

HR Education  
**Specialists**

Supporting schools and  
academies with HR



# Attendance Management Procedure Teaching and Support Staff

April 2023

## Contents

Section	Content	Page
1.	<u>Introduction</u>	1
2.	<u>Purpose</u>	2
3.	<u>Key Principles</u>	2-3
4.	<u>Support Available</u>	3
5.	<u>Roles and Responsibilities</u>	4
6.	<u>FIT Notes</u>	5
7.	<u>Attendance Management Triggers</u>	5
8.	<u>Return to Work Discussion</u>	5
9.	<u>Short Term Absence</u> <u>Stage 1 – Informal</u> <u>Stage 2 – Formal Meeting</u> <u>Stage 3 – Hearing to consider dismissal</u>	6 - 8
10.	<u>Long Term Sickness Absence</u>	8-9
11.	<u>Factors to consider when referring cases to an Ill Health Capability Hearing</u>	10
12.	<u>Preparing for and conducting a Hearing to consider dismissal on the grounds of capability due to ill health</u> <u>Step 1: Preparing for the Hearing</u> <u>Step 2: Conducting the Hearing</u>	11-12
13.	<u>Appeal</u>	13
14.	<u>Appeal Hearing</u> <u>Step 1: Preparing for the Appeal Hearing</u> <u>Step 2: Conducting the Appeal Hearing</u>	14
	<u>Appendix 1. Managing Head Teacher Absence</u>	15
	<u>Appendix 2. Phased return to work</u>	16
	<u>Appendix 3. Support return to work (Teachers only)</u>	17

## 1. Introduction

- 1.1 Employees are our greatest resource and contribute to ensuring the best learning outcomes for pupils. We value our employees and when they are unable to attend work for any reason they are missed.
- 1.2 It is understood that there will be times where there is a genuine need for employees to take time off work due to being unwell and that most sickness absence is often due to illness outside of an employee's control. The Head Teacher will provide all reasonable and practicable support to encourage employees to attend work. The employee is also responsible for their own health and wellbeing.
- 1.3 This Procedure sets out the steps that will be taken by the Head Teacher when dealing with an employee's attendance at work. This could be due to short term intermittent or long term absence.
- 1.4 Effective management of attendance can lead to:
  - a. Improved health and well-being of the workforce.
  - b. Enhanced quality and consistency of performance impacting positively on educational outcomes.
  - c. Continuity in Teaching and learning for pupils.
  - d. Early resolution of attendance concerns.
  - e. Reducing the associated costs e.g. management time, cover.
- 1.5 Where the Head Teacher is managed through this procedure, the Chair of Governors (acting on behalf of the Governing Body) will take the place of the Head Teacher in dealing with the process. In schools where Kirklees are the Employer, a representative from the Learning Service should also be informed of the Head Teacher absence and may need to be involved in the process, as detailed in Appendix 1.
- 1.6 This procedure applies to all Kirklees Maintained Schools and Academies who have adopted this model.
- 1.7 *Where 'Head Teacher' is referred to in this document, this includes anybody with management responsibilities.*

## **2. Purpose**

- 2.1 Provides a clear process for managing attendance effectively and encourages employees to achieve and /or maintain satisfactory levels of attendance.
- 2.2 Explains the responsibilities of managers and employees when dealing with absence, including how the Head Teacher will manage attendance concerns.
- 2.3 Advises employees when attendance is considered a concern and how they can expect such concerns to be managed.
- 2.4 Ensures that a fair, transparent, and consistent procedure is applied which takes account of factors that are relevant to each individual case.
- 2.5 Outlines what reasonable and practicable support could be considered to help employees to achieve and maintain regular and consistent attendance at work.
- 2.6 Provides a fair and consistent approach to decision making, which considers the circumstances of each individual case when employees are unable to achieve and/or maintain satisfactory levels of attendance. It also informs an employee about their appeal rights, in the event of a dismissal.

## **3. Key Principles**

- 3.1 Confidentiality will be respected, and information related to an employee's attendance will be kept secure and disposed of in line with data protection requirements.
- 3.2 Regular and consistent attendance is a requirement of an employee's contract of employment. The school asks that employees take responsibility for achieving and maintaining this.
- 3.3 The Head Teacher will raise attendance concerns with an employee at the earliest opportunity and discuss how they may be supported to improve and maintain acceptable levels of attendance.
- 3.4 If attendance concerns are related to abuse or misuse of drugs or alcohol, consideration should be given to whether a support contract would be appropriate, before formal proceedings commence or at any other stage throughout the process if this becomes apparent later. Failure to abide by a drugs or alcohol misuse support contract may lead to disciplinary action.
- 3.5 The formal Attendance Management Procedure will be used where informal attempts to improve attendance have failed, or an employees absence is long term.

- 3.6 The Head Teacher will consider the need for medical advice and, where appropriate, make timely referrals to Occupational Health to help identify the nature of the employee's illness, and to advise on the best way to improve the employee attendance. This will enable all reasonable and practical support to be considered and discussed with the employee to help them return to work, to achieve and maintain acceptable levels of attendance or to obtain advice on alternative options where an employee is unable to return to work.
- 3.7 If, despite this continuing support, the employee is unable to maintain acceptable levels of attendance or return to work, dismissal on the grounds of capability due to ill health, will be given serious consideration. This decision will only be taken after all reasonable and practical support has been considered, including requirements under the Equality Act, for example, maternity and disability related adjustments.
- 3.8 All employees are required to, and have a responsibility to, co-operate with attendance management requirements.
- 3.9 An employee who is managed through the formal Attendance Management Procedure will be given the opportunity to be accompanied by a Trade Union Representative or work colleague.
- 3.10 An employee who is required to attend an Ill Health Capability Hearing will be given 10 working days' notice of the Hearing.
- 3.11 If a grievance is raised during the Attendance Management process, the circumstances of such will need to be considered before progressing to an Ill Health Capability Hearing.
- 3.12 Advice on managing attendance can be sought from Kirklees HR.

#### **4. Support Available**

- 4.1 The Head Teacher will consider such steps as are reasonable and practicable to support all employees who are unable to maintain acceptable levels of attendance. These measures may include:
  - a. Discussing any wellbeing or attendance concerns at the earliest opportunity.
  - b. Proactive healthcare initiatives.
  - c. Maintaining appropriate contact with employees who are absent due to ill health.
  - d. Appropriate use of Occupational Health to obtain professional medical opinion or advice.
  - e. Rehabilitation programmes.
  - f. Reasonable adjustments including flexible working or amended duties.
  - g. Phased or supported return to work. Please see Appendix 2 & 3.
  - h. Identifying and addressing factors in the workplace which may be affecting employee attendance.

## 5. Roles and Responsibilities

### The Employee

5.1 Employees are required to:

- a. Take all reasonable and practical steps to look after their own health and wellbeing to minimise sickness absence.
- b. Talk to the Head Teacher at the earliest opportunity about any issues which may have an impact on their attendance at work.
- c. Ensure they are aware of the Attendance Management Procedure and the requirements within it.
- d. Follow the sickness absence reporting procedure (failure to comply may result in suspension of pay). Employees will be expected to provide the following information:
  - o What the illness is and whether they have or are going to see their GP.
  - o If the absence is disability related or due to an accident at work.
  - o When they think they may return to work, or arrange when they will next ring the Head Teacher.
  - o Any work issues impacting on their attendance.
- e. Keep in regular contact with the Head Teacher via an appropriate and agreed method and attend required meetings.
- f. Provide a 'Fit Note' from their GP if they are sick for more than 7 continuous days (this includes weekends). Failure to comply may result in suspension of pay.
- g. Co-operate with referrals to Occupational Health and associated appointments.
- h. Support their own attendance by following the advice of medical professionals and through discussions they have with the Head Teacher.

### The Head Teacher

5.2 The Head Teacher is responsible for ensuring:

- a. The proper application of the Attendance Management Procedure.
- b. Employees are aware of the Attendance Management Procedure and school requirement for reporting their absence.
- c. They promote the wellbeing of their employees to proactively manage attendance.
- d. Sickness absence is recorded and monitored effectively to identify if processes within this procedure need to be invoked.
- e. Occupational health advice is obtained, where appropriate.
- f. All reasonable and practicable support is considered to enable the employee to return to work or maintain regular attendance at work, including requirements under the Equality Act, for example, maternity and disability related adjustments.
- g. Ongoing reasonable contact is maintained with the employee via an appropriate and agreed method and records kept of the content of discussions and/or meetings.

5.3 In addition to the requirements listed in section 5.2, when managing Head Teacher attendance, the Chair of Governors and Kirklees Learning Partner will need to refer to Appendix 1.

## **6. FIT Notes**

- 6.1 A fit note is issued after the seventh calendar day of sickness. The note may make recommendations for the Head Teacher to consider when supporting the employee back into the workplace. The note is not an instruction and if any suggested adjustments cannot reasonably be accommodated then the Head Teacher will need to consider whether the employee should remain absent. Every effort will be made to support an employee's return with reasonable medical recommendations.
- 6.2 The fit note should state whether or not the employee's fitness for work needs to be assessed again by the GP before they can return to work.
- 6.3 If the fit note states that the employee does not need to be assessed again, the employee, can make the decision to come back to work at any time, even if this is before their fit note expires.

## **7. Attendance Management Triggers**

- 7.1 Attendance is considered a concern when the employee reaches the following triggers:
  - a. 6 days of absence in a rolling 6 month period
  - b. 3 occasions of absence in a rolling 6 month period
  - c. A pattern of absence i.e. Monday's, Friday's, on the day of a particular work activity.

For part time employees, this is on a pro rata basis.

## **8. Return to Work Discussion**

- 8.1 This is an informal meeting carried out by the Head Teacher on the employees return to work.
- 8.2 The focus of the meeting is to welcome the employee back to work and ensure they are well enough to be back. The Head Teacher should also discuss previous levels of sickness absence (if appropriate) and whether any support can be offered to help the employee achieve and sustain an acceptable level of attendance. It will also cover areas of work they have missed and bring them up to date.
- 8.3 If the employee has hit a trigger point, whether due to long term or short term absence, this will also need to be discussed and addressed in the return to work discussion. The Head Teacher will need to decide if an improvement target and review period needs to be set.

## 9. Short Term Sickness Absence

- 9.1 There are 3 stages to the short term / intermittent attendance management process.

**Stage 1 - Informal** – Sets an improvement target and review period.

**Stage 2 – Formal Meeting** – Held if there has been a failure to meet the improvement target set at Stage 1. Sets a Formal Review improvement target and review period.

**Stage 3 –Dismissal for Unsatisfactory Attendance** – Hearing to consider dismissal on the grounds of capability due to ill health, if there is a further failure to meet the improvement target at Stage 2.

- 9.2 The recommended review period at Stage 1 and 2, is 3 to 6 months, taking into account school closure periods. The recommended improvement target is in line with the Attendance Management Triggers, in section 7. These are intended as guidelines. A Head Teacher may choose to adjust the review period and/or target based on the individual circumstances of the case for example, extenuating circumstances and disability related sickness absence.

### **Stage 1 - Informal**

- 9.3 When an employee has reached a trigger, whether due to long term absence or short term/intermittent absence, this will be discussed with them as part of a return to work discussion and will become a Stage 1 Informal Attendance Meeting.
- 9.4 At this meeting the employee will be given an opportunity to discuss the reasons for their absence and any support that can be considered to help them sustain reasonable levels of attendance.
- 9.5 The Head Teacher will decide whether it is appropriate to set an improvement target and review period. In making this decision, it is advised that the following is considered:
- a. Individual circumstances of the case.
  - b. Attendance record.
  - c. A referral to Occupational Health or consider any recent medical advice.
  - d. Provisions of the Equality Act. As part of making a reasonable adjustment the Head Teacher could consider making allowances for sickness absence related to a disability.
  - e. Maternity related absence would not normally lead to any formal attendance management processes/action, although support will be necessary, including a pregnancy risk assessment.
  - f. Reasonable Adjustments. These are adjustments the Head Teacher may consider to help the employee return to work and/or maintain acceptable levels of attendance.

- g. Mitigating circumstances – For example, the employee usually has an impeccable attendance record, but has had an operation which led to sickness absence for a period of recovery.
  - h. Whether the absence is part of a reoccurring pattern or a one off period.
- 9.6 Following the discussion, the employee may be issued with an attendance improvement target and review period. This would usually be in line with the trigger points. The Head Teacher will advise the employee of the next stage of the procedure, should they fail to achieve the improvement target.
- 9.7 The Head Teacher should confirm the outcome of the meeting in writing, whether an attendance improvement target has been set, or not.
- 9.8 Where an employee achieves the attendance improvement target at the end of the review period, the Head Teacher will write to them advising them that the review period has come to an end and that if they hit another sickness trigger in the following 2 years, then subject to individual circumstances, they will move to the next stage of the procedure, not start at the beginning.
- 9.9 Where an employee has been set an attendance improvement target and they fail to achieve this within the review period, the Head Teacher will, at this point, need to review the circumstances, during a return to work discussion, and decide whether to extend the informal review period with a new attendance improvement target or progress to Stage 2.

## **Stage 2 – Formal Meeting**

- 9.10 This would apply where an employee has failed to achieve the attendance improvement target set at Stage 1 and the Head Teacher has deemed it appropriate to progress the case.
- 9.11 As this is a formal meeting, the employee will receive a letter inviting them to attend the meeting with the Head Teacher. Kirklees HR may also attend the meeting and the employee will be advised of their right to be accompanied by a Trade Union Representative or work colleague. A minimum of 5 working days' notice should be given for this meeting.
- 9.12 The purpose of this formal meeting at Stage 2 is to discuss the employee's wellbeing, attendance record and ability to sustain a reasonable level of attendance, which could include setting the employee a Stage 2 attendance improvement target and review period. Consideration will also be given to any measures that have been taken to improve the employee's health, any recent occupational health advice and supportive measures to assist them in improving their attendance.
- 9.13 Following the discussion, the employee may be issued with a Stage 2 attendance improvement target and review period. This would usually be in line with the trigger points. The Head Teacher will advise the employee of the next stage of the procedure, should they fail to achieve the improvement target.

- 9.14 A summary of the discussion and the outcome of the meeting should be confirmed in writing, including details of the attendance improvement target and next stages of the process, as appropriate.
- 9.15 Where an employee achieves the attendance improvement target during the review period, the Head Teacher will write to them advising them that the review period has come to an end and that if they hit another sickness trigger in the following 2 years, then subject to individual circumstances, they will move to the next stage of the procedure, not start at the beginning.
- 9.16 Where an employee has been set an attendance improvement target and they fail to achieve this within the review period, the Head Teacher will need to review the circumstances, during a return to work discussion. They will then need to decide whether to extend the Stage 2 review period with a new attendance improvement target or progress to Stage 3, which is the final stage of the attendance management process and may result in the employees dismissal. Head Teachers are advised to consider all factors in section 11 and speak with Kirklees HR.

### **Stage 3 – Hearing to consider Dismissal**

- 9.17 This would apply where an employee has failed to achieve the attendance improvement target set at Stage 2 and the Head Teacher has deemed it appropriate to progress the case to the Governors of the Staffing Dismissal's Committee.
- 9.18 Please refer to section 12 for further information on arranging and conducting a Hearing.

## **10. Long Term Sickness Absence**

- 10.1 Where an employee has been absent from work due to sickness for a period of 4 weeks or more, in one continuous period, this is considered long term sickness absence.
- 10.2 The Head Teacher should give consideration to seeking occupational health advice. Usually this would be done at 4 weeks, however, could be earlier or later depending on the circumstances of the case. For example, if an employee submits an initial fit note for longer than the 4 weeks or the Head Teacher or employee believes an earlier referral will help support the employee's health. A later referral may be appropriate, for example, if the employee is having surgery, where the absence period is known.
- 10.3 When an employee is referred to occupational health, it is advised that the content of the referral is discussed with the employee and they should be provided with a copy of the referral documentation. Dependant on the individual circumstances, this could be a discussion over the telephone or in person.

## **Formal Process / Meetings**

- 10.4 A formal attendance management meeting will usually be arranged after the employee has been absent for 4 weeks. This timeframe can vary dependant on the individual circumstances of the case.
- 10.5 As this is a formal meeting, the employee will receive a letter inviting them to attend, usually with the Head Teacher and Kirklees HR. The employee will be advised of their right to be accompanied by a Trade Union Representative or work colleague.
- 10.6 The purpose of the meeting is to discuss the employee's health and wellbeing, absence from work, timescales for a return and any support or medical advice. This may be that the situation is reviewed again after a certain period or there may be things that can start to be put in place in preparation for the employee's return to work such as a phased return, reasonable adjustments or therapeutic visits to school.
- 10.7 The following points are a guide for the discussion at the meeting:
- a. Ask about the employees' health and wellbeing.
  - b. Discuss any up to date medical advice, which may include an Occupational Health report and any recommendations made.
  - c. Discuss the timescale for a return to work and agree what support can be provided to help achieve this e.g. phased return to work. Consider any reasonable adjustments in line with the provisions of the Equality Act. A further medical referral may be required to determine this.
  - d. If the employee is not able to return to their current role, other considerations may include health deployment, ill health retirement.
  - e. Agree a return to work date, or if the employee remains unable to return, determine next steps, including whether an occupational health referral or re-referral is required.
  - f. A timeframe to review and meet again.
  - g. Explain to the employee that if their absence continues, and becomes unsustainable, that this could result in dismissal.
- 10.8 A summary of the discussion and the outcome of the meeting should be confirmed in writing to the employee, including next steps and any agreed actions.
- 10.9 Where appropriate and depending on the individual circumstances of the case, further formal attendance management meetings will be held between the employee and Head Teacher.
- 10.10 Where an employee is unable to return to work within a reasonable timeframe and the Head Teacher feels they are unable to sustain the absence, the case should be referred to the Staffing Dismissals Committee, who will give serious consideration to the employees continued employment. Head Teachers are advised to consider all factors in section 11 and speak with Kirklees HR.

## **11. Factors to consider when referring cases to an Ill Health Capability Hearing**

- 11.1 When referring a case to the Staffing Dismissals Committee, the Head Teacher should have considered:
- a. Whether procedures have been followed. If not, this needs to be rectified.
  - b. Whether the employee has been given every opportunity to state their case.
  - c. HR and occupational health advice throughout the process. As a guideline occupational health advice should be no more than 3 months old (3 months prior to the meeting to consider dismissal) unless circumstances have not changed since the last referral or it has been identified that there are no underlying medical conditions.
  - d. The Equality Act and Reasonable Adjustments (if appropriate). For example, is the absence disability or maternity related.
  - e. The Head Teacher may consider adjustments to help the employee return to work and/or maintain acceptable levels of attendance. For example:
    - A change to hours of work.
    - A change to job role and duties/deployment.
    - A Work Place Assessment.
    - Adaptations to workplace.
    - Temporary working arrangements.
    - Occupational health advice and recommendations, ensuring these are reasonable and practicable.
    - Phased Return or Supported return. Please see Appendix 2 & 3.
  - f. The appropriateness of testing out ill health retirement if recommended by an independent Occupational Health Practitioner.
  - g. Their length of service. Employment Tribunals expect employers to demonstrate greater rigour for long service employees.
  - h. Health Deployment if recommended by occupational health.
  - i. Ensure it has been made clear to the individual that their continued employment is at risk.
  - j. Impact on the team and school.

## **12. Preparing for and conducting a Hearing to consider dismissal on the grounds of capability due to ill health**

### **Step 1: Preparing for the Hearing**

- 12.1 The purpose of the Hearing is for consideration to be given to all the case information presented and for a decision to be made, which may include termination of employment on the grounds of capability due to ill health.
- 12.2 This must be conducted by a panel of at least 3 Governors, who are representatives of the Staffing Dismissals Committee and who are not staff members of the school.
- 12.3 The employee will need to receive a letter inviting them to attend the Hearing. Any documentation that will be presented at the Hearing, should also be sent to the employee, in advance.
- 12.4 A minimum of 10 working days written notice will be given to the employee. The employee will be advised of their right to be accompanied by a Trade Union Representative or work colleague. Kirklees HR will also attend to support management and advise Governors.
- 12.5 It is expected that consideration is given to whether any adjustments might be needed to support an employee at the Hearing.
- 12.6 Notes of the Hearing will need to be taken. Arrangements will need to be made for notes to be taken at the Hearing.

### **Step 2: Conducting the Hearing**

- 12.7 The Chair of the Panel should ensure that everyone understands the purpose and format of the hearing, as outlined below:
  - a. Invite both the management representatives and the employee with their representative into the room at the same time.
  - b. If the employee appears without representation, check their understanding about their rights to representation.
  - c. Confirm that notes of the hearing will be taken.
  - d. Ensure that everyone is introduced by name, job title and to explain their role in the Hearing.
  - e. Explain the purpose of the Hearing and the possible outcomes.
  - f. Set any time limits for the Hearing.
  - g. Check whether there are any other matters which should be dealt with before the Hearing starts.
  - h. Explain that reasonable requests for adjournments will be allowed.
  - i. Explain how the Hearing will be conducted, in line with 12.8 below.

12.8 The format of the Hearing should be:

- a. The Head Teacher, supported by Kirklees HR will present details of the management case.
- b. The employee will then be given the opportunity to ask questions of the management case.
- c. Governors and their HR Advisor may then ask any questions of the management case.
- d. The employee will then be invited to present their case.
- e. The Head Teacher/HR will be given the opportunity to ask questions of the employee.
- f. Governors and the HR Advisor may then ask questions of the employee.
- g. The Head Teacher and employee will then be given the opportunity to sum up their cases if they wish. No new information should be included at the summing up stage. An adjournment to prepare the summing up may be required.
- h. After summing up, the Hearing will be adjourned to consider the information and make a decision.
- i. All parties will leave the room at the same time and will be called back at the same time to be informed of the decision.
- j. The intention should be to reach a decision that day but if this not possible, a discussion will need to take place to determine likely timescales for a decision and how the outcome will be communicated.

12.9 It is not necessary to always follow the format described rigidly if it prevents relevant information being identified or issues being explored.

12.10 The format of the Hearing will allow the opportunity for the presentation and questioning of the information and allow the employee to respond.

12.11 The Panel will need to ensure they have all the information necessary to make a decision about the employees continued employment. In doing so, they will need to ensure all factors in section 11 form part of the decision making process.

12.12 Where dismissal is deemed appropriate and Kirklees Council are the employer, the Chair of the Panel should inform the employee, that they are making a recommendation for dismissal to the Local Authority, who will confirm the decision in writing. If Kirklees Council are not the employer, the Chair of the Panel will confirm the decision in writing.

12.13 An outcome letter must always be sent as soon as reasonably possible and must inform the employee, they have the right to appeal the decision to dismiss.

### **13. Appeal**

- 13.1 The purpose of the Appeal Hearing is to examine the grounds of appeal made by the employee and decide whether the outcome of the case was justified. Its purpose is not to re-hear the case.
- 13.2 An employee has the right to appeal against the decision of dismissal. The Appeal must be received within 15 working days of receipt of the decision letter.
- 13.3 To submit an Appeal the employee must put this in writing, by completing the Appeal Proforma, attached to the outcome letter and specify:
  - a. Their job title, place of work and the school in which employed.
  - b. The grounds for the appeal.
  - c. The name of their trade union representative or work colleague supporting them.
- 13.4 If insufficient information is provided to understand the grounds of appeal, then an Appeal Hearing might not proceed. Any vexatious or misconceived grounds would be rejected.

## **14. Appeal Hearing**

### **Step 1: Preparing for the Appeal Hearing**

- 14.1 Consideration should be given to who has authority to hear the case. This is a panel of 3 Governors, who are part of the Schools Staffing Appeals Committee, who are not staff members of the school and who have had no previous involvement in the case.
- 14.2 When arranging the appeal date, at least 20 working days' notice will be provided of the time, date and place of the Appeal Hearing. The employee must also be advised of their right to be accompanied by a Trade Union Representative or work colleague.
- 14.3 Both parties will be required to prepare a written statement of case. Management's statement would normally consist of all documentation used as part of the Hearing, the outcome letter and a short report which states what their response is to the employee's grounds of appeal. The employee's statement of case normally does not include additional information given that the correspondence is already within management statement, but typically it might contain more details about why the employee is unhappy and considers why the decision to dismiss was inappropriate.
- 14.4 Both management and the employee are expected to provide their statement of case at least 10 working days in advance of the Appeal Hearing. Arrangements would be made for simultaneous exchange between the parties.
- 14.5 The timescales for arranging an appeal and exchange of papers may be less if agreed by all parties.
- 14.6 It is expected that consideration is given to whether any adjustments might be needed to support an employee at the Appeal Hearing.
- 14.7 Arrangements will need to be made for a Note Taker to be present at the Appeal Hearing.

### **Step 2: Conducting the Appeal Hearing**

- 14.8 The format for conducting the appeal is reversed to that of the Hearing (please see section 12.8), in that the employee presents the grounds for their Appeal first.
- 14.9 No new evidence should be introduced which has not been subject to prior discussion or agreement.
- 14.10 The Appeal Panel will make a decision to either confirm the previous decision of dismissal or uphold the employee appeal.
- 14.11 The decision of the Appeal Panel is final.

## **Appendix 1. Managing Head Teacher Absence**

### Guidance Note for Governors and Kirklees Learning Partners

#### **To be read and considered alongside the Kirklees Attendance Management Procedure for Teaching and Support Staff.**

The Attendance Policy quotes:

*Where the Head Teacher is managed through this procedure, the Chair of Governors (acting on behalf of the Governing Body) will take the place of the Head Teacher in dealing with the process. In Schools where Kirklees are the Employer, a representative from the Learning Service should also be informed of the Head Teacher absence and may need be involved in the process.*

In maintained schools, the Local Authority has a duty of care for staff wellbeing. Therefore, where there are attendance concerns, or a Head teacher's absence is likely to exceed 4 weeks, the Chair of Governors must contact the Senior Kirklees Learning Partner within Kirklees School Improvement Service to notify them of the absence and to discuss any support requirements.

When a Head Teacher is absent due to sickness the Chair of Governors must be notified directly by the Head Teacher. In exceptional circumstances it may be the Business Manager who would inform the Chair of Governors. Arrangements must then be made by the Chair of Governors for the absence to be recorded.

The Senior Kirklees Learning Partner will ensure the Chair of Governors has an appropriate level of support from a Kirklees Learning Partner, who will support with an occupational health referral, consider cover requirements and discuss how they can support the attendance management process.

The Chair of Governors and Head Teacher have a responsibility to keep in touch during any period of employee absence, via an appropriate and agreed method. Ideally this would be via telephone, however in specific circumstances or for short periods to support employee wellbeing, this could be via email, text message, a nominated contact e.g. Trade Union Representative.

Kirklees HR will provide advice and support throughout the attendance management process.

## **Appendix 2. Phased return to work**

A phased return to work is where an employee returns to their job in a gradual way, to ease them back into their workplace and their duties, following a period of long term sickness absence. Phased returns require a recommendation from occupational health or GP.

A phased return is for a maximum of 4 weeks, during which there should be a gradual increase in the hours an employee works, to enable them to return to their full contracted hours at the end of the period. It is advised that the Head Teacher reviews the progress of the employees return to work at least on a weekly basis, as the phased return plan may need to be adjusted within the 4 week period.

A phased return should not be arranged either side of a school holiday period, as this may be counterproductive to the purpose of the phased return. A phased return must therefore be completed with the employee returning to work on their full contracted hours for at least 1 week prior to a school closure period.

The Head Teacher will plan the return to work with the employee and agree the work pattern and the employees key work duties. The work pattern will need to be considered alongside operational requirements.

Throughout the phased return the employee will receive normal pay for the hours worked and sick pay (at the rate of sick pay the employee was on upon their return ie either full, half or no pay) for the hours not at work.

Until the employee has successfully completed their phased return to work, their absence record, for Payroll purposes, should remain open and therefore the employee will continue to receive sick pay at their current rate. Once the phased return has been successfully completed the Head Teacher will need to notify HD-One, who will make retrospective adjustments to the employees pay.

In the unfortunate event of the employee not successfully completing their phased return, the employee's period of sickness absence will continue and they will be paid at their sick pay rate. Any hours worked during the phased return period will be paid at contractual pay.

### **Appendix 3. Supported return to work – TEACHERS ONLY**

Where a Teacher has had a period of long term absence, it may be considered beneficial for them to have a supported return to work, rather than a phased return to work.

A supported return to work is for a period of 2 weeks and is usually, though not exclusively, where a Teacher has been absent due to a psychological illness.

This would need to be advised by either an Occupational Health Professional or by the employees GP and should be agreed by the Head Teacher.

During the first week of a supported return, the employee would familiarise themselves with the school and their teaching role whilst the cover Teacher continues to lead the class. The second week the employee takes responsibility for leading the class with support from the cover Teacher.

The first week of a supported return to work is classed as continued sickness absence and therefore the employee will receive pay at their current rate of sick pay. At the start of the second week, the employee's absence is ended, and they receive their normal pay.