

Beaucroft School



Attendance Management 2023

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| Signed By: <i>J Kenciman</i> | |
| Approval Committee: Governing Body | |

ATTENDANCE MANAGEMENT PROCEDURE

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| Date of Issue: | 01 August 2018 |
| To: | All Headteachers, Chairs of Governors and Management Committees of Schools who adopt the Attendance Management Policy and Procedure. |
| Purpose of the document: | To provide Governing Bodies/Headteachers with an Attendance Management procedure which they should follow and use when managing staff absences/sickness (long and short term) |
| Summary of the main points: | <p>The document provides:</p> <ol style="list-style-type: none">1. An outline of the statutory requirements placed on employers when they are managing sickness absence.2. Procedures which will ensure the statutory requirements are met.3. A model attendance management policy and procedure for Governing Bodies to adopt. <p>Governing Bodies are advised to consider and adopt this document at the earliest opportunity.</p> <p>Governing Bodies and Headteachers should note that this document has been discussed with the relevant trade unions.</p> |
| Contact / further information: | Schools HR Advisory Service, County Hall, Dorchester, DT1 1XJ |

1. INTRODUCTION

- 1.1 This document provides background information about management of attendance and includes a Model Policy and Procedure for adoption by Governing Bodies in exercising their powers of Local Management and forms the basis upon which the Council HR service can best offer advice and support.
- 1.2 Further support and guidance to this document is provided through the **Attendance Management Toolkit**.
- 1.3 It is expected that Headteachers/Line Managers will refer to the Attendance Management Toolkit when dealing with attendance issues and will share guidance information and forms with employees as appropriate.
- 1.4 It is understood that there will be occasions where staff are unable to attend work due to illness, or another unexpected reason and in these circumstances appropriate support will be provided to staff. It is understood that most employees' attendance will not cause any concerns. There is no expectation that employees will attend for work when unfit to do so. However, it is also recognised that there is a duty on schools to maintain high quality education and as such there is an expectation that staff will provide regular and reliable service.
- 1.5 The importance of adopting and complying with a proper procedure cannot be over-emphasised, particularly if the consequence of decisions made by a Governing Body results in cases brought before Employment Tribunals. Governing Bodies should therefore adopt an Attendance Management Procedure at the earliest opportunity. This will usually be well in advance of any need to use the procedures.

2. RELEVANT LEGISLATION

The Employment Rights Act 1996

- 2.1 This sets out the statutory employment rights of workers and employees. If these rights are breached, then the Employment Rights Act 1996 gives Employment Tribunals powers to order compensation to workers and employees.

The Equalities Act 2010

- 2.2 This became law in October 2010. It replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency of treatment in what you need to do to make your workplace a fair environment and to comply with the law.
- 2.3 The act covers the same groups that were protected by existing equality legislation - age, disability, gender reassignment, race, religion

or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity - it extends some protections to some of the groups not previously covered, and also strengthens particular aspects of equality law.

- 2.4 Points to note in relation to the Equalities Act is that the definition of a disability is a physical or mental impairment that has a substantial and long term adverse effect on an individual's ability to carry out normal daily activities. Employers are required to consider making adjustments in the workplace that would enable an employee with a disability to continue to work but the adjustments have to be 'reasonable' for the employer to implement or accommodate.

Statutory Sick Pay

- 2.4 The law requires that employers pay Statutory Sick Pay (SSP) to staff who qualify when they are off sick for four or more days in a row (including non-working days). In many cases, employers will pay contractual sick pay (which generally exceeds this amount) which may include full and half pay for a period of time. If this is the case, details will usually be included within the contract of employment.
- 2.5 The law provides that employers must make clear any rules for notifying sickness, however they cannot lawfully refuse to pay SSP because their rules insist on notification.
- 2.6 SSP is paid for a maximum of 28 weeks.

The Access to Medical Reports Act 1988

- 2.7 This requires employers to notify and get the consent of staff before seeking medical reports from medical practitioners.
- 2.8 It gives employees the right to see, veto or request corrections to any such medical report before it is supplied to the employer.

The Access to Health Records Act 1990

- 2.9 This gives people a right of access to health records made in connection with their care. They may also authorise access for the employer but are not obliged to do this.

The Health and Safety at Work Act 1974

- 2.10 This requires employers to protect the health and safety at work of employees (including new and expectant mothers) and others.

The Management of Health and Safety at Work Regulations 1992

- 2.11 This imposes a duty on employers to:

1. Assess risks in the workplace that could affect the health and safety of staff
2. Take reasonable and practical steps to reduce risk

The Employment Act 2002

- 2.12 This sets out minimum standards for procedures that result in dismissal. The procedure includes a right of appeal. Failure to comply with or complete such a procedure may render a dismissal unfair.

Other codes of practice

- 2.13 ACAS 'Code of practice on Disciplinary and Grievance Procedures'.

3. SUMMARY

- 3.1 The policy and procedure have been drawn up by the Local Authority following consultation with the recognised Trades Unions and Teachers' Professional Associations and are recommended to all school Governing Bodies for adoption.

4. RELATED POLICIES

- Disciplinary
- Health and Safety
- Alcohol and Substance Misuse
- Safe Social Networking
- Stress management
- Capability
- No Smoking at Work
- Probation
- Redeployment
- Salary Protection
- Accident Reporting

5. SCOPE

- 5.1 This policy and procedure applies to all <Insert school name here> employees except for non-teaching staff in their probation period.
- 5.2 Please refer to the Probation Policy and Procedure and Attendance Management Toolkit for further guidance on staff in their probation period.
- 5.3 This policy and procedure will be applied taking into account all of the available information.

6. ROLES AND RESPONSIBILITIES

- 6.1 The Headteacher/Chair of Governors have responsibility for managing employees' sickness absence and for providing support to enable employees to attend work regularly.
- 6.2 HR will provide advice, guidance and recommendations as appropriate and where required HR will attend formal meetings.
- 6.3 Employees also have a responsibility within this procedure, including the expectation that they will engage with the process.
- 6.4 Please refer to the Attendance Management Toolkit for further guidance on roles and responsibilities.

7. CONFIDENTIALITY

- 7.1 It is recognised that information relating to an employee's health is of a personal and sensitive nature and must be treated as confidential. Discussing an employee's attendance with HR or Occupational Health does not constitute a breach of this confidentiality.

8. NOTIFICATION OF ABSENCE

- 8.1 All employees must make arrangements to notify the school when they are absent from work due to sickness as follows:

DAY ONE

- 8.2 Notify the Headteacher / line manager as early as possible in accordance with local school procedures **<insert details>** or at least one hour before the beginning of the school day.
- 8.3 In the case of the Headteacher notify **<insert details>**, who will in turn notify the Chair of Governors.
- 8.4 Provide an explanation of the absence on the first day of sickness and, where possible, an indication of a likely return date or in accordance with local procedures.
- 8.5 The above notification should be repeated on DAY FOUR and DAY SEVEN where employees continue to be absent due to sickness or in accordance with local procedures.
- 8.6 Where an employee becomes ill during the working day and has to go home they must inform the Headteacher / line manager prior to leaving the school premises.

- 8.7 If an employee is unable to notify the Headteacher / line manager of an absence (e.g. if they are hospitalised or abroad) they should make arrangements for contact to be made on their behalf.
- 8.8 If an employee is on long term sickness and it is clear at the outset an employee will be absent longer than seven days, arrangements should be agreed for the level of contact between the Headteacher / line manager and employee without the need to follow the notification procedures at day four and seven.
- 8.9 Arrangements should be made for teachers to notify the Headteacher / line manager during any school closure periods of becoming fit to return to work.
- 8.10 Employees should notify Headteachers / line managers of their intention to return to work in advance of doing so to enable cover arrangements to be managed / ceased appropriately.

9. FAILURE TO NOTIFY ABSENCE

- 9.1 If an employee fails to notify the Headteacher / line manager of their absence without good reason this may lead to disciplinary action and / or loss of sick pay.
- 9.2 Further details and model letters regarding a failure to notify can be found in the Attendance Management Toolkit.

10. CERTIFICATION OF ABSENCE

- 10.1 Employees must provide a covering self certification form from DAY ONE of their absence up to seven calendar days absence.
- 10.2 Employees who are absent for eight calendar days or more (including Saturday, Sunday and Bank Holidays) will need to submit a fit note for the duration of the sickness absence period, in addition to the self certification form.
- 10.3 Failure to produce a fit note within 5 working days of it being due (except in exceptional circumstances) will result in a loss of sick pay. Where action is being considered in this respect, employees should be notified prior to any pay being withheld.
- 10.4 Please refer to the Attendance Management Toolkit for model letters and forms.

11. CONTACT DURING ABSENCE

- 11.1 Employees have a responsibility to report their sickness absence to their employer on the first day of absence. It is expected that employees will also keep their Headteacher / line manager updated on

the nature and duration of their absence and provide timely fit notes as necessary.

- 11.2 In cases of longer term absence the method and frequency of contact between the employee and Headteacher / line manager should be agreed at an early stage with due consideration being given to the health / welfare of the employee. However, the school reserves the right to contact the employee whilst off sick as part of its role and duty of care as the employer.

12. CONDUCT DURING ABSENCE

- 12.1 If an employee is absent due to sickness, there is no expectation that the employee will undertake work during their absence. This includes any work undertaken at home such as planning or marking. It is the expectation of the Governing Body that the employee will not engage in any activities which will not support their recovery.
- 12.2 Employees should take steps to ensure that they will recover fitness and be able to return to work as quickly as possible. This includes following medical advice in terms of any activities undertaken and not undertaking other employment whilst off sick (see paragraph 12.5).
- 12.3 Employees absent due to sickness are also strongly discouraged from posting information about their social activities on social networking sites and should be mindful of the provisions of the school's social networking policy and the impact of any postings on their colleagues.
- 12.4 If an employee behaves in a way that is inconsistent with the nature of reported absence, they will be asked to explain such behaviour and the school will then consider whether any further action will be needed. Such action could include seeking a medical opinion from Occupational Health or consideration of formal action under the Disciplinary Procedure.
- 12.5 Where an employee is off sick they should not undertake work for another employer without the express agreement of the school. Such work should not hinder the recovery of the employee from their work at the school. Undertaking work whilst absent due to sickness without the prior agreement of the Headteacher may result in disciplinary action being taken against the employee.

13. RECORDING ABSENCE

- 13.1 Absences should be recorded accurately for all members of staff and reported to payroll providers promptly. Periods of absence recorded should include sickness absence during school holidays. Authorised absences, such as agreed time off for medical appointments, will not be regarded as sickness absence, although it will be expected that

such appointments will be arranged outside of normal working time wherever possible.

- 13.2 Where employees require time off work to deal with emergencies involving a dependant, arrangements should be requested and made as outlined in the Maternity, Paternity, Adoption and Parental Leave Policy (which includes time off for dependants).

14. AUTHORISED ABSENCE

- 14.1 All employee should make reasonable efforts to arrange medical, dental or other such appointments outside of normal working time wherever possible.
- 14.2 If absence during working hours is required, employees must agree this prior to such absence with the headteacher/line manager. Where it is accepted that an appointment cannot be made outside of work time, authorised absence can be agreed for the time off required. In these circumstances any loss of working time should be kept to a minimum.
- 14.3 Absence for emergency treatment should be treated as sickness absence.
- 14.4 If regular attendance at appointments (e.g. consultant appointments, physiotherapy) is required, employees should make reasonable efforts to ensure that these are outside of working time or, if appropriate, that flexible working arrangements are agreed with the headteacher/line manager to enable time off required to be worked at another time. Where it is accepted that an appointment cannot be made outside of work time, authorised absence can be agreed for the time off required. Reasonable paid time off will be available for hospital appointments, for specific treatment or counselling and for regular ongoing medical appointments or treatment. Where such absence is lengthy/ongoing, advice from Occupational Health will also be sought. This will be in order to determine what the ongoing medical need is and to inform a management decision as to whether adjustments to the working pattern/role should be made on a temporary or permanent basis where appropriate to accommodate the employee's needs.
- 14.5 Where employees require time off to work to deal with emergencies involving a dependant, including the sickness or a child or dependant, arrangements for time off should be made as outlined in the Family and Other Paid Leave policies, which includes time off for dependants. Apart from provisions for paid leave specified, such time off will be unpaid. Further information concerning current provisions for paid leave can be found in Appendix A of the Time off for dependants and other leave policy.

15. SICK PAY SCHEME(S) AND RULES

15.1 Employees who are absent due to sickness are entitled to receive payment according to the relevant scheme for teachers or support staff.

15.2 The different schemes and rules are outlined in the Attendance Management Toolkit.

16. RETURN TO WORK DISCUSSIONS

16.1 A return to work discussion will take place between the Headteacher / line manager / other responsible individual (as identified by the Headteacher) and employee after each sickness absence regardless of the duration or nature of the absence. The return to work interview is intended to be a supportive measure to ensure that the employee is well enough to be at work and is familiarised with any information relating to work that they need to be aware of.

16.2 Please refer to the Attendance Management Toolkit for further guidance on RTW interviews and model forms.

17. REFERRALS TO OCCUPATIONAL HEALTH

17.1 A referral to Occupational Health may be made at any time where there is a concern about an employee's health and / or attendance record, with the consent of the employee.

17.2 A referral should be made by the Headteacher / line manager to Occupational Health if the level, pattern or type of sickness absence warrants further medical information, or where the employee has been absent through sickness continuously for 4 weeks or more and a referral is considered appropriate.

17.3 The purpose of making referrals to Occupational Health is:

- To assess an employee's fitness for work, identify any underlying medical issues and provide an opinion on likely future attendance.
- To seek advice and guidance on whether any reasonable adjustments could be made to enable an employee to carry out the duties of their role.
- To seek advice on whether an employee is considered to have a disability under the Equality Act.
- To seek whether any other measures could be undertaken to facilitate a recovery and a return to work.
- To assist with the management of shortterm sickness absences.

- To assist with the management of long term absence.
- 17.4 Following the assessment a report will be sent to the Headteacher / line manager and the employee (copy to HR). This will include professional advice and medical opinion regarding current health issues, advice regarding reasonable adjustments and any recommendations that can be given.
- 17.5 If an employee refuses to give their consent to an Occupational Health referral or does not attend appointments made, the employee should be made aware that non-attendance or refusal to co-operate may have an impact on employment decisions as these will be made without the benefit of medical advice.
- 17.6 Please refer to the Attendance Management Toolkit for further guidance and links to relevant documentation on Occupational Health referrals.

18. DEALING WITH ABSENCE

- 18.1 Regular attendance by employees at the school is instrumental in providing a good standard of education to children. All employees should be aware of their responsibility to attend regularly and will be provided with guidance and support where appropriate. It is recognised that some absences can be disruptive to the school and can impact on pupils' education. It is important therefore to monitor sickness absence closely. Where an employee's absence causes concern to the school the Headteacher / line manager will review the absence levels and will decide if action is required under the relevant procedure. The following levels of absence are triggers to review attendance and consider action under these procedures.

Short-Term Absences

- 18.2 **3 or more occasions** of sickness absence in a 6 month rolling period
- 18.3 **5 or more working days** sickness absence within any 6 month rolling period

Long-Term Absences

- 18.4 **4 calendar weeks** or longer sickness absence

Other Absence Patterns

- 18.5 **Any** other recurring recognisable patterns which give rise to concern such as frequent absenteeism on a Monday / Friday, yearly patterns such as the same week each year and absenteeism coinciding with deadline dates or peaks in workloads.
- 18.6 **Note that this level of absence will be pro-rated for part time staff whose work pattern is less than a full week.**

19. MANAGING SHORT TERM ABSENCE

THE INFORMAL PROCEDURE

19.1 The Headteacher / line manager will consider the absence levels, their impact on the school and may decide to hold an informal discussion with the employee.

19.2 The informal discussion could cover the following:

- discussion of the absence record, revisiting the reason(s) for the absence;
- setting out the school's expectations for improvement;
- establishing whether any aspect of the job is affecting the health of the employee and whether any reasonable adjustments could be made that would improve the situation, subject to the needs of the school;
- whether a referral to Occupational Health is appropriate (for example to assess whether the absences are related to a disability or to establish if there is an underlying medical condition).

19.3 The employee should be told that if their sickness absence record does not improve, consideration will be given to the formal procedure being instigated.

19.4 The Headteacher / line manager may decide that it is not appropriate to take any action simply because a trigger point has been reached, if for example it is due to sickness due to pregnancy-related sickness (refer to paragraph 23.10) or if the matter reflects an isolated incident and there are no ongoing or previous concerns.

19.5 Please refer to the Attendance Management Toolkit for further guidance and model letters on the Informal Attendance Procedure.

THE FORMAL PROCEDURE

19.6 The short term procedure may be applied in cases where absence reaches the level of absence set out in the triggers above. The procedure applies whether the absence is covered by a fit note or not.

19.7 The short term procedure consists of 3 stages leading up to (and including) consideration of dismissal. The stages are progressive and are intended to remind the employee of the attendance levels that are expected from all employees and to provide an opportunity to improve them. An employee will be notified when the formal procedure is started.

- 19.8 In instances of known disability related absence, the triggers will act as a mechanism to review attendance. Where reasonable adjustments have already been made and where the level of sickness absence cannot be accommodated because of the impact on the school, warnings may be issued.
- 19.9 Further guidance on managing disability in the workplace can be found in the Attendance Management Toolkit.
- 19.10 At each stage of the procedure, employees should be advised in writing of the date, time and venue of the meeting, the purpose of the meeting, possible outcomes, their right to be accompanied by a Trade Union representative or a work colleague and that the matter is being dealt with formally under the Management of Attendance Policy and Procedure.
- 19.11 Where warnings are given as part of the procedure, it is not necessary to wait for the end of the warning period if the level of absence continues to be unacceptable.
- 19.12 Formal meetings where dismissal is not contemplated will be held with the Headteacher who may be accompanied by an HR Adviser. The outcome of formal meetings will be confirmed in writing to the employee and the right of appeal given where a formal warning or final warning is given. Expectations regarding future attendance will also be advised to the employee in writing.
- 19.13 Employees are expected to co-operate in attending informal and formal meetings and failure to do so may result in decisions regarding their absence and future employment based only on information available at the time.
- 19.14 If instances arise where an employee has been issued with a formal warning and their attendance improves but then becomes a matter of concern again, a decision will be made on what further action the school will take (which will include consideration of the overall level of absence being taken into account). This may include moving to the next stage of the formal procedure.
- 19.15 Refer to the Attendance Management Toolkit for further guidance and model letters on managing formal Short Term Absence.

20. MANAGING LONG TERM ABSENCE

- 20.1 Long term absence is considered to be periods of absence of 4 weeks or more.
- 20.2 A referral to Occupational Health should be considered, subject to the employee's consent being given. Where consent is not given, decisions

will be made about the employee without the benefit of Occupational Health advice.

20.3 A formal review meeting should take place with the employee, before the employee has been continuously absent for 3 months. The case will be assessed by the Headteacher / line manager (with advice from HR as required) regarding long-term employment prospects and will cover the following:

- the employee's current state of health;
- the likely duration of the continued sickness absence;
- the employee's expectations about their future fitness to return to work;
- identifying any steps (e.g. reasonable adjustments) that can be taken to assist with the employee's return to work on a phased or permanent basis;
- identifying if there are any other support mechanisms that would be appropriate for the employee to access;
- investigating whether redeployment to another post may be appropriate within the school in accordance with the Redeployment Policy;

20.4 At such a meeting the following may be considered:

- the impact on the school in terms of the budget, pupil standards, workloads of colleagues;
- investigating whether the employee may be eligible for ill health retirement;
- raising the possibility of dismissal due to the employee's incapability to carry out the duties of their job due to ill health.

20.5 Further review meetings may be held when deemed appropriate in order to monitor the employee's progress.

20.6 Please refer to the Attendance Management Toolkit for further guidance, forms and model letters on managing long term sickness.

21. RETURN TO WORK AFTER LONG TERM SICKNESS ABSENCE

21.1 Any return to work following a long period of absence will be managed appropriately and consideration will be given to occupational health advice in managing any return including the requirement for:

- risk assessment;
- reasonable adjustments to the role or working pattern;
- phased return to work;
- redeployment.

21.2 Where a GP fit note recommends adjustments to assist a return to work, only the school can decide whether the recommendations can be

accommodated. Employees must be advised to contact the school to discuss this before reporting for duty. If not, the employee will be advised to remain off sick and the fit note will be treated as a sick note.

- 21.3 The purpose of a phased return to work is to assist an employee who has been off for a lengthy period to be able to cope with a return to their full duties and normal work pattern. It is not intended to provide rehabilitation and the clear expectation is that work undertaken will be meaningful.
- 21.4 Any phased return to work must be agreed by the Headteacher and must fit in with the needs of the school and the timing of the school year. If a phased return cannot be agreed, the employee will need to return to full duties or seek a further fit note from their GP.
- 21.5 A phased return will normally only be considered where a return to full duties and normal working hours can be reasonably anticipated within 4 weeks. During a phased return it is expected that meaningful work will be undertaken. A phased return is not rehabilitation.
- 21.6 Longer term adjustments may be agreed with the school on medical advice with a corresponding adjustment to the contract of employment, including pay where appropriate, on a permanent or temporary basis, subject to the school being able to accommodate it.
- 21.7 Should occupational health advice indicate that an employee is permanently unfit to fulfil their contract of employment, consideration will be given to ill-health retirement or dismissal on the grounds of medical incapability.
- 21.8 In some circumstances occupational health advice may indicate that redeployment to another suitable post may be appropriate. In these cases the school will consider whether it can offer a suitable alternative post in accordance with the Redeployment Policy.

22. DEALING WITH SHORT TERM ABSENCE FOLLOWING LONG TERM ABSENCE & LONG TERM ABSENCE FOLLOWING PERIODS OF SHORT TERM ABSENCE

- 22.1 Where an employee returns to work following a period of absence (either long or short term sickness absence), it is expected that they will be able to provide and sustain a satisfactory level of attendance.
- 22.2 If further absences arise, the Headteacher / line manager will review the level and reasons for absence with the employee, taking into account the level of absence and the impact on the school. A decision will be made regarding how to proceed taking account of the needs of the school.
- 22.3 Key considerations will include:

- A (further) referral to Occupational Health, depending on when any previous referral was made and the content of the report at that time.
- The level of absence and the reasons for absence (including consideration of any disability-related absence).
- The impact on the school in terms of budget, business needs and impact on pupils and colleagues.
- The likelihood of an early return to work and whether it is likely that regular and reliable service will be provided in the future, based on the previous attendance pattern.

22.4 Decisions taken by the school may include:

- A formal meeting where expectations about future attendance are made clear and set out in writing. A formal warning may be issued.
- A formal hearing with Governors to decide on whether dismissal on the grounds of medical incapability or some other substantial reason should be considered.

23. REASONABLE ADJUSTMENTS

23.1 The Governing Body has a statutory responsibility to ensure that reasonable adjustments are considered in accordance with the Equality Act 2010 when dealing with the employment of a person with a disability or the continuing employment of an employee who has become disabled in the course of their employment. Occupational Health will provide guidance on this matter as part of any referral.

23.2 Advice should be sought from HR and Occupational Health when considering reasonable adjustments in any short term or long term absence cases.

23.3 Refer to the Attendance Management Toolkit for further guidance on reasonable adjustments.

24. SPECIFIC CIRCUMSTANCES

(a) Disability related sickness

24.1 In managing any case of sickness absence related to a disability, particular consideration will be given to making reasonable adjustments in order to either enable the employee to return to an acceptable pattern of attendance or to accommodate the disability where possible.

- 24.2 The Formal Attendance Procedure will be followed in terms of the triggers acting as stages to review attendance with the employee. Absences which are determined to be directly related to a disability and where reasonable adjustments have already been made and where the level of sickness absence cannot be accommodated by the school, will be subject to action under this procedure.
- 24.3 Where redeployment is deemed as a reasonable adjustment this will be undertaken as outlined in the **Redeployment Policy**.
- 24.4 Please refer to the Attendance Management Toolkit for further guidance on the Equality Act 2010.

(b) Sickness following an accident at work

- 24.5 Where an employee has had an accident at work causing sickness absence and medical evidence confirms that absence is as a result of an accident at work, provisions specified in the Green Book (support staff) and Burgundy Book (teachers) will be followed in respect of pay.
- 24.6 Any such cases must be approved by the Governing Body. Advice is available from HR where required.
- 24.7 Any accident at work must be reported to the Headteacher / line manager as quickly as possible in accordance with the **Accident Reporting Policy and Procedure**. An accident / incident report form should also be completed, one copy of which should be held by the Headteacher / line manager and a copy sent to the Health and Safety team at County Hall.

(c) Sickness following an accident whilst not at work (including involvement of a third party).

- 24.8 If an employee is absent due to an accident out of work involving the negligence of a third party in respect of which damages are recoverable they should advise the school, (e.g. a car accident where the employee is not deemed to be negligent).
- 24.9 Where damages are paid, the employee should ensure that their claim includes all sick pay paid whilst the employee was off work. The employee should then refund to the school a sum equal to the amount of any sick pay paid during the period of absence but not exceeding the total amount of damages recovered.

(d) Sickness during pregnancy

- 24.10 Pregnancy related sickness will count towards sick pay entitlement. However, employees should not suffer detriment due to pregnancy related sickness and such absence will therefore be discounted when considering whether any action should be taken under these

procedures. Note that the definition of pregnancy includes embryo transfer during IVF treatment).

24.11 However, return to work interviews and informal review meetings may take place in order to address whether there are any issues or actions that could be taken to assist the pregnant employee who is experiencing any work related problem contributing to the sickness. This will not include setting any improvement targets but may include a specific risk assessment of duties in light of the pregnancy (over and above the standard assessments which are to be conducted during pregnancy).

(e) Sickness attributed to work-related stress

24.12 The Governing Body is committed to taking all reasonably practicable steps to protect employees from high levels of stress at work. Advice is available from the Schools **Stress Management Policy**.

24.13 The Governing Body recognises that different employees have different threshold levels of stress. Employees should be encouraged to raise concerns about stress attributed to work before this leads to sickness absence by advising their line manager or Headteacher if they are experiencing difficulties at work. Employees are also encouraged to seek advice from their Trade Union in such circumstances. Where this is raised it is recommended that employees use the appropriate procedure under the Stress Management Policy.

24.14 Where an employee reports that their absence is attributed to work related stress, support and early intervention should be taken (i.e. consider meeting to discuss and a referral to OH) and the Stress Management procedure followed. Employees are expected to co-operate fully with this process. Consideration will be given to reasonable adjustments on a temporary or permanent basis or redeployment to another, suitable post within the school. Where absence due to stress attributed to work cannot be resolved on a reasonable timescale, consideration will be given to terminating the employee's contract.

(f) Very serious/terminal illness

24.15 Cases involving very serious or terminal illness will be dealt with sympathetically and with sensitivity to the individual's circumstances and HR and OH advice will be sought in respect of this. In some cases this may lead to Ill Health Retirement.

24.16 It is acknowledged that people are affected differently by the knowledge that they are seriously or terminally ill and the Governing Body will support an individual employee's wishes as best they can in respect of continuing at work or otherwise.

24.17 Please refer to the Attendance Management Toolkit for further guidance on instances of very serious or terminal illness.

(g) Ill health that does not lead to absence from work

24.18 There may be occasions where an employee is suffering from ill health but is not absent from work. If the employee believes that their ill health is having an impact on their ability to undertake their job they should raise this with the Headteacher / line manager as soon as possible. The Headteacher / line manager will discuss the matter confidentially with the employee and decide whether any additional support, such as adjustments to the role or a temporary reduction in hours, can be provided in order to help them to fulfil their contract. Depending on the circumstances, advice may be sought from Occupational Health.

24.19 If the Headteacher / line manager has concerns about an employee's ability to do their job because of health issues, even though the employee may be at work, the Headteacher should raise those concerns with the individual and consider making a referral to Occupational Health as a supportive measure.

(h) Cosmetic Surgery

24.20 Where plastic surgery / cosmetic surgery is certified by a doctor / consultant indicating that the surgery is essential to the employee's health / wellbeing, the employee will receive occupational / statutory sick pay during their absence. If, however, the surgery is to be carried out without such certification and absence from work is required, then the employee must make arrangements for the procedure and recovery time to take place outside of school time.

(i) IVF Treatment

24.21 Reasonable time off will be considered for employees undertaking fertility treatment. This may include time off for tests, appointments and operations. There is no requirement for such time off to be paid. It is recommended that agreement is reached between the school and the employee on how absence will be managed. Advice is available from HR.

24.22 The definition of pregnancy includes embryo transfer during IVF treatment.

25. TERMINATION OF EMPLOYMENT

25.1 The Governing Body is committed to ensuring that efforts are made to retain employees, however there are occasions where this may not be

possible and the Headteacher or Governing Body must consider dismissal.

25.2 This can occur where:

- the employee is permanently unfit to undertake the duties of their post or another suitable post;
- the employee is medically incapable of undertaking their duties and redeployment opportunities cannot be secured;
- the employee is unable to provide regular and reliable service and there is a failure to attend work on a regular / sufficient basis to fulfil their contract.

25.3 All reasons for an employee's absence will be considered when they are unable to provide regular and reliable service. A decision about the grounds for dismissal would be taken at the time, however the reason for dismissal would either be for 'some other substantial reason' or medical incapability. Notice will be given where there is a decision to dismiss an employee.

26. APPEAL

26.1 An employee may appeal against a decision to issue them with any level of formal penalty under this procedure.

26.2 An appeal must be lodged within 10 working days of receipt of written notification of the decision in writing. This should detail the grounds of appeal and should be sent to the Headteacher.

26.3 A Governor from the school's Governing Body or the Headteacher, where authority has been delegated, will hear any appeal against a first or final written warning following a stage 1 or 2 formal meeting under the short term procedure. A Governor's Appeal Committee will hear appeals against dismissal.

26.4 Further guidance and model letters regarding appeals can be found on the Attendance Management Toolkit.