



**Hull**  
City Council

**Managing  
Sickness  
Absence  
Procedure for  
Teaching and  
Support Staff  
in Schools**

Hull City Council  
Workforce Strategy  
Implementation Date: April 2009  
Updated: October 2008

## **MANAGING SICKNESS ABSENCE PROCEDURE**

### **TEACHING AND SUPPORT STAFF IN SCHOOLS**

#### **INTRODUCTION**

1. This document sets out the procedure to be followed by Headteachers when dealing with sickness absence. It should be read in conjunction with the Policy on Sickness Absence and the Procedure for Reporting Sickness.
2. Sickness absence needs to be managed effectively and consistently and falls into two main types:
  - Frequent and non frequent intermittent short/medium term absence which may or may not follow a pattern or,
  - Long term absence being absence longer than 15 working days, please refer to paragraph 50 for further guidance.

The Management of each type of absence requires a different approach.

#### **ROLES**

3. To ensure sickness absence is properly managed it is important that all parties are aware of their responsibilities. With this in mind the following roles are clearly identified:-

##### **Occupational Health and Safety Services Unit (OHSSU)**

4. The Governing Body is committed to the principle of Occupational Health and recognises the role to be played by the Council's Occupational Health and Safety Services Unit, or alternative providers. The unit has a wide role to play in improving the health of the work force. It will also fulfil an important advisory role within this policy.
5. The OHSSU will provide advice and guidance to Headteachers on the employee's state of health giving specific help on such matters as duration of absence and where appropriate limitations on working activities on the return to work. In some cases where the employee is waiting to be referred to a specialist, a private appointment paid for by the school may be considered. If appropriate the OHSSU will, with the employee's consent, advise the employee's General Practitioner (GP) on the nature of the employee's work and receive from the GP any relevant information on the employee's medical condition.
6. In the case of an employee referring themselves to the OHSSU detailed medical information on the employee's condition will not be released by the OHSSU without the employee's permission. However, where the headteacher refers the employee to the OHSSU information on the employee's condition, expected duration of absence and the relation to/effect on work activity will be given to Headteachers in order

that they can manage the sickness absence. It should be noted that specific medical release of information is covered by the Access to Medical Reports Act 1988 and should not be released to a third party (e.g. insurance companies etc) without the written consent of the employee concerned.

7. When Headteachers are considering referring an employee to the OHSSU, guidance should be sought from the Employee Relations team. In order for the OHSSU to make a proper medical assessment it is advisable to provide them with as much information as possible including background information as possible on the employee's duties, working practices, sickness record and the nature of the absence(s). In cases of long term absence referral to the OHSSU may be after approximately 3/4 weeks of absence. Each case however will be different and any referral will be dependent on the circumstances of the case and not necessarily the length of absence. It will be the responsibility of the Headteacher to explain to the employee that it is normal practice to refer an employee to the OHSSU and to explain the role of the Unit.

#### **Headteacher**

8. The monitoring and control of absence on a day to day basis is the responsibility of the Headteacher.
9. Headteachers are also responsible for the day to day welfare of their staff.
10. Headteachers must ensure following adoption of this policy that its aims are publicised to all their staff.
11. Headteachers are responsible for providing the Employee Relations team with as much background information as possible on an employee's duties, sickness record and the nature of the absence(s) when referring cases.

#### **Local Authority (LA)**

12. The LA will provide training to give Headteachers a thorough understanding of the policy and procedure. The LA will also provide training for Governing Bodies.
13. The Employee Relations team will provide advice on sickness absence to Headteachers. The Employee Relations team will also provide advice and information to employees on welfare provision, including the availability of counselling.
14. The Employee Relations team will provide figures and advice on retirement of employees on the grounds of ill-health and where practical to do so will involve the appropriate Trade Union

## **OTHER RELEVANT POLICIES/PROCEDURES/STRATEGIES**

15. There are other Policies or Procedures which the Governing Body should have regard to. These include:-
  - a. Welfare Procedure - (including the availability of advice from the LA welfare contact or advice and counselling from the OHSSU or the external counselling service).
  - b. Equal Opportunities in Employment Policy.
  - c. The possibility of redeployment within the school and returning to work on a part-time basis after sickness, this will be dependent on the suitability of each case.
  - d. Retirement on the grounds of permanent ill health.
  - e. Employment Policy on HIV and AIDS.
  - f. Disability Discrimination Act 1995 - whereby the school will have to make reasonable adjustments to employees who become disabled or whose disability worsens.

## **METHODS OF MONITORING AND CONTROLLING SICKNESS ABSENCE**

### **Reporting Sickness and Producing Certificates.**

16. The rules for reporting sickness absence and submitting evidence of sickness are contained in a separate document which is given to all new employees (Appendix 1). It should be noted that a self certification form must be completed for all absences of 7 days or less.
17. A medical certificate is not normally required until the 8th day of absence. However, in appropriate cases, as part of this procedure, the Headteacher may require a certificate prior to this, if the level of sickness absence is raising concern. This will normally apply to cases of short-term absences. In such cases the cost of obtaining the certificate will be reimbursed by the school.

### **Records**

18. The Governing Body recognises that accurate, accessible and well-presented information is essential for effective absence control and will ensure that such records are kept, regularly monitored and that action is taken on a consistent basis. It is therefore recommended that a calendar for each employee is adopted which will provide the main source of information on an employee's absence record (Appendices 2 and 2a).
19. Information on levels of sickness absence will be presented to employees and jointly discussed at the Governing Body Meetings and the LA Joint Consultative Committee's. The method of presenting the information will ensure individual confidentiality and will provide

reasons for absence, number of days absent and where appropriate an estimate of costs incurred by the school due to sickness absence. Where the level of absence or patterns of absence in a school raises concern then the Authority will work with a school to identify any reasons for such absences and where practicable work towards a solution(s).

20. When considering an employee's attendance record all absences from work because of illness and injury will be considered.
21. If an absence is related to an industrial injury it is important that any need for improvement in methods of work, working conditions and training etc. are identified. In the case of an accident which has arisen out of or in the course of a teacher's employment then the provisions under Section 4: Sick Pay Scheme - Paragraphs 9.1 – 9.4 of the Burgundy Book will apply for sick pay entitlements.
22. For support staff the provisions in the NJC National conditions of service referred to as the 'Green Book' will apply.

## **MAINTAINING CONTACT WITH EMPLOYEES ON SICKNESS ABSENCE**

### **Contact during Absence**

23. It is important that the Headteacher maintains regular contact with an employee who is absent from work due to sickness. This might involve telephoning the employee at home or when appropriate visiting the employee at some other neutral and acceptable venue which may include the home. Care should be taken if this contact could be perceived as threatening by the employee.
24. At this visit it may be appropriate to refer an employee to the OHSSU as well as organising a Welfare Officer to see the employee. After visiting an employee an appropriate record must be kept of the discussion. When a home visit is being arranged the Guidance Notes at Appendix 3 must be followed. The decision to conduct any home visit rests with the Headteacher and must only be arranged when it is appropriate to do so.

### **Return to Work Discussions**

25. It is widely recognised that the return to work discussion can have many positive effects. Such discussions must be carried out sympathetically and in private, by the Headteacher. Return to work discussions should only take place after either a period of absence (e.g. 5 days or more) or where a habitual pattern of absence has been identified. Care must be taken to ensure consistency and uniformity of approach.
26. A record of the discussion and the nature of the sickness must be made on the Return to Work Form (Appendix 4). A copy of this form will be given to the employee. It should be noted that 'sick' is not sufficient as a reason for absence.

27. If there is no improvement in an employee's sickness record and every effort has been made by the Headteacher to help an employee regarding their unsatisfactory sickness absence record then the Headteacher must inform the employee of his/her intention to proceed to an Informal Interview.

### **SICKNESS CONTROL PROCEDURE**

28. The aim of this part of the policy is to explain to employees what may happen if their attendance record is unsatisfactory and to ensure that where formal action is necessary that this is done in a fair, consistent and proper manner.

### **FREQUENT, SHORT AND MEDIUM TERM ABSENCES FORMAL ACTION**

#### **First Stage - Informal Interview – Absence Raising Concern**

29. If your attendance record is falling below an acceptable standard and return to work discussions have taken place, you will be interviewed by the Headteacher and asked for an explanation. This will be an informal interview and you may bring a work colleague or trade union representative if you wish. You will be informed in writing of this informal interview with 10 working days notice. It will be your responsibility to arrange for a work colleague or trade union representative to be present. The meeting will be arranged at a time convenient to all parties, on the basis that you have made contact with a work colleague or trade union at the start of the 10 working day period. (Letter 1)
30. If it appears that a personal or domestic difficulty may be affecting your health, welfare assistance will be offered. This facility, however, is also available to you at an earlier stage.
31. If it seems that your attendance record may be affected owing to health reasons or if you feel this is the case, you will be referred to the OHSSU. You will also be advised to consult your GP.
32. At this stage you will normally be advised that your attendance record is causing concern and that every effort must be made to improve it. A letter confirming this advice will be sent to you by your Headteacher which will include details of the above the fact that your attendance record will be monitored and reviewed, date to be agreed for the next the meeting, (which should be no longer than 3 months). (Letter 2).

#### **Second Stage - Formal Action – Formal Warning**

33. You will be informed (or reminded) of the interview in writing, with 10 working days notice, and will be given the right to be accompanied by a work colleague or trade union representative. The interview will be conducted by the Headteacher. (Letter 3)
34. The purpose of the formal interview will be to:-
- establish the reasons for your level of absence

- record what action could be taken by you and by your Headteacher to improve your level of attendance.
  - express concern over your level of sickness absence and its effect on others
  - set a review period during which your sickness absence level will be monitored
  - consider all the circumstances of the case and if appropriate you will be given a formal warning, which will remain on your file for one year.
35. Where a formal warning is given this will be confirmed to you in a letter which will explain that if your absence record does not improve to the required standard and if the improvement is not sustained, at the next review meeting, if appropriate a final written warning could be issued to you. At this meeting a review date will be arranged to review the absence. (Letter 4)
36. Subject to your agreement a copy of this letter will be given to your recognised trade union representative.
37. In deciding appropriate action, your Headteacher will take into account all circumstances including medical information from the OHSSU, possible modification to your job and the availability of suitable alternative work. Your Headteacher will be required to consider reasonable adjustments for employees who become disabled or whose disability worsens under the Disability Discrimination Act 1995.
38. Where a formal warning is given, your attendance record will be monitored and a review of your attendance record will take place at intervals of not more than 3 months. One of the aims of the procedure is to achieve and maintain a satisfactory attendance level and therefore, a satisfactory attendance level must be achieved during the review period, this must then be maintained over a longer period. In the case of a formal warning, the improvement must be maintained over a twelve month period from the date of the letter confirming /giving the warning. If an improvement is maintained over a twelve month period, the warning will be removed from your file. However, your attendance will still be monitored and if it deteriorates again you will revert back to the first stage of the procedure the Informal Interview.
39. If during the review period there is improvement to a satisfactory level, you will be advised of this in person and this will be confirmed in writing to you by the Headteacher. If however, following the review, there is no improvement or insufficient improvement a further formal interview will be held.
40. Where a warning has been issued you will have the right of an appeal to the Appeals Committee of the Governing Body, however this will not stop the procedure from continuing.

### **Third Stage - Final Written Warning**

41. You will be reminded or informed of the interview (10 working days) in writing and be given the right to be accompanied by a work colleague or trade union representative. (Letter 5). The interview will be conducted by the Headteacher. If appropriate a final written warning will be given which states that sickness absence record must improve or the case could be referred to the Staff Dismissal Committee for their consideration of a dismissal on the grounds of capability and a further 3 month review period will be set. The final warning will be confirmed in writing by letter and subject to your agreement, a copy of this letter will be sent to your recognised trade union representative. At this meeting the final formal interview date will be arranged.
42. Where a final written warning has been issued you will have the right of an appeal to the Appeals Committee of the Governing Body, however this will not stop the procedure from continuing. (Letter 6)

### **Fourth Stage - Referral to the Staff Dismissal Committee or a Dismissal if the Headteacher has Delegated Powers**

43. If during the 3 month review there is insufficient improvement a final formal interview will be held with the headteacher, this review date will have been arranged at the meeting where you were issued with a final written warning, or in the case of long term absence where you had been informed that your employment was at risk. If there is insufficient improvement you will be informed that the case will be referred to the governors of the Staff Dismissal Committee for their consideration of a dismissal under the Sickness Absence Policy. You will be given 10 working days notice to prepare for the hearing, at which stage you will be given copies of all relevant documentation which will be presented by the headteacher. You will also be required to submit any paperwork which you require the governors to consider as part of your presentation no less than 2 working days from receipt of the paperwork submitted by the headteacher. This information will also be shared with the headteacher. You will also be given the right to be accompanied by a work colleague or trade union representative. At the hearing the governors could decide to terminate your contract on the grounds of capability or your final written warning could be reinforced and a further review period being set. At the hearing the Headteacher will present the case and you will be given the opportunity to state your case either in person or through your work colleague or trade union representative. (Letter 7)

**Please Note:**

If the headteacher has delegated powers to dismiss s/he can do so at this stage, providing a final written warning has been issued, or in terms of a long term absence you have been informed previously your employment is at risk.

44. The Staff Dismissal Committee or relevant Committee of the Governing Body will decide what action is appropriate and if dismissal is recommended to be the appropriate course of action, a letter confirming this decision will be sent to you. If the governors decide to dismiss you this will be actioned with immediate effect and appropriate notice will be served, in accordance with your contract of employment, regardless of whether or not you are off sick at the time or whether or not your sick pay has been exhausted. The letter will also state that you have a right of appeal to the Appeals Committee of the Governing Body. Any appeal must be given in writing to the clerk of the Governors Team, with a copy to the headteacher, within 10 working days of the date of the dismissal letter. The appeal will be arranged during your notice period. In the event of you deciding not to appeal consideration can be given of making a full payment in lieu of notice by the governors. (Letter 8).
45. Following the decision of the Appeals Committee, if the dismissal is upheld, consideration of making you a payment in lieu of any remaining notice will be given to you, in accordance with your contract of employment. A letter confirming this decision will be sent to you. In the event of the Appeal Committee overturning the decision you will be reinstated.

**IMPROVEMENT**

46. If during any of the 3 month review periods, your sickness absence record improves to a satisfactory level, you will be advised of this by letter. One of the aims of this procedure is to achieve and maintain a satisfactory attendance level and therefore, although a satisfactory attendance level may be achieved during the review period, this must then be maintained and sustained over a longer period. (Letter 9).
47. Where a warning has been issued, the improvement must be maintained over a twelve month period from the date of the letter confirming/giving the warning, after which time the warning will be removed from your file. However, your attendance will still be monitored and if it deteriorates again you will revert back to the first stage of the procedure the Informal Interview.

**LONG TERM SICKNESS ABSENCES**

48. If you are absent for a prolonged period and/or have a long term illness the following action will be taken, having full regard to the policies on Equal Opportunities in Employment, Ill Health Retirement and the Disability Discrimination Act 1995, especially that relating to the need to make reasonable adjustments for employees who become disabled or whose disability worsens.

49. With your permission, your Trade Union will be kept fully involved and informed of the situation.
50. You may be visited at home, or some other neutral and acceptable venue, normally after 3 to 4 weeks absence, and will be interviewed periodically, with the involvement of your trade union if you so wish, and in turn you should maintain contact with your school. Your Headteacher will write to you informing you of his/her wish to visit which will be followed up by a telephone call to you in order to arrange a suitable time, date and venue.
51. You will be referred to the OHSSU after approximately 3 to 4 weeks absence, who will undertake reviews as necessary. It is in your own interest to attend these reviews as the OHSSU may be able to offer you further advice, help or support. It is essential that you take the opportunity to make sure that the OHSSU have all the available information about your absence/illness. This will ensure that the OHSSU gives the Headteacher the full facts to enable a fair decision to be made.
52. The OHSSU in consultation with your GP will, where possible, advise your Headteacher on the likelihood of you recovering and being able to return to work in your own job. The OHSSU will also advise all parties when your return to work is expected and this may be on a phased basis. However, this is only guidance to the headteacher as part of managing your long term absence.
53. If the illness/absence is such that you cannot return to your own job then the possibility of considering redeployment into either your own school, or other schools with the approval of other governing bodies may be considered, or for support staff within the Authority will be explored as well as whether it is practical to modify your job or if alternative work (either short term or on a permanent basis) is available. Full regard will be made to the policies on Equal Opportunities in Employment, Redeployment & Protection of Earnings Policy (if applicable), Ill Health Retirement and the Employment of Disabled People, especially that relating to the need to make reasonable adjustments for employees who become disabled or whose disability worsens.
54. If you cannot return to your own job wherever possible retirement on the grounds of permanent ill-health will be considered in cases of a long term absence/illness. This will be dependent upon the OHSSU's Doctor being able to make the necessary recommendation in line with the requirements of the Superannuation Scheme for non teaching staff and in the cases of teachers, the Teachers Pensions. Your Headteacher may also wish to involve the Employee Relations team at this stage.
55. Where retirement on the grounds of ill health cannot be offered to you, or in the case of teaching staff the decision from the Teachers Pension is not known and the employee has been absent for a considerable amount of time, the following action will normally be taken:-

- You will be kept fully informed if your employment is at risk and this will be confirmed in writing. (Letters 10 & 11)
- Where your job can no longer be kept open and no suitable alternative work is available or acceptable to you, you will be interviewed and informed of the likelihood of dismissal.
- Where dismissal action is taken this will be heard by the governors of the Staff Dismissal Committee or the relevant Committee of the Governing Body and will be on the grounds of capability. The same process will be applied as paragraphs 43 to 45 (Letters 12 & 13).

**Please Note:** If the Headteacher has delegated powers to dismiss s/he can do so at this stage, providing you have been informed previously your employment is at risk.

- The exhaustion of sick leave entitlement does not in itself make it fair to dismiss and no dismissal will be considered just because sick pay has been exhausted. Conversely, it is not necessary to wait until sick pay has been exhausted before dismissing you.
- Where there is a disagreement between the Authority's doctor and your medical adviser about your medical condition the matter will be referred at your request to an Independent Medical Referee. The cost of an Independent Medical Referee will be borne by the school

56. If you are employed as a teacher and have been absent from duty for more than 3 months (ignoring short breaks) on account of mental or nervous illness you may be suspended from duty on normal sick pay and will not be permitted to return to work until the Authority's Occupational Health Physician is satisfied that you are fit to return to work. Where ever possible your trade union representative will be informed of your suspension prior to you receiving the letter from the LA.

### **MONITORING HEADTEACHER'S ABSENCE**

57. The policy on Sickness Absence will apply for all Headteachers and Deputies. It is important that a consistent and fair approach is adopted for all employees within a school. It has therefore been agreed that in order to monitor the sickness absence of a Headteacher the following procedure must be implemented:-
58. The overall responsibility of monitoring the attendance record of a Headteacher will be the Chair of the Governing Body or his/her representative. Where formal action has to be introduced the Chair of the Governing Body will be able to seek advice and assistance from Employee Relations.

### **APPEALS PROCESS**

59. At each stage of the Formal Procedure an employee will have the right of appeal to the Appeals Committee. Such an appeal must be made in writing within 10 working days of the date of the warning or the letter confirming a dismissal. In the event of an appeal being lodged against a warning the procedure will still continue.

### **THE DISABILITY DISCRIMINATION ACT 1995**

60. The school has a Policy on the Employment of Disabled People which contains the full definition of “disability” and guidance on “reasonable adjustment”.
61. Reasonable adjustment, either the provision of aids or equipment, adjustment to duties or even redeployment may allow an employee on long term sickness to return sooner rather than later.
62. An employee’s sickness records should differentiate between disability related and non-disability related absences. Headteachers will need to look at disability related absences separately when making decisions on what action is or isn’t appropriate.

### **NOTES:**

63. The LA is entitled to attend all the relevant proceedings where dismissal may be the outcome and the Governing Body is obliged to consider any advice given by or on behalf of the LA. It is also recommended that the Headteacher seeks advice and/or involves the LA in formal interviews where warnings are issued to the employee.
64. Although the Headteacher has been referred to in the Policy it may be appropriate for the Headteacher to delegate any part of the procedure to an appropriate ‘line manager’. The delegation of any interviews etc will be at the discretion of the Headteacher.

## **PROCEDURE FOR REPORTING SICKNESS FOR TEACHING AND SUPPORT STAFF IN SCHOOLS**

### **REPORTING YOUR ABSENCE**

1. When you cannot come to work because you are ill or injured, you are required to follow the reporting procedure set out in this document. Failure to do so may result in a loss of pay.
2. You are reminded that should you require medical treatment at any time you must consult your doctor as quickly as possible.

### **FIRST DAY OF ABSENCE**

3. If you are unable to attend work due to you being ill or injured, you must notify your Headteacher on the first day of absence. You must briefly state what the symptoms are and how long you expect to be away from work.

### **FOURTH DAY OF ABSENCE**

4. If you are unable to return to work after a further two days you must again notify your Headteacher on the fourth day of your continuing absence. You should again state what the symptoms are and how long you expect to be away from work.

### **SEVEN DAYS ABSENCE (OR LESS)**

5. When you return to work from sickness which has lasted up to seven calendar days (you must count all days including Saturdays, Sundays, rest days and public holidays) you will be required to complete a self certification form on your return. You will be asked to confirm the duration and reason for your absence. This form must be completed for all absences of 7 days or less. Failure to do so may result in a loss of pay.

### **MORE THAN SEVEN DAYS ABSENCE**

6. If you are absent for more than seven calendar days you must consult your doctor about your illness. You must obtain a medical certificate signed by your doctor and submit this to your Headteacher on your eighth day of absence. If a doctor's certificate is not received by the end of the eighth day this may result in a loss of pay for these or any subsequent days of sickness absence.

### **CONTINUING SICKNESS ABSENCE**

7. You must continue to submit medical certificates to your Headteacher for any further days absence.

## RETURNING TO WORK

8. Where the first medical certificate covers more than fourteen days, or where more than one medical certificate has been issued, before returning to work you must obtain a final certificate showing your fitness to return, from your doctor.
9. If you wish to return to work before your sickness certificate has expired you must obtain a final certificate from your doctor that you are now fit. You must submit any final certificates to your Headteacher immediately prior to your return to work.

## ON YOUR RETURN TO WORK

10. When you return to work your manager will discuss your absence with you informally. He/she will try to assist you if you have any particular difficulties arising from your absence.
11. If you have had several recent absences (and especially if they were uncertificated/self certificated) your manager will want to know more about the circumstances and you should be prepared to discuss the situation openly.

## SICKNESS AND ANNUAL LEAVE

12. In cases of sickness during periods of annual leave, you must notify # immediately, whatever the period of absence anticipated. You must complete a self certification form or obtain a medical certificate signed by your doctor as outlined above and submit this to #.
13. You will be regarded as being on sick leave from the date of self certification or the medical certificate. This means that your absence will not then be deducted from your annual leave entitlement.
14. Regular periods of sickness absence before, during and following annual leave will be monitored by your manager in accordance with the Policy on Sickness Absence.



## ABSENCE RECORD

From 1st April 2008 - 31st March 2009

Name:

Designation:

D of B:

Grade:

Date of Commencement:

|       | APR | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR |       |
|-------|-----|-----|------|------|-----|------|-----|-----|-----|-----|-----|-----|-------|
| 1     |     |     |      |      |     |      |     |     |     |     |     |     | 1     |
| 2     |     |     |      |      |     |      |     |     |     |     |     |     | 2     |
| 3     |     |     |      |      |     |      |     |     |     |     |     |     | 3     |
| 4     |     |     |      |      |     |      |     |     |     |     |     |     | 4     |
| 5     |     |     |      |      |     |      |     |     |     |     |     |     | 5     |
| 6     |     |     |      |      |     |      |     |     |     |     |     |     | 6     |
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| 9     |     |     |      |      |     |      |     |     |     |     |     |     | 9     |
| 10    |     |     |      |      |     |      |     |     |     |     |     |     | 10    |
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| 12    |     |     |      |      |     |      |     |     |     |     |     |     | 12    |
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| 16    |     |     |      |      |     |      |     |     |     |     |     |     | 16    |
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| 18    |     |     |      |      |     |      |     |     |     |     |     |     | 18    |
| 19    |     |     |      |      |     |      |     |     |     |     |     |     | 19    |
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| 23    |     |     |      |      |     |      |     |     |     |     |     |     | 23    |
| 24    |     |     |      |      |     |      |     |     |     |     |     |     | 24    |
| 25    |     |     |      |      |     |      |     |     |     |     |     |     | 25    |
| 26    |     |     |      |      |     |      |     |     |     |     |     |     | 26    |
| 27    |     |     |      |      |     |      |     |     |     |     |     |     | 27    |
| 28    |     |     |      |      |     |      |     |     |     |     |     |     | 28    |
| 29    |     |     |      |      |     |      |     |     |     |     |     |     | 29    |
| 30    |     |     |      |      |     |      |     |     |     |     |     |     | 30    |
| 31    |     |     |      |      |     |      |     |     |     |     |     |     | 31    |
| Sum   |     |     |      |      |     |      |     |     |     |     |     |     | Sum   |
| UC    |     |     |      |      |     |      |     |     |     |     |     |     | UC    |
| SCF   |     |     |      |      |     |      |     |     |     |     |     |     | SCF   |
| MC    |     |     |      |      |     |      |     |     |     |     |     |     | MC    |
| ACC   |     |     |      |      |     |      |     |     |     |     |     |     | ACC   |
| Total |     |     |      |      |     |      |     |     |     |     |     |     | Total |

Code: SCF - Self Certificated absence

AL - Annual Leave

HA - Hospital Appt

MC - Medical Certificated absence

UC - UncertificateACC - Accident

HOME VISIT RECORD

| SECTION 1         |  |
|-------------------|--|
| <b>Name:</b>      |  |
| <b>Address:</b>   |  |
| <b>Post Code:</b> |  |

| SECTION 2 (see attached notes)         |  |
|--|--|
| <b>Details of Visit (brief report)</b> |  |
|  |  |

**Signature:**..... **Date:**.....

|  |              |
|--|--------------|
| If an employee disagrees with any of the points mentioned above, the following space is for an employee to write any additional comments:- |              |
|  |              |
|  |              |
|  |              |
|  |              |
|  |              |
| <b>Signed:</b>   | <b>Date:</b> |

## HOME VISIT - GUIDANCE NOTES

The purpose of a home visit to members of staff during their absence on sick leave are as follows:-

- To ease the employee's anxieties about returning to work.
- To offer assistance in the event of any personal difficulties or hardships.
- To ascertain full knowledge of the case to assist future decision-making.
- To discuss a return to work where possible.
- To discuss with the employee whether she/he would be fit to return to work - perhaps on a part-time basis for a while, until fully recovered. This will only be appropriate where it is practical to do so.

### BEFORE THE VISIT

1. Prepare for the visit - obtain background information.
2. Let the employee know that you intend to visit - see attached letter

### DURING THE VISIT

3. During a general chat ascertain details of the illness/absence - expected duration etc.
4. Offer assistance and advice where possible.
5. Discuss work matters to keep the employee up to date on events at work, consider part-time or lighter duties (where appropriate) on their initial return.

### AFTER THE VISIT

6. Complete Section 2 of the Home Visit Form (overleaf) reporting any problems etc, using a separate sheet if required.

**Note:** A Home Visit should only be conducted when it is appropriate and full consideration must be taken into account of a persons medical condition. A home visit should be arranged between 3 - 4 weeks of absence from work.

## Letter 1 & 2 Confirming or notifying of a Home Visit/Meeting

### Letter 1 – Having spoken to the employee at home

Dear

Further to my telephone conversation on (insert date) regarding your absence from work, I am writing to confirm that I will be seeing you on (insert date and time) at (include agreed venue).

As I explained to you on the telephone the purpose of the meeting is for you to update me regarding your medical condition and to see if there is any support or help the school can offer you.

If you would like to have a work colleague or your trade union representative present I would have no objection but I must stress this meeting is only informal at this stage as described above.

Please do not hesitate to contact me if you wish to discuss this letter with me.

Yours sincerely

### Letter 2 – When the employee is not at home

Dear

I am writing to inform you that despite several telephone calls made today (insert date), I have been unable to make contact with you and therefore have written to you instead.

As you know you have been absent from work since (insert date) due to (insert reason) and therefore I need to see you regarding your absence. I would like to visit you on (insert date) at your home or an alternative venue of your choice. Please let me know which is acceptable to you.

The purpose of the home visit is for you to update me regarding your medical condition and to see if there is any support or help the school can offer you.

If you would like to have a work colleague or your trade union representative present I would have no objection but I must stress this meeting is only informal at this stage as described above.

Please do not hesitate to contact me if you wish to discuss this letter with me.

Yours sincerely

**NOTIFICATION OF RETURN TO DUTY  
RETURN TO WORK DISCUSSION FORM**

**Name:** ..... **Position:**.....

| DATE ABSENCE STARTED | DATE OF RETURN TO WORK | NATURE OF ABSENCE | NUMBER OF WORKING DAYS ABSENT |
|----------------------|------------------------|-------------------|-------------------------------|
|                      |                        |                   |                               |

**SECTION 2**

1. Read the guidance notes overleaf and following the discussion complete this form as Section 2.

| DETAILS OF RETURN TO WORK DISCUSSION (BRIEF REPORT)  |
|--|
|  |
| <b>ACTION AGREED (IF ANY)</b>  |
| <p>Headteacher's signature: ..... Date:.....</p> <p>Employees signature: ..... Date: .....</p> |

|  |
|--|
| <p><b>If an employee disagrees with any of the points mentioned above, the following space is for an employee to write any additional comments:-</b></p> |
|  |
|  |
|  |

## GUIDANCE NOTES ON RETURN TO WORK DISCUSSION

### PURPOSE

1. To welcome the employee back to work.
2. To discuss the most recent absence and, if appropriate, the employee's situation both at work and at home.
3. To express concern, if appropriate, over absence.
4. To find out if a problem exists and, if so, to offer help and advice e.g. welfare, counselling, Occupational Health Unit - listen sympathetically.
5. To explain the problems caused by sickness absence (if appropriate).

### PROCEDURE

6. A discussion must be held after every period of absence.
7. The employee has a right to be accompanied by a friend.
8. The employee will receive a copy of this form as confirmation of the outcome of the discussion.
9. The discussion is very low key with no formal warnings or reviews.
10. Ensure that a Self Certification Form is/has been completed by the employee and this must include the reason for absence/nature of illness (NB 'sick' is not a sufficient reason).

### AFTER THE DISCUSSION

11. Complete this form at Section 2 overleaf and keep a copy for personal reference.
12. Monitor the employee's progress.
13. If there is no improvement in the employee's sickness absence record and every effort has been made to help the employee regarding their unsatisfactory sickness absence record then proceed to the next stage of the procedure - an Informal Interview under the Sickness Policy. The employee must be informed of your intention to proceed to an Informal Interview.

**NOTIFICATION OF ABSENCE FROM DUTY**

**TELEPHONE MESSAGE**

**Points which must be clarified by the person who answers the telephone call ie the Headteacher, Secretary etc.**

- 1. Name: ..... 2. Job Title: .....
- 3. Date Absence Commenced: .....
- 4. Reason for Absence: .....
- 5. Expected Date of Return: .....

OR

Anticipated Length of Absence: .....

- 6. Has the Employee been to see the Doctor: .....
- 7. If the employee reports the absence later than the normal start time or after the first day of sickness ask for an explanation as to why they had not reported the absence sooner?

Reason: .....  
.....

**Notes:**

- i) If the absence continues for more than 3 days ensure the employee is aware of their responsibilities under the Employees Procedure Notification of Sickness Absence.
- ii) If the telephone call is answered on behalf of another member of staff this message must be relayed to the Headteacher as soon as possible.

**OTHER NOTES**

.....  
.....  
.....

**Date Message Taken:** .....

**Signed:** .....

## **POLICY ON SICKNESS ABSENCE**

### **SAMPLE LETTERS**

To aid the uniformity of approach in applying the policy on sickness absence throughout schools, the following sample letters have been prepared. Whilst it is unlikely that these letters will cover every eventuality they will be appropriate for use in the majority of cases and can be adapted when necessary.

**Note:** - All Letters to be marked **Personal and Confidential**

#### **LETTER 1 (paragraph 29)**

##### **Letter calling an employee to an Informal Interview – Short term/medium absence**

Dear

##### **Sickness Absence Record (insert post title and name of the school)**

As you know at the last return to work discussion held on (insert date), I informed you of my intention to refer your case now under the Sickness Absence Policy.

I would therefore like to see you to talk about your sickness record, which is raising concern, and I have arranged a meeting for..... (insert date) at ..... (time) in my office.

This will be an informal interview, at which you may bring a **work colleague** or your trade union representative with you if you wish.

Yours sincerely

Headteacher

**LETTER 2 (paragraph 32)**

**Letter following an Informal Interview – short term/medium absences**

Dear

**Sickness Absence Record (insert post title and name of the school)**

I refer to the meeting held on ..... (insert date) to discuss your sickness absence record at which you were accompanied by ..... (insert name of **colleague**/TU representative, if applicable)

It was agreed that **(insert details of action agreed or advice given e.g. offer of welfare assistance, referral to the Occupational Health and Safety Services Unit, employee advised to/agreed to consult his/her GP.**

I confirm that you were advised that your attendance record is causing concern and that you must make every effort to improve it.

It was agreed that your sickness absence would be formally reviewed on the on (insert date) under the Schools Sickness Absence Policy.

If you wish to discuss this again or if there is any other help you feel the school may be able to offer you, please do not hesitate to contact me.

Yours sincerely

**LETTER 3 (paragraph 33)**

**Letter calling an employee to a Formal Interview – short term/medium term**

Dear

**Sickness Absence Record (insert post title and name of the school)  
Formal Interview**

Further to our meeting on (insert date), I am writing to remind you that we agreed that your sickness absence record would be reviewed on the (insert date).

The interview will be held on ..... (insert date) at ..... (insert time) in my office. The purpose of the meeting will be to review your sickness absence record. At this meeting I have to inform you that if you haven't made satisfactory progress then a formal warning could be issued under the Sickness Absence Policy.

You have the right to be accompanied by a **work colleague** or trade union representative, if you so wish.

I would be grateful if you confirm your attendance at the interview please.

Yours sincerely

## LETTER 4 (paragraph 35)

### Letter giving a Formal Warning

Dear

#### **Sickness Absence Record (insert post title and name of the school) Formal Warning**

I refer to your interview with..... (enter names of all members present) on ..... (insert date) regarding your unsatisfactory sickness absence record. You were accompanied by.....

During this interview your absence record was fully discussed and careful consideration was given to all the points raised. (insert what they were.....)

I now confirm that you were given a formal warning that your sickness record is unacceptable and must be improved.

It was agreed/decided that the following action would be taken to try to improve the situation:-

**(Enter details of any action agreed or decided e.g. modification of employees job, if appropriate, possible redeployment, assistance from the Occupational Health and Safety Services Unit or Welfare Officer, review periods etc).**

Your attendance record will be closely monitored and it was agreed that your sickness absence would be formally reviewed on the on (insert date) under the Schools Sickness Absence Policy. If your attendance record does not improve to the required standard and if the improvement is not sustained, if appropriate a final written warning may be issued to you.

You have a right of appeal against this formal warning to the governors of the Appeals Committee. Any appeal must be made to me in writing and received by me within 10 working days of the date of this letter. If you decide to appeal against this formal warning the implementation of the Sickness Absence Policy will still continue.

You agreed that a copy of this formal warning could be given to your trade union representative. **(Omit this sentence if the employee does not want the letter to be sent to his/her trade union).**

I very much hope that you will be able to improve your attendance record and that further formal action will not be necessary. If you feel there is any other help the school may be able to offer please let me know.

Yours sincerely

**Letter 5 (paragraph 41)**

**Calling an Employee to a Final Formal Interviews**

**PERSONAL AND CONFIDENTIAL**

Dear #

**Sickness Absence Record (insert post title and name of the school)  
Final Formal Interview**

Further to our meeting on (insert date), I am writing to remind you that we agreed that your sickness absence record would be reviewed on the (insert date).

The interview will be held at (enter details of venue) #.....  
at #.....(time) #.....on  
(Date)#.....

The purpose of the meeting will be to further review your sickness absence record. At this meeting I have to inform you that if you haven't made satisfactory progress then a final written warning could be issued under the Sickness Absence Policy.

You have the right to be accompanied by a trade union representative or work colleague if you so wish.

Yours sincerely

## LETTER 6 (paragraph 42)

### Letter giving a Final Written Warning

Dear

#### **Sickness Absence Record (insert post title and name of the school) Final Written Warning**

I refer to your interview with..... (enter names of all members present) on..... (insert date) regarding your continued unsatisfactory sickness absence record. You were accompanied by#.....

During this interview your absence record was fully discussed and careful consideration was given to all the points raised. (insert some detail of what was discussed)

I now confirm that you were given a final written warning that your sickness record is unacceptable and must be improved.

It was agreed/decided that the following action would be taken to try to improve the situation:-

**(Enter details of any action agreed or decided e.g. modification of employees job, if appropriate, possible redeployment, assistance from the Occupational Health and Safety services Unit or Welfare Officer, review periods etc).**

Your attendance record will be closely monitored and will be reviewed on..... (enter details of the review period).

If your attendance record does not improve to the required standard and if the improvement is not sustained, your case may be referred to the governors of the Staff Dismissal Committee for their consideration of a dismissal on the grounds of capability. This means you would no longer be able to satisfy your side of the contract - that is attending and carrying out the work which you are required to do for your full contractual hours.

You have a right of appeal against this final warning to the governors of the Appeals Committee. Any appeal must be made to me in writing and received by me within 10 working days of the date of this letter. If you decide to appeal against this final written warning the implementation of the Sickness Absence Policy will still continue.

You agreed that a copy of this final written warning could be given to your trade union representative. **(Omit this sentence if the employee does not want the letter to be sent to his/her trade union).**

I very much hope that you will be able to improve your attendance record and that it will not be necessary to refer your case to the Staff Dismissal Committee or relevant Committee of the Governing Body who will decide whether or not to dismiss you from the school on the grounds of capability. If you feel there is any other help the school may be able to offer please let me know.

Yours sincerely

Headteacher

**Letter 7 (paragraph 43)**

**Confirming Referral to a Staff Dismissal Committee or Dismissal if the headteacher has delegated powers**

Dear #

**Sickness Absence Record (insert post title and name of the school)  
Final Review Interview**

I refer to your interview on #.....with  
#.....at which you were accompanied by #.....

At this interview reference was made to the final warning you were given in my letter dated #..... (insert date of final warning).

In that letter you were informed that if your sickness absence record did not improve your case would be referred to the governors of the Staff Dismissal Committee for their consideration of a dismissal due to your capability.

During the period since your final warning was given, your sickness absence record performance has been monitored but unfortunately there hasn't been sufficient improvement.

Full consideration was given to the points you raised at this interview. However I am satisfied that you have been given sufficient opportunity to improve your sickness absence record to the required standard. In view of this, I write to confirm that you were informed that your case will now be referred to the governors of the Staff Dismissal Committee for their consideration where they could decide to dismiss you on the grounds of capability. This is because you are no longer able to satisfy your side of the contract - that is attending and carrying out the work which you are required to do for your full contractual hours.

If this is the case under your contract of employment you will be entitled to receive #.....weeks notice (insert statutory period of notice) and your employment will therefore terminate on #..... (end of the notice period). During your notice period you will continue to attend work unless the reason for your absence is due to sickness during which case the normal production of self certification/medical certificates will apply. Your salary/wage will be paid at the normal times during this period. If you have any outstanding holiday entitlement you are required to take these holidays during your notice period.

Alternatively, the governors could decide to reinforce your final written warning (employment is at risk for long term absence) and set a further review period.

At the hearing I will be presenting the case on behalf of the school and I have enclosed for your information the documentation which I will be presenting on behalf of the school. At the hearing you will be given the opportunity to state your case either in person or through your work colleague or trade union representative. You will also be given the right to be accompanied by a **work colleague or trade union representative**.

If the governors of the Staff Dismissal Committee decide to dismiss you from the school you will have a right of appeal against your dismissal to the governors of an Appeals Committee. Any appeal must be given in writing to the clerk of the Governors Team, with a copy to myself, within 10 working days of the date of the dismissal letter. The appeal will be arranged during your notice period. In the event of you deciding not to appeal consideration can be given of making a full payment in lieu of notice by the governors. Following the decision of the Appeals Committee, if the dismissal is upheld, consideration of making you a payment in lieu of any remaining notice will be given to you, in accordance with your contract of employment. A letter confirming this decision will be sent to you. In the event of the Appeal Committee overturning the decision you will be reinstated.

I am sorry that it has been necessary to take this action but as I explained to you at the meeting the school can no longer sustained your absence and the needs of the school and the continuity of the pupil's education need to be considered.

Yours sincerely

## Letter 8 (paragraph 44)

### Confirming the Decision of the Staff Dismissal Committee

Dear #

I refer to the interview with governors of the Staff Dismissal Committee (on insert date) where your unsatisfactory sickness absence record with the school was considered. At your interview you were accompanied by #.....

At this interview the headteacher (insert name) presented papers relating to your case and made reference to the final warning you were given in the letter dated #.....(insert date of final warning). In that letter you were informed that if your sickness absence record did not improve your case would be referred to the governors of the Staff Dismissal Committee for their consideration of a dismissal due to your capability.

During the interview your absence record was fully discussed and careful consideration was given to all the points raised by the headteacher and yourself.

However, I confirm that due to your unacceptable sickness record it was decided by the governors of the Staff Dismissal Committee that your contract of employment should be terminated on the grounds of capability. This is because you are no longer able to satisfy your side of the contract - that is attending and carrying out the work which you are required to do for your full contractual hours.

Under your contract of employment you will be entitled to receive #.....weeks notice (insert statutory period of notice) and your employment will therefore terminate on #..... (end of the notice period).

During your notice period you will continue to attend work unless the reason for your absence is due to sickness during which case the normal production of self certification/medical certificates will apply. Your salary/wage will be paid at the normal times during this period. If you have any outstanding holiday entitlement you are required to take these holidays during your notice period.

You have a right of appeal against your dismissal to the governors of an Appeals Committee. Any appeal must be given in writing to the clerk of the governors Team, with a copy to myself, within 10 working days of the date of the dismissal letter. If you decide to appeal this should be arranged during your notice period, however, if this is not the case and you have left the school and your appeal is upheld you will be reinstated with effect from your last day of service with the school. Following the decision of the Appeals

Committee, if the dismissal is upheld, consideration of making you a payment in lieu of any remaining notice will be given to you, in accordance with your contract of employment. A letter confirming this decision will be sent to you. In the event of the Appeal Committee overturning the decision you will be reinstated.

I am sorry that the governors had to take this action and they hope that you are able to find a new post in the future which is more suitable.

Yours sincerely

Clerk to the Governors

**LETTER 9 (paragraph 46)**

**Letter to be sent where, following a warning, an employee's sickness absence record improves to the required standard.**

Dear

**Sickness Absence Record - Improvement**

I refer to your interview with..... (enter names of all members present) on ..... (insert date), regarding your unsatisfactory sickness absence record.

Your record has been reviewed and I am pleased to find that there has been a significant improvement.

I therefore do not propose to take any further action at the present time.

I hope this improvement will continue and I shall of course, continue to monitor your sickness record.

Yours sincerely

## **LONG TERM ABSENCE - LETTERS**

### **LETTER 10 (Paragraph 55)**

#### **Letter calling an employee to Meeting – Long Term Absence – Raising Concern**

Dear

#### **Re: Long Term Sickness – (post title and insert school)**

Further to our recent telephone conversation, I am writing to confirm that the meeting with (insert name of Employee Relations) and myself has been arranged for (insert date) at (insert time), to discuss your long term absence (or insert in the event of you not returning to work on the expiration of your medical certificate on the (insert date)). The meeting will be held at (insert venue).

As I explained to you on the telephone, the purpose of the meeting is to review your long-term sickness absence with the school, which is raising concern, in accordance with the Sickness Absence Policy, as you have now been absent due to (insert medical condition) since (insert date) and to discuss any support the school may be able to offer you.

At the meeting you have the right to be accompanied by a work colleague or a trade union representative if you wish. If you are unable to attend it will be acceptable for your work colleague or trade union representative to be present on your behalf.

I look forward to seeing you on (insert date).

Yours sincerely

Headteacher

**Letter 11 (paragraph 55)**

**Letter confirming the outcome of the meeting (s) – Raising Concern/Employment at Risk**

Dear #

**Long Term Absence (insert post title and school)**

I refer to your discussion with ..... on ..... about your **(insert description of illness/injury)**..... which has meant you have been unable to attend work since.....

Over the last..... weeks the following action has been taken in connection with your illness:-

1. With your permission, your Trade Union representative, has been kept fully involved and informed. **(insert this sentence when the employee's permission has been obtained and the trade union representative has been invited/informed. Insert the name of the trade union representative).**
2. You have been regularly visited/interviewed/contacted by ..... the latest contact being on ..... and he/she offered you/arranged for.....  
.....  
**("visited/interviewed/contacted by" - delete those which do not apply. Insert name(s) of headteacher, personnel and welfare representatives who have been involved in the case, date and when contact was last made and details of all help offered and/or action taken.**
3. You have been regularly reviewed by the Occupational Health and Safety Services Unit. The latest advice I have received from the Occupational Health and Safety Services Unit is that.....  
..... **(insert details of latest information supplied to you by the OHSSU any action the nurse or doctor is taking to help the employee.)**
4. I have carefully considered whether your job could be modified or whether alternative work is available which would be suitable for you and.....  
..... **(include full details of any action which has been suggested or taken on job modification or redeployment (where appropriate). Also include the employee's response to these suggestions.**

5. I have considered whether you can be offered early retirement on the grounds of permanent ill health but the Authority's doctor is a) unable to make the necessary recommendation in line with the requirements of the Superannuation Scheme - non teaching staff OR b) unable to support your request for ill health retirement to the Teachers Pension Agency. - teaching staff.

**Include this paragraph only where the Authority's doctor has considered this possibility and is unable to support it - non teaching staff. For teaching staff it will for the Teacher's Pension Agency (TPA) to determine whether ill-health retirement can be recommended but advice will be obtained from the Authority's doctor to determine if he will support the ill-health application to the TPA.**

I very much regret that you have not yet recovered and that there seems to be little prospect of you returning to work in the near future. **(use sensitive wording which is appropriate to the person's current state of health).**

During your discussion with..... he/she agreed that we would

.....  
**(include any other action which could be taken by the school e.g. further efforts to find alternative work, possibility of returning to a part-time basis if this can be accommodated, redeployment, any other points raised by the employee for discussed with him/her.**

However, I must inform you that I cannot keep your job of..... open much longer and I confirm that your continued employment with the school is at risk. **(this may need rewording to reflect the particular case).**

It was agreed that a further review meeting would take place on (insert date).. **(a realistic timescale should be included which takes into account the agreed action e.g. further review at the OHSSU, an appointment with a consultant, outcome of further treatment, further efforts to redeploy etc.** At this review meeting, as you have already been informed that your employment is at risk I must warn you that the outcome of the review is that your case could be referred to the governors of the Staff Dismissal Committee for their consideration of a dismissal on the grounds of capability under the School's Sickness Absence.

In the interim is there is any other support that the school can provide please do not hesitate to contact me.

Yours sincerely

Headteacher

## Letter 12 (paragraph 55)

### Confirming Referral to a Staff Dismissal Committee or Dismissal if the headteacher has delegated powers

Dear #

#### Sickness Absence Record – Long Term Absence (insert post title and name of the school)

I refer to our meeting held on the (insert date), at which you were accompanied by..... At the meeting, I informed you that due to your long term absence from the school since (insert date), as a result of (insert medical reason), I had decided to refer your case to the governors of the Staff Dismissal Committee for their consideration of your dismissal from the school.

In making this decision full consideration was given to the points you raised at the meeting and those of your trade union. (Insert more detail as to what they were and what has been done to help e.g. OHU, dates of review meetings, not able to return to work in the foreseeable future, no ill health retirement etc).

I also informed you in my letter of (insert date) when I confirmed your employment was at risk, that if your sickness absence record did not improve your case would be referred to the governors of the Staff Dismissal Committee for their consideration of a dismissal due to your capability. This is because you are no longer able to satisfy your side of the contract - that is attending and carrying out the work which you are required to do for your full contractual hours.

If the governors decide to dismiss you from the school under your contract of employment you will be entitled to receive #.....weeks notice (insert statutory period of notice) and your employment will therefore terminate on #..... (end of the notice period). During your notice period you will not be required to attend work but you will see need to produce your medical certificates. Your salary/wage will be paid at the normal times during this period. If you have any outstanding holiday entitlement you are required to take these holidays during your notice period.

Alternatively, the governors could decide to reinforce that your employment is at risk and set a further review period.

The meeting will be conducted in accordance with the school's Sickness Absence Policy. I will be presenting the case on behalf of the school and have therefore enclosed a copy of the papers which I will be referring to as part of my case. At the hearing you will be given the opportunity to state your case either in person or through your work colleague or trade union representative. You will also be given the right to be accompanied by a **work colleague or trade union representative**.

In the event of you not being able to attend due to health reasons, I have to inform you that the meeting will proceed in your absence. At the meeting you may have the following options:-

- 1) To attend and to be accompanied by a trade union representative or a work colleague
- 2) For your trade union representative or work colleague to present a case on your behalf
- 3) For you to submit a written paper outlining your presentation, which can be presented on your behalf by a trade union representative or work colleague.

If the governors of the Staff Dismissal Committee decide to dismiss you from the school you will have a right of appeal against your dismissal to the governors of an Appeals Committee. Any appeal must be given in writing to the clerk of the Governors Team, with a copy to myself, within 10 working days of the date of the dismissal letter. The appeal will be arranged during your notice period. In the event of you deciding not to appeal consideration can be given of making a full payment in lieu of notice by the governors. Following the decision of the Appeals Committee, if the dismissal is upheld, consideration of making you a payment in lieu of any remaining notice will be given to you, in accordance with your contract of employment. A letter confirming this decision will be sent to you. In the event of the Appeal Committee overturning the decision you will be reinstated.

I am sorry that it has been necessary to take this action but as I explained to you at the meeting the school can no longer sustained your absence and the needs of the school and the continuity of the pupil's education need to be considered. If you have any queries regarding this letter please do not hesitate to contact me. I would be grateful if you could let me know whether or not you intend attending the meeting.

Yours sincerely

## Letter 13 (paragraph 55)

### Confirming the Decision of the Staff Dismissal Committee

Dear #

#### Long Term Sickness (post title and school)

I refer to the hearing with governors of the Staff Dismissal Committee (on insert date) where your long term sickness absence record with the school was considered. At the hearing you were accompanied by #.....

At the hearing the headteacher (insert name) presented papers relating to your case and made reference to the fact that you have been warned that your employment was at risk in the letter(s) dated #..... At the last meeting (insert date) you were also informed that if your sickness absence record did not improve your case would be referred to the governors of the Staff Dismissal Committee for their consideration of a dismissal due to your capability.

During the hearing your long term absence was fully discussed and careful consideration was given to all the points raised by the headteacher and yourself.

However, I confirm that due to your long term absence it was decided by the governors of the Staff Dismissal Committee that your contract of employment should be terminated on the grounds of capability. This is because you are no longer able to satisfy your side of the contract - that is attending and carrying out the work which you are required to do for your full contractual hours.

Under your contract of employment you will be entitled to receive #.....weeks notice (insert statutory period of notice) and your employment will therefore terminate on #..... (end of the notice period).

During your notice period you will not be required to attend work but you will see need to produce your medical certificates. Your salary/wage will be paid at the normal times during this period. If you have any outstanding holiday entitlement you are required to take these holidays during your notice period.

You have a right of appeal against your dismissal to the governors of an Appeals Committee. Any appeal must be given in writing to the clerk of the governors Team, with a copy to myself, within 10 working days of the date of the dismissal letter. If you decide to appeal this should be arranged during your notice period, however, if this is not the case and you have left the school and your appeal is upheld you will be reinstated with effect from your last day of service with the school. Following the decision of the Appeals

Committee, if the dismissal is upheld, consideration of making you a payment in lieu of any remaining notice will be given to you, in accordance with your contract of employment. A letter confirming this decision will be sent to you. In the event of the Appeal Committee overturning the decision you will be reinstated.

I am sorry that the governors had to take this action and they hope that you are able to find a new post in the future which is more suitable.

Yours sincerely

Clerk to the Governors