



STANLEY SCHOOL

**MANAGEMENT OF ATTENDANCE
(CAPABILITY)
POLICY
AND PROCEDURE**

**(Please read this document in
conjunction with the Management of
Attendance Operational Guidance)**

**Authority Guidelines on
Staffing Procedures for Community, Voluntary Controlled, Community Special
Schools and Early Years Centres
(and those adopted by Governing Bodies of other maintained/non maintained
schools)**

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Attendance Management (Capability) Policy

1. Policy Statement

The Governing Body wants to work with all staff to promote the health and well-being of its employees by creating a happy and safe environment to enable everyone to perform to the best of their abilities.

The sickness absence procedure provides advice and guidance on the dealing with absence through an informal /formal process. The procedure also outlines the sickness absence trigger points for short term/ persistent absence, long term and other absence issues and highlights some of the main causes of absence and provides practical information on managing sickness absence effectively.

Sickness absence management does not aim to prohibit sickness absence but to achieve improved employee attendance at school. The key objectives are to;

- Establish proper management systems for reviewing individual sickness records
- Review compliance with sickness reporting rules and conditions
- Identify causes of sickness absence in order to prevent or deter absence recurring where possible

2. Attendance Management (Capability) Procedure

2.1 The Purpose of the Sickness Absence Capability Procedure

- To meet statutory obligations and the school's aim of ensuring fair and effective management of sickness.
- To enable expected standards of attendance to be specified and monitored fairly and effectively.
- To establish arrangements for dealing with sickness absence which comply with statutory requirements and good practice.
- To ensure all arrangements for managing sickness absence are conducted fairly and consistently without bias in relation to age, disability, ethnicity, sex, religion or belief, or sexual orientation.
- To ensure that employees' sickness records are regularly reviewed and action taken to reduce absence where practicable.
- To ensure that employees are clear about the standards of attendance required of them, the time scales over which these are to be achieved and the management for monitoring and review.
- To ensure the school encourages and promotes appropriate support and assistance to employees who need to improve their attendance.

- To ensure appropriate HR and Occupational Health advice is obtained.

3. Roles and responsibilities in Managing Sickness Absence

3.1 Role of the Headteacher (or other relevant senior manager)

- Responsible for the management of sickness absence of all school employees including implementing controls and ensuring consistency in respect of sickness absence.
- To ensure levels of attendance are monitored, individual sickness is monitored,
- Confidential records of sickness are kept and the employee concerned has reasonable access to them.
- To report annually to the Governing Body about school sickness absence statistics and the effectiveness of the school's absence capability procedure, ensuring confidentiality of employees.
- To identify any problems and assist in meeting targets for levels of attendance
- Ensure 'return to work' interviews are conducted after each period of absence
- To discuss sickness absences with employees and to set standards for improvement, where appropriate.
- To seek advice from your Occupational Health provider, with support where appropriate from your HR Provider.
- To maintain contact and undertake welfare meetings with employee who are absent due to sickness.
- To consider reasonable adjustments in the case of an employee with a disability and/or redeployment/and /or change to existing duties.
- To take into account any mitigating circumstances, e.g. personal problems.
- To ensure all employees are aware of their responsibilities, when reporting sickness absence and consequences for not reporting sickness absence appropriately.
- To notify employees, when not adhering to reporting procedures, including consideration of suspension of pay and or disciplinary action (please seek advice from your HR provider)
- To ensure that there is regular contact with the employee who is absent due to sickness
- To ensure all employees are aware of trigger points for the investigation of sickness absence
- To treat all employees with sympathy, compassion and understanding.

- To **consider** any recommendations on the “Fit Note.” from a GP,

3.2 Role of the Employee

- To attend “return to work” interviews where requested.
- To follow the procedure with regard to notification of absences and producing medical certificates/fit notes.
- To attend appointment(s) arranged with an Occupational Health practitioner, if required.
- To participate in welfare meetings arranged during sickness absence
- Attend meetings arranged under the sickness absence management procedure

3.3 Role of TU representative/Work Colleague

- To support an employee during formal meetings arranged under the sickness absence management procedure.
- To represent the employee at any formal meetings arranged under the sickness absence management procedure.

3.4 Role of the Governing Body

- To adopt a Code of Practice for Managing Sickness Absence and the Sickness Absence Capability Procedure.
- To regularly consider school sickness absence statistics at Governing Body meetings
- The Chair of Governors is responsible for management of sickness absence of the Headteacher. NB It is advised that the Chair of Governors of maintained schools should inform the Director of Children’s Services of Headteacher’s absences of ten days or more. The Chair of Governors will be advised by the Director of Children’s Services (or his nominated officer) as to the appropriate course of action.
- Members of the Staff Dismissals Committee and Staff Appeals Committee will make decisions on appropriate action for sickness absence cases

3.5 Role of HR provider

- will advise the Headteacher and/or Governing Body on matters concerning sickness absence
- will provide a point of contact for the schools, teachers’ professional associations and trade unions for sickness absence
- will undertake training as appropriate for the Headteacher and Governors on matters relating to sickness absence
- will support in making referral of cases to the Schools Occupational Health Provider

3.6 Role of your Occupational Health Service Provider

The Occupational Health Service is an independent professional qualified practitioner who can provide:

- Provide an independent opinion as to the fitness of an employee to carry out his/her duties
- Identify and recommend additional support such as counselling, therapy etc. where appropriate
- Advise on temporary and/ or permanent changes in duties and responsibilities which might be required to enable the employee to return to his/her duties or redeployment to another post in the school where appropriate.
- Advise on periods of rehabilitation if appropriate
- Advise on retirement on health grounds
- Assist the Governing Body, Headteacher, and where appropriate the Local Authority, in reaching decisions about employees' health issues
- Assist the Governing Body, Headteacher, and where appropriate the Local Authority in reaching decisions about alcohol, drug or substance abuse
- Assist in differentiating between illness and capability / competence / conduct, where relevant.

4. Informal Action

When the Headteacher, or his/her nominee considers that action should be taken regarding an employee's sickness absence, they should arrange an informal meeting.

NB This action should normally be taken prior to any sickness absence 'triggers' being hit (see types of sickness absence and sickness absence triggers)

The Headteacher, or his/her nominee should have a supportive informal discussion with the individual in order to discuss any issues or concerns which may be affecting their ability to attend school.

The Headteacher should:-

- Discuss the impact of the absence on all parties and support improvement.
- Explore any work, disability, welfare or domestic problems underlying the absence.
- Explore different working patterns or other options to maintain and/or support return to work (if appropriate).
- Ensure the employee clearly understands what improvement is required, how their attendance will be reviewed, and over what time period.

- Advise the employee that if their attendance does not sufficiently improve, or if any improvement is not maintained, they would move to the formal procedure and ultimately they could be dismissed on grounds of sickness absence capability.

NB In the case of long term sickness absence (normally over 20 days) this can be undertaken as part of an initial welfare meeting.

5. Types of Sickness Absence and sickness absence triggers

The employee must be made aware that their absence is causing concern, prior to the sickness absence triggers below being formally implemented.

5.1 Any unacceptable patterns of absence

Absences which are causing a concern for the school

or

regular patterns of absences such as :

- regularly taking Mondays/Fridays off
- absent adjacent to school holidays
- taking the same period of sickness absence each year

5.2 Frequent and Persistent Sickness Absence Triggers

Frequent and Persistent Sickness Absences can normally be defined as those of 5 working days (seven calendar days) or less which are self-certificated by the individual, i.e. not supported by a qualified medical practitioner. It can also be defined as absences of up to 20 consecutive days that require a medical certificate (fit note)

The sickness absence triggers are;

- 3 spells of absence in a 6 month period (rolling 6 months)

OR

- 10 days absence over a 12 month period (rolling 12 months)

NB 'Working Day' is defined as a day that an employee works regardless of the number of hours

The above triggers are applied on a pro-rata basis

5.3 Long-term Certificated Absences

Long-term absence can be defined as medically certificated absences (Fit Notes) and would normally last for a continuous period of twenty working days (or over a 4 week period) or more. In these cases it may be appropriate to inform the employee during their sickness absence, as part of their welfare meeting that they have hit an absence trigger. The school may then proceed with formal stages.

5.4 Any continuous period of absence over 20 working days

When employees are absent from school due to long-term sickness they need sympathy and support. It is important that the Headteacher (or his/her nominee) takes an interest in their welfare and keeps them informed about any developments in school so that they do not feel isolated and forgotten. It is the Headteacher's (or his/her nominee) responsibility to ensure they are aware of any changes and/or updates with each employee, and to take the appropriate action.

Should a particular case become complex in any way, and the skills of specialist agencies such as Occupational Health are required, Headteachers are recommended to discuss the case with your HR provider for guidance and support on the recommended steps to follow.

5.5 Other sickness absence triggers

Any period of unauthorised absence may include:

- when an employee has been absent and not submitted a medical certificate
- failed to report an absence from work
- failed to follow sickness absence reporting procedures

Under these circumstances the school may consider suspending occupational sick pay and /or take disciplinary action for failure to comply with the sickness absence reporting procedures

6. Formal Procedure

If, **following the** Informal Action meeting , the employee's attendance continues to cause concern and/or the 'triggers' referred to have been met, the employee will be required to attend a formal hearing.

There are four formal stages to the sickness absence procedure, which would 'normally' be followed when managing frequent persistent absence and would be considered by the Headteacher or Staff Dismissal Committee.

Stage 1 – consideration of a verbal warning (which would remain "live" for a period of 6 months)

Stage 2 – consideration of a written warning (which would remain "live" for a period of 12 months)

Stage 3 – consideration of a final written warning (which would remain "live" for a period of two years)

Stage 4 – consideration of capability dismissal due to sickness absence

6.1 Procedure for Managing of Sickness Absence for Stages 1 to 3

6.1.1 Arranging a formal meeting

The employee must be notified in writing and (unless varied by mutual agreement) given a minimum of normally **five days' notice (excluding weekends)**, that the hearing will be held under the terms of the school's Sickness Absence Procedure, and will be considered by the Headteacher or their nominated person

The letter should include full details of the;

- employee's sickness absence record.

- informed that they are entitled to be represented by a teacher professional association/trade union representative or work colleague if they so wish (see sample letters)
- Enclose a copy of the sickness absence procedure

6.1.2 Format for ‘Formal ‘Sickness Absence Meeting

- Point out the impact of the individual’s absence on their work and their colleagues and encourage improvement.
- Explore any work, disability, welfare or domestic problems underlying the absence.
- Explore different working patterns (if appropriate).
- Ensure the employee clearly understands what improvement is required, how their performance will be reviewed and over what time period.
- Advise the employee that if their attendance does not sufficiently improve, or if any improvement is not maintained, this may result in a formal sanction being imposed and could lead to dismissal on grounds of sickness absence capability.

6.2 Possible Outcomes of formal sickness absence meeting

The decision of the Headteacher or Staff Dismissal Committee should be one of the following;

- To confirm with the employee the matter is not being pursued (due to mitigating circumstances)
- To find that the alleged breach of the Sickness Absence Capability procedure is substantiated in whole or part but resolve that no action be taken.
- To impose a recorded verbal, written or final written warning, advising that any further absences or breaches of the sickness absence triggers may ultimately lead to dismissal.

Stage 4

If, following the issue of the final written warning, any of the sickness absence triggers are met or attendance continues to cause concern, a further formal hearing should be arranged. This meeting will be conducted by the school’s Staff Dismissal Committee. (See Page 11 on the process and Appendix 1 for the format of the hearing)

7. Managing Capability – “Long Term Sickness Absence”

Where an employee has experienced long term sickness absence a school must maintain regular contact and welfare visits should be made, in accordance with the Code of Practice for Managing Sickness Absence.

It is also strongly advised that you seek advice from your HR provider, in the management of long term absence and involve them in discussions with the employee and the employee's professional association/trade union representative or work colleague. Advice should also be sought from your Occupational Health provider on issues such as:

- Prognosis of the current absence
- Likelihood of return to work
- Timeframe for return to work
- Phased return to work
- Could the Disability Discrimination Act apply?
- Is the absence related to pregnancy?
- Are there any reasonable adjustments, amendments to current duties and/ or redeployment to another role within the school (if possible) that could facilitate the employees return to work?
- Fitness to attend meetings
- Whether the employee could be eligible for ill health retirement or will continue to be unfit for work for the foreseeable future.

NB It may be appropriate to refer the employee to your OH provider on more than one occasion if the absence is prolonged to seek up to date information.

In cases of long term sickness absence where there is **little or no likelihood** of the employee returning to school within the reasonably foreseeable future, the school should consider taking formal action under this procedure.

Under these circumstances the capability matter can be referred directly to the Staff Dismissal Committee by the Headteacher.

NB It will **not** normally be necessary for the Staff Dismissal Committee to meet and issue a final warning in such cases.

Long term sickness absence generally falls into two categories namely:

7.1 Serious Incapability Incapable of Returning to Work within in a Reasonable Time Frame

Serious Incapability is normally an illness/medical condition where there is no likelihood of a return to work within a reasonable period of time and this has been confirmed by Occupational Health.

The Governors can deal with this within the Attendance Management Capability Procedure under "some other substantial reason for dismissal" in that the employee has not attended the school since a given date.

In these circumstances the employee might ultimately recover over time, however the schools can consider dismissal on the ground of medical capability due to sickness absence

NB where there is /or could be a disability (as defined in the Equality Act) the school should seek advice from their Occupational Health provider on whether the employee is likely to meet the criteria for ill health retirement (support staff only)

7.2III Health Retirement

Teachers

Teachers apply to the Teachers' Pension Scheme, who then seek advice from a panel of medical advisers, who make the final decision on whether a teacher is eligible for :

- Partial Incapacity Benefit (PIB) - Unfit to teach (but could undertake other employment)
- Total Incapacity Benefit (TIB) - Incapable of undertaking any gainful employment

Support staff

Ill health retirement may be recommended by the school Occupational Health provider, where an Occupational Health Physician considers that the employee is unfit to undertake their duties for a significant amount of time or permanently;

There are 3 tiers of Ill Health retirement that can be recommended:

Tier 1 – No reasonable prospect of the employee undertaking any gainful employment before the age of 65 year

Tier 2 – Unable to undertake gainful employment **within the next 3 years** of leaving employment, but it is likely that he/she will be capable of undertaking gainful employment **before the age of 65**

Tier 3 – Unable to undertake gainful employment **within the next 3 years** of leaving employment (or before age 65 if earlier)

In the case of Ill Health Retirement for support staff, the Staff Dismissal Committee will still be required to meet in order to formally terminate the contract of employment due to ill health retirement (medical capability), in order that the employee can access their pension.

7.3 Sickness Absence Capability Hearing conducted by the Staff Dismissal Committee

The Staff Dismissal Committee may consist of up to 3 but not less than 2 members of the Governing Body (excluding the Headteacher and staff Governors) who have not previously been involved in the case, or have any other involvement, e.g. relationship to the employee subject to sickness absence action.

NB Governing Bodies should ensure that at the first meeting of the School Governors in Autumn Term that both a Staff Dismissal Committee and a Staff Dismissal Appeal Committee are properly constituted and have appropriate powers delegated to them.

7.4 Preparation for Stage 4 Hearing Sickness Absence Hearing

The employee should be notified by the Headteacher in writing and (unless varied by mutual agreement) giving a minimum of normally **ten days'** notice (excluding weekends),

that the hearing is to be held under the terms of the school's Sickness Absence Procedure.

An employee is entitled to be represented by a teacher professional association/trade union representative or work colleague and this entitlement should be included in the above letter.

In the case of a sickness absence hearing being conducted with an employee who is an accredited official of a recognised teacher professional association or trade union, consultation should take place prior to the above letter being sent with a senior official of their teacher professional association or trade union.

- The letter should include full details of the employee's sickness absence records (and enclose a copy of the Sickness Absence procedure)
- A copy of the above letter should be forwarded by the Headteacher to the Clerk of the Governing Body and to the Director of Children's Services or his nominated officer well in advance of the hearing.
- Documentation from both parties should be given to the Staff Dismissal Committee 3 working days prior to the hearing in order for the Committee to be better informed about the issues of the case.
- In the case of Maintained Community or Voluntary Controlled schools, The Director of Children's Services, or their nominated HR officer and in specific circumstances, the Authority's Head of Legal Services or his nominated representative, should be invited to attend the Capability Hearing for the purpose of giving advice. The Committee must consider any advice given before reaching a decision.
- Any employee wishing to appeal against a decision to dismiss made by the staff dismissal committee can use the Appeal Procedure set below.

Format for Stage 4 Sickness Absence Capability Hearing is attached at Appendix 1

7.5 Sickness Absence Capability Appeal

The Employee has the right of appeal to the Staff Dismissal Appeal Committee of the Governing Body.

The employee should send a written appeal for the attention of the Clerk to the Governors within **10 days** of receiving the letter from the Chair of the Staff Dismissal Committee with a copy to the Director of Children's Services.

Where the decision of the Staff Dismissal Committee is that an employee should cease to work at the school, a copy of the written notification to the employee setting out the reasons for the decision must be sent to the Director of Children's Service (for maintained community and voluntary controlled schools).

Where an appeal is not lodged against a decision of the Staff Dismissal Committee (in maintained community and voluntary controlled schools) that the employee should cease

to work at the school, the Local Authority must terminate the contract of employment within 14 days of the initial dismissal decision (IDD).

NB Dismissal is now effective from the initial dismissal decision (IDD) with reinstatement should an appeal be successful.

Format for Stage 4 Sickness Absence Capability Appeal Hearing is attached at Appendix 2

8. Capability, Disciplinary and Grievance Procedure

Governors should note that no procedure should automatically take precedence over another. Complaints from an employee under the school based Grievance Procedure should not, as a general rule, be taken as a justification for delaying the Capability Procedure. Equally the Grievance Procedure should not be delayed by the Capability Procedure.

If an employee's level of absences, whether covered by self-certification or certified by a Doctor, is such that it causes serious concern, action can be taken in accordance with the school's Sickness Absence Capability Procedures.

It should also be noted that **unauthorised absence** (no notification of absence) and **abuse of the school's sick pay scheme** is considered as falling within one of the areas constituting gross misconduct and could therefore, if substantiated, result in dismissal through the school's **Disciplinary Procedure**.

Stage 4 – Sickness Absence Capability Hearing

Format for Hearing

1. Chair of the Committee to make introductions and explain the reason for the meeting.
2. The Headteacher to put the case and call witnesses if appropriate.
3. The employee (or his/her representative) to ask questions of the Headteacher and witnesses.
4. The members of the Staff Dismissal Committee to ask questions of the Headteacher and witnesses.
5. The employee (or his/her representative) to put his/her case and to call witnesses if appropriate.
6. The Headteacher to ask questions of the employee and/or his/her representative and witnesses
7. The members of the Staff Dismissal Committee to ask questions of the employee and/or his/her representative and witnesses.
8. The Headteacher to sum up.
9. The employee (or his/her representative) to sum up.
10. The Chairperson of the Staff Dismissal Committee may adjourn the proceedings at any stage if it appears necessary or desirable. If adjourning for the purpose of enabling further information to be obtained he/she should specify the nature of that information. Any adjournment should normally be for a stated period.
11. Following the summing up, both parties, together with their representatives will withdraw. If it is necessary to recall one of the parties for further information before a decision is taken both parties should be recalled. The Director of Children's Services or his nominated officer, should remain during the Staff Dismissal Committee's deliberations.
12. On completion of the Staff Dismissal Committee's deliberations the Chairperson should ask the employee and his/her representative to return and should announce the decision of the Staff Dismissal Committee and the action, if any, to be taken.

Outcome

The decision of the Staff Dismissal Committee should be one of the following:

- To confirm with the employee the matter is being dismissed (or cannot be substantiated) and direct that all reference to the matter be removed from his/her record.
- To find that the alleged breach of the Sickness Absence Capability procedure is proved in whole or part but resolve that no action be taken.
- To impose a recorded final warning advising that any further absences or breaches of the sickness absence triggers may ultimately lead to dismissal.
- To determine that the employee should cease to work at the school.
- The Chairperson should also give an explanation for that action and should explain the employee's right of appeal under the procedure.
- The Staff Dismissal Committee should confirm the decision in writing as soon as is reasonably practical to the employee (copy to the teacher professional/trade union representative and the Director of Children's Services), detailing the sickness absences and the action taken.

Stage 4 – Sickness Absence Capability Appeal Hearing

Format for Appeal Hearing

1. Chair of the Committee to make introductions and explain the reason for the meeting.
2. The Headteacher to put the case and call witnesses if appropriate.
3. The employee (or his/her representative) to ask questions of the Headteacher and witnesses.
4. The members of the Staff Dismissal Committee to ask questions of the Headteacher and witnesses.
5. The employee (or his/her representative) to put his/her case and to call witnesses if appropriate.
6. The Headteacher to ask questions of the employee and/or his/her representative and witnesses
7. The members of the Staff Dismissal Committee to ask questions of the employee and/or his/her representative and witnesses.
8. The Headteacher to sum up.
9. The employee (or his/her representative) to sum up.
10. The Chairperson of the Staff Dismissal Committee may adjourn the proceedings at any stage if it appears necessary or desirable. If adjourning for the purpose of enabling further information to be obtained he/she should specify the nature of that information. Any adjournment should normally be for a stated period.
11. Following the summing up, both parties, together with their representatives will withdraw. If it is necessary to recall one of the parties for further information before a decision is taken both parties should be recalled. The Director of Children's Services or his nominated officer, should remain during the Staff Dismissal Committee's deliberations.
12. On completion of the Staff Dismissal Committee's deliberations the Chairperson should ask the employee and his/her representative to return and should announce the decision of the Staff Dismissal Committee and the action, if any, to be taken.

Outcome

The decision of the Staff Dismissal Committee should be one of the following:

- To confirm with the employee the matter is being dismissed (or cannot be substantiated) and direct that all reference to the matter be removed from his/her record.
- To find that the alleged breach of the Sickness Absence Capability procedure is proved in whole or part but resolve that no action be taken.
- To impose a recorded final warning advising that any further absences or breaches of the sickness absence triggers may ultimately lead to dismissal.
- To confirm whether the employee should cease to work at the school, and confirm that there is no further right to appeal.
- The Chairperson should also give an explanation for the decision
- The Staff Dismissal Appeal Committee should confirm the decision in writing as soon as is reasonably practical to the employee (copy to the teacher professional/trade union representative and the Director of Children's Services), detailing the sickness absences and the action taken.

SICKNESS ABSENCE PROCEDURE

Stanley School

Stanley School is committed to monitoring sickness absences in order to identify and to support employees with genuine sickness problems and to identify those who might have unjustified or poor attendance patterns which put an undue burden on other school employees.

This document sets out the procedures which have been adopted by the Governing Body of this school for the management of sickness absence. A copy will be provided for each employee and will be included in the Staffing Handbook. It is the responsibility of Deputy Head Teacher to familiarise new employees with the content of this procedure. If further clarification is required on any particular issue, please contact the Deputy Headteacher.

1. You should report non-attendance at the earliest opportunity but no later than 7.45 am on the first day of absence to Ceely Maxwell, Deputy Head Teacher, telephone number 648 8092.

At the time of contact you should where possible describe;

- i. The nature of your illness
- ii. The probable date of return to duty
- iii. Any relevant information in relation to your duties and previously planned work

It is accepted that employees may be unable to comply with this procedure because of personal circumstances. If this is the case then alternative arrangements can be made with the Headteacher.

2. If the absence continues beyond seven calendar days, it is your responsibility to ensure that the School receives a Fit Note no later than the eighth calendar day of absence.

3. If the period of sickness absence extends beyond the period covered by the initial Doctor's note, you should send a new Fit Note to the School within the expiry date of the previous statement.

4. In the case of any absence, you should notify the School of your intention to return to work by 3 p.m. on the working day prior to return.

5. All Fit Notes will be recorded and dealt with by the school.

6. Occasionally, an employee may be required to produce a medical certificate if he/she has reached an extreme level of uncertified absences.

7. A practice of return to school meetings will be operated following all periods of absences and a Return to Work form completed (a copy of which is given to the employee).

ATTENDANCE MANGEMENT

Key considerations for Headteachers when deciding whether to apply a sanction – Short Term Persistent Absence

NB. It is a fundamental principle of the Attendance Management policy/procedure that the employee is made aware informally before a formal hearing is arranged at a Return to Work interview prior to hitting a 'formal' trigger. If the employee has a disability the Headteacher should ensure that reasonable adjustments have been put in place prior to a trigger being hit.

| | | | | | |
|-------------------------|--|-------------------------|--|---------------------|--|
| Employee Name: | | Employee Number: | | Post Number: | |
| Date of Hearing: | | Stage: | | | |

| | Support Offered | Answer | Guidance | Details |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 1 | Have you sought advice from Occupational Health (OH), where you consider that there may be an underlying disability and /or underlying health issue contributing to the short term absence? | | If No, are you satisfied there is no underlying duty of care? If Yes see question below. | <i>Please detail action you have taken</i> |
| 2 | If yes, have you put any reasonable adjustments' or recommendations from OH in place to assist the employee? <i>NB. Consideration may also be given to requests from an employee, but must be reasonable and continue to deliver business requirements*</i> | | If No, on this occasion do not issue a warning. Continue to review employee's absence and put in place the reasonable adjustments advised by OH. If Yes, continue with appropriate course of action. | <i>Please detail action you have taken</i> |

In normal circumstances it would be expected that the Headteacher would issue a warning if the answer is ‘Yes’ to any of the following questions

| Employee Attendance Record | | Yes/No | Details |
|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------|
| <i>Is there evidence of a history of persistent short term absence? This could include one of the following:</i> | | | |
| 1. | Reoccurring informal discussion Have you had regular informal discussions with the employee but not proceeded to formal action at this stage? | | |
| 2. | Previous Formal Hearing (with no warning issued) Has the employee hit an absence trigger (numerical or concerning patterns) and had a formal hearing in the last 12 months and you have not issued a warning? | | |
| 3. | Previous Warnings Issued Is there a history of issuing a warning (s) that have now lapsed and attendance has not improved? | | |

| Action | Level of Warning Issued | Reason |
|--------------------------|--------------------------------|---------------|
| No warning issued | | |
| Warning Issued | | |

ATTENDANCE MANGEMENT

Key considerations for Headteachers when deciding whether to apply a sanction – Long Term Sickness Absence

NB. It is a fundamental principle of the procedure that the employee is made aware informally before a formal hearing is arranged at a Return to Work interview and/or a welfare meeting prior to hitting a ‘formal’ trigger. If the employee has a disability the Headteacher should ensure that reasonable adjustments have been put in place prior to a trigger being hit.

| | | | | | |
|-------------------------|--|-------------------------|--|-------------------|--|
| Employee Name: | | Employee Number: | | Job Title: | |
| Date of Hearing: | | Stage: | | | |

| | Questions for discussion | Details |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1 | Is there any prospect of the employee being able to return to work and if so within what period of time? | |
| 2 | What physical and mental impairments are preventing the employee from returning to work and what treatment(s) is the employee receiving for those impairments? | |
| 3 | Has there been any change in the physical and mental condition of the employee since the Occupational Health appointment? | |
| 4 | Are there any reasonable adjustments which can be made to the employee’s working conditions or workplace which would enable the employee to return to work and if so within what period of time? | |

| | Questions for discussion | Details |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 5 | Is there any available alternative employment which would be suitable for the employee if no reasonable adjustments can be made to the employee's existing job? | |

| | Support Offered | Answer | Guidance | Details |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| 1 | Have you sought advice from Occupational Health, where you consider that there may be an underlying disability and /or underlying health issue contributing to the absence? | | If no –are you satisfied there is no underlying duty of care If yes see question below | <i>Please detail any action taken</i> |
| 2 | If yes, have you put any reasonable adjustments' or recommendation from OHU in place to assist the employee? <i>NB consideration may also be given to requests from an employee, but must be reasonable and continue to deliver business requirements*</i> | | If no - on this occasion do not issue warning. Continue to review employee absence and put in place the reasonable adjustments advised by OHU If yes - continue with appropriate course of action | <i>Please detail any action taken</i> |

| Action | Level of Warning Issued | Reason |
|-------------------|-------------------------|--------|
| No warning issued | | |
| Warning Issued | | |

SAMPLE LETTERS

FORMAL PROCEDURE – STAGE 1

Dear

**SCHOOL'S SICKNESS ABSENCE CAPABILITY PROCEDURE
FORMAL STAGE 1**

Your level of sickness absence has now reached a level where it is causing concern. I, therefore, require you to attend a meeting under Stage 1 of the above procedure in my office (*amend as appropriate*) on (*date*) at (*time*),

Enclosed is a copy of your sickness absence details; a report from the Council's Occupational Health provider (*if appropriate*) and a copy of the school's Sickness Absence Capability Procedure.

The outcome of this meeting may lead to the issue of a formal warning as set out in the procedure. You are entitled to be represented by a teacher professional association/trade union representative or work colleague if you so choose.

It is important for you and your representative to prepare your response carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter please contact me.

Yours sincerely

Headteacher

FORMAL PROCEDURE – STAGE 1 – OUTCOME LETTER

Dear

**SCHOOL'S SICKNESS ABSENCE CAPABILITY PROCEDURE
FORMAL STAGE 1**

I refer to your meeting with me on *(date)* when your representative *(name)* was present (when you chose not to have a representative present) regarding your sickness absence.

At that meeting I informed you that I had concerns regarding your level of sickness absence and I informed you of the improvement I expected in the future which was *(state) (or amend as appropriate)*.

I am now issuing you with an **oral warning* under the school's Sickness Absence Capability procedure. If your sickness absence does not improve you may ultimately be dismissed. It is hoped, however, that there will be no further action on the school's part. This warning will last for a period of six months.

Your Conditions of Service give you a right of appeal against this decision to the school's Appeals Committee. If you wish to exercise this right you may do so either individually or through your teacher professional association/trade union representative by notifying the Clerk to the Governors within 10 days from the date you receive this letter. You have a right to appear before the Appeals Committee with or without a representative of a teacher professional association/trade union representative or work colleague.

Yours sincerely

Headteacher

***OR** I am now confirming that the matter has been dismissed (or cannot be substantiated) and I have directed that all reference to the matter be removed from your record.

***OR** I found that the alleged breach of the Sickness Absence Capability Procedure was proved in whole or part but I have resolved that no action be taken.

FORMAL PROCEDURE – STAGE 2

Dear

**SCHOOL'S SICKNESS ABSENCE CAPABILITY PROCEDURE
FORMAL STAGE 2**

I refer to your meeting with me on *(date)* under Stage 1 of the above procedure. As there has not been an improvement in your attendance I now require you to attend a meeting under Stage 2 of the above procedure in my office *(amend as appropriate)* on *(date)* at *(time)*.

Enclosed is a copy of your sickness absence details; a report from the Council's Occupational Health provider *(if appropriate)* and a copy of the school's Sickness Absence Capability Procedure.

The outcome of this meeting may lead to the issue of a formal warning as set out in the procedure. You are entitled to be represented by a teacher professional association/trade union representative or work colleague.

It is important for you and your representative to prepare your response carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter please contact me.

Yours sincerely

Headteacher

FORMAL PROCEDURE – STAGE 2 – OUTCOME LETTER

Dear

**SCHOOL'S SICKNESS ABSENCE CAPABILITY PROCEDURE
FORMAL STAGE 2**

I refer to your meeting with me on *(date)* when your representative *(name)* was present (when you chose not to have a representative present) regarding your sickness absence.

At that meeting I informed you that I had concerns regarding your level of sickness absence and I informed you of the improvement I expected in the future which was *(state) (or amend as appropriate)*.

I am now issuing you with a *written warning under the school's Sickness Absence Capability procedure. If your sickness absence does not improve you may ultimately be dismissed. It is hoped, however, that there will be no further action on the school's part. This warning will last for a period of twelve months.

Your Conditions of Service give you a right of appeal against this decision to the school's Appeals Committee. If you wish to exercise this right you may do so either individually or through your teacher professional association/trade union representative by notifying the Clerk to the Governors within 10 days from the date you receive this letter. You have a right to appear before the Appeals Committee with or without a representative of a teacher professional association/trade union representative or work colleague.

Yours sincerely

Headteacher

- *OR** I am now confirming that the matter has been dismissed (or cannot be substantiated) and I have directed that all reference to the matter be removed from your record.
- *OR** I found that the alleged breach of the Sickness Absence Capability Procedure was proved in whole or part but I have resolved that no action be taken.

FORMAL PROCEDURE – STAGE 3

Dear

**SCHOOL'S SICKNESS ABSENCE CAPABILITY PROCEDURE
FORMAL STAGE 3**

I refer to your meeting with me on *(date)* under Stage 2 of the above procedure. As there has not been an improvement in your attendance I now require you to attend a meeting under Stage 3 of the above procedure in my office *(amend as appropriate)* on *(date)* at *(time)*.

Enclosed is a copy of your sickness absence details; a report from the Council's Occupational Health provider *(if appropriate)* and a copy of the school's Sickness Absence Capability Procedure.

The outcome of this meeting may lead to the issue of a formal warning as set out in the procedure. You are entitled to be represented by a teacher professional association/trade union representative or work colleague if you so choose.

It is important for you and your representative to prepare your response carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter please contact me.

Yours sincerely

Headteacher

FORMAL PROCEDURE – STAGE 3 – OUTCOME LETTER

Dear

**SCHOOL'S SICKNESS ABSENCE CAPABILITY PROCEDURE
FORMAL STAGE 3**

I refer to your meeting with me on *(date)* when your representative *(name)* was present (when you chose not to have a representative present) regarding your sickness absence.

At that meeting I informed you that I had concerns regarding your level of sickness absence and I informed you of the improvement I expected in the future which was *(state) (or amend as appropriate)*.

I am now issuing you with a *final warning under the school's Sickness Absence Capability procedure. If your sickness absence does not improve you may ultimately be dismissed. It is hoped, however, that there will be no further action on the school's part. This warning will last for a period of two years.

Your Conditions of Service give you a right of appeal against this decision to the school's Appeals Committee. If you wish to exercise this right you may do so either individually or through your teacher professional association/trade union representative by notifying the Clerk to the Governors within 10 days from the date you receive this letter. You have a right to appear before the Appeals Committee with or without a representative of a teacher professional association/trade union representative or a work colleague.

Yours sincerely

Headteacher

***OR** I am now confirming that the matter has been dismissed (or cannot be substantiated) and I have directed that all reference to the matter be removed from your record.

***OR** I found that the alleged breach of the Sickness Absence Capability Procedure was proved in whole or part but I have resolved that no action be taken.

FORMAL PROCEDURE – STAGE 4 – CONDUCTED BY THE STAFF DISMISSAL COMMITTEE

Dear

**SCHOOL'S SICKNESS ABSENCE CAPABILITY PROCEDURE
FORMAL STAGE 4**

I refer to your previous meetings with me regarding your level of sickness absence under Stages 1, 2 and 3 of this procedure. As there has not been an improvement in your attendance I now require you to attend a meeting under Stage 4 of the above procedure with the school's Staff Dismissal Committee on *(date)* at *(time)* in *(venue)*.

Enclosed is a copy of your sickness absence details; a report from the Council's Occupational Health provider *(if appropriate)* and a copy of the school's Sickness Absence Capability Procedure.

The outcome of this meeting may lead to your dismissal from the school's employment as set out in this procedure. You are entitled to be represented by a teacher professional association/trade union representative or work colleague if you so choose.

It is important for you and your representative to prepare your response carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter please contact me.

Yours sincerely

Headteacher

FORMAL PROCEDURE – STAGE 4 – OUTCOME LETTER

Dear

**SCHOOL'S SICKNESS ABSENCE CAPABILITY PROCEDURE
FORMAL STAGE 4**

I refer to your meeting with the school's Staff Dismissal Committee on *(date)* when your representative *(name)* was present (when you chose not to have a representative present) regarding your sickness absence.

At that meeting the Committee considered your level of sickness absence. Having considered all the details and circumstances of your case, the Committee concluded there had been no improvement in your level of attendance *(or amend as appropriate)*. I am, therefore, giving you formal notice that your employment with the school is terminated with immediate effect.*

Your Conditions of Service give you a right of appeal against this decision to the school's Staff Dismissal Appeals Committee. If you wish to exercise this right you may do so either individually or through your teacher professional association/trade union representative by notifying the Clerk to the Governors, giving reasons for the appeal, within 10 days from the date you receive this letter. You have a right to appear before the Staff Dismissal Appeals Committee with or without a representative of a teacher professional association/trade union representative or a work colleague.

Yours sincerely

Headteacher

- *OR** I am now confirming that the matter has been dismissed (or cannot be substantiated) and I have directed that all reference to the matter be removed from your record.
- *OR** I found that the alleged breach of the Sickness Absence Capability Procedure was proved in whole or part but I have resolved that no action be taken.
- *OR** I found that the alleged breach of the Sickness Absence Capability Procedure was proved in whole or part and am now issuing you with a final warning which will be disregarded after a period of 2 years.