may be fit for work' are subject to the employer's ability to reasonably accommodate them.

Headteachers/Governors are required to consider and discuss the advice provided on the fit note with the employee with a view to agreeing a return to work and, where practicable, implementing the recommendations of the GP.

If the doctor issues an "unfit for work" statement, Headteachers' and Governors' responsibilities under the Whole School Attendance Policy and Procedure continue to apply.

In most cases when an employee is fit to return to work they will do so either upon the expiry of a 'not fit for work' statement, or where adjustments have been agreed where a 'may be fit for work' statement has been issued.

However, some employees may feel able to return to work before the expiry of a 'not fit for work' statement. This could be because the employee has recovered faster than the GP expected, or the GP did not know of ways in which the employee could be supported to return. There is no longer the need to request a fit for work declaration from the GP before allowing the employee to return to work.

Whilst an employee may legitimately return to work prior to the expiry of the fit note, the Headteacher/Governors are required to ensure the employees' fitness for work by seeking advice from Occupational Health where necessary and by completion of any risk assessment that may be appropriate. In these circumstances it is recommended that a meeting takes place with the employee with a view to confirming with the employee that they feel they are fit enough to return to work and reviewing the prognosis from Occupational Health including any recommendations regarding arrangements for the employee's return to work. Please see Appendices 21, 22 and 23, which apply in these circumstances.

The new fit note system will give more information on how a staff member's condition will affect what they do. Headteachers and Governors will need to review "may be fit for work" statements and consider the doctor's advice about the suggested ways of helping a staff member to get back to work. This might mean discussions with a staff member about temporary changes such as: a phased return to work; altered hours; amended duties and/or workplace adaptations. This provides the information needed to begin a discussion with an employee on whether they can return to work despite their illness or injury. If the suggestions are reasonable and practical the headteacher/Governor should:

- agree a return to work date;
- agree any temporary work place adaptation including any changes to hours (and pay), job content and support and for how long;
- agree a date for review;
- monitor and review as agreed

There is no legal obligation on employers to comply with any suggested adaptations or adjustments specified by the GP on the Fit Note where it is not reasonably practicable to do so (NB: the obligations under the Equality Act 2010 for disability require employers to make reasonable adjustments at work to accommodate an employee's disability where one exists). Therefore if you cannot make the adaptations or adjustments to help a return to work, you should explain the reasons for this to your employee and then use the statement as if the doctor had advised "not fit for work".

The Schools' Employee Relations Team can be contacted for further advice on the Fit Note system.

## **6 Occupational Health**

Occupational Health works with Headteachers/Governors and employees to promote good health with Occupational Health staff offering alternative and impartial advice aimed at maintaining and improving employees' physical and mental well-being. When a Headteacher is concerned about the effect of a possible health problem, (with due regard to the levels of absence indicated in Paragraph 8 of the model Whole School Attendance Policy or a potential period of lengthy absence, or a member of staff's performance at work), the individual may be referred to Occupational Health for an assessment (see Appendix 2).

Occupational Health will offer the individual an appointment to obtain appropriate information about the condition, and advise the Headteacher (or designated manager) and the individual on any significance it may have for work. The purpose is to obtain a clear medical view of the whole situation which can then inform management decisions and enable appropriate support to be offered to the individual. The need for further action can be ascertained, such as liaison with the individual's GP or other health care workers to arrange further treatment or recommend a change in work patterns.

### **6.1 Occupational Health Contacts**

For all Occupational Health enquiries please contact the Occupational Health Enquiry Line:

- Telephone: (01872) 323138
- Fax: (01872) 323827
- Email: [occupationalhealth@cornwall.gov.uk](mailto:occupationalhealth@cornwall.gov.uk)
- Address: Occupational Health, Cornwall Council, Fowey Building, New County Hall, Truro, TR1 3AY.

### **6.2 Occupational Health Referrals**

A member of staff whose health is causing concern may be referred to Occupational Health by the headteacher at any time by completing the Occupational Health Assessment referral form (OH1), accessible via School Messenger (see Appendix 2) or alternatively the individual may self-refer for

confidential advice. They do not have to be off work at the time. Should a member of staff be off work with an unclear diagnosis or continuing fit notes for more than one month an early referral to Occupational Health is more likely to contribute to an earlier return to work. However, should a member of staff's level of absence reach the levels identified in paragraph 7 of the model whole school attendance policy, the Headteacher (or designated manager) should contact the Schools' Employee Relations team for advice to ensure that a prompt referral takes place.

When a decision is made to refer a member of staff to Occupational Health, the Headteacher (or designated manager) should speak with/write to the member of staff (or their representative where appropriate) explaining the reason for the referral and the role of Occupational Health (see Appendices 3 and 4). To avoid unnecessary stress for the employee, the Headteacher should explain that this is normal procedure and emphasise the supportive role of Occupational Health. To avoid unnecessary stress for the employee, the individual should also be informed that s/he will be contacted by Occupational Health by telephone to assess their state of health and may also be asked to attend an appointment with Occupational Health at County Hall.

### **6.3 Suspension from Duty on Medical Grounds**

A teacher who has been absent from duty for more than three months on account of a psychiatric disorder (sometimes described as nervous illness, depression, anxiety) must be referred to Occupational Health. In accordance with the Education (Teachers' Qualifications & Health Standards) (England) Regulations 1999, a teacher who has been absent from duty on account of a psychiatric disorder may be suspended after three months of absence and will be required to provide a certificate as to their fitness to resume duty. In such circumstances, the teacher should be notified of their position in writing (see Appendix 7). If it is known that a teacher is a member of a trade union, efforts will be made to ensure that the union is given advance notice of this letter.

The Headteacher (designated manager) should complete an OH1 form (see Appendix 2). The Occupational Health Consultant will require:

- details of the individual's sickness absence over the past year, or longer if appropriate;
- any relevant wider issues, including any management or work related problems;
- job requirements/job description.

This form should be returned to Occupational Health, New County Hall, Truro, TR1 3AY.

### **6.4 Medical Reports**

The purpose of medical reports provided by Occupational Health Advisers are to advise managers on how an employee's health condition may impact on their work. Occupational Health Advisers are required to observe full medical confidentiality and therefore no clinical or personal details about the individual are imparted to the Headteacher (manager). Occupational Health obtain the member of staff's consent before an approach is made to her/his GP or consultant for further medical information. Under the Access to Medical Reports Act 1988, where it is necessary to obtain a report from the individual's GP or hospital, the member of staff can see this report before it is sent to the Occupational Health Unit. Where a member of staff refuses to give written permission to approach

her/his doctor/specialist it may become necessary to make a decision without the benefit of medical opinion.

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

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

In certain cases, especially of long term sickness, further reviews will take place following the initial management referral and medical reports will be provided regularly to monitor progress. Headteachers are encouraged to notify the Schools' Employee Relations Team of any further concerns as they arise.

## **6.5 Medical Examinations**

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

## **6.6 Further Action following Occupational Health Unit Reports**

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

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

## **6.7 Phased Return to Work**

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

## **6.8 Return to Work following a period of absence due to psychiatric disorder/epilepsy**

Regardless of the length of absence, a teacher who has been absent on account of a psychiatric disorder or epilepsy must, before returning to work, be referred to a consultant psychiatrist or GP to submit a report to the LA on whether or not the teacher is sufficiently recovered and fit to teach children in accordance with the legal provisions concerning fitness to teach (see paragraph 6.3). The teacher will be notified by the LA that they have been suspended on normal pay and should not be permitted to return until s/he has produced satisfactory evidence that s/he is fit to do so.

## **6.9 Alcohol and Drug Problems**

It may become apparent from a change in behaviour and/or deterioration in performance that there is an underlying problem. Whilst it is important not to jump to conclusions, behaviour and performance can be indicators of alcohol or drug use. Headteachers/Governors should note apparent changes with the individual. Should the individual's work performance suffer, it would be appropriate to discuss a referral to Occupational Health who can provide a range of support including referral to specialist services. Guidance on the management and support of staff affected by alcohol or drug problems is set out in the School's Substance Misuse Policy.

## **6.10 Terminal Illness**

Any member of staff who has a terminal illness is exempt from the normal procedures for dealing with long term or frequent short term sickness. Instead Headteachers/managers are advised to contact the Schools' Employee Relations team at the earliest available opportunity, who will arrange for Occupational Health to write to the GP/Consultant to establish the exact medical position and life expectancy. This is extremely important in establishing the most beneficial course of action for the individual. Every care should be taken about the individual's well being in these circumstances.

## **7 Dismissal on the grounds of Efficiency of the Service**

Where an individual is suffering from ill health which is not sufficiently incapacitating to render him/her permanently incapable of working, it is unlikely that early retirement on the grounds of ill health will be granted by Teachers' Pensions or the Council in the case of non-teaching staff. Eligible staff over the age of 50 may ask Governors to consider granting retirement in the interests of the efficiency of the service. However such arrangements are discretionary and **only applied in exceptional circumstances.**

# **MODEL WHOLE SCHOOL ATTENDANCE POLICY**

## **1 Introduction**

This model policy has been determined by the Local Authority in consultation with the recognised trade unions, teachers' associations and the Governors' Council. This policy is recommended to schools for adoption immediately; should schools decide to develop their own procedure, they will need to re-open trade union consultation on an individual basis.

This policy reflects the legal provisions concerning fitness to teach contained in The Education (Teachers' Qualifications and Health Standards) Regulations 1999 (S1 No 2166), The Education Act 1996, the provisions of the Equality Act 2010, Health and Safety at Work Act (1974 and 1992) and the Access to Medical Reports Act 1988.

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

This policy may not cover all circumstances and the Governing Body/Headteacher are therefore advised to seek advice from the Schools' Employee Relations Team at the earliest opportunity.

"School days" refer to days on which the school is open.

For the purposes of this policy the term "Headteacher" can refer to the Headteacher, Deputy Headteacher or other nominated person in the school's Leadership Group.

## **2 Purpose**

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

## **3 Scope**

This procedure applies to all members of staff employed at .....  
School.

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

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

## **4 Policy Statement**

..... School wishes to establish a positive attendance culture by providing a fair and consistent framework for handling staff absence and by promoting occupational health and staff welfare. When illness or injury occurs, the school will respond in a supportive manner. Equally staff are responsible for caring for their own health, seeking medical help when appropriate, attending

work unless unfit to do so and co-operating with the requirements of the attendance policy.

This policy is designed to encourage full attendance and the proper management of sickness absence.

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

The existence of the policy will be made known to every member of staff and is contained within the Personnel Handbook – A Guide for Headteachers and Governors.

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

## **5 Contact with Absent Staff**

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

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

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

## **6 Sickness Reporting**

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

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

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

<b>When</b>	<b>Headteachers' Responsibilities</b>	<b>Staff Responsibilities</b>
Prior to appointment	All offers of appointment must be made on a provisional basis subject to pre-employment medical checks being undertaken. Successful applicants are required to complete the pre-employment medical screening process prior to taking up appointment. Further advice on this process is available from Occupational Health.	All successful applicants must undergo pre-employment medical checks prior to confirmation of offer of employment.
Prior to appointment	Schools are required to comply with the provisions of The Equality Act 2010 (Disability), which makes it unlawful to discriminate against people with disabilities in employment. The Act must be taken into account and the school may have to make reasonable adjustments to employment arrangements or premises. If you require further clarification of the Act please contact the Schools' Employee Relations Team.	
Induction	All new staff must be given a copy of the Whole School Attendance Policy.	Staff should read the Whole School Attendance Policy and know what to do in the event of absence.
1st day of absence on normal working day	Staff should arrange for someone to telephone you to let you know why s/he is absent, the date s/he expects to return to work and whether s/he has taken medical advice.  If absence is attributable to an injury sustained at work you should ensure that an appropriate entry is made in the First Aid Log.	Staff, or their representative, should telephone the Headteacher (or School Secretary) before the start of the teaching day, giving reasons for the absence, stating whether s/he has been to the doctors, giving a likely return date, if possible, and preferably noting any tasks that need to be undertaken.
4th day of absence (counting normal work days and non work days)	Staff should telephone you to indicate the reason for her/his continuing absence, when a return to work is likely, and whether medical advice has been taken. Staff who are absent with stress or stress-related illnesses should not be pressed into stating a return date.  You should advise the member of staff whether further contact is required.	Staff should telephone the Headteacher (or School Secretary), giving reasons for the continued absence and stating whether medical advice has been sought, giving a likely return date, if possible.
4th day of absence (counting normal work days and non work days)	You should ensure that the member of staff completes a self certification form when s/he returns to work.	All staff must complete a self certification form on return to work.

<b>When</b>	<b>Headteacher's Responsibilities</b>	<b>Staff Responsibilities</b>
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<p>8th day of absence (counting normal work days and non work days)</p>	<p>Staff should provide you with a doctor's Statement of Fitness for Work ('Fit Note').</p> <p>If the absence continues after the date given by the doctor, you should request further statements.</p>	<p>Staff must provide a doctor's Statement of Fitness for Work ('Fit Note').</p> <p>Should absence continue beyond the date given by the doctor, staff must produce further statements. If you wish to return to work before your Fit Note expires then you must seek the agreement of the Headteacher and attend OH appointments arranged for you in order to assess your fitness for work.</p>
<p>Return to work</p>	<p>Where a staff member wishes to return to work before the expiry of their 'not fit for work' fit note, then a meeting should take place with the employee to agree this, undertaking an appropriate risk assessment and/or seeking advice from Occupational Health as necessary.</p> <p>You, or a nominated manager, should talk to the member of staff on their return to work within the first 5 working days. The overriding principle of the return to work meeting is to support the member of staff with their return to work and if necessary discuss any area which may facilitate a smooth return to work.</p> <p>The discussion might need to cover (depending on the number of absences):</p> <ul style="list-style-type: none"> <li>• a discussion regarding the member of staff's level of sickness absence;</li> <li>• underlying reasons causing the absence; the reason for absence should be reported on the notification.</li> <li>• available support such as counselling and Occupational Health.</li> </ul> <p>At any time in the procedure it may be appropriate to ask a member of staff to produce a doctor's note for each period of absence. In such cases the School will meet any costs.</p>	<p>Wherever possible staff should give notice of at least one day of their intention to return to work. In cases of long-term absence, further notice may be required in order to ensure appropriate OH advice is available and any necessary adjustments to work arrangements have been agreed and put in place.</p> <p>If the return to work is prior to the expiry of a 'not fit for work' fit note then a meeting should take place with the Headteacher or designated manager to agree this. An appropriate risk assessment and/or advice may be sought from Occupational health as necessary.</p> <p>Staff will be asked to attend a "return to work" meeting.</p>
<p>Stress</p>	<p>In cases where it has been identified that an employee is suffering from work related stress, you are advised to refer to the Stress Management Toolkit available via the Schools Messenger website under Health, Safety and Wellbeing, with a view to undertaking a workplace stress risk assessment.</p>	<p>If it is identified that you are suffering from work related stress then your headteacher / manager should refer to the Stress Management Toolkit with a view to undertaking a workplace stress risk assessment with you. Employees are also able to access the toolkit via the Schools Messenger website under Health, Safety and Wellbeing.</p>

## 7. Return to Work Meetings

On the employee's return to work the headteacher/manager should hold a return to work meeting within five working days of the return (an exception to this may be in the case of employees who have been on long term sick leave; in which case a return to work meeting can often be helpful prior to the employee returning to work as this allows time for structured return to work plan to be devised. (See Appendix 24 – Return to Work Meeting form).

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

All employees, regardless of how long they have been absent for, should be asked to attend a return to work meeting by the Headteacher/ manager. They are important both for the employee and the Headteacher/manager; for the manager to welcome the employee back and to enquire as to how they are feeling. Also to update them on things that have happened in the workplace in their absence, particularly if they have been absent for an extended period of time. Additionally, for the employee to have the opportunity to discuss where the cause of the absence may be work related (where absence is due to work related stress refer to the Stress Management Toolkit which is available via the Schools Messenger website under Health, Safety and Wellbeing)

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

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

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

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

If the level of absence is unacceptable, the headteacher/Governor may inform the employee that an evaluation or review meeting is necessary in view of the unsatisfactory level of attendance and in accordance with this Procedure.

## **8. Managing Short Term Absence**

Frequent short term absences are normally attributable to minor ailments which in many cases are unconnected. However, If it is thought that the absence(s) may be related to a disability or a particular health condition, it is recommended that the Headteacher contacts the Schools' Employee Relations Team as under these circumstances the member of staff may have higher than average levels of absence. If a member of staff has an unsatisfactory level of absence or a regular pattern of absence the Headteacher or Senior Manager should deal with it appropriately. Schools may decide to apply the Policy on a case by case basis with due regard to the individual circumstances of each case or may apply the

Policy where a member of staff(s) absence differs from the normal pattern of absence. As a matter of guidance schools **may** wish to consider the following levels of absences as indicating a potential problem that could lead to informal and formal action.

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

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

## **9 Informal Approach**

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

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

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

At the end of the meeting the Headteacher (or designated manager) should summarise the main points discussed including:

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

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

## **10 Informal Stage Review Meeting**

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

- taking no further action if attendance is now satisfactory;

- requiring continued or further improvement in attendance over a reasonable specified period;
- ensuring that medical advice has been taken to establish whether treatment is needed and/or to establish whether absences are work-related;
- requesting a doctor's statement for further periods of absence;
- referring the employee to the Occupational Health Consultant;
- reviewing/monitoring work programme;
- taking formal action.

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

## **11 Short Term Absence - Formal Procedure**

### **11.1 Application**

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

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

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

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

A representative of the Director of Children, Schools and Families may advise the Headteacher or Governors at all meetings and has the right to attend any meeting where dismissal of a member of staff is to be discussed.

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

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

### **11.2 Stage One**

A member of staff who has not shown sufficient improvement in attendance following the informal interview, or whose attendance has deteriorated again following some initial improvement, will be required to attend a formal interview. The letter requesting attendance at this meeting should be set out as in Appendix 8.

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

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

In most circumstances a referral for specialist advice should be sought from Occupational Health in consultation with the Schools' Employee Relations Team.

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

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

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

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

Where a written warning is issued, this should be confirmed in the outcome letter (see Appendix 9). Reference to the employee's right of appeal should be made in the letter (see section 11.7).

### **11.3 Stage One Review Meeting**

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

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

## **11.4 Stage Two**

A member of staff who has not shown sufficient improvement in attendance following the Stage One Review Meeting, or whose attendance has deteriorated again during the period of the written warning, will be required to attend a formal Stage Two interview. The letter requesting attendance at this meeting should be set out as in Appendix 8.

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

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

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

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

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

Where a final written warning is issued, the Headteacher should inform the member of staff that unless there is a significant improvement her/his job might be at risk. The final written warning should be confirmed in writing and sent to the member of staff within five school days (see Appendix 10 for standard letter). If appropriate, reference should also be made to:

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

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

## **11.5 Stage Two Review Meeting**

On completion of the review period, an assessment of attendance will be undertaken. The Headteacher (or designated manager) will meet with the member of staff (or her/his representative) to assess whether the required

improvement in attendance has been achieved. The outcomes at the end of Stage Two could be that:

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

### **11.6 Stage Three**

A member of staff who has not shown sufficient improvement in attendance at the Stage Two Review Meeting, or whose attendance has deteriorated again following improvement, will be required to attend a formal Stage Three Hearing. The case will be heard by a Panel of Governors from the Personnel Committee of the Governing Body. The Full Governing Body is required to delegate the responsibility for managing sickness absence matters to the Committee. The Panel should consist of at least three Governors. The Director of Children, School and Families, or a representative, may also be requested to attend. The letter requesting attendance at this meeting should be set out as in Appendix 8.

The purpose of the interview will be to:

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

The hearing should be conducted in accordance with the Procedure as set out in Appendix 25.

If no satisfactory reason for the continuing poor level of attendance can be determined and if there is no prospect of the employee being able to provide a satisfactory level of attendance taking into account any possible alternative working arrangements that may be arranged, the Panel of Governors may resolve to dismiss the member of staff. In such circumstances, advice should be sought from the Schools' Employee Relations Team. A letter confirming the decision should be sent to the member of staff within five school days (see Appendix 11). If the decision is to dismiss the member of staff, appropriate contractual/statutory notice should be provided and the employee should be advised of her/his right of appeal. If the member of staff decides not to appeal, the Governors will need to instruct the LA to dismiss the employee.

## **11.7 Appeals**

### General:

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

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

The member of staff has the right to attend the appeals' hearing represented by a trade union representative or a work colleague. The member of staff and/or his/her representative has the right to make written and verbal submissions at the appeal hearing. The Procedure for appeal is set out in Appendix 26.

Appeals will be heard by the Appeals' Panel of the Governing Body. All parties will be provided with copies of relevant background documents regarding the process undertaken with regard to the case. Additionally, the Headteacher/line manager who issued the warning may be required to attend the appeal hearing for the purpose of explaining to the Panel the reasons for the issuing the formal warning to the employee.

The Appeals' Panel's decision is final.

### Appeals' Against Dismissal:

Where a member of staff has lodged an appeal against dismissal as determined by a Panel of Governors from the Personnel Committee under Section 3 of this Procedure, the appeal will be heard by a Panel of Governors from the Appeals' Committee who have had no prior involvement in the case (ie: the Appeals' Panel cannot include any members who sat on the previous Panel that made the recommendation to dismiss). In addition, the number of Governors constituting the Appeals' Panel of Governors cannot be less than the number of Governors who sat on Panel that made the decision to dismiss. The Director of Children, Schools and Families, or a representative, may also be requested to attend the appeal hearing.

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

The Staff Dismissal Appeals Committee having considered the matter may either confirm or overturn the dismissal decision. If the Appeals' Committee decides to uphold the decision to dismiss the member of staff, the member of staff is entitled to written notice in accordance with their contract of employment or alternatively an arrangement of pay in lieu of notice may be agreed.

The Appeals Committee may announce their decision verbally or in writing. In all cases, a letter confirming the decision of the Appeals' Panel should be sent to the member of staff within one calendar week (see Appendix 12). Where the decision to dismiss is upheld by the Appeals' Panel, the Governors will need to instruct the LA to dismiss the employee.

## **12 Managing Long Term Absence**

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

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

### **12.1 Informal Approach**

If it proves impossible to estimate when a member of staff will be able to return to work, or if this is unlikely to be within a reasonable period, the Headteacher (or designated manager) should seek the advice of the Schools' Employee Relations Team and Occupational Health. Occupational Health will consider the likelihood of a return to work in the foreseeable future, the scope of the member of staff's medical condition and its effect on her/his present or continuing capability, alternative working arrangements that may facilitate the employee's return to work or whether the employee would be able to return to a suitable alternative role.

Due regard should also be taken of the Equality Act 2010 relating to disability when considering the suitability of alternative employment or whether employees should be dismissed on grounds relating to their capability (see below).

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

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

It should be noted that the Local Authority cannot insist that a Governing Body of a different school appoints a redeployee to a vacant post that may represent suitable alternative employment for the redeployee. This is because Governing Bodies have the autonomy to make their own decisions in terms of staff appointments to their schools. The Schools' Employee Relations Team should be consulted to help facilitate redeployment. The Schools' ER Team will explore the availability of suitable alternative employment options that may be available in other schools and will facilitate contact with those governing bodies as a means of attempting to secure alternative employment for the employee where an appropriate opportunity may exist.

Where Occupational Health suggests that an employee is incapable of fulfilling her/his full range of duties (either permanently or within a reasonable timescale having regard to operational or other considerations), and no suitable alternative

employment can be found, the Headteacher is strongly advised to contact the Schools' Employee Relations Team before considering a proposal to terminate the employment of the member of staff (see Appendices 13 and 14).

### **13 Procedure for Dismissal on the grounds of Lack of Capability due to Ill Health**

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

#### **13.1 Full Governing Body Meeting**

The Full Governing Body should delegate the management of the case of an employee's long-term sickness absence to an appropriate Committee of the Governing Body (usually the Personnel Committee). It is essential that in making the resolution to delegate the case to the appropriate Committee, only the briefest of information is shared with the Governing Body. This will ensure that any Governors involved in considering the case at a later stage (ie: either at a formal hearing or an appeal) will do so without prejudice and with absolute impartiality. If an appropriate Committee has not already been established the Governing Body will need to do so before progressing the matter further.

Once a Committee is established, a formal meeting can be arranged to consider the question of the employee's continued employment, having taken into account the considerations referred to in paragraph 13 above.

#### **13.2 Medical Referral Meeting**

Prior to holding a formal meeting, the Headteacher or his/her adviser should write to the member of staff to confirm the proposed action of convening a formal hearing to consider the question of the employee's ongoing employment (see Appendix 14).

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

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

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

### **13.3 Formal Governors' Committee Meeting**

A Panel of Governors from the appropriate Committee will be convened to hold a formal meeting to consider the question of the employee's continued employment. The Panel should be represented by not less than 3 Governors. At the meeting, it is recommended that the Panel invite a representative from the Local Authority (usually an Employee Relations Officer from the Schools' Employee Relations Team) to attend the meeting as adviser to the Panel. The Procedure for the meeting is set out in Appendix 25.

In advance of the meeting, the Panel of Governors will be provided with copies of any relevant documents in respect of the case (eg: copies of medical reports, headteacher's report regarding impact on the school etc). The employee and his/her representative will also be provided with copies of the relevant documentation no later than 10 days before the meeting. The employee and/or his/her representative may also make verbal and/or written submissions to the hearing. Where the employee intends to make written submissions to the meeting, he/she should endeavour to provide these no later than one calendar week before the hearing where possible.

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

The letter requesting the employee's attendance at this meeting should be set out as in Appendix 15 giving at least ten school days notice.

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

A letter confirming the decision should be sent to the member of staff within one calendar week of the meeting (see Appendices 16A and 16B). If the decision is to dismiss the member of staff s/he should be advised of her/his right of appeal.

Should the individual choose not to appeal within the specified period or the appeal is not upheld, the Governing Body will advise the Local Authority (see Appendix 17) who will issue a dismissal letter to the individual with due notice (see Appendix 18). The dismissal letter will state the reasons for dismissal.

### **13.4 Appeals**

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

Appeals against dismissal will be heard by a Panel of Governors from the Appeals Committee. This Panel will exclude those Governors who have previously sat on the Panel of Governors that made the recommendation to dismiss. Additionally, the number of Governors constituting the Appeals' Panel of Governors cannot be

less than the number of Governors that constituted that Panel that made the recommendation to dismiss. It is recommended that the Panel invite a representative from the Local Authority (usually an Employee Relations Officer from the Schools' Employee Relations Team) to attend the meeting as adviser to the Appeals' Panel. The Procedure for the Appeal meeting is set out in Appendix 26.

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

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

The Appeals Panel of Governors may announce their decision verbally or in writing. In all cases, the Panel must confirm the decision to the employee in writing within one calendar week of the appeal meeting (see Appendices 12, 17 and 18).

#### **14 Termination of Employment**

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

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

#### **15 Ill Health Retirement**

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

##### **15.1 Teaching Staff**

Under the Teachers' Pensions Regulations it is the teacher who instigates the approach to Teachers' Pensions for the payment of an ill health pension (see Appendix 19). Teachers' Pensions will then assess the medical evidence and make a decision on whether or not to award the pension. Their application would normally need to be supported by a consultant specialising in the medical condition which prevents their return to work.

If the teacher does not have a compelling case for an application for ill health retirement, or the Teachers' Pensions medical advisors do not support the

application, the school may still wish to terminate the teacher's employment on the grounds of lack of capability due to ill health.

If the Occupational Health Consultant has confirmed that the teacher is permanently incapable of performing her/his duties and has recommended ill health retirement, the letter at Appendix 20 would be sent to the member of staff.

## **15.2 Non Teaching Staff**

If an employee is a member of the Local Government Pension Scheme (LGPS) and the Occupational Health Consultant **and** an independent registered medical practitioner (who is qualified in occupational health medicine) has confirmed that the member of staff is permanently incapable of performing her/his duties and has recommended ill health retirement, then the member of staff may be able to receive an immediate retirement pension. There are graded levels of benefit based on how likely an individual will be capable of obtaining gainful employment after they leave. Further details are available from the Schools' Employee Relations Team.

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

## APPENDICES

- E1 Absence Record
- E2 OH1 Medical Referral Form
- E3 The Role of Occupational Health
- E4 Draft letter to individual - Occupation Health Referral (Non stress related)
- E5 Draft letter to individual – Stress Risk Assessment/OH Referral
- E6 Teacher Suspension from Duty
- E7 Attendance to Stage1/2/3 Meeting
- E8 Written Warning
- E9 Final Written Warning
- E10 Notification of Dismissal
- E11 Notification of Dismissal after Appeal
- E12 Options Letter to School
- E13 Letter to individual commencing dismissal proceedings
- E14 Long Term Absence - Invitation to Governors Meeting
- E15A Notification of dismissal
- E15B Notification of dismissal
- E16 Instruction to dismiss form
- E17 Termination of employment
- E18 Letter to teacher - ill health retirement forms
- E19 Letter to teacher - ill health retirement forms
- E20 Letter to staff – meeting before returning to work before expiry of 'Fit Note'
- E21 Letter to staff – agreement to returning to work before expiry of 'Fit Note'
- E22 Letter of staff – non-agreement to returning to work before expiry of 'Fit Note'
- E23 Return to Work Meeting Form
- E24 Procedure for formal dismissal Hearing (on the Grounds of Lack of Capability due to Ill Health or Unacceptable Attendance)
- E25 Procedure for Appeal Against Dismissal

**ABSENCE RECORD**

**PRIVATE AND CONFIDENTIAL**

To be retained confidentially and securely by Headteacher

Year.....	School .....	Department .....
Name.....	Post .....	Job Title.....

**Summer Term**

<b>May</b>	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	
<b>June</b>	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30		
<b>July</b>	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	
<b>Aug</b>	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	

**Total for Summer Term:**

**Autumn Term**

<b>Sept</b>	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30		
<b>Oct</b>	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	
<b>Nov</b>	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30		
<b>Dec</b>	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	

**Total for Autumn Term:**

**Spring Term**

<b>Jan</b>	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	
<b>Feb</b>	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29			
<b>Mar</b>	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	
<b>Apr</b>	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30		

**Total for Spring Term:**

**Insert letters as appropriate: A = Annual Leave S = Sick Leave O = Other**

**Management Referral for Occupational Health Assessment (OH1)**

Please ensure all boxes are completed and documentation attached to prevent delays in offering an appointment

**Employee Details**

Surname :	Department
First Name :	Place of Work
Date of Birth	Hours Per Week
Job Title	Superannuated Yes / No
How long in post	Is post permanent/temporary
Employee Contact Address & Telephone Number For notification of appointment or telephone consultation	Payroll Number

Please provide any particular requirements in relation to access, mobility or communication.

**Referring Manager**

Name	Contact Number
Job Title	Email Address
Department	Sub Department for SLA Charge
Name of Contact in Schools' ER Team	

**Reason for Referral (can tick more than one box)**

<input type="checkbox"/> Short term frequent sickness absence	<input type="checkbox"/> Long term sickness absence
<input type="checkbox"/> Rehabilitation / Phased Return to Work Advice	<input type="checkbox"/> Other (please state)

**Date of commencement of current sickness and reason for absence:**

Date: .....  
Reason:.....

**Documentation to Attach**

- Up-to-date Job Description *(please indicate in the referral any specific requirements of the job that may impact on health, e.g. manual handling activities, DSE use, keyboard, stressors.)*
- Sickness Absence Record *(Hyperlink – please include reasons for sickness absence for the previous 2 years (relevant report from Delphi will provide the required details)). (Hyperlink to Guidance in Handbook)*
- Copies of Medical Certificates (if relevant)  
INSERT NAME
- Copy of Risk Assessment Form (if appropriate)

Copy of DSE Assessment Form 1 (if appropriate) (for referrals relating to upper limb disorders, back problems etc, for people who are DSE users DSE link.)

Please outline the main issues regarding this referral (Hyperlink – to include the effects of the health problem on work performance/attendance, any reason you may believe has caused the sickness; any symptoms that have either been observed or described to you including by the individual; information on whether the employee or the authority consider the health condition to be caused by, or made worse by work; whether the employee has consulted their GP and/or specialist, what has been diagnosed and what treatment is being/has been given; what the employee's views are on their ability to undertake their job and whether they have made any suggestions for dealing with their ill health e.g. a change of job, reduced hours, retirement; any other information considered relevant to the assessment)

If the employee is currently subject to any disciplinary, capability, grievance or Dignity at Work procedure, please indicate:

Disciplinary		Capability		Grievance		Dignity at Work
--------------	--	------------	--	-----------	--	-----------------

Please tick the boxes which you would like Occupational Health advice on:-

- Is the employee currently fit to carry out the work duties required by the role?
  
- Is there an underlying medical condition affecting the employee's performance/attendance at work?
  
- What is the likely timescale for recovery and when can a return to work be anticipated?
  
- What short-term adjustments need to be made to the job/environment that would facilitate rehabilitation and an early return to work?
  
- Are there any permanent adjustments recommended to the job/environment?
  
- Is further medical advice/treatment needed? What is the timescale for this and approximate cost of treatment?
  
- Is the medical condition likely to reoccur and will it affect future work attendance/performance?
  
- Is redeployment recommended on medical grounds?
  
- Do you consider an Employment Tribunal would consider the employee to be disabled?

Does the employee fulfill the criteria for Ill Health Retirement?

Are there any other considerations as a manager I should make, not covered by the above?

Any other questions you would like answered – add below

**Referral Authorisation**

To be signed by the Manager and the person referred (if person referred not available, date they were informed of the referral)

I confirm that I have discussed the reasons for this referral with the employee. I am aware that the employee may request a copy of this referral and receive a copy of the Occupational Health report.

Signature of Manager:..... Date:  
.....

Signature of Employee:..... Date:  
.....

**THE ROLE OF OCCUPATIONAL HEALTH**

The role of the service is to protect and promote the health of the workforce, to recognise, prevent and treat work related ill health and help employees who have been ill, whether caused by work or not to return to work. The main duties carried out by the team are as follows:

**Pre Employment Health Assessment**

This is a paper system where a pre employment health questionnaire is completed by every applicant and the questionnaire for the preferred candidate is forwarded to the OH Department. Therefore every new employee receives a comprehensive health clearance. Provided there are no issues or queries with the questionnaire, they are passed and the manager informed. If there is a reason to speak to the employee, a letter is sent to them asking them to ring into the department. The Occupational Health team receive over 4000 of these forms per annum.

**Management Referral for Medical Opinion**

When a referral is made, the manager or the HR adviser will complete a management referral form. This is available on the intranet so can be emailed for posted to the department. Once received all forms are assessed by one of the OH team and the referrals allocated to individual clinicians.

Once the employee is seen, a report is typed up within a few days and posted or emailed to the link manager and/or HR adviser.

Where deemed clinically necessary by the clinician, follow up appointments are provided, further evidence is obtained from GPs or specialists or further referrals are made e.g. for a particularly complex case, one of the OH Advisers may refer an employee to the physician.

**Health Surveillance Including Immunisation**

There are a number of groups of Council employees who require significant amounts of health surveillance. The two main groups are CORMAC and the Fire Service. The Fire Service have a high requirement for regular health assessments in accordance with current legislation and guidance, local policies and procedures. CORMAC's main requirement is for screening to detect Hand Arm Vibration Syndrome and Noise Induced Hearing Loss. Hepatitis B and occasionally other immunisations are provided to care staff as appropriate.

## Other services

There are a number of other OH activities that take place:

- miscellaneous phone and email enquiries
- toolbox talks
- work station assessments, particularly for users of Display screen equipment.

Draft letter to individual - Occupation Health Referral (NON STRESS RELATED)  
**Appendix E4**

### **Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

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

As you will be aware, you have been on sick leave since DATE and in view of the duration of your absence and in accordance with the Whole School Attendance Policy I am writing to advise you that I have completed a Form OH1 to refer you to Occupational Health. This process will ensure that I am provided with medical advice on ways in which the school can support you in your recovery, and also advise me on your fitness to return to work and any appropriate arrangements that may help facilitate a successful return to work for you at the appropriate time. I enclose an overview of the role of Occupational Health for your further information.

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

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

Should you have any queries, please contact me.

Yours Sincerely

XX XX  
Headteacher

Enc The Role of Occupational Health

Draft letter to individual – Stress Risk Assessment / Occupation Health Referral

**Appendix E5**

**Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS

**Your ref:**  
**My ref:**  
**Date:**

---

POST CODE

Tel No:

Dear

**Workplace Stress Risk Assessment & Referral to Occupational**

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

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

OR

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

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

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

I look forward to hearing from you.

XX XX  
Headteacher

## Teacher – Suspension from Duty

Appendix E6

### Personal & Confidential

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

### Medical Suspension from Duty

I am sorry to write to you while you are absent from work. I am contacting you to inform you that in view of the fact that you are unfit to teach and the present time and taking into account the prolonged period of your incapacity, I am required to suspend you from your teaching post with immediate effect in accordance with the terms of the Conditions of Service for School Teachers, Section 3 Paragraph 5.1.

Under this paragraph, and in accordance with the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999, a teacher who is declared unfit for teaching and absent from duty for more than three months should be suspended from duty, and may not resume work until deemed to be fit to teach by a medical professional.

The purpose of this contractual and statutory requirement is to ensure that teachers who are unable to attend work for a prolonged period of sickness remain absent from work until they are fully fit to return and undertake the responsibilities of their teaching post. You will appreciate that this is in the interests of both the children you teach and your own ongoing health and wellbeing.

I will arrange for your health and progress with your recovery to be monitored by referring you to the Council's Occupational Health Consultant. Once you have reached a stage in your recovery whereby you are deemed to be fit to teach, your medical suspension will be lifted and we will meet to discuss appropriate arrangements for your return to work, which will take into account medical advice by the Occupational Health Consultant.

If you believe you are currently fit to teach, you are entitled to submit medical information in respect of your fitness to teach from your GP or Consultant to the Council's Occupational Health Service. In such circumstances, the report will be considered by the Council's Occupational Health Consultant who will advise the school on your health status and fitness to resume your duties.

Please note that although you are now able to return only once the conditions set out above have been met, your normal salary entitlements, subject to sickness allowances, still apply. In support of this, you should continue to submit appropriate Statements of Fitness for Work ('fit notes') from your GP.

If you have any queries please do not hesitate to contact me or your trade union. I hope that you soon feel better.

Yours sincerely

XX XX  
Headteacher

Copy for: Schools' HR Team

**Attendance to Stage One/Two/Three meeting**

**Appendix E7**

**Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

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

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

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

INSERT DETAILS INCLUDING REASONS FOR ABSENCE IF GIVEN.

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

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

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

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

Yours sincerely

XX XX  
Headteacher

Copy to: Schools' Employee Relations Team, Room 469, New County Hall,  
Truro,  
Cornwall, TR1 3AY

## Written Warning

Appendix E8

### USE CAPABILITY PROCEDURE AS GUIDE

#### Personal & Confidential

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

#### Written Warning

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

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

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

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

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

I enclose a copy of INSERT NAME OF SCHOOL Whole School Attendance Policy, and draw your attention to your right of appeal. If you wish to appeal against this formal written warning you must do so in writing to me within ten working days of receipt of this letter.

Yours sincerely

XX XX  
Headteacher

Copy to: Schools' Employee Relations Team, Room 461, New County Hall,  
Truro,  
Cornwall, TR1 3AY

## Final Written Warning

Appendix E9

### USE CAPABILITY PROCEDURE AS GUIDE

#### Personal & Confidential

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

#### Final Written Warning

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

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

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

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

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

I enclose a copy of INSERT NAME OF SCHOOL Whole School Attendance Policy, and draw your attention to your right of appeal. If you wish to appeal against this final written warning you must do so in writing to me within ten working days of receipt of this letter.

Yours sincerely

XX XX  
Headteacher

Copy to: Schools' Employee Relations Team, Room 461, New County Hall,  
Truro,  
Cornwall, TR1 3AY

**Notification of dismissal**

**Appendix E10**

**USE CAPABILITY PROCEDURE AS GUIDE**

**Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

**Outcome of Sickness Absence Meeting, (date)**

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

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

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

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

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

Yours sincerely

XX XX  
Chair of Panel of Governors

Copy to:       Headteacher  
                  Trade union representative (where applicable)  
                  Schools' Employee Relations Team, Room 461, New County Hall,  
Truro,  
                  Cornwall, TR1 3AY

## Notification of dismissal after appeals

Appendix E11

### Personal & Confidential

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

### Outcome of Staff Dismissal Appeal Hearing on INSERT DATE

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

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

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

Yours sincerely

XX XX  
Chair of Appeals' Panel of Governors

Copies to:  
XX, Headteacher, INSERT NAME OF SCHOOL  
XX, Trade Union Representative, INSERT NAME OF TRADE UNION  
Schools' Employee Relations Team, Room 461, New County Hall, Truro,  
Cornwall, TR1 3AY

## LONG TERM SICKNESS OPTIONS

Appendix E12

### Personal & Confidential

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

### **NAME OF EMPLOYEE - JOB TITLE**

Following our recent meeting, I am writing to you regarding the options available to Governors in respect of the ongoing absence of INSERT NAME.

Governors will be aware that INSERT NAME has been absent from work since INSERT DATE. S/He applied to Teachers' Pensions for ill health retirement on INSERT DATE. Under the conditions of service, INSERT NAME entitlement to full salary ceased on INSERT DATE. INSERT NAME is currently receiving half pay and, if s/he does not return to work by INSERT DATE, will commence no pay from INSERT DATE.

I set out below the options available to you.

### **Option One**

Governors could await the outcome of the ill health application. Unfortunately, the decision of whether or not to grant ill health retirement lies entirely with Teachers' Pensions. The timescales can range from three weeks to one year but in our experience, most applications take at least four months and the LA has no control over these timescales.

OR

Governors could await the outcome of the ill-health application. This option merits serious consideration given that Dr INSERT NAME of Occupational Health is supportive of the application.

OR

When the CSF Employment Support Team telephoned Teachers Pensions on INSERT DATE, the application was still being considered by medical advisers and the TP would not confirm how long this would take. Whilst I remain hopeful that a decision will be made by the TP this term, I obviously cannot guarantee it.

OR

We have today received notification from the Benefits Administrator at Teachers' Pensions (TP) advising that they are currently in the process of obtaining further medical evidence on behalf of the Medical Advisors to enable a decision to be made. When sufficient evidence is received and the Medical Advisors are able to make a recommendation, the TP will inform us of the outcome.

### **Option Two**

TEACHERS OVER 50

Governors consider allowing INSERT NAME to retire early on the grounds of the efficiency of the service. However this option has cost implications for the school - Gail Higgins will be sending you the details of this under separate cover.

#### TEACHERS UNDER 50

As INSERT NAME is less than 50 years of age, s/he would not meet the criteria for an efficiency retirement. However, Governors could consider allowing INSERT NAME to retire on efficiency grounds and could award a lump sum compensatory payment up to a maximum of 66 weeks pay depending on INSERT NAME age and service. It is worth bearing in mind that the LEA would not contribute to this payment and the full cost would therefore need to be met by the school. Further details can be obtained on request.

#### Option Three

**(FOR A TEACHER)** Governors could consider whether it would be appropriate to dismiss INSERT NAME with effect from 30 April / 31 August / 31 December on the grounds of continuing lack of capability due to ill health.

**(FOR SUPPORT STAFF) Governors could consider whether it would be appropriate to dismiss INSERT NAME giving due contractual notice on the grounds of continuing lack of capability due to ill health.**

The procedure for taking this course of action is as follows:

- 1 The Governing Body elects a Panel of Governors to consider the prospect of the employee's ongoing employment and an Appeals' Panel of Governors from the Appeals' Committee to consider any appeal. The Appeals' Panel of Governors cannot have fewer Governors than that of the first Panel. There must be at least 3 members of each of the Panels. The Headteacher cannot sit as a member of these Panels.
- 2 INSERT NAME is informed of the process to be followed (see attached draft letter).
- 3 INSERT NAME is offered a medical representation meeting with an Occupational Health Consultant. S/He may be represented at this meeting by a suitably qualified medical practitioner and INSERT NAME and/or his/her representative may present medical evidence as to why s/he should not be dismissed. Any written medical evidence should be submitted to the Occupational Health department before the appointment and, after the appointment, Occupational Health produces a medical report.
- 4 INSERT NAME and/or his/her trade union representative are invited to make representations to the Panel of Governors as to why s/he should not be dismissed on grounds of continuing lack of capability.
- 5 The Panel of Governors considers the representations, together with any other information available to them including the medical report from Occupational Health and a report by the Headteacher. The Panel decides whether INSERT NAME should be dismissed on grounds of lack of capability or not. The report by the Headteacher should set out the organisational and educational consequences of INSERT NAME prolonged absence and the effect this is having upon the needs of the school, concluding with a recommendation.
- 6 INSERT NAME is informed of the outcome and if the decision of the Panel of Governors is to dismiss, INSERT NAME and/or his/her representative has the right to appeal to the Appeals' Panel of Governors.

If Governors decide to proceed in relation to **Option 3** above, my advice is that you commence proceedings soon. The Governing Body would need to pass a resolution to form the two committees on or around INSERT DATE. This will ensure that the procedure can be completed in time for the requisite amount of notice to be issued (INSERT MONTHS/WEEKS). INSERT NAME would be due to be paid full pay during the period of his/her notice and this will be a cost on the school's budget. You will need to confirm whether you will be covered for this payment if the school is a member of the Supply Insurance Scheme operated by the LA.

Obviously, there is also an option to commence dismissal proceedings later in the year for a dismissal date of INSERT DATE, by which time it is more likely that a decision regarding INSERT NAME ill health application might have been made by Teachers' Pensions.

I trust that this information is helpful to yourself and Governors. **In the interests of fairness and equity for any future appeals, it is important that the Full Governing Body are not involved in discussing any details of the case and in particular the effects of INSERT NAME prolonged absence on the life of the school or his/her state of health.**

Please do not hesitate to telephone me if you require any further information.

Yours sincerely

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

**LETTER TO INDIVIDUAL COMMENCING DISMISSAL PROCEEDINGS**  
**Appendix E13**

**Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

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

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

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

It appears that you may no longer have the health or physical capacity for your employment and therefore, in accordance with Regulation 7 of the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999, you are offered the opportunity to submit medical evidence and make representations to Dr (INSERT NAME), from Occupational Health. An appointment has been provisionally arranged for you to see Dr (INSERT NAME) at (INSERT TIME) am/pm on (INSERT DATE) at the Fowey Building, New County Hall, Truro. If you wish to submit any medical evidence from your General Practitioner or Consultant, please do so in writing to Dr (INSERT NAME) at least two days before the appointment. You will be expected to meet any costs associated with the provision of medical evidence from your General Practitioner or Consultant. You are entitled to be represented at the appointment with Dr (INSERT NAME) by a qualified medical practitioner of your choice. Please confirm to me in writing whether you wish to attend the appointment with Dr (INSERT NAME) by midday on (INSERT DATE).

Following the appointment and having considered any evidence you may provide Dr (INSERT NAME) will provide a report to a Panel of Governors appointed by the Governing Body of (INSERT NAME OF SCHOOL). This Panel has been appointed by the Full Governing Body to consider in detail the question of your continued employment.

Following your appointment with Dr (INSERT NAME) you will be invited to attend a representations meeting with the appointed Panel of Governors. You will have an opportunity to be represented at the meeting by your trade union and you and/or your representative will have an opportunity to present your views to

Governors as to why you should not be dismissed on the grounds of lack of capability due to ill health. The Panel of Governors will decide, on the basis of evidence available, including Dr (INSERT NAME) report, whether or not to dismiss you. A provisional date has been set for the representations meeting for (INSERT DATE) at (INSERT TIME) am/pm. If you wish to make representations to the appointed Panel of Governors, you may choose whether you wish this meeting to take place at the school or at County Hall.

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

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

Yours sincerely

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

Copies to: XX, Headteacher, INSERT NAME OF SCHOOL  
XX, Trade Union Representative, INSERT NAME OF TRADE UNION  
Occupational Health Consultant, Fowey Building

**LONG TERM ABSENCE – Invitation to Governors Meeting**  
**Appendix E14**

**Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

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

INSERT DETAILS.

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

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

If you or your representative have any queries, please do not hesitate to contact me on (01872) 32XXXX.

Yours sincerely

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

Copies to: XX, Headteacher, INSERT NAME OF SCHOOL  
XX, Trade Union Representative, INSERT NAME OF TRADE UNION  
Dr INSERT NAME, Occupational Health, Fowey Building, NCH

## NOTIFICATION OF DISMISSAL

Appendix E15A

### Personal & Confidential

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

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

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

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

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

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

Yours sincerely

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

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

**Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

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

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

**IF APPLICABLE**

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

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

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

If you have any queries regarding the contents of this letter, please do not hesitate to contact me on (01872) 32XXXX. Alternatively, you may choose to contact your trade union representative INSERT NAME to whom I am also sending a copy of this letter.

Yours sincerely

XX XX  
Employee Relations Adviser  
Schools' Employee Relations Team

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

**INSTRUCTION BY A SCHOOL GOVERNING BODY TO CORNWALL COUNTY COUNCIL TO DISMISS AN EMPLOYEE**

This declaration must be completed, signed by the Headteacher and Chair or Vice Chair of Governors, and forwarded to CYPF Personnel, Room 411, New County Hall, Truro, TR1 3AY

NAME OF SCHOOL:	
FULL NAME OF EMPLOYEE:	
DATE OF BIRTH (if known):	/ /
AGE AT DATE OF DISMISSAL:	
TITLE OF POST HELD:	
IS THE EMPLOYEE FULL-TIME OR PART-TIME: If part-time, please specify FTE	Full-time / Part-time (please delete) 0. _____ FTE
GRADE AND/OR SPINAL POINT:	
ACTUAL SALARY:	£
REASON FOR DISMISSAL:	
DATE & MINUTE REF OF THE QUORATE MEETING OF THE GOVERNING BODY WHEN IT WAS RESOLVED THAT THE ABOVE NAMED EMPLOYEE BE DISMISSED:  NB please forward a copy of these minutes (if they have not previously been forwarded)	
EFFECTIVE DATE OF DISMISSAL:	

**DECLARATION**

ON BEHALF OF THE GOVERNING BODY I INSTRUCT CYPF PERSONNEL TO DISMISS THE ABOVE EMPLOYEE

HEADTEACHER'S SIGNATURE..... DATE: .....

SIGNATURE OF \*CHAIR / VICE CHAIR OF GOVERNING BODY  
..... DATE: .....

\*Please delete as appropriate

**FOR COUNTY HALL USE ONLY**

	APPROVED	DATE
COUNTY TREASURER		
HEAD OF HR & OD		

**TERMINATION OF EMPLOYMENT**

**Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

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

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

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

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

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

Yours sincerely

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

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

**LETTER TO TEACHER – ILL HEALTH RETIREMENT FORMS**

**Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

**Premature Retirement on the Grounds of Ill Health**

Further to your recent request, please find enclosed forms 18 and 20 Pen.

You will need to complete Part A of Form 18 Pen and return it to INSERT NAME, Children, Schools and Families Employment Support Team, Room 313, New County Hall, Truro, TR1 3AY. We will then complete Part B and forward it to Teachers' Pensions (TP). You will also need to pass the Form 20 Pen to your GP for completion. The Form 20 Pen will be returned direct to Teachers' Pensions by your GP.

On receipt of the above forms, Teachers' Pensions will make an assessment of your case. It is for the Secretary of State to decide whether or not an application for ill health retirement is granted. The TP will write to you direct to advise you of its decision.

If I can be of any further assistance, please do not hesitate to contact me. If you are a trade union member you may find it helpful to approach your local representative for further advice on the best way to present your application to the TP.

Yours sincerely

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

Encs

**Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

I am writing further to your recent appointment with Dr INSERT NAME.

Dr INSERT NAME has informed me that because of medical reasons s/he does not believe that you should continue to work as a teacher, and is recommending that you consider early retirement on the grounds of ill health.

In the light of this prognosis about your state of health, I am enclosing forms 18 and 20 Pen which are produced by Teachers Pensions for use by teachers who wish to apply for premature retirement. You may wish to take advice from your trade union before completing these forms.

However, should you take this option, you will be required to complete Form 18 Pen and return it to Children, Schools and Families Employment Support Team, Room 313, New County Hall, Truro, TR1 3AY. We will then complete Part B and forward it to Teachers' Pensions (TP). You will also be required to pass the Form 20 Pen to your GP for completion. This will be returned direct to the TP. The TP will then make an assessment of your case. If you choose not to take this route, as you will appreciate, we would have no option but to advise the school to dismiss you on the grounds of permanent ill health, as you have been deemed unfit to continue in your work as a teacher.

I hope that this is helpful to you. Please do not hesitate to contact me should you have any queries or require any assistance in completing the 18 Pen.

Yours sincerely

XX XX  
Employee Relations Consultant / Adviser

Copy to: XX, Headteacher, INSERT NAME OF SCHOOL

**LETTER TO STAFF – MEETING BEFORE RETURNING TO WORK BEFORE  
EXPIRY OF FIT NOTE**

**Appendix E20**

**Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

**Return to Work before expiry of Fit Note**

As you are aware, your GP recently issued you with a 'not fit for work' fit note, which is due to expire on INSERT DATE.

You have informed me that you feel well enough to return to work prior to the expiry of your fit note, however, before agreeing to this I would like to meet with you to discuss your recovery and any temporary adjustments that may need to be considered.

I suggest a meeting takes place at the school on DATE at TIME and I would be grateful if you would confirm your attendance.

Yours sincerely

XX XX  
Headteacher

**LETTER TO STAFF – AGREEMENT TO RETURNING TO WORK BEFORE  
EXPIRY OF FIT NOTE**

**Appendix 21**

**Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**

**My ref:**

**Date:**

**Tel No:**

Dear

**Return to Work before expiry of Fit Note**

I write following our meeting on DATE to discuss your request to return to work prior to the expiry of your fit note.

I confirm that I am satisfied that you feel you have made sufficient recovery from your recent illness to enable your return work and it has been agreed that you will return to work on DATE.

IF APPLICABLE INSERT ANY DETAILS REGARDING HEALTH AND SAFETY RISK ASSESSMENT THAT HAS BEEN OR WILL BE CARRIED OUT.

IF APPLICABLE CONFIRM ANY ADJUSTMENTS AGREED AND FOR HOW LONG.

IF APPLICABLE CONFIRM AGREED REDUCTION IN HOURS AND FOR HOW LONG  
*(note that a reduction in hours is usually paid at full hours for a period up to 4 weeks – if this arrangement needs to continue after this time then pay should be adjusted according to the hours being worked).*

Yours sincerely

XX XX  
Headteacher

**LETTER TO STAFF – NON-AGREEMENT TO RETURNING TO WORK BEFORE  
EXPIRY OF FIT NOTE**

**Appendix 22**

**Personal & Confidential**

INSERT NAME  
ADDRESS  
ADDRESS  
POST CODE

**Your ref:**  
**My ref:**  
**Date:**  
**Tel No:**

Dear

**Return to Work before expiry of Fit Note**

I write following our meeting on DATE to discuss your request to return to work prior to the expiry of your fit note.

I confirm that I am not satisfied that you have made sufficient recovery from your recent illness to enable your return work. Therefore you should refrain from work until the expiry of your fit note on DATE.

IF APPLICABLE INSERT ANY DETAILS REGARDING HEALTH AND SAFETY RISK ASSESSMENT THAT HAS BEEN OR WILL BE CARRIED OUT.

IF APPLICABLE CONFIRM ANY ADJUSTMENTS AGREED AND FOR HOW LONG.

I look forward to welcoming you back to work on DATE.

Yours sincerely

XX XX  
Headteacher

A. Personal Details		
Surname:	Forename:	Payroll Ref:
Job Title:		

B. Absence Details			
First day of absence ( <i>on a normal working day inc weekend where appropriate</i> ):		Last day of absence ( <i>including weekend</i> ):	
Day:	Date:	Day:	Date:
Reason for Absence:			
Is the absence as a result of Work Related Stress?			Yes <input type="checkbox"/>
<i>If yes, has the Stress Management Toolkit been used (available via the Schools Messenger website under Health, Safety &amp; Wellbeing)</i>			No <input type="checkbox"/>
Does the absence result from an accident involving a 3 <sup>rd</sup> party?			Yes <input type="checkbox"/>
			No <input type="checkbox"/>
Is the absence as a result of an industrial accident or disease?			Yes <input type="checkbox"/>
<i>If yes, please refer to Health, Safety &amp; Wellbeing via the Schools Messenger website</i>			No <input type="checkbox"/>

C. Return to Work Interview Notes ( <i>for employees who are completing Self Certification</i> )	
Was the absence notified correctly? <i>(i.e. absence reported on the 1<sup>st</sup> day of absence on a normal working day)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Give details of anything you can tell me which may affect your recovery?	

What can I do to support you?

Is a follow up meeting or any further action required? Yes   
No

D. Self Certification		
I declare that the details given above are true and I understand that making a false declaration could lead to formal action		
Signed Employee	Print Name	Date

E. Return to Work Interview Notes ( <i>for employees who have been required to provide a Statement of Fitness for work</i> )	
Was the absence notified correctly? <i>(i.e. absence reported on the 1<sup>st</sup> day of absence on a normal working day)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Has a Statement of Fitness for Work ('Fit Note') been submitted? ( <i>required from the 8<sup>th</sup> day of absence</i> )	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is your GP aware that you are returning to work?	Yes <input type="checkbox"/> No <input type="checkbox"/>
What can I do to support you? <i>(discuss suggestions that may have been made by the employee's GP on the fit note and detail any agreed temporary adjustments in the box provided below)</i>	
Is a follow up meeting required? ( <i>possibly to review any agreed temporary adjustments</i> )	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is an Occupational Health referral required?	Yes <input type="checkbox"/> No <input type="checkbox"/>

I declare that the details given above are true and I understand that making a false declaration could lead to formal action

Signed Employee :

Print Name:

Date: / / 20

#### **F. Agreed Temporary Adjustments**

*Insert details of agreed temporary adjustments, timescale and any review dates.*

#### **G. Additional Comments**

*Including addressing any concerns there may be about the employee's attendance (refer to section 7 - Managing Short Term Absence & 11 - Managing Long Term Absence, in the Whole School Attendance Policy).*

Management signature:

Print Name:

Designation:

Date:

**PROCEDURE FOR FORMAL DISMISSAL HEARING (on the grounds of lack of capability due to ill health or ongoing unacceptable attendance)**

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

## **PROCEDURE TO BE FOLLOWED AT APPEAL HEARINGS**

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