CARWARDEN HOUSE COMMUNITY SCHOOL
Staff Attendance Management Policy

SHARED VISION
When students leave Carwarden House School they should be ambitious, articulate, caring, confident, determined, independent, resilient, respectful, responsible and successful.

Updated Autumn Term bi-annually by Resources Committee

Signed _____

Chair of Resources Committee

Date _____

CARWARDEN HOUSE COMMUNITY SCHOOL

ATTENDANCE MANAGEMENT POLICY & PROCEDURE

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ATTENDANCE MANAGEMENT POLICY & PROCEDURE

Introduction

Following full consultation with the Teacher Associations and Trade Unions this policy and procedure have been introduced to assist with the management of short and long term sickness absence at Carwarden House Community School.

The governors recognise that managing sickness absence is a sensitive issue and at all times aim to give due consideration to the welfare of staff, the needs of the school/college and the effects that absence has on the effective education of the pupils.

Aims of the Policy

The main aim of the governors' policy for managing sickness is to maximise attendance at work in order to safeguard the education of the pupils and minimise any work related causes of sickness absence. In order to achieve this, the governors are committed to:

- ensuring that all absences are dealt with in a supportive, constructive and consistent way;
- establishing an accurate record of absence in order to review levels of sickness absence objectively;
- achieving a reduced whole school/college staff absence rate;
- promoting occupational health and welfare with the aim of ensuring an effective, efficient, safe staff;
- exploring reasons for sickness absence in order to try and help prevent wherever possible any further recurrence, to ascertain whether appropriate medical assistance is being provided and to provide mechanisms which may enable any welfare problems to be addressed;

- identifying, resolving and recording organisational and work related causes of sickness absence wherever possible;

- identifying and dealing with any abuses of the sickness absence system;

- promoting healthy lifestyles and the physical and mental well-being of staff.

Governors' Commitments

The governors will ensure that the headteacher and all those with line management responsibilities are fully briefed and have received appropriate training for the management of sickness absence so that they may handle it in an appropriate, effective and sensitive way, in line with their duty of care to all staff. It is often appropriate to enlist the support of the school's Personnel Consultant in these situations.

The chair of governors is responsible for monitoring the absence levels of the headteacher and must be informed of any such absence.

All staff will be made aware of the policy.

The governors are committed to ensuring that the aims of this policy and procedure are carried out in a non discriminatory manner, taking account of individual circumstances in each case and respecting confidentiality at all times.

The governors' policy and procedures in relation to Attendance Management and any decisions related to the operation of them will at all times be in accordance with the governors' Statement on any other relevant legislation and adopted policies.

ATTENDANCE MANAGEMENT PROCEDURE

This policy and procedure is for use in the management of sickness absence of staff. Managers will be mindful of other adopted policies and procedures for managing staff such as Capability, Discipline, Fairness and Dignity at Work, Special and Dependency Leave Provisions to ensure the appropriate procedure is followed in each set of circumstances. Advice may be obtained from the Personnel Consultant.

1. Headteacher's / Line manager's role in managing attendance

The headteacher* and other line managers are responsible for monitoring the absence levels of all employees at the school/college; they are also responsible for ensuring that any Senior Manager dealing with absence issues is appropriately trained and supported. They will:

- ensure that all staff are familiar with and follow the school's/college's absence reporting procedures; ('What to do when you are sick', Appendix 1)

- ensure that all staff are aware of their commitments when absent from work i.e. not undertake any paid or unpaid work including supply work, or any activity which may delay their return to work;

- conduct return to work discussions (see below) with individuals to support their return to work after every period of sickness absence;

- review attendance levels of all staff; employees on probation should also be reviewed and their attendance record should form part of the probationary review discussion;

- ensure they deal with sickness absence in a supportive, constructive and consistent way for all employees, with the aim of supporting employees back to work;

- ensure reliable and consistent absence monitoring systems are in place, to enable identification of employees whose absence records require attention and offer transparent information.

* In the case of headteacher absence the same obligations will apply in terms of notifying absence to the chair of governors, see Appendix 1.

2. Return to Work Discussions

It is courteous, and a manager's duty, to enquire after an employee's health when s/he returns to work. If the period of absence has been relatively short (less than a week) a brief conversation will probably be sufficient, but for longer periods of absence return to work, pastoral discussions will be appropriate.

The aims of the discussion are to establish reasons for the absence and support the employee's return to work. Whether the discussion is a short enquiry or a longer, more structured discussion, it will be conducted in private, in a confidential and sensitive manner. Consideration should be given to any gender/age/disability/ethnic or sexual orientation-specific issues that potentially relate to the absence. The member of staff may, for example, prefer to discuss issues with a member of the Senior Management Team of the same sex. There may also be a role for an external person to be involved at this stage, for example a Personnel Consultant.

Depending on the absence history at this stage, and the circumstances of the case (frequency/length of absence), it may or may not be appropriate to organise a referral to Occupational Health. It may also be useful to inform the individual that s/he may make a request to see a member of the Occupational Health staff if desired (for example if s/he feels that adequate support is not being provided by the GP).

3. Features of the discussion

The discussion should

- be held in private, uninterrupted, and non-threatening
- be well-prepared, with the manager having full details of the absence record to hand
- start with a welcome back to work, and general enquiries regarding health and well being
- reinforce the value given to the employee's contribution to the school/college
- provide the employee with an update on any key developments during their absence
- ensure s/he is fit for work and ascertain basic information regarding the nature of the illness; if the individual does not wish to share any personal information relating to his/her health s/he may ask to be seen by another line manager or a member of the Occupational Health team.
- consider any support that may be available, particularly in cases of a return following long term absence (a phased return may have been agreed, for example, on the basis of medical advice obtained from Occupational Health)

The discussion will be recorded on the Return to Work Form (Appendix 2), a copy of which will be given to the employee.

Return to work discussions are informal. If there is any reason to believe that formal action is required under alternative procedures the individual should be informed of this and arrangements made for a further meeting in accordance with the appropriate procedure.

4. Medical Referrals

The involvement of Occupational Health in longer-term or frequent absences can be crucial and provides medically sound advice. Advice may therefore contain suggestions for reasonable adjustments to be made to accommodate disabilities and support the employee's return to work.

The following criteria will inform the decision whether to refer an individual to the Medical Adviser.

- In consultation with the individual when the absence is due to stress/anxiety or depression

- Where the absence has lasted, or is certificated to last for four to six weeks

- Where an employee has had frequent short term absence (a general guide being 3 separate occasions of absence irrespective of length, during a 6-month period, or a total of 10 days of absence in a 6-month period)

- Where discussions with the employee around capability issues indicate that the employee's health may be having an impact on their ability to carry out the job, even if the individual remains at work

- Where the illness follows an accident that has either caused or is likely to cause a significant absence from work

- Where there is an indication that the individual may be suffering from an industrial or occupational disease or condition, or where there has been injury at work, physical or non-physical.

- Immediately where it is suspected that the employee has an infectious or contagious disease

The manager will complete a medical referral form (Appendix 3), providing Occupational Health with as much information on the employee as possible. Sometimes it can be helpful for the manager and the employee to complete the form together. In all circumstances the contents of the referral should be shared with the employee, face to face wherever possible or if not, over the telephone. In circumstances where written notification of a medical referral must be relied on the specimen letter at Appendix I may be used. Occupational Health may wish to obtain a report from the employee's own doctor(s) and will need to obtain the employee's written consent to do so. Where an employee withholds or fails to provide their consent the specimen letter at Appendix J may be used.

Further to the referral, the medical report should always be shared with (discussed with and a copy provided to) the individual.

Where advice from Occupational Health differs from the GP's advice or medical certificate the headteacher should follow the **Conflicting Medical Opinion Process** in Appendix 5 in consultation with the Personnel Consultant.

5. Types of absence

For monitoring purposes one day's absence will be defined as an individual's standard working day.

One half day's absence will be defined as half of the individual's standard working day.

Schools/colleges should contact their personnel consultant in cases of work-related accidents or sickness absence.

5.1 Frequent Short Term Absence

Frequent short-term absence may be sporadic, attributable to minor ailments which are often unrelated, may be related to a disability, and will typically last between one and five days. Return to work discussions will clarify the reasons for the absence(s).

Where the absences are shown to be genuine, and occur over a limited period of time, they will best be managed by agreement with the individual and often include advice from Occupational Health. If, however genuine, the number and/or frequency of absences becomes detrimental to the normal operation of the school/college, termination of the contract will be an option. This would be a last resort having fully exhausted all attempts to manage the situation with appropriate medical and Personnel advice.

Formal action would proceed under the procedure described in paragraph 7 (which closely mirrors the disciplinary procedure). Referral to Occupational Health must be made prior to moving to a dismissal.

5.2 Long Term Absence

This is typically absence that continues, or is likely to continue, for a period of 4 to 6 weeks or longer due to medical reasons. Long term absence will occur for different reasons and each case will need to be dealt with according to its individual circumstances. The key principle in dealing with long-term absence is to ensure that a balance is achieved between the needs of the employee and the needs of the school/college.

The effective management of long term absence can help ensure that employees are appropriately supported by Occupational Health and do not become isolated from work. Maintaining regular contact is essential, but care must be taken to strike a balance between showing concern and putting undue pressure on the individual. It may be appropriate for a senior member of staff other than the line manager to agree some form of regular contact and support for the employee's health and welfare.

Careful consideration will need to be given as to whether contact will be by telephone, letter or in person and this can often be agreed directly with the individual and their family or nominated representative. The employee may find it useful to involve his/her recognised professional association for further guidance and to facilitate communications between employee and employer.

Referrals to the Medical Adviser should be made at the earliest appropriate opportunity within 4 to 6 weeks bearing in mind individual conditions of service e.g. Fitness to Teach Regulations, and the particular circumstances of each case. See section 4 for more information on medical referrals.

The possible outcomes of the referral include:

- That the employee's health is improving and Occupational Health will review the case in a number of weeks

- That the employee has recovered or is likely to be fully recovered, and therefore fit to work, in a certain time

- That there may be a phased re-entry programme to support the return to full duties (see specimen letter at Appendix K).

- That there can or should be a reasonable adjustment to the working environment to facilitate a return to work. This may be in accordance with the provisions of the Disability Discrimination Act, see section 13. See also 'Temporary Redeployment' below.

- That the employee is permanently unfit to carry out the duties of his/her present post but redeployment may be considered to a more suitable post. See 'Permanent Redeployment' below.

- That, further to extensive investigations and involvement of medical advisers it is determined that the employee is permanently unfit to carry out the duties of his/her present post. Retirement on the grounds of ill health may be an appropriate option to be investigated under certain conditions, as an alternative to dismissal.

- That, further to extensive and involvement of medical advisers it is recommended that the employee is unfit for the reasonably foreseeable future to carry out the duties of his/her post. Having explored the possibility of redeployment, the school/college will normally need to follow a dismissal process as out below and at Section 8.

In all of the above circumstances, any ramifications in relation to salary, pension and terms and conditions of employment must be explained in detail to the member of staff.

Where advice from Occupational Health differs from the GP's advice or medical certificate the headteacher should follow the **Conflicting Medical Opinion Process** in Appendix 5 in consultation with the Personnel Consultant.

Temporary redeployment

Where it is confirmed that the employee is currently unfit to carry out the full duties of their post but could be temporarily redeployed to alternative work, Occupational Health should advise on the length of time the adjustment will be required. They should also make recommendations about the kind of work the employee should be capable of performing and any particular tasks or duties that should be avoided. In these circumstances the headteacher should consult with the Personnel Consultant before making a decision.

Wherever possible, temporary redeployment or a temporary adjustment to the employee's normal duties should be offered to support their return to work. Where this is not possible a headteacher is able to refuse this request and require the employee to remain on sick leave until they are fit to return to their normal duties. During this period normal sick pay arrangements will apply.

Permanent Redeployment

Where Occupational Health advise that the employee is permanently incapable of carrying out the duties of their current post and recommends that they are redeployed to a reasonable alternative, they should include recommendations about the kind of work the employee should be capable of performing, as well as any particular tasks or duties that should be avoided.

The headteacher and Personnel Consultant will seek alternative posts for the employee. The likelihood of redeployment will depend on a number of factors such as the employee's skills, and flexibility over hours and work location. Each situation will be treated individually according to the circumstances. During this period of seeking redeployment normal sick pay arrangements will apply.

Incapable of work, permanently or for the reasonably foreseeable future

When deciding whether to begin a formal process that may lead to termination of employment, the headteacher will need to seek advice from their Personnel Consultant and consider the following factors:

- The length of absence to date and the prognosis for a return to work.
- The nature of the illness and any recent medical advice obtained
- Any issue which may fall within the scope of the Disability Discrimination Act
- The effect of the continuing absence on the school/college.
- Any current personal circumstances pertaining to the individual that may be impacting their health/performance/attendance.
- National and Local Conditions of Service

- Possible legal implications

Before reaching a view on the way forward the headteacher will need to meet with the employee, along with any representative, to discuss next steps in the light of the employee's continuing absence, the impact on the school/college, and the information received from Occupational Health. A specimen letter inviting an employee to such a meeting is given at Appendix L.

Having taken a balanced view of all the factors, including the views of the employee, the headteacher, with advice from the Personnel Consultant, may arrive at the conclusion that the employee is no longer capable of discharging the terms of his/her contract of employment and will therefore recommend to governors that consideration be given to terminating the employment on the grounds of incapability due to ill health.

In the event that the employee concerned is the headteacher, the chair of governors will seek advice and support from the Personnel Consultant and will take the appropriate action under these procedures in consultation with that Consultant.

In order to finally decide whether such a recommendation should be implemented, a hearing before a panel of no fewer than 3 governors should be convened to assess the full facts of the case, to which all relevant parties are invited to attend. The employee will be given 10 working days notice of the hearing. Any documentary evidence used in the presentation of the case will at all times remain confidential to those parties. An agenda for such a hearing is given at Appendix H. The conduct of the hearing is described below.

If the employee is unable to attend the hearing because of the nature of his/her illness, s/he should be invited to nominate someone to attend on his/her behalf, and to make written representations. One postponement of this meeting for up to 5 working days at the employee's request will be allowed provided that s/he has a valid reason e.g. a clash with a hospital appointment, availability of representative etc. and can provide documentary evidence to support this request (see also Formal Action below).

Any decision to terminate employment will be the responsibility of the governors, based on the recommendation from the headteacher, a reasoned assessment of all recent available information and having considered any representations made by, or on behalf of, the employee.

In the event of such a decision the reason for dismissal will be incapability due to ill health. The employee's contract will normally be terminated with the appropriate notice, on full pay, and he/she will have a right of appeal against the decision in accordance with the appeal provisions of the school/college's disciplinary and dismissal procedures

6. Terminal Illness

Terminal illness clearly requires compassion and sensitivity and, like other long term illnesses, the individual circumstances must be considered. The employee and nominated representative should be given a senior level contact in school/college who will ensure that any issues are dealt with promptly and efficiently. The personnel consultant should be contacted for advice and information on the options available regarding pension entitlement, death in service benefits and benefits for partners and dependents. Governors may give consideration to the extension of sick pay entitlement to alleviate financial worries.

7. Formal Action

It will normally only be necessary to go through stages 1-3 of the procedure when dealing with cases of frequent short term absence which become unmanageable and disruptive (see section 5.1). When termination of employment following long term absence is envisaged, it is good practice (where possible) to arrange a meeting equivalent to the Third Formal Discussion. This would precede an invitation to the dismissal hearing which would clearly indicate that a decision can be reached in the absence of the employee or in presence of a nominated representative, and a right to appeal the decision.

7.1 Stage One – First Formal Discussion

In accordance with the provisions of the Return to Work discussions if there is no discernible cause or end and the reasons are unrelated then the following level of sickness may trigger a First Formal Discussion. The headteacher will have discretion over the level of absence necessary to instigate a first formal discussion, although this would normally be prompted by an absence of no less than:

- Three separate occasions, irrespective of length, during a 6-month period; or
- A total of ten days absence in a 6-month period; or
- Where there are concerns about an employee's absences, absence levels or absence patterns.

Where there appears to be 'no discernible cause or end' the headteacher must exercise professional judgement about this at all times and seek medical advice before moving to a First Formal Discussion. For example there are medical conditions that manifest themselves arbitrarily in the early stages and due consideration will need to be given to this fact.

The formal discussion will be conducted by the headteacher. In the case of headteacher absence it would be conducted by the chair of governors. The member of staff is entitled to be accompanied by a recognised teacher association/union representative or workplace colleague. The key details of the meeting must be recorded and a written summary provided to the member of staff. The Personnel Consultant for the school/college may be called for assistance.

Preparation

The facts of the case should be clearly established.

- How many days of sickness absence has the employee taken in the last 12 months?
- How many periods of sickness have been taken?
- What type or types of illness or ailment have been reported?
- Have the reporting/certification procedures been followed?
- Do the periods of absence follow an identifiable pattern? Is there a correlation between the sickness absence taken and particular work patterns, e.g. adjoining weekends or holidays?
- Has Personnel, Occupational Health or other medical advice been obtained?
- What absence monitoring discussions in the form of Return to Work Discussions have taken place?
- What management action has there been?
- What support has been offered / put in place?

Notification

The employee should receive a letter inviting him/her to attend the interview giving at least 5 working days notice. The reasons for the interview should be clearly stated, any factual information e.g. details of dates/type of absence, occupational health reports should be enclosed and, they should be informed of their right to be accompanied by a recognised association/union representative or workplace colleague. The tone of the letter, although formal, should not be threatening (see specimen letter at Appendix A).

Once an employee has identified their representative, it is the headteacher's responsibility to ensure that such individuals be released from duties, if necessary, for an appropriate amount of time to prepare and represent their colleague.

The Interview

Although this is a formal interview the discussion should be as relaxed as possible. The objective is to gain an initial understanding of any underlying reasons for the absence

and agree targets for improvement. Again, this is more likely to be achieved if the interview is not perceived as threatening.

General guidance on the conduct of the interview:

- In order to help the individual feel comfortable, reassure him/her that the purpose of the interview is to investigate management's concern and reach agreement on an appropriate course of action. S/he should be made aware of the procedure for managing absence.
- Inform the employee of the information held by the school/college (e.g. absence records, medical referrals and advice) .
- Invite the employee or his or her representative to explain his/her level of attendance, clarify the facts and given the opportunity to question and comment.
- Ask the employee whether there are any personal, domestic or work circumstances that have been affecting his/her attendance.
- Encourage the employee, if appropriate, to seek medical advice from his/her GP or Occupational Health.
- Discuss, if appropriate, changes in working arrangements.
- Discuss the professional problems for the individual caused by poor attendance and the implications for children, parents and staff.
- Consider any further support the school/college may be able to give the individual.
- Explain that attendance will be closely monitored for a period of up to 12 working weeks.
- Consider the appropriateness of requesting a GP's certificate on the first day of absence during the monitoring period. The school/college will pay for the certificate if a fee is incurred.
- Make the individual aware that further action may be considered should the attendance not significantly improve, explain what is considered to be an acceptable level of attendance and seek to obtain the individual's co-operation.
- Confirm the date of the review meeting.

Possible outcomes of the First Formal Discussion:

- The discussion reveals that no further action is required

- There will be a further period of monitoring for a specified time (maximum 12 working weeks) and agreement will be reached to review periodically during the monitoring period.

- The school issues a formal warning requiring improvement in attendance over a specified period of time. The employee will be informed how long the warning will remain on file (at least 12 months and not more than 24) (A specimen letter is given at Appendix B). Periodic review meetings should be agreed during the period of the warning.

A confidential written summary of that interview should be given to all parties detailing the outcome and should include where relevant:

(a) that no further action is required; or

(b) the nature of the cause for concern;

(c) the agreed actions;

(d) the likely consequences if the level of absence continues to give cause for concern; and

(e) expectations during the monitoring period; dates of any agreed periodic reviews as well as the 12 or 24-month review meeting

The headteacher should review the matter by the date specified.

Action taken under this First Formal Discussion is equivalent to a formal warning under the school/college's disciplinary procedure (ie to remain active for 12 to 24 months).

- A right of appeal will be available to the employee under the arrangements already in place for hearing disciplinary appeals.

7.2 Stage Two – Second Formal Discussion (Review Meeting)

If the outcome of the first formal discussion was a formal warning it is essential that in the period following the discussion, an employee's attendance is monitored. The headteacher must ensure that any advice or assistance which has been offered during the discussion is carried out.

As the end of the monitoring period approaches the headteacher should prepare for the second formal discussion in the same way as for the first. (See Preparation, Notification, The Interview). It may be appropriate to seek a review of

medical/Occupational Health advice in preparation for the second formal discussion (a specimen invitation letter is at Appendix C).

The second formal discussion will be conducted by the headteacher and the member of staff is entitled to be accompanied by a recognised association/representative or workplace colleague. Key details of the meeting should be recorded and a confidential written summary provided to the employee.

General guidance on the conduct of the Second Formal Discussion:

- Discuss the employee's attendance record during the monitoring period and any Occupational Health recommendations received

- Recognise any improvement that has been made

- If the level of improvement is acceptable, the individual should be told that no further review is required

- Point out that, nonetheless, absence will continue to be monitored as for all staff and should the employee's attendance deteriorate within the period of the formal warning, the procedures could be resumed at the second formal discussion stage.

- Where the employee's attendance has not improved sufficiently during the monitoring period, a further second period of monitoring should be specified for up to 12 working weeks and a date set for the Third Formal Discussion

- In setting the arrangements for the second monitoring period, further consideration should be given to any previous advice or support that has been offered including advice from Occupational Health and the Personnel Consultant.

- The written summary of this meeting should be sent to all parties, should state that at the Third Formal Discussion the outcome may move to dismissal proceedings if attendance has not improved significantly. Action taken under the Second Formal Discussion equates to a final warning under the school/college's disciplinary procedure. The employee should be informed how long the warning will remain on file (i.e. minimum 12 months, maximum 24 months).

- A right of appeal will be available to the employee in accordance with arrangements for appeals under the school/college's disciplinary procedure.

Possible Outcomes of the Second Formal Discussion

- Attendance has improved to the required level and the circumstances are such that no further action is required save that attendance will continue to be monitored as for all staff

- Attendance has improved but concern remains and a further specified period of monitoring will be put in place, in which case a date for a Third Formal Discussion can be determined in advance – this will normally serve simply to review progress. A specimen second warning letter is given at Appendix D, and an invitation to a third and final Discussion at Appendix E.

- Attendance has not improved to an acceptable level and a final warning will be placed on file. See specimen letter F. This will state that if there is not the required improvement within a specified time then dismissal may have to be considered**.**

7.3 Stage Three – Third Formal Discussion

The headteacher should prepare for the Third Formal Discussion in the same way as for the Second Formal Discussion. The headteacher will conduct the interview and the member of staff is entitled to be accompanied by a recognised association/union representative or workplace colleague. At least 5 working days written notice should be given of the meeting. A specimen letter is given at Appendix E. Key details of the meeting should be recorded and a copy provided to the member of staff.

General guidance on the conduct of the interview:

- Review the process that has led to the third formal discussion

- Discuss the attendance record during the monitoring period

- Review the professional problems for the member of staff and for the school/college caused by an unacceptably high level of absence

- Discuss whether there are any underlying medical reasons why the employee should not be able to maintain a satisfactory level of attendance in the future, discuss recent medical advice where this has been obtained.

- Discuss whether any changes could be made to the current working environment to enable the employee to continue working in his/her current job

- Discuss the possibility of alternative employment options. Where the employee's absence appears to be linked to the particular requirements of the job they are currently doing, consideration can be given, with their agreement, to seeking alternative employment. Depending on the circumstances of the case a transfer to alternative work could be to another post of the same grade or to a lower graded post, with or without protection in pay.

- In the light of the circumstances decide whether:

a) the level of improvement is acceptable, in which case the individual should be told that no further review is required and a note made to that effect on the employee's personal file; or

b) there has been some improvement but attendance is still not fully acceptable and an extension of the monitoring period is to be applied; or

c) attendance continues to give cause for serious concern and the procedure should continue to the next stage, consideration of dismissal at a formal dismissal hearing

If the procedure is to continue to the next stage, the member of staff should be:

- warned that the procedure could lead to his/her dismissal
- encouraged, if appropriate, to discuss the possibility of ill health retirement

A final medical review by Occupational Health should take place as close as possible and prior to the hearing date.

8. Dismissal Hearing

Once the headteacher, in consultation with the Personnel Consultant, has exhausted investigation, consultation and review as set out in these procedures with no satisfactory outcome, or medical advice does not recommend a return to work in the reasonably foreseeable future (see section 5.2), the governors will be asked by the headteacher to determine the course of action to be taken.

A panel of at least three governors will hear the case presented by the headteacher and a further panel of at least the same number of governors will be needed to hear any appeal if necessary.

The invitation to the hearing should contain the following information:

- Brief outline of the employee's attendance record and the process which has been followed to date.
- Any actions taken by the school/college to remedy the situation and support the individual.
- The reasons for referral to the governors.
- The right to be represented by a recognised association/union representative or a workplace colleague
- The date of the hearing (at least 10 working days notice).

- Details of the conduct of the hearing (see Appendix H, the agenda replicates that contained in the disciplinary procedure).

- Arrangements for the exchange of documentation including any medical reports prior to the hearing and notifications of any witnesses to be called.

- Confirmation that a possible outcome of the hearing could be dismissal.

A specimen letter of invitation to a hearing is given at Appendix G. An agenda for the hearing is at Appendix H.

Where it is evident that further information is required before a decision can be reached, or issues have been raised which require further investigation, the hearing will normally be adjourned and reconvened once the necessary information has been obtained.

If the level of attendance is considered to be unacceptable and unlikely to improve, to an acceptable level within an acceptable timescale, the Chair, advised by the Personnel Consultant, will decide on the appropriate actions to be taken. Such action must always fall within the bounds of 'reasonableness' and have regard to the seriousness of the issue, the underlying principles of the Attendance Management Policy and any previous relevant formal warnings to the employee.

Outcome and Communication of the decision

Where the Panel of Governors consider that the employee is not meeting the required reduction in absence levels despite being given appropriate support to do so, and/or the levels of absence can no longer be managed successfully by the school/college, one of the following measures can be taken :

- No further action
- A final review period
- Seek suitable alternative work
- Dismissal

The decision, including any actions to be taken, must be relayed to both sides as soon as possible and confirmed to the employee in writing within 5 working days of the hearing by the Clerk to the Governing Body.

9. Appeal against dismissal

- Notice of the appeal, outlining as fully as possible the grounds on which the appeal is being made, should be sent in writing to the Clerk to the Governing Body within 10 working days of receiving the decision of the Governors panel. The Clerk to the Governing Body shall convene a meeting of an Appeals Committee as soon as this

is practicable. No governor who has had prior involvement with the case which is the subject of an appeal may be included on the Appeals Committee. It is essential, therefore, that the full governing body is not involved in any discussion of the particular circumstances of any ill health capability issue.

- The member of staff may be accompanied at the Appeal Hearing by a recognised association/union representative or workplace colleague and shall be afforded the fullest opportunity to state the grounds for his or her appeal and to question any evidence presented during the appeal.

- Where a member of staff has exercised the right of appeal, the action proposed by the governors' panel shall not be put into effect until the appeal has been heard by the Appeals Committee of the Governing Body.

10. Review of Formal Records

Records of formal warnings will normally remain current for at least one year but no longer than two years. After one year, the headteacher will determine, at a meeting with the member of staff, whether or not concern over attendance remains as defined by this procedure. If it does not, the employee will be advised in writing that the warning no longer has any currency. The same arrangement will apply at the end of two years where the records were retained on file for this period.

11. Confidentiality

The Governors are committed to ensuring that all medical information provided about an individual is treated in confidence. It is essential for the headteacher to have reasonable and appropriate information regarding the nature of the illness and whilst a balance must be struck with the employees' medical privacy rights, employees do not have the right to withhold this information. If the employee is reluctant to divulge further information that the employee views as sensitive, arrangements can be made for them to speak in confidence to the Medical Adviser.

All documentation and written information in connection with a member of staff's sickness absence will be treated in confidence, held in a secure place and only revealed to parties specified in this procedure for the purposes of applying this procedure. Any breach of confidentiality will be dealt with under the School's adopted disciplinary procedure.

12. Headteacher Absence

In order to apply the policy and procedure consistently and fairly for all staff the head teacher's situation must be included within its provisions. To assist in the application the following principles provide guidance:

(a) The role of Line Manager is fulfilled by the chair of governors.

(b) The chair of governors must ensure that an effective system is in place to monitor and manage the sickness absence of the headteacher.

(c) The chair of governors should seek advice from the Personnel Consultant regarding headteacher absence

(d) The rights, responsibilities and obligations on staff when they are sick will apply equally to the headteacher

13. Disability and Attendance

The Attendance Management Policy & Procedure applies to all employees whether they have a disability or not. If an employee's absence, however, is attributable to a disability-related illness or the need to take sick leave because of their disability, the provisions of the Disability Discrimination Act 1995 (DDA) and subsequent amendments in 2005, must be complied with and advice sought from the Personnel Consultant.

Employees are encouraged to inform the school/college if they know that they have a disability especially where this may affect their ability to perform their current duties. Appropriate adjustments and support can then be discussed and agreed.

Headteachers and managers must, with advice and support from Occupational Health and the Personnel Consultant:

- Distinguish between general sickness absence and disability-related absence (eg disabled employee absent because of a virus vs. same employee absent for a reason related to their disability). Remember that some disabilities predispose the individual to other specific illnesses, and seek medical advice on these situations.

- Ensure that disabled employees are not treated less favourably than others for reasons related to the disability. This is likely to amount to direct discrimination and is unlawful.

- Ensure they make 'reasonable' adjustments for an employee with a disability, where working arrangements, premises, etc. place that person at a significant disadvantage when compared to employees without that disability (Occupational Health may be able to provide you with a range of different reasonable adjustments that can be considered).

Sources of financial aid may be available for making adjustments, for example through the Employment Services 'Access to Work' scheme, and the assessment of reasonableness will be based on all the relevant circumstances including effectiveness, practicability, financial consequences and the size of the school/college.

In practice, adjustments should be considered for all employees, regardless of whether they have a disability or not, in order to enable them to return to work where practical.