



Sickness Absence Management – Guidance for Schools

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A. Responsibilities

The Governing Body:

- for promoting an attendance culture within school
- legally, for establishing rules and procedures for dealing with ill-health incapability, performance, discipline and dismissal of staff and taking an overview of management practice
- if other options have been exhausted and dismissal is necessary, a panel of Governors* may hear the case and reach a decision. They may also be required to hear an appeal against dismissal.

Please note – In procedural terms, there are potential dangers of Governors becoming too involved in individual cases of sickness absence. Please ensure that Governors only get involved in absence management at the appropriate stage as outlined within this Policy.

The Headteacher/line manager has responsibility for managing attendance/absence including:

- establishing a healthy working environment
- raising/exploring work-related issues
- taking specialist advice and liaising with HR as necessary
- advising employees not to work and seek advice if appropriate
- accurately recording and monitoring absence
- managing absence problems
- maintaining regular contact with absent employees
- managing impact on team/service delivery.

Employees have responsibility for:

- attending work, unless unfit to do so
- taking appropriate measures to maintain their own health and safety
- raising any concerns with their Headteacher/line manager in a timely manner, particularly if they believe any aspect of their work is contributing to their ill-health, so that appropriate action can be taken
- seeking advice as necessary
- arranging attendance of their TU representative/colleague at any meetings and advising their Headteacher/line manager in advance of their representation
- attending any Occupational Health/medical appointments
- being familiar and complying with school's sickness absence and reporting procedures
- keeping in touch with their Headteacher/line manager during absence
- avoiding any activities whilst off sick, including other paid work, which would be detrimental to their return to work.

Occupational Health providers and General Practitioners:

* or those with delegated powers of dismissal (see Appendices 2, 3 and 4 of the Procedure)

- provide advice on fitness of employees and health risks
- support employees to regain health and return to work
- advise on return to work/adaptations and on adjustments for employees with disabilities
- liaise with medical professionals as necessary.

Human Resources:

- provide support and guidance to Headteachers/line managers on dealing with absence, advise managers, employees and their representatives on policy, procedures and best practice
- liaise with Occupational Health/medical practitioners and TU representatives, as appropriate
- attend meetings as necessary
- can provide training for Headteachers/line managers on absence management.

Trade Union (TU) Representatives:

- provide representation, advice and support to members; attend Formal meetings as necessary.

B. Sickness Allowances

Subject to the provisions of the relevant Conditions of Service, i.e., the Burgundy and Green Books, employees are entitled to receive contractual sick pay in any 12-month period on the following basis:

SUPPORT STAFF

During 1st year of service	1 month's full pay and after completing 4 months service 2 months half pay
During 2nd year of service	2 months full pay and 2 months half pay
During 3rd year of service	4 months full pay and 4 months half pay
During 4th and 5th years of service	5 months full pay and 5 months half pay
After 5 years' service	6 months full pay and 6 months half pay

TEACHING STAFF

During 1st year of service	full pay for 25 working days and, after completing 4 months' service, half pay for 50 working days
During 2nd year of service	full pay for 50 working days and half pay for 50 working days
During 3rd year of service	full pay for 75 working days and half pay for 75 working days
During 4th and successive years	full pay for 100 working days and half pay for 100 working days

For the purposes of calculating allowances payable for teaching staff, the year will begin on 1st April and end on 31st March the following year.

- *Contractual sick pay irrespective of whether it is at full or half pay will be calculated to include actual salary and all contractual payments and allowances.*
- *Contractual sick pay for casual workers will be calculated the same as other school/ council employees using the average number of hours worked for the 13 weeks prior to the sickness episode start date as its basis.*

C. Return to Work Discussions

A Return to Work discussion should take place following every sickness absence, regardless of the nature or length of absence for all members of staff. Such early intervention may prevent problems from arising or getting out of hand. The nature of this discussion will vary depending on the circumstances. It may simply involve a brief discussion to check the employee is well and update them on anything that has happened in their absence, as well as asking them to complete a Self-Certification Form (**Appendix 1**). Please see checklist below.

When an employee returns to work after a period of sickness absence, they should ensure that their Headteacher/line manager is aware of their return. If the absence is longer than a calendar week the employee will need to provide a medical certificate from their GP. The GP will indicate whether or not they need to assess fitness to work again before the employee returns and may also make suggestions about temporary adjustments or support measures which would allow the employee to return at an earlier stage.

Headteachers/line managers should normally conduct a Return to Work discussion on the employee's first day back at work or as soon as possible thereafter, using the Return to Work Form and associated guidelines (**Appendix 2**). However, where the Headteacher/line manager has concerns because of an emerging pattern of absence or a possible underlying health problem, they may also need to arrange a Sickness Monitoring meeting.

In exceptional cases (e.g., Cleaners) employees will not be working at the same time/ location as their Headteacher/line manager and therefore a face-to-face meeting may prove operationally difficult. In these circumstances a Return to Work discussion may be carried out by telephone. The employee should still complete a Self-Certification Form and should receive a copy of the completed Return to Work Form after the discussion has taken place.

If the employee is returning from long-term sickness or formal action is required a face-to-face meeting should take place – refer to Procedure.

A Return to Work discussion is an informal, normal line management discussion and reasonable to expect an employee to participate. However, if an employee refuses to

take part, the manager should discuss the reasons with the employee in order that the purpose of the discussion is clearly understood by the employee. Depending on the reason for refusal, the Headteacher/line manager may offer, where appropriate, the opportunity for another member of the management team to conduct the Return to Work discussion with the employee instead. Where the employee still refuses the Headteacher/line manager should make a note on the Return to Work Form and contact HR Consultancy for Schools for further advice.

Employees should be advised that a persistent refusal to take part in such a discussion may be treated as a disciplinary matter in itself and/or that management decisions will be taken based on the information available.

Return to Work checklist:

- the discussion must be confidential, so find a quiet place without any distractions;
- welcome employees back;
- check they are well enough to be at work;
- ensure that the correct certification has been submitted (Self-Certificate Form/ medical certificate);
- update them on any developments during their absence;
- check the reason for the absence;
- where appropriate discuss a referral to Occupational Health with the employee;
- find out whether they have a disability and whether the provisions of Equalities Act 2010 apply, such as making a reasonable adjustment;
- discuss any help you might provide to ease the employee's return to work;
- establish if their sickness is work-related and whether there are any health and safety issues you need to address – refer to the Stress Management guidance if applicable;
- try and tease out any other problems they may have – at work or at home that might be affecting their health;
- have their absence record to hand - be prepared to discuss the employee's absence in detail: have there been any patterns?; how does the absence relate to the trigger periods set by the Attendance Management Policy?;
- where an employee's attendance record is giving cause of concern (e.g. close to hitting one of the triggers) flag that with the employee, clarify expectations and remind them of the Policy and Procedure: is an informal monitoring/review meeting or a Formal meeting necessary, under the Short-term Absence Procedure?;
- if the employee is returning from a period of long-term sickness plan a 'getting back to work' programme or agree details of a phased return if appropriate;
- explore any changes that may be necessary going forward, agree any actions/next steps;
- although informal and brief, they are important discussions and should be documented.

D. Referrals to Occupational Health

A referral to your Occupational Health provider or further medical advice should be considered when dealing with any sickness absence; this will be for the school to arrange if they determine a referral is appropriate.

This may be of particular help when:

- sickness absence has exceeded one month
- when dealing with muscular-skeletal or stress-related problems
- for recurrent short-term sickness absence, or
- an unexplained change in behaviour or performance.

Referrals can be made at any stage and are always advisable before taking formal action.

OH referrals are made through HR Consultancy for Schools. Please note that, depending on the circumstances, this may involve additional costs to the school, HR Consultancy for Schools will be able to advise you on the further detail.

The purpose of making a referral is to obtain an informed medical opinion about an employee's state of health in relation to their job and to ensure the working environment is safe and free from risks to health.

Occupational Health works:

- proactively - giving advice on work-place health, healthy lifestyles and a good work/life balance
- reactively – supporting employees who are experiencing ill-health, specifically looking at support mechanisms and interventions.

The following procedure will apply:

- a) the employee will be requested to consent to a referral to Occupational Health which may include a medical report being sought from his/her General Practitioner or Specialist, where applicable, and supplied in confidence to Occupational Health;
- b) if the employee refuses to give this consent they will be informed that it may be necessary to take decisions about their future employment without the benefit of expert medical opinion and that it is in their interests that all relevant information is available before a decision is reached.

Once completed the referral form will be sent by HR Consultancy for Schools to Occupational Health providing information about the length of the employee's absence, the nature of their illness, the effects on their work and details of what their job involves.

On receipt of the referral, Occupational Health will contact the employee for a telephone or face-to-face consultation. Following the consultation an Occupational Health report will be provided to Human Resources and the Headteacher.

If your school has a service level agreement with an alternative Occupational Health provider or wishes to gather medical advice directly from the employee's GP or other medical practitioner, please contact HR Consultancy for Schools to discuss the process of this referral.

Please note that under the terms and conditions of employment employees are required to co-operate with their employer.

E. Phased Return to Work

Following an extended period of sickness absence an employee may request, or a doctor or the Occupational Health provider may recommend, a return to work on a temporarily reduced hours basis. When justified, consideration of such requests may help the recovery process, encourage an earlier resumption of full normal duties as soon as possible. The employee should be fit to return at that point; the purpose is to rebuild stamina in the role.

This facility is not an entitlement and advice from the GP is not legally binding. Each case must be considered in the light of the individual circumstances. If the school is not able to accommodate a phased return at that point or on the recommended basis, there is scope to decline, in which case the employee would need to remain on sickness absence if they are not fit to return without that adjustment.

Please note that if an employee is likely to be covered by the Equality Act in relation to 'disability' (refer to legal definition or ask for HR Consultancy advice on that if necessary) then the school will be legally required to consider making reasonable adjustments and be able to justify where that is not possible; a phased return may be considered a reasonable adjustment.

1. any phased return to work should be meaningful for both parties and have the agreement of:
 - Occupational Health provider and/or the employee's general practitioner, and
 - the Headteacher (in terms of the arrangement being workable).
2. There must be a comprehensive definition of the nature of the return to work. This will cover such issues as the hours to be worked, the nature of work to be carried out, and the period of time over which the temporary arrangements will last, prior to the employee resuming normal hours. Typically, on a phased return, an employee would start at about 50% of their usual hours/duties and gradually increase over the agreed period back up to their normal hours and duties. The arrangements are usually discussed at a meeting with the employee ideally ahead of their proposed return to work. This might be at a Case Review meeting, which their trade union representative is entitled to attend or at a Return to Work discussion, depending on the circumstances.
3. In terms of administering these arrangements, the school will record the employee on the weekly absence form as absent through illness for those parts of the week that the employee does not work. Normal pay will apply for normal

hours worked and the 'sick' hours will be covered by statutory and/or contractual sick pay as appropriate.

4. All agreements reached to allow for an early return to work on a reduced hours basis should be for a limited period (normally for up to 4 weeks but exceptionally up to 3 months) and kept under review. If a reduction of hours is required beyond that period, there may be scope to consider a temporary or permanent reduction of hours. In that case the employee would have a variation to contract and receive payment for their new hours of work.

If a phased return to work is envisaged, a HR Consultant can advise and seek the opinion/ agreement of Occupational Health provider.

F. Managing employees with disabilities

Equality Act 2010 – Disability

The key piece of legislation covering responsibilities towards employees with disabilities is the Equality Act 2010, key points covered below.

Human Resources can be contacted for advice regarding issues which require consideration of the school's obligations under the Equality Act 2010. The Equality Act, in relation to disability, which incorporates the former DDA1995, aims to protect and eliminate discrimination in the field of employment against a disabled person or persons who has or has had a disability.

How is a 'disability' defined?

The Act defines a disabled person as 'someone who has a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'.

Mental or physical impairment?

Physical impairment is normally easier to define, but mental impairment can include various forms of depression (and some cases of stress) but the effects of the impairment must fall within the definition, i.e., it must be long-term and affect day-to-day activities. There must be some medical evidence although the impairment does not have to be clinically well recognised.

Substantial long-term effect

Long-term means at least 12 months or is likely to last for 12 months. It will also be long-term if it is likely to last for the rest of the life of the person affected even if their life expectancy is less than 12 months. The effect may be judged as long-term even if the symptoms are not continuous, provided that they are likely to recur.

Affecting ability to carry out normal day-to-day activities

It must affect one or more of the following:

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand
- perception of the risk of physical danger.

What conditions are likely to be regarded as disabilities under the Equality Act?

The following are examples, but not an exhaustive list:

- chronic fatigue syndrome
- schizophrenia
- rheumatoid arthritis
- diabetes
- epilepsy
- visual impairments
- impaired hearing
- dyslexia
- cancer
- HIV infection
- multiple sclerosis.

N.B. Hidden impairments are also covered (for example, mental illness or mental health problems, learning disabilities, dyslexia, diabetes and epilepsy).

What are the school's obligations under the Act?

The Act makes it unlawful to discriminate against a disabled person for a reason that is related to a disabled person's disability. The following should be regarded as potentially discriminatory:

- the disabled person is treated unfavourably and this treatment cannot be objectively justified
- new protection from discrimination arising from a disability, e.g. employee absence
- the school fails to comply with a duty of making a reasonable adjustment, or
- the school cannot show that the failure to comply with the duty of making a reasonable adjustment is objectively justified.

What are reasonable adjustments?

If an employee suffers a temporary or permanent disability as a result of illness or treatment for the illness, and this affects their return to work, the school has a legal duty to take reasonable steps to reduce or remove any causes which substantially disadvantage a disabled employee compared to a non-disabled employee (e.g., a

physical feature of the working premises, or particular working arrangements) to enable them to continue in work. This is known as a **reasonable adjustment**. Failing to make a reasonable adjustment, without justification, is discriminatory. The Headteacher/line manager must be prepared to make all reasonable attempts to be flexible particularly regarding the content of the job and the working hours. In addition, the consideration of alternative employment may be appropriate.

Examples of reasonable adjustments:

- acquiring special equipment or modifying existing equipment
- modifying instructions or reference manuals
- modifying procedures or testing or assessment
- allowing absences during working hours for rehabilitation, assessment or treatment
- providing additional supervision
- making adjustments to premises
- reallocating part of a job to another employee
- redeployment of a disabled person
- altering the person's working hours
- assigning the person to a different place of work, without discriminating against them
- supplying additional training
- providing a reader or interpreter.

What is less favourable treatment?

It is unlawful to treat any employee or job applicant less favourably, because of a reason relating to his/her disability unless this can be justified. If you cannot justify such treatment, then this is discrimination. Employers cannot ask about a prospective employee's health until a conditional offer of employment has been made.

Are there other forms of disability discrimination?

Under the Equality Act, discrimination includes direct and indirect discrimination, associative discrimination, victimisation and harassment.

What are the consequences of disability discrimination?

If there is a successful claim against the school for disability discrimination, the amount awarded by an Employment Tribunal is uncapped, i.e. no financial ceiling.

Other useful information sources

You should speak to your HR Consultant initially, but you may also find the following list of websites helpful:

- [Gov.uk](http://www.gov.uk)
general information about the Equality Act 2010 and includes a definition of disability under the Act

- [Business Disability Forum](#)
guidance and information on disability in employment
- [Remploy](#) – **Putting ability first**
advice and guidance for employers on disabled employees in maintaining employment or returning to work after sickness
- [RADAR – Royal Association for Disability and Rehabilitation](#)
general disability advice – campaigning network
- [Shaw Trust](#)
disability in employment assistance for employees and employers
- [Access to Work](#)
Government, publicly funded employment support programme. Employee must contact. Access to Work carries out an assessment of the needs of the disabled person at work and produces a report for the employer that recommends any changes that the employer needs to make. Access to Work also reimburses employers of disabled people with contributions towards costs of any special help that an employee needs because of their disability. Access to Work can also provide financial help for employers including for making adaptations to premises, the cost of interpreters/communicators, special aids and equipment, a support worker and travel to work.

G. Managing employees with critical/terminal illness

The purpose of this guidance is to supplement the Sickness Management Policy and Procedure and to provide specific information/guidance on how to deal with sickness cases that involve employees with, or affected by, a critical or terminal illness.

Key principles:

- acknowledging that employees are affected differently by the knowledge that they have a critical/terminal illness and have different views about work
- respecting the employee's dignity and privacy
- maintaining employee involvement and engagement
- striving to ensure the employee suffers no financial detriment
- continuing to provide employee benefits
- adopting a flexible approach
- providing the employee with relevant information and support including access to development opportunities
- supporting other employees affected by the employee's situation.

Meet with the employee

As soon as you become aware that an employee has been diagnosed with, or is otherwise affected by, a terminal illness you should encourage the employee to have

a confidential and supportive discussion with yourself, HR Consultancy and/or Occupational Health.

Flexibility in allowing affected employees to tell the news in their own way is important in developing trust and supporting respect and dignity.

The employee may wish to have a third-party present at the meeting (e.g. colleague, friend, trade union representative).

The discussion should cover:

- communication to others - who knows, who they would like to know, who needs to know
- whether and how they would like other managers/colleagues to be told about their situation
- what they would like to be said
- permission from the employee to approach and obtain advice from their doctor about their condition and any recommendations that might relate to work.

The likely impact of possible treatment:

- on their work and/or ability to attend work
- any resulting need for time off
- what constitutes reasonable time off to attend medical appointments
- special leave/sick leave
- whether a reduction in hours or change to flexible working may be appropriate.

Providing the employee information about:

- flexible working policy
- their rights under the Equality Act 2010
- Occupational Health Service
- counselling service
- sickness payment – entitlements
- pension scheme information/contact
- reference to the fact that other statutory benefits may apply over time.

During treatment

Depending on the nature of the illness, some employees may like to continue working during any treatment/subsequent recovery period either on a full or part-time basis.

It is important to understand the need to be flexible as plans may need to change, sometimes at short notice.

Points to consider:

- planning a reduced/more flexible work schedule where possible
- altering duties for a period of time

- temporarily reallocating work
- adjusting performance targets to allow for effects of fatigue
- keeping in touch with the employee if they are absent (employees should be asked if they would like colleagues to stay in touch with them and whether they would like to be kept up to date on work matters - if they indicate yes, then how frequent would they like contact to be?)
- arranging for a colleague to be a work 'buddy' who will take responsibility for keeping the employee up to date during any temporary or extended periods of absence for treatment/due to illness.

Any of the above should only happen after full consultation with the employee concerned. Arrangements should also be reviewed regularly to ensure support is being provided to the employee.

Returning to work

Employees who are returning to work after treatment should be involved in planning their return. It is appropriate to undertake a return to work meeting to welcome them back and give them the opportunity to discuss their health and any concerns that they have. They should be given the opportunity to have a trade union, family member, friend or colleague present at the meeting.

Discussion about any reasonable adjustments should take place which may include:

- a phased return within an agreed timescale
- a change to working hours or reduced working hours
- a change to work patterns
- changes to their role – temporary or permanent
- help with transport to/from work
- making alterations to the work premises
- reviewing any impact to terms and conditions of their job
- considering any training that may be required
- scheduling dates when the plan will be reviewed.

Disability caused by illness

If an employee suffers a temporary or permanent disability as a result of illness or treatment for the illness, and this affects their return to work, the school has a legal duty to work with them to make reasonable adjustments to continue in work.

The employee may also be eligible for help from the government's Access to Work scheme.

Access to Work carries out an assessment of the needs of the disabled person at work and produces a report for the employer that recommends any changes that the employer needs to make. Access to Work also reimburses employers of disabled people with contributions towards costs of any special help that an employee needs because of their disability. Access to Work can also provide financial help for employers including for making adaptations to premises, the cost of

interpreters/communicators, special aids and equipment, a support worker and travel to work.

Giving up work

Some employees may want to consider or choose to give up work completely when they are diagnosed with an illness.

It may be wise to suggest that the employee seeks counselling before taking an irrevocable decision.

Similarly, there are financial implications that should be discussed with the employee. Consideration should be given as to whether the employee is entitled to receive early retirement on the grounds of ill-health for example.

While such decisions are personal, the employee should be encouraged to take advice before making the decision to leave work, especially if ill-health retirement is not an option.

Death as a result of the illness

An employee diagnosed as terminally ill is likely to worry about how those they leave behind are going to cope, both emotionally and financially. They are also likely to experience a range of emotions.

Where possible, appropriate support should be offered. Details of support agencies that may be useful in such circumstances are provided below.

An employee that has a family member with a terminal illness may need to take extra time off to spend with their relative. This may require additional flexibility and compassionate leave. It is also appropriate to discuss with the employee how they would like you to communicate with them during this time.

Information sources for critical/terminal illness:

➤ **Macmillan Cancer Support**

UK's leading provider of cancer information, emotional support and practical advice to anyone affected by cancer

Tel: 0808 808 0000

Website: www.macmillan.org.uk

➤ **Carers UK**

offers information and support to carers and can put people in contact with carer support groups in their area

Tel: 0808 808 7777

Website: www.carersuk.org

H. Managing failure to notify absence – ‘Absence without Leave’

Try to establish the reason for absence:

- When an employee goes absent without leave (AWOL), it is important to try to establish a reason for their absence; the school has a duty of care to the employee. The school should therefore contact the member of staff at the first available opportunity to try to ascertain the reason for their absence and how long they are likely to be away from work. This can then help to identify how the absence should be treated, whether it is sickness absence or whether there is any discretion for this leave to be treated as authorised unpaid leave or compassionate leave.
- If the school is unable to contact the employee at the normal place of residence, it may be appropriate to contact the employee’s emergency contact (where details are held) in order to establish if anything has happened that the school ought to be made aware of. This may be particularly appropriate where it is known that the employee lives on their own and there are concerns for their welfare.
- Any attempts to make contact with the employee should be documented. It may be necessary to evidence this at a later stage.

Where no contact can be made:

- If it is not possible for the school to contact the employee or to establish if there is a legitimate reason for their absence then they should write to the employee asking them to make contact as a matter of urgency regarding their absence, warning them that their pay may be stopped and disciplinary action may be necessary and provide a deadline (few days).
- Once this letter has been sent, if there is no response within the reasonable time period, the school should send another letter to inform the employee that their pay has stopped because they have not contacted the school to explain their absence. The employee should also be informed that disciplinary action may now be taken against them upon their return to school. Also, it may be helpful to make contact with the employee’s trade union at this stage (if applicable and known).

If contact is made subsequently:

- If the employee contacts the school to explain their absence following letters sent by the school, the Headteacher should invite the employee into the school to discuss their absence and the reason/s.
- Depending on the outcome of that discussion and when the employee contacts the school, the Headteacher may choose to grant a period of authorised leave. At the Headteacher’s discretion, this leave could be paid or unpaid depending on the circumstances, in accordance with leave provisions. Any agreed actions should be followed up in writing to the employee following the meeting.

Unauthorised absence/disciplinary action:

- If the outcome of the discussion between the Headteacher and the employee does not lead to a period of authorised absence being granted, the Headteacher should inform the employee that their absence is being treated as unauthorised. The Headteacher should make it clear to the employee when they are expected to return to work and whether disciplinary action is going to be taken.
- If it is decided that disciplinary action should be taken, it will be in accordance with the school's Disciplinary Policy. A letter should be sent to the employee advising them of the intended actions and to inform them that an investigation meeting will need to be held as part of the disciplinary procedure. The employee should be made aware of their rights to be accompanied to the investigation meeting by their trade union representative or a work colleague. Please contact your HR Consultant for further advice, as necessary.

Failure to make any contact:

- If the employee fails to make contact with the school after the letters, the school should send a further letter advising the employee that the matter is being dealt with as a disciplinary matter and informing them that an investigation meeting under the disciplinary procedure will be arranged. Please refer to the school's Disciplinary Policy and contact your HR Consultant for further advice as necessary.

Failure to attend a disciplinary investigation meeting:

- Where the employee fails to make contact and/or attend an investigation meeting under the Disciplinary Policy/Procedure, a further letter should be sent advising the employee that the matter is now proceeding to a Disciplinary Hearing and advising of the right to make representations.

Failure to attend a Disciplinary Hearing:

- Should the employee fail to make contact and/or attend the Hearing, a final letter should be sent confirming the outcome, which is likely to include termination of employment and giving the right of appeal.

Failure to attend an Appeal Hearing:

- If an employee appeals against a decision to terminate his/her employment, an Appeal Hearing should be arranged in accordance with the Disciplinary Policy/Procedure. The outcome should be communicated to the employee in writing.

I. Sickness Absence Monitoring Meeting checklist

Attendance Review Meeting

This meeting will take place if there are concerns over an individual's level of sickness absence. The aim of the meeting is to establish any underlying causes and whether any assistance can be given. It is also to enable a monitoring period to be set up with attendance targets for the employee. If these targets are not met, and no underlying

medical issue is identified, the process may move to the Formal stages of the Sickness Absence Management Procedure.

At the meeting

1. You should have a copy of the sickness absence record available to give to and discuss with the employee.	
2. Ask the employee to explain the reasons for his/her absence.	
3. Convey your concerns about the employee's absence record.	
4. Determine whether there are any underlying factors at work or home that may be contributing to the absence.	
5. Determine what action, if any, can be taken to assist (if appropriate, identify whether there is support available).	
6. If the employee has identified an underlying medical health issue as a reason for absence, you must advise them that a referral to the Occupational Health provider will need to be made or further medical information sought from their medical practitioner.	
<p>7. 'Trigger point' criteria:</p> <ul style="list-style-type: none"> • 5 episodes (pro-rata part-time staff) of sickness absence in a rolling 12-month period • 2 or 3 absences in any one term • 10 or more days (pro-rata part-time staff) in a rolling 12-month period • any pattern of absence causing concern <p>These criteria are a guidance and do not signal that a manager must take action under the Formal Procedure if the parameters are breached, neither does it prevent a manager from taking action, if they are concerned about attendance or sickness absence records, prior to the parameters being breached. Keep in mind the Equality Act and take HR advice if needed before taking formal action.</p>	
8. You should keep a record of this discussion, noting the date and content of the discussion and the agreed action plan for future reference.	

Considerations

The Headteacher/line manager (or the panel at Stage 3) will take into consideration the following in coming to a decision:

<ul style="list-style-type: none"> the nature of the illness, including any underlying cause and the likelihood of recurrence or of some other illness arising
<ul style="list-style-type: none"> the length of and intervals between the various absences
<ul style="list-style-type: none"> the need for the work to be done by that particular employee
<ul style="list-style-type: none"> the impact of the absences on others who work with the employee and the impact on the functioning of the school
<ul style="list-style-type: none"> the possibility of temporary or permanent alternative employment or reduced hours, including job-share, if appropriate
<ul style="list-style-type: none"> all medical information and recommendations
<ul style="list-style-type: none"> the representations made by the employee and their representatives
<ul style="list-style-type: none"> the need to make reasonable adjustments for any disability covered by the Equality Act
<ul style="list-style-type: none"> the need to ensure that any levels of improvement set are personal and related to the individual circumstances of any particular case
<ul style="list-style-type: none"> any other relevant substantial matter.

Possible outcomes of meeting

1. Manager is satisfied with employee's explanation and decides to take no further action at this stage.	
2. Refer the employee to Occupational Health provider/or seek further medical advice (if unclear as to the reasons for absence or where the employee may be suffering from an underlying condition).	
3. Manager is not satisfied with employee's explanation. Informs employee that absence levels will be monitored and agree a level of improvement and review date (usually half or one term).	
4. If it is likely that the absence may represent a conduct issue disciplinary action may be appropriate.	

Monitoring and Review

1. During the review period, you should meet with the employee after any period of absence to establish the reasons for that absence, ensuring that these minutes are documented on a Return to Work Meeting form.	
2. If attendance improves to an acceptable level in line with the agreed targets set, no further action may be required.	
3. Acknowledge the improvement and stress that it should be maintained.	
4. If attendance does not improve to an acceptable level and there is no underlying medical condition, it may be appropriate to commence formal action as per for Formal Sickness Absence Management Procedure.	
5. It is likely that a medical referral will be made. In such circumstances this will need to be discussed with HR Consultancy for Schools.	

J. Case Review Meeting checklist

Consider:

(a) The up-to-date medical position of the employee concerned and their preferences:

- Is it appropriate to await further developments (e.g., referral for treatment)?
- Will future performance of duties by the employee be seriously impaired due to the nature of the illness?
- Is there a likelihood of return to work?
- Is there a safety risk if the employee returns to work?
- Is there any likelihood of a recurrence of the illness?
- Has adequate consultation/contact been maintained with the employee (and their representative) throughout the absence?

(b) The implication of the absence upon the school:

- Has adequate contact/updates and appropriate certification been provided by the employee throughout the absence?
- Can the absence be satisfactorily covered by temporary/other colleagues?
- What are the implications of efficiency and cost?
- What effect is the absence having on other colleagues?
- What reasonable adjustments can be made?

- Does the employee have a 'key' position in school?
- What is their length of service and absence record to date?

(c) What alternative courses of action exist?

- Is ill-health retirement an option? Is it appropriate to await the outcome of an application to TPS/LGPS?
- Has reasonable alternative employment been identified/offered?
- Can lighter duties be offered? Could duties/working hours be varied to facilitate a return? What other reasonable adjustments could be made?
- Has appropriate training been undertaken by the individual?
- Have any external assessment/support processes been examined?
- Have appropriate risk assessments been carried out and action taken to reduce the likelihood of recurrence and minimise the effect on other employees?
- Has special consideration been given for employees with illnesses with a known long-term recovery period, e.g., ME/depression?
- Is it reasonable/appropriate to extend the sick pay period?

(d) Based on the above considerations what are the next steps and timescales?

Possible outcomes of the review may include:

- The employee agreeing a return to work date.
- Agreement to put in place certain support measures to ease the employee's return to work.
- Any reasonable adjustments to be made by the employer.
- Consideration of alternative employment if available.
- Agreement about the details of any phased return to work.
- Acceptance of the on-going nature of the absence, and where appropriate re-referral or review medical information, possibly to examine further specific issues.
- Acknowledgement by the employee that ill-health retirement is the most appropriate course of action.
- Consideration of dismissal, taking account of all factors. In this case the Headteacher should explain that whilst supportive of the employee and their illness, they must balance this against the operational requirements of the school and that the absence/support cannot be sustained. The next step of the process should be clearly explained.

K. Absence Dismissal Considerations

There may be occasions when the school will need to give consideration to termination of employment of an individual. Before such consideration takes place, the school must ensure that it has:

- Followed the appropriate steps of the Short or Long-term Procedure.

- Sought and acted on medical advice received from Occupational Health where appropriate.
- Considered reasonable adjustments under the Equality Act if applicable.
- Considered the possibility of suitable alternative employment.
- Discussed the possibility of dismissal with the individual at the Formal meeting(s).
- Considered ill-health retirement where applicable and this has been refused or the employee has decided not to apply.

Where it is the view of the Occupational Health Physician that the employee is unlikely to be fit to return to undertake the full range of duties of their post within an appropriate timescale and redeployment options have been considered with the employee, dismissal on the grounds of medical incapability could be recommended to the Governors.

Appendix 1

SELF-CERTIFICATION FORM

To be completed by an employee on their first day back to work following an episode of sickness absence and forwarded to their Headteacher/line manager.

Please use **BLOCK LETTERS**

1. Full Name: Job Title:
Location: Department:
2. The day* and date you became unfit:
The day and date you were first absent from work:
3. The day and date you were fit:
The day and date of your return to work:
4. Was this episode of absence linked to an injury sustained at work? Yes No
(Note: If answered YES, then you must inform your Headteacher/line manager in order to complete the Accident Book and a RIDDOR.)
5. Was this episode of absence linked to an injury sustained outside of work in circumstances where you may have a claim for damages against someone else? Yes No
(Note: If answered YES, then you must inform your Headteacher/line manager as you will need to claim for Loss of Earnings.)
6. Details of Sickness/Injury. Please say briefly why you were unfit for work – give details of your sickness – words like 'unwell' or 'illness' are not enough.
7. Was this episode linked directly to a disability or pregnancy? Yes No
If YES, please give details:

I declare the information I have provided above is complete and correct to the best of my knowledge and that I have submitted, as appropriate, all medical certificates to my Headteacher/line manager.

Signed: **Date:**
(Employee)

Thank you for completing this form. The information provided will be entered into the Human Resources information database and retained on your personal file to assist with monitoring sickness records and to enable appropriate support to be provided quickly and efficiently. Non-personally identifiable data may be used for more general sickness absence monitoring. Any information provided will be treated in confidence.

Signed (as being seen): **Date:**
(Headteacher/Line Manager)

* please note half days and weekends if appropriate

Appendix 2

RETURN TO WORK DISCUSSION FORM

All sections to be completed by the Headteacher/line manager and then signed by both the employee and Headteacher/line manager. Return to Work meetings should normally take place on the employee's first day back or as soon as possible.

Employee's Name: Job Title:

Date of Meeting: Others Present at Meeting:

Period of Absence From: To: Total Calendar Days Absent:

Reason(s) given by Employee for Absence:

Is the employee well enough to return to work in Headteacher/line manager's view?

Yes No

Has the employee submitted the necessary certification?

Yes No

Was the reason for absence linked to an injury at work?

Yes No

If yes, has the employee completed the accident book and a RIDDOR? Yes No

Is this episode of sickness linked to an emerging pattern of sickness? Yes No

Details of issues discussed:

(see guidance* overleaf)

Details of support offered to employee:

(see guidance** overleaf)

Actions agreed (including timescales):

(see guidance*** overleaf)

Signed: Date:
(Employee)

Signed: Date:
(Headteacher/Line Manager)

Guidance and Other Notes

A copy of this form should be given to the employee and a copy retained in the employee's personal file. The purpose of the record will be to monitor the effectiveness of the school's/Council's Sickness Absence Policy and to enable managers to monitor individual absence levels. All records are kept confidentially. An employee may view their individual absence records by request.

*** Issues to discuss should include:**

- welcoming the employee back
- updating on the work situation
- the reason for the employee's absence
- establishing, as far as possible, that employee is fit to resume duties
- completion/receipt of necessary documents: self-certificates, medical certificates, RIDDOR, etc.

*** Other issues which may be discussed, as appropriate:**

- employee's management of own health (e.g., diet, nutrition, rest breaks, etc.)
- agreeing how return to work is treated by others – should team members know reason for absence or ask how they are
- general discussion on attendance record, any patterns of absence and future monitoring
- any underlying causes (e.g., domestic circumstances, work-related problems, pregnancy, stress, etc.) and develop strategies.

**** Support offered could include:**

- Occupational Health/medical referral
- training or development relating to any changes which have occurred during absence
- awareness of other leave policies, i.e. special/annual leave
- advice/support from Senior Management/Human Resources or Trade Union
- consideration of any preventative measures (e.g. flexible working, workplace adjustments, etc.).

***** Action could include:**

- targets/timescales for improving attendance
- Occupational Health/medical referral
- investigation if reason for absence was work-related
- a review of the risk assessment.

All return to work meetings should be conducted confidentially and sensitively. Further advice should be sought from Human Resources throughout this process as appropriate, but definitely prior to embarking on any formal action.

Appendix 3

IMPROVING ATTENDANCE ACTION PLAN

Employee Name	
Headteacher / Manager	
Number of sickness occurrences in the last 12 months / term	
Number of sickness days in the last 12 months / term	
Summary of the absence problem(s)	
Actions taken to address absence levels	
Support to be provided to employee	
Half-way review meeting date	
Final review meeting date	
Attendance standard to be achieved	
Other considerations or actions to be taken	
Headteacher / Manager Signature	
Date	
Employee Signature	
Date	

Appendix 4

APPLICATION UNDER LOCAL GOVERNMENT PENSION SCHEME (LGPS) APPEAL PROCEDURE

I confirm that I have read the LGPS Appeal Procedure guidance notes and understand that this procedure is an application for adjudication of a disagreement (encompassing the Internal Disputes Resolution Procedure (IDRP)).

You can use this form:

- to apply to the adjudicator at Stage 1 if you want them to investigate a complaint concerning your pension and
- to apply to the administering authority if you want them to reconsider a decision made by the adjudicator.

1. Member's details:

If you are the member (the person who is or was in the Scheme), or a prospective member (a person who is eligible to be a member of the Scheme), please give your details in this box. You can then go straight to box 4.

If you are the member's dependant (for example, their husband, wife or child), please give the member's details in this section, and then go to box 2.

If you are representing the person with the complaint, please give the member's details in this section, and then go to box 3.

Please write clearly in ink, and use capital letters in boxes 1, 2, 3 and 4

Full Name	Mr/Mrs/Miss/Other (please specify)
Postal Address including Post Code	
Telephone Number	
Date of Birth	
Employer	
National Insurance Number	

2. Dependant's details:

If you are the member's dependant and the complaint is about a benefit for you, please give **your** details in this box and then go to box 4.

If the complaint is about a benefit for a dependant and you are the dependant's representative, please give the dependant's details in this box and then go to box 3.

Full Name	Mr/Mrs/Miss/other (please specify)
Postal Address including Post Code	
Date of Birth	
Relationship to member	

3. Representative's details:

If you are the member's or dependant's representative, please give your details in this box.

Full Name	Mr/Mrs/Miss/Other (please specify)
Postal Address including Post Code	
Telephone Number	

4. Correspondence:

<p>Please confirm how you would prefer to receive correspondence:</p> <ul style="list-style-type: none"> • via post *, OR • via email to the following email address * <i>(please write clearly):</i> <p>-----</p> <p><i>* delete as appropriate</i></p>
--

5. Your complaint:

Please give full details of your complaint in this box. Please try to explain exactly why you are unhappy, giving dates or periods of Scheme membership that you think are relevant.

If there is not enough space, please continue on to a separate sheet and attach it to this form. Remember to write your name and national insurance number at the top of any separate sheet if you are a member. Or, if you are not a member, put the member's name and national insurance number at the top of any separate sheet.

6. Your signature:

<p>I would like my complaint to be considered and a decision to be made about it. I am a:</p> <ul style="list-style-type: none">• scheme member/former member/prospective member *• dependant of a former member *• member's representative/dependant's representative * <p><i>* delete as appropriate</i></p>	
Signed:	Date:

7. Supporting Documentation:

Please enclose a copy of any notification of the decision you are complaining of which has been issued by the employer or administering authority. Also enclose all other letters or notification that relate to the case.

**Please send your completed form and supporting documentation to:
Sharon Booth, Head of HR Operations, Worcestershire County Council, County Hall,
Spetchley Road, Worcester, WR5 2NP**

For Office Use Only:

Model Letters

1. LETTER TO EMPLOYEE FOR ATTENDANCE AT A MEETING WITH THE HEADTEACHER UNDER SHORT-TERM SICKNESS ABSENCE FORMAL PROCEDURE - STAGE 1

Dear

Short-term Sickness Absence – Formal Meeting Stage 1

I am writing to advise you that you are required to attend a Formal Procedure - Stage 1 meeting. A copy of this Procedure is enclosed. **[enclose procedure and factsheet]**

This meeting has been convened under the provisions of the Sickness Absence Management Procedure, Short-term Sickness Absence and is in relation to your current levels of sickness absence.

This meeting will be held at **[location]** on **[date]** at **[time]** and its purpose is to consider your current level of sickness absence. **[name]** will be chairing the meeting.

You have the right to be accompanied by a colleague or trade union representative to support or advise you and I enclose a copy of this letter which you may give to him/her. You also have the right to provide any evidence to support your case.

I should be grateful if you would let me know of any circumstances which will prevent you from attending this meeting or if you require any clarification with regards to this correspondence.

- * *If informal discussions have taken place previously, it would be appropriate to refer to them in this letter.*
- * *Enclose any documentation that you may wish to refer to in the meeting, such as sickness absence record, self-certification forms or correspondence from the Occupational Health provider or other medical advice, as appropriate.*
- * *Indicate who, other than the Headteacher, will be present at the meeting, for example, a HR Consultant for Schools.*

2. LETTER ISSUED UNDER SHORT-TERM SICKNESS ABSENCE FORMAL PROCEDURE - STAGE 1 FOLLOWING FIRST FORMAL MEETING

Dear

Short-term Sickness Absence – Formal Meeting Stage 1

Thank you for attending the meeting on **[date of first Formal meeting]** when we discussed your current level of sickness absence. Having reviewed the information available, I can confirm that the school requires a sustained improvement in your level of sickness absence and this letter constitutes a formal warning to that effect and failure to make sufficient sustained improvement will lead to progression to Stage 2 of the Procedure.

During the meetings we discussed my concerns and levels of improvement required. I confirm that I will be monitoring your absence over the next **[time period]** months.

[detail any specific levels of improvement set]

At the end of this period I will review the situation but confirm that further and more serious action, which may ultimately lead to your dismissal, under this procedure may be taken if there is insufficient sustained improvement in your attendance.

We will support you and help you improve and maintain your attendance by:

[detail any supportive measures which have been offered, if appropriate]

A copy of this letter has been sent to **[name of representative]** who accompanied you at the meeting.

I hope that your general health and well-being improves. If you have any queries regarding the information outlined in this letter, please contact me.

3. LETTER TO EMPLOYEE FOR ATTENDANCE AT A MEETING WITH THE HEADTEACHER UNDER SHORT-TERM SICKNESS ABSENCE FORMAL PROCEDURE - STAGE 2

Dear

Short-term Sickness Absence – Formal Meeting Stage 2

I write to advise you that a second Formal meeting under the provisions of the Sickness Absence Management Procedure, Short-term Sickness Absence, Formal Procedure – Stage 2 is necessary. A copy of this Procedure is enclosed. **[enclose procedure and factsheet]**

This meeting will be held at **[location]** on **[date]** at **[time]** and its purpose is to consider your continued unsatisfactory level of sickness absence, following our meeting on **[date of first Formal meeting]**.

You have the right to be accompanied by a colleague or trade union representative to support or advise you and I enclose a copy of this letter which you may give to him/her.

I should be grateful if you would let me know of any circumstances which will prevent you from attending this meeting or if there is anything in this letter which you do not understand.

** Indicate who, other than the Headteacher, will be present at the meeting, for example, a HR Consultant for Schools.*

4. LETTER ISSUED UNDER SHORT-TERM SICKNESS ABSENCE FORMAL PROCEDURE - STAGE 2 FOLLOWING SECOND FORMAL MEETING

Dear

Short-term Sickness Absence – Formal Meeting Stage 2

Thank you for attending the meeting on **[date of second Formal meeting]** when we discussed your current level of sickness absence. Having considered the matter very carefully, I confirm that I am seeking an improvement/further improvement in your level of sickness absence.

This letter constitutes a formal warning to that effect and failure to make sufficient sustained improvement will lead to progression to Stage 3 of the Procedure.

We have discussed levels of improvement and I confirm that I will be monitoring your absence over the next **[time period]** months.

[detail any specific levels of improvement set]

At the end of this period I will review the situation but confirm that further and more serious action, which may lead to dismissal, under this procedure may be taken if there is insufficient sustained improvement.

[detail any supportive measures which have been offered, if appropriate]

A copy of this letter has been sent to **[name of representative]** who accompanied you at the meeting.

5. LETTER TO EMPLOYEE FOR ATTENDANCE AT A CASE REVIEW MEETING WITH THE HEADTEACHER UNDER SHORT-TERM SICKNESS ABSENCE FORMAL PROCEDURE

Dear

Short-term Absence Formal Procedure – Case Review Meeting

I write to advise you that a Case Review meeting under the provisions of the Sickness Absence Management Procedure, Short-term Sickness Absence, Formal Procedure is necessary. A copy of this Procedure is enclosed. **[enclose procedure and factsheet]**

This meeting will be held at **[location]** on **[date]** at **[time]** and its purpose is to consider your current level of sickness absence and your failure to satisfactorily meet the levels of improvement agreed under Stage 2 of this Procedure.

After this meeting a decision will be made as to whether to convene a hearing to consider options which may include your dismissal on ill-health grounds.

You have the right to be accompanied by a colleague or trade union representative to support or advise you and I enclose a copy of this letter which you may give to him/her.

I should be grateful if you would let me know of any circumstances which will prevent you from attending this meeting or if there is anything in this letter which you do not understand.

** Indicate who, other than the Headteacher, will be present at the meeting, for example, a HR Consultant for Schools.*

6. LETTER TO EMPLOYEE FOR ATTENDANCE AT A PANEL HEARING UNDER SHORT-TERM SICKNESS ABSENCE FORMAL PROCEDURE - STAGE 3

Dear

Short-term Absence Formal Procedure – Stage 3 Hearing

I write to ask you to attend a Hearing to be held before [*] under the provisions of the Sickness Absence Management Procedure, Short-term Sickness Absence, Formal Procedure – Stage 3 is necessary. A copy of this Procedure is enclosed. **[enclose panel hearing procedure – Appendix 2 of the Procedure]**

This meeting will be held at **[location]** on **[date]** at **[time]** and its purpose is to consider your continued unsatisfactory level of sickness absence. I enclose the following documents which will be considered at the Hearing:

[list of documents]

You should be aware that the purpose of the Hearing is to consider options which may include your dismissal.

You have the right to be accompanied by a colleague or trade union representative to support or advise you and I enclose a copy of this letter which you may give to him/her.

If either you or your colleague/representative are unclear about the procedures being followed please contact me as soon as possible.

* *Those with the delegated power to dismiss (see Appendix 4 of the Procedure).
This may be:
(a) a nominated Governor (or Governors); and/or
(b) the Headteacher.*

7. LETTER ISSUED UNDER SHORT-TERM SICKNESS ABSENCE PROCEDURE FOLLOWING PANEL HEARING – STAGE 3

Dear

Short-term Absence Formal Procedure Stage 3 - Dismissal

Following the Hearing held before [*] at [location] on [date] at [time], I have to inform you that having regard to all the circumstances, [*] has decided that you should cease to be employed at [name of school].

The reason for this determination is: [insert details]

You have the right to appeal against this determination and if you wish to do so must provide me with written notice within 10 working days of receipt of this letter [include final date to appeal]. You have the right to representation, including trade union representation at such an appeal and I enclose a copy of the relevant procedures. [enclose copy of the Appeals Procedure] If you choose to appeal and your appeal is successful, you will be reinstated with effect from the date at dismissal.

** { [*] will inform the Local Authority of their decision that you should cease to work at the work at the school, and the Local Authority as your employer, will then take the necessary steps to terminate your employment and notify you of your effective date of termination. }

* Those with the delegated power to dismiss (see Appendix 4 of the Procedure).

This may be:

- (a) a nominated Governor (or Governors); and/or
- (b) the Headteacher.

** Voluntary-Aided/Foundation Schools replace paragraph with:
"As a result of this decision your employment with this school will terminate with effect from [insert date based on notice entitlement - HR Consultancy can advise]."

8. LETTER TO EMPLOYEE FOR ATTENDANCE AT A CASE REVIEW MEETING WITH THE HEADTEACHER UNDER LONG-TERM SICKNESS ABSENCE PROCEDURE

Dear

Long-term Sickness Absence – Case Review Meeting

I write to advise you that a Case Review meeting under the provisions of the Sickness Absence Management Procedure, Long-term Sickness Absence, is necessary. A copy of this Procedure is enclosed. **[enclose procedure and factsheet]**

This meeting will be held at **[location]** on **[date]** at **[time]** and its purpose is to consider your current health and sickness absence, taking account of any up to date medical advice. We can discuss any actions or support required, including whether a referral/re-referral to Occupational Health is appropriate. **Every effort will continue to be made to support your return to work, however if this is not possible, we may need to consider the implications for your on-going employment. We will discuss this in further detail when we meet (* **add if applicable**).*

You have the right to be accompanied by a colleague or trade union representative to support or advise you and I enclose a copy of this letter which you may give to him/her.

I would be grateful if you would let me know of any circumstances which will prevent you from attending this meeting or if there is anything in this letter which you do not understand.

- * If informal discussions have taken place previously, it would be appropriate to refer to them in this letter.*
- * Enclose any documentation that you may wish to refer to in the meeting, such as self-certification forms or correspondence from the Occupational Health provider or other medical advice, as appropriate.*
- * Indicate who, other than the Headteacher, will be present at the meeting, for example, a HR Consultant.*

9. LETTER TO EMPLOYEE FOR ATTENDANCE AT A PANEL HEARING UNDER THE LONG-TERM SICKNESS ABSENCE PROCEDURE

Dear

Long-term Sickness Absence - Hearing

I write to ask you to attend a Hearing to be held before [*] under the provisions of the Sickness Absence Management Procedure, Long-term Sickness Absence. A copy of this Procedure is enclosed. **[enclose panel hearing procedure]**

This meeting will be held at **[location]** on **[date]** at **[time]** and its purpose is to consider your continued ill-health and sickness absence. I enclose the following documents which will be considered at the Hearing:

[list of documents]

You should be aware that the purpose of the Hearing is to consider options which may include your dismissal.

You have the right to be accompanied by a colleague or trade union representative to support or advise you and I enclose a copy of this letter which you may give to him/her.

If either you or your colleague/representative are unclear about the procedures being followed please contact me as soon as possible.

* Those with the delegated power to dismiss (see Appendix 4 of the Procedure).

This may be:

- (a) a nominated Governor (or Governors); and/or
- (b) the Headteacher.

10. LETTER ISSUED UNDER LONG-TERM SICKNESS ABSENCE PROCEDURE FOLLOWING PANEL HEARING – DISMISSAL OUTCOME

Dear

Long-term Sickness Absence - Dismissal

Following the Hearing held before [*] at [location] on [date] at [time], I have to inform you that having regard to all the circumstances, [*] has decided that you should cease to be employed at [name of school].

The reason for this determination is [capability on grounds of ill-health].

You have the right to appeal against this determination and if you wish to do so must provide me with written notice within 10 working days of receipt of this letter [if necessary give final date by which to appeal]. You have the right to representation, including trade union representation at such an appeal and I enclose a copy of the relevant procedures. [enclose copy of Appeals Procedure] If you choose to appeal and your appeal is successful, you will be reinstated with effect from the date at dismissal.

** { [*] will inform the Local Authority of their decision that you should cease to work at the work at the school, and the Local Authority as your employer, will then take the necessary steps to terminate your employment and notify you of your effective date of termination. }

* Those with the delegated power to dismiss (see Appendix 4 of the Procedure).
This may be:
(a) a nominated Governor (or Governors); and/or
(b) the Headteacher.

** Voluntary-Aided/Foundation Schools replace paragraph with:
"As a result of this decision your employment with this school will terminate with effect from [insert date based on notice entitlement - HR Consultancy can advise]."

11. LETTER ISSUED FOLLOWING APPEALS UNDER SHORT AND LONG-TERM SICKNESS ABSENCE PROCEDURES

Dear

Appeal Meeting/Hearing held under [stage of relevant sickness absence procedure]

Following your appeal against **[sanction]** on **[date]** at **[time]**, I have to inform you that having regard to all the circumstances the Appeals Panel has decided to:

(i)

allow your appeal. The action taken against you at the **[meeting/hearing]** held on **[date]** is therefore revoked and will cease to be effective.

(ii)

allow your appeal in part. The action taken against you at the **[meeting/hearing]** held on **[date]** is therefore revoked and replaced by **[sanction]**.

(iii)

dismiss your appeal. The action taken against you at the **[meeting/hearing]** held on **[date]** therefore stands and **[details of sanction]**.

In reaching their decision the Appeals Panel were particularly mindful of the following points:
[details]

12. LETTER ISSUED TO MEDICALLY SUSPEND AN EMPLOYEE

Dear

Medical Suspension

Further to our recent **[discussion/conversation]**, I am very concerned about your health and that you may not be fully fit to work.

I am writing, therefore, to advise you that you are hereby suspended from your position as **[job title]** at **[name of school]** as I am concerned about your health, until such time as an Occupational Health Adviser has confirmed your fitness to return/I have gained further medical advice from **[.....]**.

Whilst you are suspended you will receive your full salary. (You will be asked to attend for an appointment with an Occupational Health Adviser during this time).

I hope to resolve the circumstances surrounding your suspension as soon as possible. The school is taking this action with your health in mind to ensure that you are fully fit to resume work. Also, to take into account any support/adjustments which may need to be made to assist on your return and to ensure the school takes into account any requirements under the Equality Act.

Suspension is not intended as a disciplinary measure and should not be seen as punitive or pre-judging any outcome.

13. LETTER ISSUED TO AN EMPLOYEE WHO AFTER BEING SUSPENDED DUE TO ALLEGATIONS OF MISCONDUCT THEN STATES THEY ARE ILL

Dear

Sickness absence during current suspension

Further to your recent suspension in accordance with the School's Disciplinary Procedure **[and following our recent discussion and/or receipt of medical certification]**, you are now required to follow the school's Sickness Absence Reporting Procedures.

Please note that the Formal investigation into allegations of **[misconduct]** will continue and that advice will be obtained from the Occupational Health provider/your medical practitioner, following an Occupational Health referral/receipt of further medical information, about whether you are fit to attend an interview or hearing as part of the investigation, although not fit for work.

You should also note that this episode of absence will be recorded as sickness absence and that you will be paid as per your contractual sick pay entitlement, information on which is also attached **(Appendix 1 of the Policy document)**.

If during this period of sickness absence your contractual sick pay entitlement ends, and you remain unfit to return to work, then your suspension will not resume until you are declared fit to return to work.

Once you are declared fit to return to work you are required to inform me immediately in order that we can consider whether to resume your suspension in order to allow the investigation to be completed or whether you should be allowed to return to work. You will be informed of this decision under separate cover and you should not return to work in the meantime.

If you have any queries relating to this letter or the actions taken to date, please contact me on **[details]**. You will be contacted as soon as possible about your appointment with Occupational Health/about next steps.

14. LETTER ISSUED TO AN EMPLOYEE FOLLOWING PANEL HEARING ILL HEALTH EARLY RETIREMENT (IHER)

Dear

Long-term Sickness absence and ill-health retirement award - Dismissal

Following the Hearing held before the Decision Maker/s at **[name of school]** on **[date]** at **[time]**, I have to inform you that having regard to all the circumstances, the Decision Maker/s has/have decided that you should cease to be employed at **[name of school]** as **[job title]**.

The reason for this determination is capability on the grounds of ill health. This determination was made on the basis of a medical certificate signed by an Independent Registered Medical Practitioner (IRMP) stating that you are permanently unfit to carry out the duties for you which you were employed to do. This means that you are now eligible for immediate release of pension benefits at TIER (1,2,3) *.

* **TIER 1** – the member is unlikely to be capable of undertaking gainful employment before reaching normal pension age.

Members receive accrued pension rights plus an enhancement of membership of 100% of prospective benefits up to normal retirement age.

Please note there is no review of Tier 1 benefits.

* **TIER 2** - the member is unlikely to be capable of undertaking any gainful employment within 3 years of leaving LG, but likely they would be able to do so before normal pension age.

Members receive accrued pension rights plus an enhancement of membership of 25% of prospective benefits up to normal retirement age. There is no review for this Tier.

Please note there is no review of Tier 2 benefits.

* **TIER 3** – the member is likely to recover sufficiently from the incapacity to enable them to be capable of undertaking gainful employment within 3 years of leaving LG or before normal pension age if earlier.

Members receive accrued pension rights only with no enhancement, with award subject to review at 18 months after the date of the original determination.

As this decision affects your pension rights you have a right under the Local Government Pension Scheme Regulations to appeal against this decision. If you wish to appeal please complete the enclosed form and return it to Sharon Booth, Head of HR Operations (you will find the address on the attached form) who will be the Employer Adjudicator for your case. You must do this in writing, within six months from the date of this letter.

You are entitled to [] weeks' notice, **at the end of this period your contract will terminate on health capability grounds / I have decided to pay in lieu of your notice entitlement **[number of weeks]** therefore your effective date of termination will be **[date]** and you will receive a lump sum payment equivalent to [] weeks' pay.

You also have the right to appeal against this determination to terminate your employment and if you wish to do so must provide me with written notice within 10 working days of receipt of this letter **[if necessary give final date by which to appeal]**. You have the right to representation, including trade union representation at such an appeal and I enclose a copy of the relevant procedures. **[Enclose copy of Appeals Procedure]**. If you choose to appeal and your appeal is successful, you will be reinstated with effect from the date at dismissal.

** and ** delete as appropriate*