



## Attendance Management Policy for Schools and Academies

Effective from January 2017

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## 1. Introduction

This policy has been developed in consultation with the recognised trade unions. Where the Governing Body wishes to deviate from this policy or adopt any other policy, the Governing Body will arrange consultation with recognised trade unions.

Where the word “school” is used throughout this policy, it can also be taken to mean academy.

The school aims to be an excellent school to work for and is committed to creating a culture that encourages employees to attend work.

Because employees need to have good attendance at work in order to provide the best possible education to the pupils, it makes sense that the school:

- supports employees to stay healthy where possible
- supports those who are off sick to help them return to work; and
- manages those staff whose sickness absence is causing concern consistently and fairly.

## 2. Scope

This policy and procedure applies to all school based employees (including the Headteacher), with the exception of support staff during their probationary period.

This policy is to be used when an employee is or has been absent from work due to sickness.

This policy is not applicable for managing non-sickness related absences such as:

- Unauthorised absences
- Absences related to any type of special leave. Employees should not take sickness absence to care for a family member or dependant who is sick. In such circumstances consideration will be given to what other leave may be available under the Special Leave Policy, and what other support could be offered.

This policy is for managing sickness absence, regardless of the illness, injury or medical condition. If the manager suspects that an employee has reported sick, but is not genuinely sick, they should handle this under the school’s disciplinary policy.

## 3. Definitions

**Manager** - In this policy the term ‘manager’ means the Headteacher, or the manager who has been nominated by the Headteacher to take actions or make decisions in relation to sickness absence.

### **Attendance Notice**

A formal letter issued at a formal stage of the Managing Sickness Absence procedure. It will state:

- the improvements in attendance that are required
- the Review Period (normally up to 8 calendar weeks), and
- that if the required standards are not achieved by the end of the Review Period, or are not sustained for 12 months, a second Formal Attendance Review will follow.

### **Final Attendance Notice**

A formal letter issued at a formal stage of the Managing Sickness Absence procedure. It will state:

- the improvements in attendance that are required
- the Review Period (normally up to 8 calendar weeks), and
- that if the required standards are not achieved by the end of the Review Period, or are not sustained for 18 months, an Attendance Hearing may follow which could result in dismissal.

## 4. Roles and Responsibilities

### Employee

It is important that employees understand their role in developing and supporting a culture of high attendance at work. Employees must:

- look after their general health and wellbeing and seek medical or other support where necessary in order to minimise their sickness absence;
- attend work unless unfit to do so;
- follow sickness absence notification and certification procedures;
- raise concerns with their manager if they feel their job is contributing to ill health;
- maintain reasonable contact with their manager during periods of sickness absence;
- when off sick, normally be available to be contacted, visited and/or to attend meetings during their normal working hours (unless annual leave has been agreed);
- attend occupational health appointments if referred;
- attend meetings called under this procedure unless unfit to do so;
- follow medical advice to support a return to work; and
- advise their manager if their contact details change.

### The Headteacher and other Managers

The role of the relevant manager is to:

- support employees who are unwell;
- carry out return to work meetings;
- identify any concerns with attendance and to discuss them with the employee; and
- carry out the relevant stages of Attendance Management procedures.

### Managers / Decision Makers at Formal Attendance Management Meetings

Meeting	Employee whose attendance is a concern	Manager / Decision Maker
Informal and Formal Attendance Reviews	Headteacher	Governor (normally Chair of Governors.)
	Other senior employee (e.g. deputy / assistant head, school business manager)	Headteacher
	All other employees	Headteacher or nominated manager.
Attendance Hearing	Headteacher	Committee* of governors not previously involved
	Other senior employee (e.g. deputy / assistant head, school business manager)	Committee* of governors
	All other employees	Headteacher (if not previously involved) or Committee* of governors
Appeal Against Dismissal	All	Committee* of governors not previously involved

\*In accordance with the School Staffing Regulations a Committee may consist of one or more governors.

Where there is a Committee of more than one governor, they will make all reasonable efforts to reach a unanimous decision. If a unanimous decision cannot be reached:

- in a Committee consisting of an even number of governors, the Chair of the Committee will have the casting vote;
- in a Committee consisting of an odd number of governors, a majority decision can be taken.

## **5. Principles**

### **5.1 Supporting attendance at work**

The school aims to develop a culture where employees feel engaged and are committed to delivering our educational services. Effective management is essential to developing such a culture.

The Headteacher and line managers play a critical role in ensuring employees feel valued and involved and, in doing so, support their well-being and attendance at work.

In addition, the school has a number of specific measures in place for supporting attendance at work:

- Access to an Occupational Health Service which can evaluate reasons for absence, and assist in planning returns to work and providing appropriate support;
- An Employee Assistance Programme to provide counselling support which is confidential and free of charge to employees;
- A commitment to reviewing absence levels within the school and engaging with employees to identify factors that may contribute to higher absence levels;
- A Flexible Working Policy to help employees achieve a work/life balance;
- A Special Leave Policy providing for leave for urgent domestic reasons, health screening and other appropriate reasons; and
- A Health and Safety Policy and commitment to identifying and minimising health and safety risks.

### **5.2 Addressing work related contributors to sickness absence**

Some absences cannot be avoided or reduced, but by addressing the causes of sickness absence the school can better support its employees.

The school has a general duty of care to employees and is responsible for considering factors that may be contributing to higher sickness absence in the schools, developing appropriate interventions accordingly.

Employees are encouraged to talk to their manager if they identify factors at work that are impacting on their health.

The School's Stress Policy contains guidance on managing stress in the workplace and assisting employees who have stress related absence. It is good practice to make an early referral to Occupational Health (i.e. after two calendar weeks of absence) when work-related stress is mentioned.

### **5.3 Recording, monitoring and reviewing sickness absence**

Good quality information is essential to managing absence effectively. This will provide the basis for monitoring and reviewing absence at individual, team and school levels.

The school will maintain accurate and confidential records of all absences.

All sickness absence will be recorded including work-related, disability and/or pregnancy related absence. This record will be accessible to the employee if required

Absence records will be used for payroll purposes and to monitor and manage levels of sickness absence.

The Headteacher will ensure that sickness absence is monitored and reviewed regularly. This will help to identify any issues at a team or individual level that need to be addressed.

#### **5.4 Sickness Notification**

Failure to comply with the following notification arrangements may lead to the absence being treated as unauthorised, stoppage of Occupational Sick Pay and/or disciplinary action.

When notifying sickness absence, it is helpful for the school to know at the earliest opportunity that a member of staff is not able to attend work i.e. at least one hour before the start of the school day or, if at all possible, the afternoon before.

The Headteacher will ensure that employees are aware of who they should notify in the event of their absence, and who should be contacted outside of normal working hours if applicable.

If an employee is off sick, they must notify the school of their absence as follows:

- telephone on the first day of absence, at least one hour before their normal start time (employees must make contact themselves unless, due to exceptional circumstances, it is not possible for them to do so);
- speak to the relevant manager and not leave a message with a third party, wherever possible;
- tell the manager about:
  - the broad nature of their illness
  - the anticipated length of their absence (if known at this stage),
  - details of any outstanding or urgent work that needs to be dealt with during the absence.
- Agree with the manager when they will call again to update them on their absence.

If the employee has made all reasonable attempts to contact the manager and is unable to do so, then they may need to leave a message with another person. In such cases it is appropriate for the manager to contact the employee when they are informed of their absence.

If an employee has not made contact, the manager will try to contact the employee. If there is no communication, the manager may consider referring to the Absence without Authorised Leave Policy.

#### **5.5 Keeping in touch during sickness absence**

It is important that the manager and the employee agree how they are going to keep in contact during periods of sickness absence. For self-certified short term absences, the default expectation is that an employee will maintain daily contact unless mutually agreed otherwise.

The presence of a medical certificate does not negate the need to keep in regular contact. However, if an absence is medically certified, the manager may agree less frequent contact arrangements.

If it is anticipated that the employee's absence is likely to be long-term, the manager will need to keep the employee up to date with changes at work that may affect their employment.

In some circumstances an employee may request alternative contact arrangements. They may ask to have contact with someone other than the manager or that the manager contacts someone else on their behalf (such as a partner or friend). Each case should be considered on an individual basis and requests for alternative contact arrangements should not be unreasonably refused, but it is important to ensure that alternative contact arrangements are requested and agreed in writing.

## **5.6 Sickness Certification**

Failure to comply with the following certification arrangements may lead to the absence being treated as unauthorised, stoppage of Occupational Sick Pay, and/or disciplinary action.

### **Self Certification**

Support staff must complete a Self-Certificate from their 1<sup>st</sup> day of absence. Teaching staff must complete a Self-Certificate from their 4<sup>th</sup> day of absence.

Self-certification is required for sickness absences up to 7 calendar days, including sickness absence of half a day or less.

When completing Self-Certificates, employees need to include the first and last day of their sickness.

- This means that if the employee became sick on a Saturday but was not due to work until the following Monday, the Saturday should still be recorded as their first day of sickness.
- Similarly, if the employee became fit to work on a Tuesday but was not due to work until the following Friday, the Tuesday should still be recorded as their last day of sickness.

### **Medical Certification**

Medical Certification (a Fit Note) is not required until after the 7th calendar day of sickness absence. The Fit Note must be submitted to the Headteacher by the end of the eighth day of sickness absence.

If an employee's absence is being reviewed as part of the Absence Review Process the individual may be asked to provide a Fit Note for all periods of sickness absence. This will be paid for by the School because it is not a usual part of a doctor's role to provide a Fit Note for absence of less than 7 days. The manager should confirm this requirement in writing to the employee so they can show their doctor why the request is being made.

### **What is a Fit Note?**

A 'Statement of Fitness for Work', (referred to in this Policy as a 'Fit Note') is a document issued by a Doctor if an employee's health affects their fitness to work.

A Fit Note will state that an individual is either:

- 'unfit for work'; or
- 'may be fit for work' (In this case, the doctor will give advice about support that could help a return to work).

The Fit Note includes tick boxes for the doctor to suggest ways in which the employer could support a return to work. This may include for example:

- a phased return to work;
- altered hours;
- amended duties; and/or
- workplace adaptations.

The doctor may also provide written comments on the form offering more detailed advice.

The doctor will also state the period the Fit Note covers. In the first 6 months of sickness, the advice can cover a period of up to a maximum of 3 months.

If the Note says the employee is not fit for work, the school will not to permit a return to work during that period.

Any period in days refers to calendar days – not working days.

### **What is the status of a Fit Note?**

The Fit Note is advice from a doctor. The school will always view the contents with due consideration, but the advice is not binding on the school.

### **What if the Fit Note says the employee “may be fit for work”?**

Where the doctor has ticked the ‘may be fit for work’ box, further information should be included on the Fit Note to explain the effects of the employee’s condition and/or recommend adjustments to the job to enable a return to work.

If the Fit Note includes recommendations, it is for the manager, in discussion as necessary with a HR advisor, Health and Safety advisor and/ or Occupational Health, to decide whether those recommendations can be accommodated. This will include considering whether the advised adjustments are consistent with the requirements of the job, safety requirements or regulations that the doctor may not be aware of.

A risk assessment based on the evidence from the doctor and in the context of the individual’s work environment will normally be carried out (the form at [Appendix D](#) may be used).

The manager may decide that the recommendations cannot be accommodated because:

- the Risk Assessment indicates the return to work cannot be safely accommodated, or
- the recommendations are not reasonable for the school to implement in the circumstances.

Where the recommendations cannot be accommodated, the employee cannot return to work and the Fit Note will be treated as though the Doctor has advised that the employee is ‘not fit for work’. The employee does not need to go back to the doctor for a new Fit Note to confirm this. The manager will explain the reasons for the decision to the employee and will keep a record of this.

If the manager does not understand the advice given by the doctor on the Fit Note they may write to the doctor to request clarification or make a referral to the Fit for Work Service or Occupational Health before agreeing a return to work for a more detailed review. Before taking this action, the manager will take into account:

- the cost of both of these options
- the length of time it may take
- the period of time covered by the Fit Note
- the nature of the employee’s condition, and
- HR advice.

The employee should be made aware if this clarification is being sought and give their consent.

If the employee feels that the manager has not made a reasonable decision in relation to the adjustments suggested by the doctor, they should try to resolve this through discussions with the manager and may wish to take advice from their Trade Union.

## 5.7 Fit for Work Service

If an employee has been absent for more than four calendar weeks, it is possible for the school or a doctor to make a referral to the [Fit for Work Service](#). Unlike Occupational Health referrals, the Fit for Work Scheme is free.

A Fit for Work Scheme referral will be considered as an alternative to an Occupational Health referral where:

- the employee consents to a referral to the Fit for Work service;
- the employee has not already been referred to Occupational Health, and
- the sickness absence appears to be a one-off injury or illness with a reasonably clear prognosis, as opposed to a more complex situation.

A 'Return to Work Plan' is produced by the Fit for Work service following referral of the employee for an assessment. The plan will include recommendations for supporting the employee back to work.

Any recommendations contained within a 'Return to Work Plan' have the same status as recommendations on a Fit Note – the school will give consideration to them in the same way but are not bound by them. If the school cannot reasonably accommodate the recommendations, the 'Return to Work Plan' will act as a Fit Note to cover the ongoing sickness absence.

## 5.8 Occupational Health Advice

In support of its approach to managing attendance, the school has access to an occupational health service and has a right to ask an employee to attend.

Employees who are being referred to occupational health will be asked to complete a Medical Consent Form. This will enable occupational health to request a report from the employee's doctor/specialist/consultant, as appropriate, in accordance with the Access to Medical Reports Act 1988. If an employee refuses to attend occupational health and / or refuses permission for a medical report to be obtained from their doctor, decisions affecting their continued employment will be made based on the information available.

The manager will seek advice from occupational health when they consider this to be appropriate. Occupational health advisers can:

- provide additional guidance on recommendations made by a doctor on the Fit Note;
- evaluate reasons for absence;
- assess the impact of the employee's health on their work (and vice versa);
- advise on planning returns to work;
- review suitability of redeployment opportunities;
- review or recommend adjustments;
- advise on whether the employee meets the criteria for ill health retirement.

Whilst the information occupational health provide can help inform any decisions to be made, they cannot make decisions on behalf of the school.

Where conflicting advice is received from Occupational Health and an employee's doctor or the Fit for Work Service, then Occupational Health advice will normally take precedence. Occupational Health may engage with other medical professionals in order to resolve any differences.

If an employee fails to attend an appointment at Occupational Health without prior notice and a valid reason, the school reserves the right to pass the cancellation fee onto the employee.

On receipt of the report from Occupational Health, the manager will, unless advised to the contrary, discuss the contents of the report with the employee at the next available opportunity.

If an Occupational Health appointment is postponed or a report is delayed by the employee, the manager may decide to proceed with meetings under this policy in which case decisions will be made based on the information available at the time.

## **5.9 Adjustments to work/ working hours**

The school is committed to helping employees remain in work and will, where appropriate and reasonable, support attendance at work by making temporary or permanent adjustments to the:

- work / duties,
- workplace,
- equipment/ facilities,
- working hours.

When considering whether to agree adjustments the manager will take into account the needs of the school.

The impact of any adjustments under consideration on the employee's terms and conditions or pay will be fully explained before decisions are taken.

Any adjustments that are agreed will be documented.

If the adjustments are temporary, a clear end date / review date will be recorded. The manager will review the adjustment with the employee and decide whether it will continue.

For further information on reasonable adjustments in relation to disability, please refer to the guidance '*Supporting employees who have a disability*'.

## **5.10 Phased returns to work**

In some circumstances, a doctor or occupational health adviser may recommend that a phased return to work is appropriate for employees following an injury or a period of long term sickness absence. This is to enable the employee to gradually build up their working hours and/or days and settle back into their normal working pattern.

As with any other advice from a doctor/ occupational health, it is only advice, and it is for the manager to decide whether a phased return can be accommodated, based on:

- whether it can be safely implemented, and
- whether it can be reasonably accommodated in the circumstances.

If the manager has any concerns they may seek further advice or clarification from occupational health before allowing the employee to return to work.

During an agreed phased return of up to 4 calendar weeks, the employee will usually be paid their normal contractual salary and will not be recorded as absent. If a phased return extends beyond 4 calendar weeks then the employee will be paid on the basis of hours actually worked.

An employee who requires more than one phased return in any 12 month period will not receive normal pay and instead receive pay based on the hours actually worked for the duration of the phased return(s) to work.

The employee may request to use accrued annual leave to make up any time that they are not at work during a phased return (only applicable to employees who have an annual leave entitlement that can be requested during school term-time).

### **5.11 Redeployment**

The possibility of redeployment on medical grounds may be explored at any stage of the procedure. HR and medical advice will be taken before exploring the options with the employee.

The Attendance Management Procedure will continue while options for redeployment are being considered. Redeployment can be explored up until the end of an employee's notice period.

No guarantee of redeployment can be given. However, if the employee is being redeployed due to a disability, they should be given prior consideration for vacancies within the school before vacancies are generally advertised.

No salary protection/safeguarding is available for employees who are redeployed to a lower graded role.

### **5.12 Ill-Health Retirement**

Employees who are contributing members of the Teachers' Pension Scheme or the Local Government Pension Scheme may qualify for immediate payment of pension benefits if they are permanently incapable of carrying out their duties on the grounds of ill health.

An ill health retirement referral may be made if the manager (support staff) or teacher believes the criteria for this may be met.

For more information on ill-health retirement for Teachers Pension Scheme members please see [Appendix B](#). For more information on ill-health retirement for Local Government Pension Scheme Members please see [Appendix C](#).

Where a contract terminates on grounds of Ill-Health Retirement for teaching staff who are members of the Teachers' Pension Scheme, no notice payments will be made.

The pension payment will come into effect on the day following the date on which notification is received by the employer from the Teacher's Pension Scheme that the application has been granted.

### **5.13 Disability related absence**

A person 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 is defined as disabled for the purposes of the Equality Act 2010. If the employee considers that they are affected by a disability they should inform their manager.

The school has an obligation to ensure that employees are not treated less favourably on the grounds of their disability, and to make reasonable adjustments to workplaces and practices to enable disabled people to undertake work.

In relation to sickness absence the manager will consider whether an employee's absence may result from a disability, or whether any illness may have exacerbated an existing disability. If so, the manager will consider whether any reasonable adjustments can be made (see section 5.9 above). Further guidance on reasonable adjustments is available in the document "supporting employees with a disability".

Sickness absence related to disability should be recorded as such. It is included for the purpose of considering whether sickness absence is giving cause for concern, however, reasonable adjustments to the operation of this policy may be considered if appropriate. If this is under consideration, both Medical and HR advice should be sought.

#### **5.14 Pregnancy related absence**

Pregnancy related sickness absence will not be included for the purpose of considering whether sickness absence is giving cause for concern.

If an employee is absent because of a pregnancy related illness on or after the beginning of the 4<sup>th</sup> week before her expected week of childbirth, her maternity leave automatically begins (see the Maternity Policy for more details).

#### **5.15 Injury at work**

When an accident, injury or assault occurs at work, it should be reported to the employee's manager at the time that it occurs or at the earliest opportunity thereafter. An Accident Form should be completed. Any sickness absence that occurs as a result of an injury at work should be recorded accordingly.

Accidents that result in three days or more sickness absence must be reported to the Health and Safety Executive via a Reporting of Incidents and Dangerous Diseases or Occurrences Regulations (RIDDOR) form. Managers should contact their Health and Safety advisor.

Sickness absences caused by accident, injury or assault at work should still be managed according to this policy.

Sick pay for teachers due to injury at work may be different to normal sick pay – see the '*Burgundy Book*' for more details.

#### **5.16 Sick pay**

Employees who are absent from work due to sickness may be eligible to receive statutory sick pay and/or occupational sick pay.

Statutory sick pay is a flat rate and where applicable continues for up to 28 weeks.

Occupational sick pay 'tops up' statutory sick pay.

For information on contractual sick pay please see the separate document "Occupational Sick Pay".

The management of sickness absence and payment for sickness absence are two separate issues. It is possible for an employee to be dismissed under this policy before their entitlement to sick pay has been exhausted.

#### **5.17 Pensions**

##### **Teachers Pensions**

When a member on sick leave receives less than half pay, they are not in pensionable employment; they are not able to make employee contributions to the TPS and the employer is not able to make employer contributions.

Employees are encouraged to make contact with the TPS for advice if the duration of their absence reduces their salary.

## **Local Government Pension Scheme**

All sickness absence is pensionable, even if on nil pay. For more information on how sickness absence affects pensionable pay contact LGSS pensions.

### **5.18 Return to work discussions**

The Manager will talk to the employee returning from a period of sickness absence, on the first day of return (or the day before) or as soon as reasonably practical thereafter.

Where an employee has a good attendance level and then has a single day's sickness absence a quick informal discussion may be all that is needed.

The purpose of the return to work discussion is to:

- make the employee feel welcome and valued upon their return;
- ensure that it is appropriate for the employee to return;
- consider any advice provided by the doctor on the Fit Note or Occupational Health;
- identify any issues (at home or at work) that may be causing or contributing to the absence;
- agree work to be carried out and priorities for their return; and
- discuss the sickness absence record if appropriate.

Additional guidance on completing return to work discussions can be found in the Manager's Toolkit.

Section C of the Self-Certification Form should be completed to confirm that a return to work discussion has taken place.

### **5.19 Refraining from work pending medical opinion**

If the manager has any concerns about the employee's fitness to work they may ask the employee to remain off work whilst advice from Occupational Health is sought. In these circumstances the employee will be asked to contact their GP to get a Fit Note to cover the absence, which will be recorded as sickness absence.

If an employee is unable to, or refuses to get a Fit Note to cover the absence, and the manager continues to have concerns about their fitness to work, then as a last resort the manager can require the employee to refrain from work. This would be on normal pay and the manager should seek HR advice before taking this course of action. The manager will confirm any such arrangement in writing to the employee.

## **6. Procedure – aspects common to all stages of the procedures**

### **6.1 Arranging and Preparing for Formal Meetings**

To arrange a Formal Meeting (or Hearing) under this policy, the employee will be sent a letter asking them to attend the meeting. The letter will:

- give at least 7 calendar days' notice
- outline the reason for the meeting
- outline the possible outcomes
- state the persons who will be present, and
- advise the employee of their right to be accompanied.

At least 7 calendar days before the meeting, the manager will send the employee all documentation to be considered at the meeting, including the employee's attendance record.

At least 3 calendar days prior to the meeting, the employee must provide the name of their companion/trade union representative and any further documents they wish to be considered at the meeting.

## **6.2 Failure to Attend Meetings and Rearrangements**

Meetings will be planned to ensure that timings and locations are reasonable to both parties. Meetings will be held on a normal working day for the employee (unless the employee agrees otherwise.)

Meetings associated with any stage of the procedure will only be postponed once.

In the event that the employee or their companion is unable to attend the meeting, one alternative date normally within 7 calendar days of the original meeting will be arranged.

If the employee, their trade union representative or work colleague is unable to attend on the revised date, the meeting will take place as scheduled.

If the employee is not able to attend the meeting, they will be given the opportunity to:

- have a representative attend on their behalf, and/or
- provide written representations.

At the meeting, decisions will then be made based on the evidence available.

If a meeting has proceeded without the employee present, the manager will write to the employee to confirm the outcome of the meeting and ask the employee to comment if they wish.

## **6.3 Agreed termination of employment**

At any point during the procedure, the employee may agree that they should be dismissed on the grounds of ill-health. However, the possibility of ill-health retirement must be explored before any dismissal takes place.

Where there is an agreed dismissal, the full procedure outlined in this policy is not required. However, the employee's agreement to the dismissal should be confirmed in writing.

If the employee agrees with the recommendation to end his/her employment, the Headteacher will need to confirm this, and send a letter confirming the dismissal and giving the employee the right of appeal.

## **6.4 Appeals against dismissal**

### **Submitting an Appeal against Dismissal**

An employee may lodge an Appeal against Dismissal by writing to the Chair of Governors within 7 calendar days of receipt of the letter confirming the dismissal.

The letter of appeal from the employee must:

- state their ground(s) for appealing, which must be that the employee believes:
  1. the Attendance Management Policy has not been complied with;
  2. there has been unlawful discrimination; and/ or
  3. new evidence has come to light which was not reasonably available at the attendance hearing and which is relevant and may make a difference to the original decision.

- for each ground of appeal raised, provide full details of why that ground of appeal applies, including all the key points they wish to present at their appeal.

When the above letter of appeal is received, the appeal will be heard at the earliest opportunity, and normally within 4 school weeks of receipt of the appeal letter.

### **Notification of Appeal Hearings**

The employee will be informed in writing of the place, date and time of a hearing at least 7 calendar days in advance.

### **Evidence for Appeal Hearings**

Evidence presented to the appeals committee must relate to one or more of the grounds stated above. If either party wishes to introduce new evidence, they must give written details of the new evidence and provide copies of any supporting documents and written statements to be presented.

New evidence should be provided to the Appeal Committee Chair at least 5 calendar days prior to the hearing. The Committee Chair has complete discretion as to whether to allow the new evidence.

In exceptional circumstances, additional new evidence may be permissible after this deadline at the complete discretion of the Committee Chair.

If, at the Appeal Hearing, the Appeal Committee decides that because of new evidence, further investigation, information, or clarification is required, it may be appropriate for an adjournment and to reconvene when this has been completed.

### **Appeal Hearing Procedure**

Appeal Hearings should not normally be full rehearing's. The employee should present their appeal according to the grounds they have raised in their appeal letter. The representative for the original decision should respond to the appeal points raised.

The Appeal Committee may have an HR advisor in attendance in an advisory capacity. The decision maker at the original hearing will also be in attendance to explain their decision and their HR advisor may also attend.

A Guide to the Appeal Hearing can be found at [Appendix F](#).

The Appeals Committee will deliberate in private, with their HR advisor present in an advisory capacity only. The parties may be recalled to clarify points of uncertainty on evidence already given. If a recall is necessary both parties will return.

The decision will be announced at the close of the hearing whenever possible. The Appeal Committee will confirm the decision in writing within 7 calendar days of the hearing.

The decision of the Appeal Committee is final.

## **6.5 Resignations**

If an employee who is on long-term sickness absence offers their resignation, the Headteacher will take HR advice before accepting this. The employee may then be offered a further opportunity to clarify their wishes before the resignation is accepted.

## **7. Standard Procedure for managing sickness absence**

### **7.1 When to commence this procedure**

This procedure should be used when an employee's sickness absence is giving cause for concern.

As a guide, absence records that may give cause for concern include:

- when an employee has 6 or more periods of sickness absence in a rolling year;
- when an employee has 3 or more periods of sickness absence in a rolling 6 months;
- when a period of sickness absence continues for 28 calendar days or more;
- when the employee has a pattern of sickness absence that is of concern (e.g. regular absence before or after holidays, or on certain days of the week, at regular intervals, or on days when certain events are due to take place);
- when the manager considers that the employee's sickness absence is having a significant impact on the service.

The manager should make contact with the school's HR Advisor prior to commencing this procedure.

### **7.2 Informal stage**

The informal stage provides the manager and the employee with an opportunity to discuss the situation on a one-to-one basis outside of the formal process. A considerate and supportive approach will be taken.

The informal review may take place as part of a return to work meeting, or as a separate meeting. If the employee is not fit to attend a meeting, the manager may consider alternative (non face-to-face) ways of undertaking the informal review if they consider this to be appropriate in exceptional circumstances.

The manager will discuss with the employee the matters set out in [Appendix A](#), ensuring the employee has the opportunity to make any representations they wish.

At the end of the informal review the manager will set a period of support and monitoring, which will normally be no longer than 8 calendar weeks.

The manager will advise the employee that they need to improve their attendance to an acceptable standard, and sustain that improvement for six months, or the formal steps of the Attendance Management Procedure will be followed.

If the employee's attendance improves after the informal monitoring period, it is important that this is acknowledged by the manager.

### **7.3 First Formal Review**

It is strongly recommended that the manager seeks HR advice prior to using the formal procedures. A first Formal Review meeting will be held if:

- the employee's attendance deteriorates during the informal monitoring period
- the employee's attendance does not show sufficient improvement at the end of the informal monitoring period, or
- satisfactory attendance is not sustained for the 6 months following the informal monitoring period.

### **At the meeting**

The manager will discuss with the employee the matters set out in [Appendix A](#), ensuring the employee has the opportunity to make any representations they wish.

The manager will:

- decide whether to:
  - issue an Attendance Notice; or
  - issue a Final Attendance Notice. (A Final Attendance Notice may be issued at this stage if the evidence suggests that improvement to an acceptable level of attendance is unlikely);
- set a Review Period
- explain the consequences of failing to meet the required standards of attendance, i.e.:
  - Attendance Notice – a Second Formal Review will be held
  - Final Attendance Notice – an Attendance Hearing will be arranged where a possible outcome is dismissal.

Following the discussion the manager will also decide what support will be given and/or measures will be taken to assist with the achievement of the required improvement.

A Review Period will be set which will not normally be longer than 8 calendar weeks.

### **After the meeting**

The manager will confirm the Attendance Notice/ Final Attendance Notice in writing within 7 calendar days of the meeting.

If during the Review Period the employee has concerns about any issues which may impact on their ability to meet or sustain the set targets, they should discuss these with, or write to, the manager as soon as they occur, rather than waiting for the next formal meeting.

If the employee's attendance improves after the first formal review meeting, it is important that this is acknowledged by the manager.

## **7.4 Second Formal Review**

A Second Formal Review meeting will be held if an Attendance Notice has been issued and:

- the employee's attendance deteriorates during the Review Period;
- the employee's attendance does not show sufficient improvement at the end of the Review Period; or
- satisfactory attendance is not sustained for the 12 months following the issue of the Attendance Notice.

### **At the meeting**

The manager will discuss with the employee the matters set out in [Appendix A](#), ensuring the employee has the opportunity to make any representations they wish.

The manager may decide to issue a Final Attendance Notice. If so, they will also:

- set a Review Period
- explain the consequences of failing to meet the required standards of attendance i.e. an Attendance Hearing will be arranged where a possible outcome is dismissal.

Following the discussion the manager will also decide what support will be given or measures will be taken to assist with the achievement of the required improvement.

A Review Period will be set which will not normally be longer than 8 calendar weeks.

### **After the meeting**

The manager will confirm the Final Attendance Notice in writing within 7 calendar days of the meeting.

If during the Review Period the employee has concerns about any issues which may impact on their ability to meet or sustain the set targets, they should discuss these with, or write to, the manager as soon as they occur, rather than waiting for the next formal meeting.

If the employee's attendance has improved after the second formal review meeting, it is important that this is acknowledged by the manager.

## **7.5 Attendance Hearing**

An Attendance Hearing will be held if a Final Attendance Notice has been issued and:

- the employee's attendance deteriorates during the Review Period;
- the employee's attendance does not show sufficient improvement at the end of the Review Period; or
- satisfactory attendance is not sustained for the 18 months following the issue of the Final Attendance Notice.

Before arranging an Attendance Hearing the manager must have explored all reasonable alternative options including:

- adjustments to the employee's role, working conditions or working hours;
- redeployment to an alternative role, and
- Ill health retirement.

An up-to-date (not older than 3 months) medical report (Occupational Health, GP or Consultant) should be available at the Attendance Hearing wherever possible.

### **At the Hearing**

The procedure to be followed at the hearing is detailed at [Appendix E](#).

The Decision Maker(s) will decide whether or not the employee should be dismissed with notice.

### **After the Hearing**

The Decision Maker(s) will confirm their decision in writing within 7 calendar days, including the right of appeal.

If an employee is dismissed they will be given appropriate contractual notice. The default position is that the employee will work their notice period. However the hearing Decision Maker(s) may decide that the employee need not attend work during the notice period (or payment in lieu of notice may be agreed).

If the Council is the employer (in Community and Voluntary Controlled schools), the Headteacher will notify the Council's HR Advisor, in writing, of the determination that the employee should cease to work at the school. The Council will carry out the formal dismissal within 14 calendar days, giving the appropriate notice.

The employee is entitled to the appropriate period of contractual or statutory notice (whichever is the greater), at their normal contractual salary. This is regardless of whether at that time the employee is on full pay, half pay or no pay.

## **8. Alternative Procedure for Managing Sickness Absence(s)**

### **8.1 When to use this alternative procedure**

The following procedure may be applied at the manager's discretion in cases where the evidence indicates there is little likelihood of:

- the employee becoming fit enough to return to their job within the next six months, and/or
- the employee being able to sustain satisfactory attendance at work in the future.

This alternative procedure is most likely to be appropriate in cases of terminal, life-threatening or life-limiting illness, or long-term or permanent medical conditions that have a severe impact on the employee's ability to do their job.

This alternative procedure is intended to be more flexible and removes the requirement for multiple formal meetings. As such it may be less stressful for the employee and less onerous for all parties. However, any action taken under this procedure should be fair, reasonable, and justifiable in the circumstances. Each case must be assessed on an individual basis ensuring that the employee's personal wishes are given due consideration.

It is possible to start managing an employee's absence(s) under the standard procedure and then switch to this alternative procedure if this is more appropriate in the circumstances. Equally, a manager may be handling a case under this alternative procedure and then move to the standard procedure (at First Formal Review) if that becomes more appropriate in the circumstances.

### **8.2 Informal Stage**

The manager will, wherever possible, speak to and/or meet with the employee during the absence as considered appropriate taking account of all the circumstances. Meetings may take place at the school, in the employee's home if this is acceptable to the employee, or at some other agreed location.

During this stage the manager will take a sensitive and considerate approach, and will make all reasonable efforts to:

- find out how the employee is and how long/ how much they anticipate being absent;
- obtain medical information and advice;
- understand any diagnosed condition, treatment and prognosis;
- explore what support the manager/ school can offer whilst the employee is absent; and
- explore what support or adjustments might facilitate a return to work.

The employee is expected to keep in touch with the manager as regularly as is reasonably possible, to keep them informed of the above information.

During the informal stage the manager will keep the employee's position under review. In their communications with the employee, the manager will be clear about how long they envisage the absence(s) can be sustained for, taking into account the degree of disruption or difficulty the absence is causing.

### **8.3 When dismissal becomes a possibility**

If a point is reached where the manager considers that the employee's job can no longer be held open for them, or that ongoing absences can no longer be accommodated, they will:

- tell the employee that there is a risk to their employment;
- explain the reasons for this;
- explain that they intend to arrange an Attendance Hearing which could result in dismissal; and
- provide the employee with a copy of this policy.

This message should be delivered sensitively and (initially) in person wherever possible, but must also be put in writing.

Before arranging an Attendance Hearing the manager must, if they have not already done so, explore all reasonable alternative options including:

- permanent or temporary adjustments to the employee's role, working conditions or working hours;
- redeployment to an alternative role, and
- Ill health retirement.

### **8.4 Attendance Hearing**

An up-to-date (not older than 3 months) medical report (Occupational Health, GP or Consultant) should be available at the Attendance Hearing wherever possible.

The suggested procedure for the hearing is detailed at [Appendix E](#), although flexibility may be applied according to the circumstances.

The Decision Maker(s) will decide whether the employee should be dismissed with notice on the grounds of capability (due to ill-health).

#### **After the Hearing**

The Decision Maker(s) will confirm their decision in writing within 7 calendar days, including the right of appeal.

If an employee is dismissed they will be given appropriate contractual notice. The employee will not be expected to attend work during their notice period.

If the Council is the employer (in Community and Voluntary Controlled schools), the Headteacher will notify the Council's HR Advisor, in writing, of the determination that the employee should cease to work at the school. The Council will carry out the formal dismissal within 14 calendar days, giving the appropriate notice.

The employee is entitled to the appropriate period of contractual or statutory notice (whichever is the greater), at their normal contractual salary. This is regardless of whether at that time the employee is on full pay, half pay or no pay.

## Appendix A - Matters to discuss at all meetings under this procedure

At all meetings under this procedure, the employee will be given full opportunity to contribute their views. The following matters should be explored as relevant:

- Review any previously agreed actions or adjustments and their impact
- Review the employee's absence record including reasons for each absence, including:
  - whether any absences may be due to a disability as defined by the Equality Act 2010;
  - whether there is any work-related element to the absences
- Review any guidance / recommendations provided by a Doctor, Fit for Work Service and/ or Occupational Health;
- Discuss any organisational difficulties caused by the absence(s);
- Consider whether the manager will make a referral to Occupational Health;
- Consider any supportive options that the school may be able to offer, if appropriate, on a temporary or permanent basis, for example:
  - altering duties;
  - making adjustments to the workplace;
  - making a reduction or amendment to working hours;
  - employee accessing counselling;
  - granting special leave;
  - granting annual leave at short notice (if appropriate) or
  - exploring the possibility of redeployment, if the employee is not able to continue in their current job.
- Consider whether an ill-health retirement referral should be made.

## Appendix B - Early Retirement on the grounds of Ill-Health - Teachers' Pension Scheme

### Ill-Health Eligibility Criteria

These are two levels of Ill-Health benefits that may be granted. The level depends on whether the member is assessed as being:

- Permanently unable to teach but could do other work. In these circumstances a member could receive immediate payment of their accrued benefits or
- Permanently unable to teach and unable to do any other work. In these circumstances, a member would receive an enhancement based on half of the service they could have completed before reaching their normal pension age (NPA) and their salary at retirement.

If a member applies for Ill-Health Retirement within two years of leaving pensionable employment and there is evidence that they left for the same medical reasons as on their application, they will be treated as though they are still in service. This is to ensure that members with slow to develop, or difficult to diagnose, conditions are not disadvantaged.

Members with long term health issues who have already made adjustments (called 'stepping down') and who subsequently apply and are granted total incapacity benefits, will then have any enhancements calculated using their salary before the adjustment, provided the same illness is involved. Their accrued benefits will still be calculated as normal.

### Procedure

Where circumstances suggest that the eligibility criteria for Ill-Health Retirement may be met, the following process should be followed:

Teacher	Complete application form which can be downloaded from TPS website. (The form must be signed)
School and Occupation Health Advisor	Complete the medical evidence form Usually the applicant will have been assessed by a specialist if their health condition is severe enough to warrant Ill-Health Retirement and such supporting evidence should be included.
Forms and any additional medical evidence are sent to Teachers Pensions	
Teachers Pensions	Applications are considered by appointed Medical Advisors. The final decision is taken by Teacher Pensions taking into account the Medical Advisor's observations. Teachers Pensions will advise the School and member of the decision.
School	If Teachers Pensions accept the application and the member is still teaching this must cease immediately. Make submission to TP (i.e. details of members pensionable service and salary details).

Where circumstances suggest that the eligibility criteria for Ill-Health Retirement may be met, the teacher must complete the application form for this purpose. Any application made must include supporting medical evidence from Occupational Health that the employee is permanently incapable of teaching. Only Teachers Pension medical advisers can establish eligibility for Ill-Health Retirement benefits under the scheme.

If the application is accepted by Teachers Pensions, the employee must cease employment immediately. Benefits are then due from the day after the last day of pensionable employment. A teacher whose employment ends following acceptance of Ill-Health Retirement will not be classed as having been dismissed or having resigned: the employment will cease on the day that the school receives notification that Teachers' Pensions have granted the application.

## **Terminally ill employees**

If the employee is terminally ill and has a life expectancy of less than 1 year they may be able to convert their pension into a lump sum. This request must be made when an application for ill health benefits is made, as it cannot be made after receipt of benefits.

## **More information**

For further information on pension benefits please contact the Teachers' Pension Scheme on 0845 6066166 or [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk).

## Appendix C - Early Retirement on the grounds of Ill-Health - Local Government Pension Scheme

### Introduction

The employer will consider whether an employee, who is leaving employment due to ill-health, qualifies for Ill-Health Retirement benefits.

The Council acts as the employer for Voluntary Aided and Foundation schools for the purpose of this decision.

Ill-Health Retirement only applies to employees who are members of the Local Government Pension Scheme (LGPS) and who will have qualifying service for a period of two years at the last day of employment.

### Ill-Health Retirement and Dismissal

When considering Ill-Health Retirement, it is important to note that there are two distinct but related decisions.

- 1 - should the employee be dismissed on the grounds of ill-health?
- 2 - is the member entitled to LGPS Ill-Health Retirement benefits?

### Ill-Health Retirement Definition

Ill-Health Retirement occurs when an employee who is an active member of the LGPS is dismissed at any age up until normal pension age, has qualifying service for a period of two years at last day of employment, **and** the Independent Registered Medical Practitioner (IRMP) certifies:

- that as a result of ill-health or infirmity of mind or body, the employee is permanently incapable of discharging efficiently the duties of the employment they are engaged in, and
- that as a result of ill-health or infirmity of mind or body, the employee is not immediately capable of undertaking any gainful employment.

**Permanently incapable** is defined as “the member will, more likely than not, be incapable until at the earliest, the member’s normal pension age”. Normal pension age is the individual member’s State Pension Age, or age 65 yrs if later.

**Gainful employment** means paid employment for not less than 30 hours in each week for a period of not less than 12 months. It is important to note this means any paid employment anywhere and not just another position commensurate with the existing employment.

### Conditions

An employee must meet all the following conditions to be entitled to Ill-Health Retirement benefits under the LGPS:

- The employer agrees to terminate their pensionable employment before they reach normal pension age on grounds of ill-health or infirmity of mind or body.
- The IRMP must have certified eligibility (by completing the Ill-Health Certificate) stating that as a result of ill-health or infirmity of mind or body the employee is both permanently incapable of discharging efficiently the duties of their employment and is not immediately capable of undertaking any gainful employment.
- The employee must have a minimum of two years qualifying service at last day of employment.

### III-Health Retirement Benefits

If the employee qualifies for III-Health Retirement benefits these would be payable with no early payment reduction regardless of age.

If the member meets the conditions (as described in section 4), it is the LGPS Scheme Employer's responsibility (not the IRMP) to decide which tier of benefits the member should receive. This decision is important as it determines whether the member gets an enhancement to their benefits and whether their pension is permanent or not.

The IRMP will indicate their medical opinion in relation to when, and if, the employee may be capable of gainful employment in the future. The LGPS Scheme Employer (i.e. academy or the Council) will then give strong regard to this medical opinion and consider the statutory guidance available and non-medical factors that will affect the member's ability to undertake gainful employment.

Tier	When it applies	The effect on benefits
1	Where it is determined that the member is unlikely to be capable of undertaking any gainful employment before their normal pension age.	Pension benefits paid with no early payment reduction, plus enhancement based on 100% of the further annual pension, calculated on assumed pensionable pay, that would have been achieved between leaving and the normal pension age.
2	Where the member is not entitled to Tier 1 benefits, is unlikely to be capable of undertaking any gainful employment within three years of leaving, but is likely to be able to undertake gainful employment before reaching normal pension age.	Pension benefits paid with no early payment reduction, plus enhancement based on 25% of the further annual pension, calculated on assumed pensionable pay, that would have been achieved between leaving and normal pension age.
3	Applies when it is likely that the member will be capable of undertaking gainful employment within 3 years of leaving employment or before normal pension age if earlier.  Full details of the conditions attached to Tier 3 will be provided at the time of retirement.	Temporary benefits with no early payment reduction, but with no enhancement will be paid for a period of no more than 3 years.  The pension would be suspended if gainful employment were obtained, if a review 18 months after leaving found that the member was capable of gainful employment, or at the end of the 3 years period. The pension would then be deferred until normal pension age though the member could choose to have it paid earlier with appropriate payment reductions, and would have the standard options of asking for payment from age 55 or after, or early payment on permanent ill health grounds.

If the employee is awarded Tier 1 or Tier 2 III-Health Retirement benefits, then the calculations for Assumed Pensionable Pay (APP) will be:

1. Employees for whom the Council is the Scheme Employer - made in accordance with Regulations 39 and 21 of the LGPS Regulations 2013 having regard to the Council's policy on the inclusion of lump sum payments when calculating APP.
2. Employees employed by an Academy – made in accordance with their LGPS discretions

## **Employee has been working reduced hours**

When the IRMP confirms their opinion regarding the questions pertinent to an Ill-Health Pension decision, they will consider whether the employee has been working reduced hours, wholly or partly as a consequence of ill-health or infirmity of mind or body. The IRMP will clearly specify their conclusion.

Where appropriate, an adjustment will be made when calculating the employee's Assumed Pensionable Pay for the purpose of calculating the enhancement to a tier 1 or 2 ill health pension.

## **Disputes with medical opinion (Ill-Health Retirement decision)**

If an informal discussion and explanation fails to resolve the member's concerns and a disagreement remains, the appropriate route for the member to progress the matter is through the Pension Scheme's Internal Dispute Resolution Procedure (IDRP). This will be made clear in the formal pension decision letter issued to the member by the LGPS Scheme Employer. Guidance on the Scheme's IDRP is available from LGSS Pensions.

An application for resolution of a dispute under IDRP Stage 1 is time restricted, the application should normally be made within six months of notification of the decision being disputed.

## **Voluntary resignation as a result of Ill-Health**

The Ill-Health Pension Process only applies to employees who are dismissed on grounds of ill-health. It does not apply to employees who have an ill-health problem who choose to leave voluntarily.

If an employee who is a member of LGPS resigns and the Headteacher believes the reason for the resignation may be ill health, they should seek HR advice before accepting their resignation. It may be appropriate to meet with the employee to discuss the matter and to then confirm in writing that if they have ill health problems and leave their employment by resigning voluntarily, that they have no prospect of qualifying for immediate Ill-Health Retirement benefits.

## **Terminal Illness**

Pension benefits may be available to a terminally ill employee (subject to them meeting the Ill-Health Retirement criteria). The issues surrounding the relative benefits of death in service and death on pension for an employee and their family are complex. Guidance should always be sought from LGSS Pensions.

This is one exceptional circumstance where consideration could be given to dismissing an employee on ill-health grounds before an Ill-Health Retirement Certificate is received. LGSS Pensions can provide further guidance.

## **Completion of Ill-Health Liability Insurance**

The Pension Fund has Ill-Health Liability Insurance at pension fund level, and employees will be required to complete an insurance form at the beginning of the ill health process to enable the recovery of any insured costs.

## **More information**

LGSS Pensions can offer further guidance on the LGPS.

The school's HR advisor will be able to offer advice and assistance regarding the Ill-Health Retirement Process.

Estimates of Ill-Health Retirement benefits from LGSS Pensions can only be requested by HR Providers.

## Appendix D - Managers Risk Assessment for employee who *may be fit for work*

For use when a Doctor or Fit for Work Service has advised an employee may be fit for work and proposed adjustments.

<b>Is it safe for the employee to return to the work setting, with the adjustments that have been advised?</b>	<b>Yes:</b> if so how will this be done?	<b>No:</b> why is it not considered safe?	
<b>What risks do you foresee in doing this?</b>			
<b>To your employee:</b>			
<b>To other employees:</b>			
<b>To Customers:</b>			
<b>How will you reduce these risks as far as you can?</b>			
<b>Control measures (including support &amp; resources)</b>	<b>Who will do this</b>	<b>Date</b>	
<b>Is it reasonable in all the circumstances to implement the adjustments that have been advised?</b>	<b>Yes:</b> if so how will this be done?	<b>No:</b> for what reason are the adjustments considered unreasonable?	
<b>Weekly review &amp;/or further actions</b>	<b>Who will do this</b>	<b>Date</b>	
<b>Manager signature &amp; date:</b>			
<b>Contact made with HR Advisor or Health &amp; Safety Advisor? Yes / No</b>			

Managers need to assess whether a safe return to work is possible and if they can reasonably implement the GP's recommendations for return to work.

The risk assessment should be discussed with the employee concerned, and should take account of the condition, advice and functional effects described by the medical professional.

Managers should contact their HR Advisor and/ or Health & Safety Adviser if they are uncertain about any of the proposed adjustments.

## Appendix E – A guide to the Attendance Hearing

### **1. Introductions**

The Chair introduces him/herself and invites all others to introduce themselves. The Chair runs through the agenda.

### **2. Nature of the meeting**

The Chair specifies the nature of the meeting and checks that all parties have the relevant documents.

### **3. Presentation by management**

The manager presents the management case.

### **4. Questions by employee**

The employee and/or representative may question the manager.

### **5. Questions by Decision Maker(s)**

The Decision Maker(s) and their HR advisor may question the manager.

### **6. Presentation by employee**

The employee and/or their representative presents their case.

### **7. Questions by management**

The manager may question the employee.

### **8. Questions by Decision Maker(s)**

The Decision Maker(s) and their HR advisor may question the employee.

### **9. Final statement by management**

The manager may make a final statement.

### **10. Final statement by employee**

The employee and/or representative may make a final statement.

### **11. Withdrawal**

Both parties withdraw to allow the Decision Maker(s) to come to a decision. The Decision Maker's HR advisor remains. Both parties may be asked to remain available in case the Decision Maker(s) need to clarify any points.

### **Adjournments**

Either party may ask for an adjournment during the course of the hearing.

## Appendix F – A guide to the Appeal Hearing

### **1. Introductions**

The Chair of the Appeal Committee introduces him/herself and invites all others to introduce themselves. The Chair runs through the agenda.

### **2. Nature of the meeting**

The Chair specifies the nature of the Appeal, and checks that all parties have the relevant documents.

### **3. Presentation by employee**

The employee and/or their representative present their Appeal.

### **4. Questions by person presenting the management case**

The person presenting the management case and/or their HR support may question the employee.

### **5. Questions by committee members**

The committee members and/or their HR advisor may question the employee.

### **6. Presentation by management**

The management representative presents the management case.

### **7. Questions by employee**

The employee and/or representative may question the person presenting the management case.

### **8. Questions by committee members**

The committee members and/or their HR advisor may question the person presenting the management case.

### **9. Final statement by employee**

The employee and/or representative may make a final statement.

### **10. Final statement by management**

The person presenting the management case may make a final statement.

### **11. Withdrawal**

Both parties withdraw to allow the Appeal Committee to come to a decision. The HR advisor remains. Both parties may be asked to remain available in case the committee needs to clarify any points.

### **Adjournments**

Either party may ask for an adjournment during the course of the hearing.