

# The Family of Learning Trust

## Attendance Management Policy



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<b>Name of Policy Writer</b>	<b>EducateHR Ltd</b>
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## **1. Introduction**

- 1.1 The contribution that employees make to the success of the academy and its students is highly valued, and accordingly the academy is committed to improving the health, wellbeing and attendance of all its staff.
- 1.2 The academy recognises that keeping employees in work and helping them return to work following absence can make a positive contribution towards an employee's health and wellbeing. The academy also recognises its duty to maintain educational provision and to minimise disruption both to students and to other employees.
- 1.3 This policy clarifies the academy's expectations of managers and employees in managing attendance and details proposals aimed at minimising levels of absence whilst acknowledging the academy's duty of care towards its employees.
- 1.4 The academy respects the confidentiality of all personal information relating to its employees, and this policy will be implemented in accordance with all relevant data protection legislation.

## **2. Purpose and scope**

- 2.1 This document applies to all staff within the academy engaged under a contract of employment. The principal purpose of the policy is to assist management in encouraging employees to achieve and maintain acceptable standards of attendance and to support consistent and fair treatment of all members of staff.
- 2.2 Regular and punctual attendance is implicit in every employee's contract of employment and all staff are expected to accept responsibility for achieving and maintaining a good record of attendance.
- 2.3 The academy will support employees who have genuine grounds for absence, including leave for absences not caused by sickness (see Leave of Absence Policy). The academy will use the services of an occupational health (OH) adviser where appropriate and where necessary will facilitate access to counsellors and rehabilitation programmes in cases of long-term sickness absence.
- 2.4 In relation to absences involving alcohol and/or drug dependency, this policy should be followed in conjunction with the academy's Substance Misuse Policy.
- 2.5 For references in this policy to 'Bradford Factor' (or 'Bradford Score') please see guidance and examples in Appendix 1.

## **3. Employee responsibilities**

- 3.1 Employee responsibilities are as follows:
  - to look after their own health to minimise sickness absence
  - to follow the sickness absence reporting procedures (failure to comply may result in suspension of pay)
  - to ensure appropriate documentation is submitted as necessary (failure to comply may result in suspension of pay)
  - to inform their manager if the absence is either disability related or due to an accident at work

- to inform their manager if there are any relevant work issues that need to be addressed
- to co-operate with referrals to OH and any other actions required to support a return to work.

#### **4. Management responsibilities**

4.1 Management responsibilities (in all of which they may be supported or guided by their HR adviser) are as follows:

- to proactively manage attendance and promote the wellbeing of their staff
- to monitor all sickness absence effectively by reporting and recording the information
- to ensure ongoing reasonable contact is maintained with the employee and records kept of the content of discussions and/or meetings
- to ensure appropriate notice is given to employees for formal meetings and to allow representation at these meetings
- to obtain OH advice where appropriate.

4.2 Where an employee is regarded as disabled under the Equality Act 2010, an employer must demonstrate that they have considered and, where reasonable, implemented adjustments to support a disabled person in the workplace.

4.3 Many reasonable adjustments involve little or no cost and could include the following:

- making changes to a disabled person's working pattern
- providing training or mentoring
- making alterations to premises
- modifying or acquiring equipment
- ensuring that information is provided in accessible formats.

4.4 Any absence from work resulting from a work-related incident (including violence, musculoskeletal problem or stress) must be reported to the academy health and safety manager.

4.5 It is a statutory requirement that absence for more than 7 days as a result of work-related accidents (as defined in the regulations) and certain specified injuries (similarly defined) are reported to the Health and Safety Executive (in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) published by the HSE).

#### **5. Role of occupational health**

5.1 The remit of occupational health (OH) covers both the impact of work upon an individual's state of health and the impact of the state of an individual's health upon their performance at work.

5.2 Occupational health practitioners have a duty to give independent informed professional guidance and advice on work and health matters.

5.3 Referral to OH can assist in:

- establishing the exact nature of an employee's illness
  - estimating the likely duration of the illness/absence
  - assessing the impact of an employee's state of health on their ability to discharge their contracted duties
  - advising on measures to be put in place to support the employee in a return to work (such possibilities including redeployment (where feasible) or making reasonable adjustments to their role in terms of specific duties or hours worked and so on).
- 5.4 Occupational health can also give an indication whether any adjustments may be necessary to enable the academy to meet its obligations to employees with a disability as defined by the Equality Act 2010.
- 5.5 Additionally, the OH practitioner can provide an assessment as to the fitness of the employee to attend a meeting or hearing whilst they are absent from work due to illness or injury.
- 5.6 Referral to OH may also be required to enable an employee to obtain ill-health retirement by virtue of receiving (if they meet the criteria) a 'certificate of permanent incapacity' from an approved OH doctor. This documentation is then used in the employee's application to either Teachers' Pensions or West Yorkshire Pension Fund (local government pension scheme) in order to access their pension.
- 5.7 Information provided on the OH referral form must be comprehensive and the questions asked by the employer (in which regard they may be supported by their HR adviser) must be relevant and clear to facilitate the production of a meaningful report which will be of value to the employer. Any re-referrals to OH must apprise the OH practitioner of progress to date and any action taken in the interim period.
- 5.8 OH reports written to management are for their consideration within the overall context of the requirements of the employer in taking a holistic overview of the entire workplace.

## **6. Notification of absence from work (sickness reporting)**

- 6.1 Prompt notification of sickness absence in accordance with the following principles is essential to ensuring the smooth running of the academy.
- 6.2 An indication of the likely length of sickness absence (when this is known) is always helpful to management and where sickness absence is likely to be protracted (see section 10) the manager and the employee should maintain contact at agreed intervals to exchange information on progress towards a return to work.
- 6.3 **On the first day of sickness absence** the employee must ensure that senior leaders are notified by between 7:15am and 7:30am by ringing the phone number below and should disclose the nature of the illness (and, if possible, an estimate of the probable length of their absence). They should contact the relevant individual by telephone (neither text nor email are seen as appropriate means of communication in this situation) and speak to them in person (unless there are extenuating circumstances).

**Sickness Telephone Line: 07411 873108**

**Dean Field XXXXXXXX**

- 6.4 To enable alternative arrangements to be put in place, the employee must also advise senior leadership team of any work-related matters to which their absence could be crucial.

- 6.5 For sickness absence lasting between 4 days and 7 days, employees must, within one working day of their return to work, submit a completed Self-Certification Form to Jo Lawless, HR Director.
- 6.6 For sickness absence extending beyond 7 days (including Saturday and Sunday) employees must obtain and submit by day 8 a medical certificate (fit note) completed by their doctor. Any continuing sickness absence thereafter must be covered by submitting further medical certificates which should follow immediately on the expiry of the previously submitted fit note (and which should reach the employer no later than the next working day following expiry of the previous fit note).
- 6.7 If the fit note does not cover the first seven days of absence the employee may additionally be required to submit a self-certificate to cover this period.
- 6.8 A fit note will normally state categorically that an employee is 'not fit for work' (for a defined duration). In some cases, however, a **conditional fit note** may be issued by the medical practitioner, indicating that the employee 'may be fit for work' dependent on certain conditions being met (such as, for instance, 'no heavy lifting' or 'sedentary work only' etc).
- 6.9 If the employee's doctor advises on the fit note that the employee 'may be fit for work' the manager will arrange for a meeting to take place with the employee to discuss appropriate ways of supporting them back into work. This may be by means of one (or more) of the following: a phased return; altered hours; workplace adaptations; or amended duties etc.
- 6.10 If it is not possible to satisfy the conditions for a return to work, or if the employee feels unable to return on the basis of those adjustments that can be agreed as reasonable, then the fit note will be used in the same way as if the doctor had advised that the employee was 'not fit for work'.
- 6.11 It should be noted that persistent failure to comply with the academy's notification arrangements (or giving misleading or false statements) may result in possible loss of pay and/or disciplinary action.

## **7. Return to work interview**

- 7.1 A return to work (RTW) interview is good practice to establish the employee's fitness for work following any period of sickness absence.
- 7.2 These interviews are normally informal and the individual's line manager (or other appropriate person) will discuss each absence with the employee on their return to work.
- 7.3 Ideally, the RTW interview will take place as soon as possible following the return to work, although this will be dependent on individual circumstances.
- 7.4 At the RTW interview the manager should:
- check that the employee is well enough to return to work
  - explain to the employee that the purpose of the interview is to manage and monitor every employee's attendance to identify problems and offer support where indicated
  - ask the employee about the reason(s) for their absence (verifying dates of sickness), ensuring that any questions are asked in a supportive way and that the employee is assured of appropriate confidentiality

- establish whether the employee has (or is likely to be regarded as having) a disability and if so whether the provisions of the Equality Act apply (discussion around reasonable adjustments, modification of duties, retraining etc may be considered in such circumstances)
- establish whether the employee's sickness absence is work-related, and if so whether any health and safety issues need to be addressed.

7.5 A record (see Appendix 2) should be kept of each RTW interview.

## **8. Management action in relation to absence (including use of trigger points)**

8.1 Trigger points are quantifiable measures of sickness absence which act as markers (or reminders) for initiation of appropriate management action once they have been reached or exceeded. Different trigger points may be used for long-term and short-term sickness absence.

8.2 Any period of absence more than two (consecutive) weeks in duration is considered long term (effectively equivalent to a trigger point) at which time managers must **consider** whether referral to OH is appropriate (although absence due to stress, workplace accidents or musculoskeletal problems should be considered for such referral within a shorter timeframe) – however, such referral should not proceed without taking all factors of relevance into account.

8.3 In the case of (repeated) short-term absence the academy will be guided by calculation of the Bradford Factor (see Appendix 1 for further explanation and examples) which is a useful mechanism for assessing the level of sickness absence (particularly in relation to short-term absenteeism which is particularly disruptive for staff and students).

8.4 The Bradford Factor can be used by employers to manage sickness absence proactively by the implementation of defined trigger points. The application of the formula  $S \times S \times D$  results in a numerical figure or score (the Bradford Factor or Bradford Score) where:

S = the number of separate occasions of absence within a specified period

D = the total number of days' absence over the same period.

8.5 The academy has determined that its short-term trigger points will be:

- 3 or more instances of sickness absence in any period of 3 months
- 100 points over a rolling period of 6 months in accordance with the Bradford Factor
- any recurring, recognisable pattern such as frequent absence on a Friday/Monday, around public holidays etc.

8.6 Hitting a trigger point is highly likely to lead to management arranging an attendance management meeting (see below) which may, in turn, lead to a referral to OH.

8.7 Managers will endeavour to alert employees who are at risk of reaching a trigger point. When this appears imminent\*, managers may wish to invite employees to an informal meeting to draw attention to their absence rate and/or pattern and to discuss the consequences of hitting a trigger point.

*\*For example, where an employee has hit (say) 50 points (where the trigger factor is, for instance, 100 points) they may be invited by their manager to discuss the situation and informed that any further short-term absences in the near future will be likely to result in them hitting the trigger point.*

8.8 Absences that will be discounted from the trigger points include those that:

- result from an accident at work (unless the accident was caused by negligence on the part of the employee)
- relate to a pregnancy-related condition (as this could be construed as indirect sex discrimination)

## **9. Attendance management meetings**

### **9.1 First formal meeting (stage 1)**

As a result of an employee reaching one of the short-term trigger points (as defined above) they will be invited (in writing) to attend a formal meeting to discuss their absence record. This will be referred to as an 'attendance management meeting'.

9.2 The letter of invitation (to which a copy of the employee's sickness absence record will be attached) will inform them that their absences have hit a trigger point and that this represents a cause for concern. The letter will also advise that they can be accompanied in the attendance management meeting by a trade union representative or work colleague.

9.3 At the meeting the employee should be invited to put forward (to the headteacher or line manager) the reasons for their absence(s) and to ask for any mitigating circumstances to be taken into account. An aide-memoire for management in relation to such a meeting is provided in Appendix 3.

9.4 The agenda for discussion in an attendance management meeting may include some or all of the following elements:

- initiating referral to OH (if appropriate)
- undertaking a stress risk assessment (if appropriate)
- any additional remedial action and support measures as may be necessary
- whether the employee has a disability and/or is likely to be considered disabled under the Equality Act 2010.

9.5 Following discussion, the employee may be issued with (in the form of a letter) an individual improvement target with timescales and advised of the next stage of the process should they fail to meet their improvement target. Targets will be in the style of the 'short-term trigger points' stated above (modified as appropriate) with a review period normally of either 3 or 6 months.

### **9.6 Second formal meeting (stage 2)**

Should the employee fail to meet the initial improvement target, a second formal meeting will be arranged in which a further review period will be set with improvement targets and timescales (as in the first formal meeting detailed above). (Note that there is no requirement to hold a further review meeting if the employee has succeeded in meeting the initial improvement target.)

### **9.7 Third formal meeting (stage 3)**

Should the employee fail to meet the second improvement target, a third formal meeting will be arranged. This is the final stage of the process and may result in the employee's dismissal.

9.8 When, during the course of the third formal meeting, it is established to the satisfaction of the headteacher or line manager that the employee has failed to meet the improvement

targets at both stage 1 **and** stage 2, the headteacher or line manager may recommend the employee's dismissal on grounds of capability due to long-term ill-health and accordingly will prepare the management case to be presented in a dismissal hearing (see below).

## **10. Long-term absence – management action**

- 10.1 Procedures for long-term sickness absence differ from those indicated for short-term (intermittent or repeated) sickness absence.
- 10.2 Absences of over two weeks duration are considered long term. Consideration of referral to occupational health (OH) may, in certain circumstances, be appropriate at this point. However, it is recognised that headteachers and line managers have discretion on whether to instigate an OH referral and this is unlikely to be warranted if it appears evident that a return to work is imminent and that there is no requirement for adjustments within the workplace.
- 10.3 The management of long-term absence is dependent upon several factors, including the following, on all of which (other than the length of absence itself, which is purely factual) advice may require to be sought from an OH provider:
  - the likely duration of sickness absence
  - the medical prognosis
  - the predicted date for a return to work
  - whether any (reasonable) adjustments are required to enable a return to work
  - whether a return to the previous duties of employment is likely to prove:
    - a) feasible; and
    - b) sustained.
- 10.4 To manage long-term sickness absence, in the first instance the headteacher or line manager should arrange an early meeting with the employee (who may be accompanied by a trade union representative or work colleague) to discuss the situation and determine whether any action (such as referral to OH) should be taken.
- 10.5 In some cases of long-term absence due to sickness it may be appropriate (having first informed the employee) to refer directly to OH without arranging an attendance management review. In such instances the employee should always be provided with a copy of any referral documentation provided by the employer.
- 10.6 During long-term sickness absence the headteacher or line manager should keep in regular contact with the employee and discuss any options for returning to work, following advice specified in the employee's fit note(s) and/or received from OH. Such options may include, where appropriate, medical redeployment (see below).
- 10.7 Regardless of the above, where a member of staff has a serious medical condition or terminal illness they should be treated with greater sensitivity and sympathy and should not be subjected to overly rigorous monitoring procedures.
- 10.8 If the employee's work has either caused or contributed to the employee's illness, the issues must be fully explored by the headteacher or line manager and steps taken to ensure they are addressed prior to the employee returning. For stress-related cases, it may be appropriate to refer to the academy's Stress Policy.

- 10.9 During informal meetings, the headteacher or line manager can discuss further referral to OH (where appropriate) and plan the employee's return to work. Consideration should be given to the likely duration of the sickness absence and its impact on the effective and efficient operation of the academy.
- 10.10 All formal meetings should be documented with copies of notes (and/or an outcome letter) provided to the employee.
- 10.11 Throughout an extended period of absence due to sickness the headteacher or line manager should keep the employee fully informed of their position (including ongoing eligibility for sick pay) and of any changes impacting on the employee's working environment.
- 10.12 The headteacher or line manager may (after an investigation of the facts and following a proper process) consider dismissal as a last resort once all other options have been considered.
- 10.13 Accordingly, if the headteacher or line manager is satisfied, having taken recent (normally within the last three months) advice from OH, that a return to work within an acceptable timescale is no longer realistically likely, they may recommend dismissal on grounds of capability due to long-term ill-health and in such circumstances will prepare the management case to be presented in a dismissal hearing.

## **11. Ill-health retirement – teachers**

- 11.1 Should a teacher become too ill to continue teaching they may be eligible for ill-health retirement. This will only be granted if the medical evidence shows that the teacher is **permanently** incapacitated from teaching on both a full and part-time basis.
- 11.2 In such cases a referral to OH should be instigated by the headteacher or line manager to confirm eligibility. If the teacher meets the criteria, a certificate of permanent incapacity (CPI) will be issued by the approved OH doctor enabling the teacher to pursue ill-health retirement.
- 11.3 Where a teacher who is absent on sick leave applies to Teachers' Pensions (TP) for an ill-health pension and is subsequently granted their pension, the academy does not formally dismiss the teacher. In these circumstances, the teacher is declaring themselves unfit to return to work and the award of the pension is the trigger for the ending of the contract. The headteacher or line manager should seek to agree a mutually acceptable date for the teacher's last day of employment which enables the teacher to have early access to their pension.
- 11.4 For applications for ill-health retirement received at Teachers' Pensions there are two tiers of ill-health retirement: Total Incapacity Benefit (TIB) and Partial Incapacity Benefit (PIB).
- 11.5 For both the above categories, Teachers' Pensions medical advisers must be satisfied that a teacher is permanently incapacitated from teaching/lecturing on a full or part-time basis.
- 11.6 Teachers will be assessed as meeting the criteria for TIB if they are deemed to be unable to undertake **any** gainful employment.
- 11.7 Teachers will be assessed as meeting the criteria for PIB if deemed to be permanently incapable of teaching/lecturing but capable of undertaking a range of other types of work.

- 11.8 The decision as to whether a teacher is awarded TIB or PIB will be determined by the Department for Education's medical adviser based upon the medical evidence submitted with the employee's application.
- 11.9 If the teacher is deemed unfit to return to work, but does **not** wish to apply for ill-health retirement, a decision must be taken by the headteacher or line manager to instigate dismissal proceedings on grounds of incapacity (or capability) related to long-term ill-health.

## 12. Ill-health retirement – support staff

- 12.1 If an employee has to leave work at any age due to illness they may qualify for immediate payment of benefits (based on an opinion from an independent qualified doctor that they will be permanently unable to do their own job **and** that there is a reduced likelihood of them being capable of obtaining alternative gainful employment before their normal pension age) and if a member of support staff becomes too ill to continue working in their current post they may be eligible for ill-health retirement.
- 12.2 In such cases a referral to OH should be instigated by the headteacher or line manager. If the employee meets the criteria, a certificate of permanent incapacity (CPI) will be issued by the approved OH doctor. The Local Government Pension Scheme (LGPS) operates a three-tier system for those members who meet their criteria for issue of a certificate of permanent incapacity.
- 12.3 The CPI will entitle the employee to differing levels (tiers 1, 2 and 3) of benefit based on the likelihood of an employee being capable of obtaining alternative gainful employment after leaving their current position.
- 12.4 On receipt of the CPI, the headteacher or line manager should obtain an estimate of the ill-health retirement pension figures and arrange a case review meeting with the employee, who may be accompanied by their trade union representative or work colleague.
- 12.5 The purpose of the case review meeting is to discuss the facts and impact of a CPI being issued, including the following possibilities:
- redeployment within the academy
  - early retirement on grounds of ill-health (and the acceptability (or otherwise) of this mooted option to the employee)
  - application for pensionable benefits.
- 12.6 If early retirement on the grounds of ill-health is identified as the appropriate outcome for a member of support staff (always bearing in mind that the issue of a CPI relates to the current role performed by the member of staff and consideration must be given to the possibility that an alternative role might prove viable) the headteacher or line manager will progress arrangements to effect dismissal\*.

*\*Under LGPS regulations no provision exists for a member of support staff to gain access to their pension by means of early retirement through resignation on grounds of ill-health – it is therefore necessary for them to be (by negotiated agreement) officially **dismissed** on grounds of capability (see Capability Policy for further details of mechanism).*

- 12.7 If dismissal is deemed necessary in these circumstances, and if the employee does not wish to contest either the decision to dismiss, or the pension recommendation and CPI determination made by the OH practitioner, dismissal can, **in these circumstances only**, be effected by means of an informal meeting in which the employee will be advised as to

the process (including the agreed date on which their dismissal will take effect) and will be given written notice of termination with appropriate notice period.

- 12.8 Should the employee wish to contest the decision to dismiss they will be invited to a formal dismissal hearing where the case will be heard in full before a decision is reached as to whether the employee should be dismissed.

### **13. Medical redeployment**

- 13.1 Where the OH practitioner considers that medical redeployment may be an option, consideration will be given to such redeployment. It will be the decision of the headteacher as to whether redeployment represents a realistic prospect within the academy.
- 13.2 Any offer of redeployment will be made on a trial basis for 4 weeks (equivalent to the statutory notice period of the employee) to establish the employee's suitability for the alternative role. The trial period will not extend beyond the employee's notice period except in cases where retraining is required.
- 13.3 The duration of the trial period will be confirmed in writing and statutory notice given of the date when termination of employment will take place if no suitable alternative employment is identified.
- 13.4 The OH practitioner's opinion may be sought regarding the employee's capability to undertake the duties of the post proposed for redeployment. There is no salary/grade protection in respect of medical redeployment to a lower graded post and the terms and conditions of employment will be those relating to the new post.

### **14. Dismissal on grounds of long-term sickness without issue of CPI**

- 14.1 Where a return to work appears improbable within the foreseeable future and/or the length of absence can no longer be sustained by the academy, the headteacher or line manager will carry out a formal review meeting. During all formal meetings/hearings the employee is entitled to be represented by a trade union representative or work colleague.
- 14.2 The headteacher or line manager will write to the employee inviting them to the meeting. The letter of invitation should clarify that the employee's continued employment is potentially at risk (in other words that this process may lead to dismissal on grounds of capability relating to long-term ill-health) and should encourage the employee to be accompanied (as above).
- 14.3 Discussion during this meeting will be likely to include the following:
- whether referral to OH would be appropriate at this stage  
*(normally referral to OH will have taken place prior to this stage but dismissal on medical grounds should not be considered without a recent OH assessment (usually within the last three months) being on record)*
  - length of absence, current prognosis, previous attendance record, impact on students/colleagues
  - any necessary support/reasonable adjustments required under the Equality Act 2010
  - any steps the employee may be taking to help themselves

- potential outcomes if the absence continues such as dismissal on grounds of ill-health with or without immediate access to pension  
*(although information may require to be sought from OH re consideration of ill-health retirement if applicable)*
- 14.4 In the event of a decision, following the formal review meeting, that the academy wishes to progress to consideration of dismissal on grounds of ill-health the headteacher or line manager will arrange a further (formal) meeting to consider the employee's continued employment. This will take the form of a dismissal hearing.
- 14.5 The headteacher or line manager will usually have held at least one formal meeting with the employee prior to this stage and will (where a certificate of permanent incapacity has not been provided) prepare the management case for dismissal on the grounds of incapacity due to long-term ill-health.
- 14.6 When considering dismissal for unsatisfactory attendance, there are three basic principles of natural justice which are:
- the individual is fully aware that their attendance record is unsatisfactory
  - the individual has been afforded the opportunity to improve their attendance
  - the individual has been allowed to make representations on their own behalf.

## **15. Preliminaries to dismissal hearing**

- 15.1 Prior to a dismissal hearing taking place the management case should have afforded full consideration as to whether:
- procedures have been followed
  - referral to OH (as appropriate) has been undertaken
  - it has previously been made clear to the employee that their continued employment was at risk
  - the employee has had sufficient opportunity to state their case
  - any new information has come to light
  - the option of reasonable adjustments has been considered
  - the option of redeployment has been considered
  - the case has been prepared with due reference to the Equality Act 2010.
- 15.2 The employee must be given reasonable notice (not less than five working days) of the date, time and venue of the dismissal hearing and must be informed of the right to be represented by a trade union representative or work colleague.
- 15.3 The headteacher or line manager will prepare the management case for dismissal (with accompanying documentation such as sickness record, summary of OH information and any other relevant information).
- 15.4 A copy of the management case (with accompanying documentation) will be sent both to the panel of governors who are to hear the case (or to the headteacher if they are to hear the case) and the employee prior to the meeting.
- 15.5 Should it not be possible to provide copies of the management case and accompanying documentation at the same time as the formal notification of the dismissal hearing is

issued then this information should be sent to the employee (as well as the individual(s) hearing the case) under separate cover within a reasonable timescale prior to the hearing.

## **16. Dismissal hearing**

- 16.1 In the dismissal hearing the headteacher or line manager will present the management case with a recommendation of dismissal.
- 16.2 If the line manager presents the case in a dismissal hearing this will be heard either by the headteacher (where they have not previously been involved in the case **and** have been delegated the authority to dismiss) or by a panel\* of up to three governors (none of whom has previously been involved in the case).  
*\*For clarity, hereinafter in respect of a formal dismissal hearing the words 'panel' or 'chair' should be taken to include a single individual (whether headteacher or governor) who may be hearing the case alone.*
- 16.3 If the headteacher presents the case in a dismissal hearing this will be heard by a panel of up to three governors who have not previously been involved in the case.
- 16.4 If the dismissal hearing is heard by more than one individual a member of the panel shall be nominated to chair the meeting.
- 16.5 After the headteacher (or line manager) has presented the management case the employee (or their representative) will then be given the opportunity to present their case to oppose the recommendation.
- 16.6 Either party may then be questioned by the panel. Following presentations from both sides and the completion of any subsequent enquiry the chair of the hearing will call an adjournment to consider the decision.
- 16.7 The decision of the panel as to whether to dismiss the employee will be communicated to the employee in writing without delay.
- 16.8 Where a decision is taken to dismiss, the outcome letter (to be sent by recorded delivery) will inform the employee of the clear reason(s) for dismissal and the date of termination. The outcome letter will also inform the employee (who may appeal against any decision to dismiss) of their right of appeal and will additionally identify the individual to whom an appeal should be directed.

## **17. Appeal against dismissal**

- 17.1 To exercise their right of appeal against dismissal, the employee must, within five working days of being informed of the decision that they be dismissed, write to the clerk to governors, stating their grounds for appeal.
- 17.2 The appeal hearing will be held within ten working days of receipt of the employee's letter of appeal. The employee will be given at least five working days' notice of the hearing. The appeal will be heard by governors not previously involved in the matter.
- 17.3 Following introductions, and the explanation of the purpose of the appeal hearing and how it will be conducted, the member of staff and their representative (or companion) will be invited to present their grounds for appeal. Where grounds are unclear, the chair of the panel may ask for clarification.

- 17.4 The chair of the original dismissal hearing panel will then present the reasons for the decision taken in the previous hearing and may call as a witness in the appeal hearing the manager who presented the case in the original dismissal hearing.
- 17.5 After ensuring that all relevant issues have been thoroughly explored the appeal panel will make their decision, which will be communicated in writing to the employee within a reasonable timescale following the hearing (usually within five working days).
- 17.6 The decision will be either to confirm the previous decision or to uphold the appeal, and where an appeal is upheld the matter should be referred to the headteacher or senior manager to be reconsidered.
- 17.7 The decision of the appeal panel is final, and this represents the conclusion of the dismissal process.

## **18. Other policies and procedures**

- 18.1 This policy will be supported by the following policies and procedures:
- Capability Policy
  - Leave of Absence Policy
  - Stress Policy
  - Substance Misuse Policy

## Appendix 1: Bradford Factor – explanation and examples

The disruption caused by frequent short-term absences is often significantly greater than that caused by (more predictable) long-term absences. The 'Bradford Factor' assesses the irregularity of an employee's attendance by combining measures of absence frequency and duration. These parameters indicate whether an individual's sickness absence record comprises a few, or many, spells of short or long duration. They can be used to monitor trends in sickness absence, to provide trigger points and to derive comparative figures.

The simple calculation required to derive the Bradford score is:

$$S \times S \times D \quad \text{or (for those of a mathematical bent)} \quad S^2D$$

where S equals the number of spells of absence within a specified period and D equals the total number of days of absence in that same period

Example: This example illustrates the Bradford scores for three employees, each with the same annual absence over the identified period (in this case 12 days over 1 year).

Employee 1: 1 absence of 12 days' duration	Bradford score (1 x 1 x 12)	12
Employee 2: 6 absences, each of 2 days' duration	Bradford score (6 x 6 x 12)	432
Employee 3: 12 absences, each of 1 day's duration	Bradford score (12 x 12 x 12)	1,728

Comparison between sickness absence rates and average Bradford score can be revealing and can help to target action appropriately.

A relatively high absence rate (for the employer as a whole) with a low average Bradford score most likely indicates a low number of employees on long-term sickness absence.

In contrast, a relatively low absence rate with a high average Bradford score is more likely to indicate a higher number of employees with frequent short-term absences.

### How will absence be monitored using the Bradford score?

The initial trigger point will be a defined score such as, for example, 100.

When individuals have accrued 100 points or more over a rolling period of 6 months it will trigger consideration of a first (Stage One) formal warning and the issue of an improvement target.

If a first formal warning is issued, and the improvement target is not met, then a second (Stage Two) formal warning will be issued and a further improvement target set.

If there is insufficient improvement following the second (Stage Two) formal warning being issued, and the further improvement target is not met, then the employees' dismissal may legitimately be considered on the grounds of an unsatisfactory attendance record.

## Appendix 2: Return to work (RTW) discussion/interview form

**CONFIDENTIAL**

<b>Date of RTW discussion:</b>	
<b>EMPLOYEE DETAILS</b>	
Full name:	
Job title:	
Line manager:	
<b>ABSENCE DETAILS</b>	
Reason for absence:	
First day of absence:	
Last day of absence:	
Total working days lost:	
When did you consider yourself fit to return to work?	
Did you see a GP and/or seek health advice?	
Was the reason for the sickness absence in any way related to work?	
<b>RETURN TO WORK DISCUSSION</b>	
Are there any issues relating to the recent absence that the employee thinks the school should know about?	
Does the employee consider themselves to have a disability?	Yes / No
Does the issue of reasonable adjustments or support need to be considered?	Yes / No
If so, what may be required?	

<b>I understand that this information will be used for the purposes of recording and monitoring sickness absence.</b>	
Signed (employee) .....	Date .....
Signed (manager) .....	Date .....

**Appendix 3: Information required in advance of attendance management review meeting**

**MANAGEMENT DOCUMENT**

<b>EMPLOYEE ABSENCE SUMMARY</b>	
<p><b>Number of days' absence in last rolling period of 6 months</b></p> <p><b>Number of separate occasions of absence</b></p> <p><b>Bradford Factor Score is calculated by multiplying the total number of (working) days absence by the square of the number of (separate) absences</b></p> <p><b>NB Separate absences are defined by return to work <u>between</u> absences – any absences which span either side of a school holiday should be regarded as <u>continuous</u></b></p>	<p>..... (total) days on</p> <p>..... (separate) occasions</p> <p>Multiply the first figure by the <b>square</b> of the second figure to give the Bradford Factor</p> <p>Bradford Factor score of .....</p>

<p><b>Which of the school trigger points has been met?</b></p> <p>1. <b>Bradford factor of 100 or more (in rolling period 6 months)</b></p> <p>2. <b>3 absences in 3 months</b></p> <p>3. <b>Regular pattern of absence (eg Mondays and Fridays)</b></p> <p>4. <b>Long-term absence (over 2 weeks)</b></p>	<p><b>Yes / No</b></p> <p><b>Yes / No</b></p> <p><b>Yes / No</b></p> <p><b>Yes / No</b></p>
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<p><b>Might referral to Occupational Health be indicated?</b></p> <p><i>(it is normally appropriate to defer a decision on this until advice has been sought from HR)</i></p>	<p><b>Yes / No</b></p>
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### Appendix 4: Record of attendance management review meeting

<b>Name of Employee:</b>	
<b>Date of Meeting:</b>	
<b>Line Manager:</b>	
<b>People Present:</b>	

<b>Reason for meeting:</b>	Trigger(s) hit:	Bradford Factor Score of 100 or more	
		3 Absences in 3 months	
		Regular pattern of absence	
		1 Absence in excess of 2 weeks	

<b>Additional information:</b> <small>(eg any other reasons not covered above)</small>	
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<p><b>Issues Discussed:</b></p> <p>Absences considered as disability?</p> <p>Mitigating circumstances?</p> <p>Impact of absences on work/colleagues/pupil progress?</p>	
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<p><b>Proposed course of action or plan for improvement/support:</b></p> <p>include as appropriate:</p> <ul style="list-style-type: none"> <li>referral to occupational health</li> <li>stress risk assessment</li> <li>counselling</li> </ul> <p>any remedial action such as:</p> <ul style="list-style-type: none"> <li>change of role</li> <li>change of duties</li> <li>specific adjustments etc</li> </ul>	
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<p><b>Outcome:</b></p> <p>(to include explanation of next steps)</p>	
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<p><b>Review period:</b>(if relevant)</p>	
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<p><b>Date of next review meeting:</b></p>	
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<p><b>Signed: (employee)</b></p>	<p>.....</p>	<p><b>Date:</b></p>	<p>.....</p>
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<p><b>Signed: (manager)</b></p>	<p>.....</p>	<p><b>Date:</b></p>	<p>.....</p>
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