

Management of Attendance Operational Guidance and Appendices

Authority Guidelines on Staffing Procedures for Community, Voluntary Controlled, Community Special Schools and Early Years Centres (and those adopted by Governing Bodies of other maintained or non-maintained schools)

Please read this document in conjunction with Management of Attendance (Capability) Policy & Procedure

Updated Sept 2021

Adopted by the Governing Body

School:

Date:

Para	Content	Page No
1.	Introduction	3
2.	Scope	3
3.	Legal Framework	3
4.	Guidance on the management of complex medical issues	4
5.	Notification of Absence and Fit Notes	5
6.	Contact with the employee during a period of absence	6
7.	Management of Return to Work	6
Appendices		
1	Absence Reporting Procedure	
2	Sickness Reporting Procedure	
3	Management of Attendance Procedure Flowchart	
4	Keeping in Touch Form	
5	Return to Work Interview Form	
6	Key considerations for Headteachers when deciding whether to apply a sanction: short-term persistent absence	
7	Key considerations for Headteachers when deciding whether to apply a sanction – long term sickness absence	
8	Access to Work Mental Health Support Service	
9(a)	Formal Procedure – Stage 1 - Sample Invitation Letter	
9(b)	Formal Procedure – Stage 1 - Sample Outcome Letter	
10(a)	Formal Procedure – Stage 2 – Sample Invitation Letter	
10(b)	Formal Procedure – Stage 2 – Sample Outcome Letter	
11(a)	Formal Procedure – Stage 3 – Sample Invitation Letter	
11(b)	Formal Procedure – Stage 3 – Sample Outcome Letter	
12(a)	Formal Procedure – Stage 4 – Sample Invitation Letter	
12(b)	Formal Procedure – Stage 4 – Sample Outcome Letter	
13	Formal Meeting Format (Stages 1, 2 & 3)	
14(a)	Stage 4 – Format for Hearing	
14(b)	Stage 4 – Outcome of hearing	
15(a)	Stage 4 – Format for Appeal Hearing	
15(b)	Stage 4 – Outcome of Appeal Hearing	

1. Introduction

This document offers guidance and highlights some of the main causes of absence and provides practical information on managing sickness absence effectively. It is to be used in conjunction with the Management of Attendance Capability Policy and Procedure.

The Governing Body wants to work with all staff to promote the health and well-being of its employees by creating a healthy and safe environment to enable everyone to perform to the best of their abilities.

Sickness management does not aim to prohibit sickness absence but to achieve improved employee attendance at school. The key objectives are to:

- Establish proper management systems for reviewing individual sickness records
- Review compliance with sickness reporting rules and conditions
- Identify causes of sickness absence in order to prevent or deter absence recurring where possible

It is, therefore, important to establish a **positive attendance culture** within the school.

The following guidance will detail the operation of the management of sickness absence including the responsibilities of governors, school management and employees, relevant timescales and appropriate action.

Central to this is better communication with staff, greater awareness of employees' absences and being proactive in addressing the issues.

2. Scope

The guidance covers all school employees and is consistent with the employment powers of the governing body contained in the Education Act 2011 and School Staffing (England) Regulations 2015, with the Instruments and Articles of Government of individual schools, the Conditions of Service for Teachers in England and Wales (Burgundy Book) and the National Agreement on Pay and Conditions of Service (Green Book).

The guidance will apply to all school employees

3. The Legal Framework

The Employment Act 2002 and the Employment Act (Dispute Resolution) Regulations 2004 provide the main legal tools for facilitating absence management. This guidance has also taken account of the guidelines produced by ACAS.

Other pieces of legislation which have an impact on absence management are:

- Equality Act 2010
- Employment Rights Act 1996 as amended
- Employment Rights Dispute Resolution Act 1998
- Employment Relations Act 2004
- Access to Health Records Act 1990 (see below)
- Data Protection Act 2018 (see below)

3.1 Access to Health Records Act 1990

- individuals have a statutory right to see any medical report prepared for employment or insurance purposes
- no-one, including the Occupational Health Physician, can access a person's records or contact his/her GP without the individual's written consent
- every individual has a right to see his/her medical records, prepared after 1 November 1991

3.2 Data Protection Act 2018

- employers have a statutory duty to keep personal data secure and confidential
- employees have extensive rights of access to computerised medical data which can be identified as relating to them specifically – but not to data which has been anonymised or aggregated so that information about individuals is not identifiable

4. Guidance on the management of complex medical issues

4.1 Alcohol, Drug or Substance Abuse

Alcohol, drug or substance abuse are primarily health problems. Headteachers should respond to employees suffering from alcohol/drug/substance abuse problems in a confidential, sympathetic and constructive way. Advice should be sought through the School's HR Consultancy team and OH provider who can recommend specialist support and counselling services.

4.2 Stress related absence

HSE defines stress as:

'An adverse reaction a person has to excessive pressures or other types of demands placed upon them.'

Given an excess of pressure, stress can therefore happen to anyone, and should not be a weakness. Instead, an individual needs to be helped to deal with these pressures.

As reactions to stress will vary from one individual to another and may also vary at different times of our lives, it's important that we learn to recognise stress and understand what to do to reduce it.

Tackling personal stress is an individual's responsibility; however, employers have a legal responsibility to help reduce stress which may arise in their employees as a result of their work. Work-related stress is a major cause of occupational ill health which can lead to severe physical and psychological conditions in school employees. It can also lead to poor productivity and human error, increased sickness absence, increases in accidents, high staff turnover and poor performance in school. In addition, health and safety legislation requires employers to assess the level of risk from hazards in the workplace and to take all reasonably practicable measures to prevent or sufficiently reduce that risk. The purpose of the risk assessment is to find out whether existing control measures prevent harm or if more should be done.

Source: HSE leaflet-Tackling work-related stress using the Management Standards Approach. A step-by-step Workbook

With this in mind, we advise that reasonable steps are taken to reduce the incidence of work related stress by introducing the following measures:

- Identifying potentially unreasonable levels or sources of stress via the process of risk assessment.
- Striving to provide a working environment which enables employees to effectively carry out their duties and responsibilities.

- Acknowledging that stress may arise from both work related or other situations, such as domestic circumstances, and treating individuals affected in the same way as those affected by any other health problem.
- Encouraging employees to accept responsibility for their own mental and physical health and to develop a responsible balanced approach to work and their personal lives.

NB where an employee is returning to work following a period of stress related absence the school must ensure that a stress risk assessment is put in place.

Where illnesses relate to stress whether work or personal, specialist advice should always be sought. Please contact the School's HR Consultancy team for support and guidance.

Further information about support for mental health conditions through Access to Work can be found in Appendix 8.

4.3 Industrial Injury

A person who is injured during their work may claim industrial injury compensation.

All accidents/injuries to employees in schools should be recorded and reported as per the school's Safety procedure. For any injuries resulting in three or more days of sickness absence, the HSE must be informed.

5. Notification of Absence and Fit Notes

5.1 Notification of Absence

Employees do not need to provide a fit note for any sickness absence up to 7 calendar days. ***NB However they must inform the school, in line with the school absence reporting procedure***

5.2 Fit Notes

Fit Notes are required after employee's 7th day of sickness to cover absence until they are fit to return to work. These should be sent immediately to the Headteacher/ Line Manager.

When completing a fit note a doctor has the choice between two options:

- not fit for work
- may be fit for work.

If the doctor selects 'may be fit for work', at least one of the following four options Should be selected:

- phased return to work
- amended duties
- altered hours
- workplace adaptations.

The doctor then has the option to make any additional comments.

6. Contact with the employee during a period of absence

6.1 Personal Contact (short term absence)

Should an employee fail to make contact on the first day of absence or fail to keep the school informed of the likely return date, the Headteacher will ensure that personal contact is made by an appropriate senior colleague either by telephone or in person. Any such contact will be recorded on the Keep in Touch Form (Appendix 4)

6.2 Personal Contact and/or Welfare Meetings (Long term absence)

Should an employee be absent for a period of ten working days, the Headteacher will ensure that personal contact is made by an appropriate senior colleague either by telephone or in person. Any such contact will be recorded on the Keep in Touch Form (Appendix 4).

Any employee absent for twenty working days or more will normally, with their agreement, receive a welfare meeting arranged by the Headteacher or an appropriate senior colleague acting on behalf of the Headteacher at a time which is appropriate. If the employee does not wish to receive a home visit, then arrangements will normally be made for the meeting to take place at another appropriate location or virtually.

During these visits, concern will be shown for the employee and, if appropriate their potential return to school date will be discussed. The Headteacher (or their nominee) will also clarify whether any form of assistance can be offered in returning to school, e.g. changes to work patterns, hours etc. If a return to school will be facilitated by a referral to the Occupational Health service, this can be organised by the Headteacher. Such a referral should be a positive step which offers advice and support to the employee as well as giving them access to other forms of assistance, e.g. physiotherapy, counselling, etc.

7. Management of Return to Work

7.1 Return to Work Interview

Return to Work Interviews are part of the management of attendance procedure and should be carried out even in the case of short term absences.

One of the critical aspects of the return to work meeting is to show a willingness to assist the employee in overcoming any problems, whether these relate directly to their health or to personal difficulties. Details of this meeting should be recorded on the Return to Work Interview Form (Appendix 5).

Return to work interviews will normally take place on the day of return to school or as soon as is practically possible. They are not a punitive measure but a way of providing support to the returning employee. It has been established that return to work interviews are one of the most effective ways of reducing sickness absence.

The purpose of this meeting is to give the Headteacher (or their nominee) and the employee the opportunity to discuss the following key issues:

- The nature of their absence and ask whether there are any underlying reasons for the absence.
- Consideration of whether any advice from Occupational health or GP fit note advice can be accommodated
- Any alternative arrangements for returning to work such as phased return, alternative duties
- Any reasonable adjustments* that are made to assist with the Return to Work.
NB These should be confirmed in writing after the Interview along with a review date the reasonable adjustments
- The need to undertake relevant risk assessments such as stress, pregnancy, manual handling, where appropriate
- Discuss the employee's attendance in line with the Management of Attendance (Capability) Policy and Procedure Absence Triggers

- Whether there is any support that can be offered to the employee and where appropriate remind the employee about additional support available such as the Employee Assistance Programme, counselling, physiotherapy
- If appropriate, whether the employee has complied with the sickness absence reporting procedure

***Reasonable Adjustments**

As part of the Return to Work Interview it is appropriate to consider whether any reasonable adjustments can be implemented in order to reduce the extent of disability related absences. A reasonable adjustment such as providing the appropriate equipment, can sometimes resolve the need for absence. Advice may be sought from OH and all agreed reasonable adjustments should be recorded

The Headteacher/Line Manager will make notes of the discussion which the employee should sign as a true record. The employee can ask for a copy if they wish, and a copy will be retained on their Personal file.

7.2 Phased Returns

In certain cases, normally following a long term certified absence or injury, an employee's own GP or the Occupational Health Physician may indicate that a phased return to school would facilitate an employee's recovery. The phased return, by mutual agreement, could take a variety of forms including:

- working initially on certain days of the week
- working a reduced number of hours
- undertaking restricted duties for a specified period of time

Both the school and the Local Authority would wish to facilitate and encourage this good practice in appropriate circumstances in order to provide the following advantages:

- assisting the recovery of an employee
- minimising the strain on an employee following a serious illness or injury
- encouraging a return to school
- sustaining the return to school

A phased return would normally last for up to four weeks with each week seeing the employee increasing their attendance and duties at school until the end of the fourth week when they would be expected to be carrying out, by agreement with the school's senior management, their full duties and responsibilities. It is advisable to put arrangements for phased returns in writing to avoid any misunderstandings and keep the phased return to work under review throughout the agreed period.

NB During the agreed phased return to work the employee will be paid their full salary.

Absence Reporting Procedure
(School Name)

1. Reporting Absence from Work

Employees should report non-attendance at the earliest opportunity to **(insert contact information)** but no later than **(insert time)** on the first day of absence, in line with the School's Sickness Absence reporting procedure.

2. Information to be provided to the school

At the time of contact, the employee should where possible describe:

- The nature of the illness
- The probable date of return to duty
- Any relevant information in relation to their duties and previously planned work

3. Circumstances when the employee cannot report the absence

It is accepted that some employees may be unable to comply with this procedure because of personal circumstances. If this is the case, then alternative arrangements can be made with the Headteacher.

4. Absence of more than 7 days

If the absence continues beyond seven calendar days, it is the responsibility of the employee to ensure that the Headteacher receives a Fit Note no later than the eighth calendar day of absence. If the period of sickness absence extends beyond the period covered by the initial Fit note, the employee should send a new Fit note.

5. Notification of ongoing short term absence

In the case of absence of more than one day or part of a day, the employee should notify the Headteacher (or their nominee) of their intention to return to school on the working day prior to return.

6. Return to Work Interview

Upon returning to school, the employee must attend a return to work interview with their line manager.

7. Additional Medical evidence required by the school

In exceptional circumstances an employee may be required to produce a Fit note if they have reached an extreme level of uncertified absences. In these cases, they may be instructed to provide a Fit note for all absences or future absences. The cost of the Fit note will be reimbursed to the employee concerned by the school upon the provision of a receipt.

NB Headteachers should complete the reporting requirements in their school

Sickness Reporting Procedure (School Name)

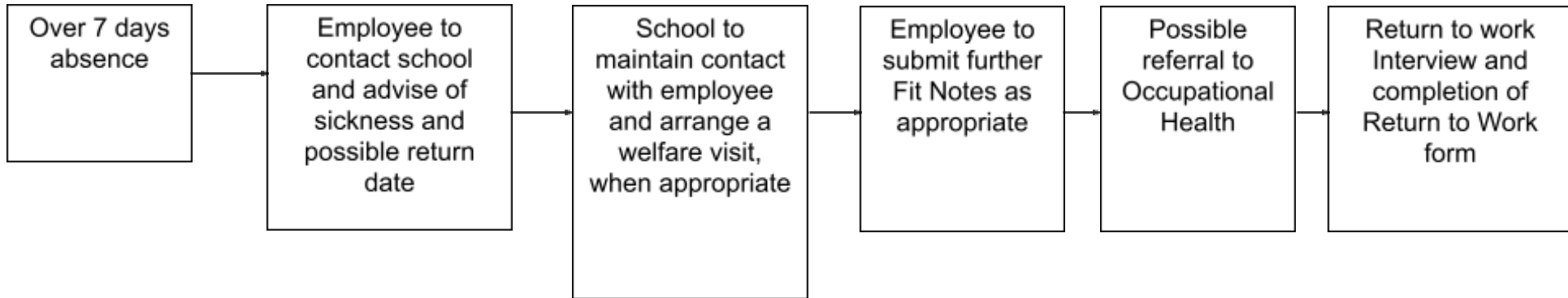
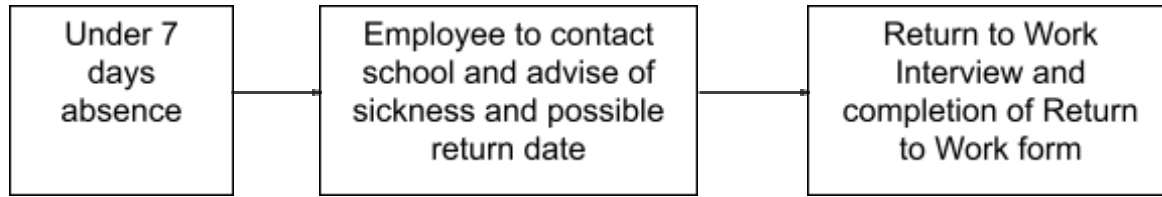
The School is committed to monitoring sickness absences in order to identify and support employees who are absence due to sickness.

This document sets out the procedure for the management of sickness absence which has been adopted by the Governing Body of this school This document will be made available for each employee.

It is the responsibility of Headteacher or nominated person *(Insert name)* to share the content of this guidance with all employees. If further clarification is required on any particular issue, please contact the Headteacher.

- 1) You should report non-attendance at the earliest opportunity but no later than *(insert time)* on the first day of absence to *(insert name & contact number)*
 - a) At the time of contact you should where possible describe:
 - The nature of your illness.
 - The probable date of return to duty.
 - Any relevant information in relation to your duties and previously planned work.
 - b) If due to personal circumstances an employee is unable to comply with this procedure, then alternative arrangements can be made with the Headteacher.
- 2) If the absence continues beyond seven calendar days, it is the employee's responsibility to ensure that *(Headteacher or Line Manger)* receives a Fit Note no later than the eighth calendar day of absence.
- 3) If the period of sickness absence extends beyond the period covered by the initial Doctor's note, you should send a new Fit Note to *(Headteacher or Line Manager)* within the expiry date of the previous statement.
- 4) In the case of any absence, you should notify *(insert name)* of your intention to return to work by *(insert time)* on the working day prior to return.
- 5) All Fit Notes will be recorded and dealt with by the school.
- 6) Occasionally, an employee may be required to produce a medical certificate if they have reached an extreme level of uncertified absences.
- 7) Return to work interviews will be carried out following all periods of absences and a Return to Work form completed (a copy of which is given to the employee).

Management of Attendance Procedure Flowchart



Keeping in Touch Form

It is important that the Headteacher/Line Managers record all contact, receipt of associated documents and decisions made in relation to the sickness absence following the notification call.

Section 1 –Employee’s Details	
School Name:	
Employees Full Name:	Employee No:
Post Number/Job Title:	
Date notified:	Time notified:
Reason for Absence:	
Expected return to work date:	

<i>All contact with the employee following initial notification of sickness should be recorded below.</i>		
Date / Time	Type of contact	Brief detail of discussion

	Action for Headteacher/Line Manager
1	Share this form with the employee as part of the Return-to-Work Interview
2	This form should be retained in school on employee’s personal file.

**Attendance Management
Return to Work Interview Form**

Name:			
Employee Number:		Post Number/Job Title:	
Reason for Absence:			
Dates of Absence	From:	To:	

For the Return to Work Interview the Headteacher/Line Manager should ensure they have:

- A private room/space where they will not be interrupted.
- Establish whether there are any reoccurring patterns and/or regular intermittent periods of short-term absence that cause concern and/or numerical triggers that could shortly be hit.
- The employee's absence record to discuss at the Interview.

The Return to Work interview should be conducted face-to-face and should only be undertaken over the phone in exceptional circumstances

Interview Checklist ✓

Welcome the employee back to work	<input type="checkbox"/>
Bring them up to date with what has been going on during their absence as appropriate	<input type="checkbox"/>
Share the Keeping in Touch Form with the employee	<input type="checkbox"/>
Discuss the nature of their absence and ask whether if there are any underlying reasons for the absence.	<input type="checkbox"/>
Ascertain whether there is any support that can be offered to the employee	<input type="checkbox"/>
Ascertain whether medical advice has been sought and if any medical recommendations or reasonable adjustment have been made (GP or OH) and whether they can be accommodated	<input type="checkbox"/>
Consider any reasonable adjustments that are made to assist with the Return to Work. These should be confirmed in writing after the Interview along with a date to review date the success of the reasonable adjustments	<input type="checkbox"/>
Discuss whether the employee has complied with the sickness absence reporting procedure	<input type="checkbox"/>
Discuss the employee's attendance in line with the Management of Attendance (Capability) Policy and Procedure Absence Triggers	<input type="checkbox"/>
Remind the employee about the Employee Assistance Programme where appropriate	<input type="checkbox"/>

Action to be Taken ✓

<i>Please tick to indicate what action has been taken following Interview</i>	
No Action Taken	<input type="checkbox"/>
Informal discussion given about absence levels	<input type="checkbox"/>
Confirm Formal Meeting to be arranged	<input type="checkbox"/>
Referral to Occupational Health	<input type="checkbox"/>

Referral to EAP	<input type="checkbox"/>
Other (please give details below)	<input type="checkbox"/>

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Please use this form to record details of the discussion

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Headteacher Signature:	Employee Signature:
Headteacher Name(Print):	Employee Name (Print):
Date:	Date:

Action for Headteacher/Line Manager	
1	Fill in Return to Work Interview e-form on HR Self-Serve (if applicable)
2	This form is to be retained in school and stored on employee's personal file.
3	Share this form with the employee.

ATTENDANCE MANAGEMENT

Key considerations for Headteachers when deciding whether to apply a sanction: short-term persistent absence

NB It is a fundamental principle of the Management of Attendance (Capability) Policy and Procedure that the employee is made aware informally before a formal hearing is arranged at a return to work interview prior to hitting a 'formal' trigger. If the employee has a disability the Headteacher should ensure that reasonable adjustments have been put in place prior to a trigger being hit.

Employee name:		Employee number:		Post number:	
Date of hearing:		Stage:			

	Support offered	Answer	Guidance	Details
1	Have you sought advice from Occupational Health (OH), where you consider that there may be an underlying disability and /or underlying health issue contributing to the short-term absence?		If No, are you satisfied there is no underlying duty of care? If Yes, see question below.	Please detail action you have taken
2	If yes, have you put any reasonable adjustments or recommendations from OH in place to assist the employee? <i>NB Consideration may also be given to requests from an employee but must be reasonable and continue to deliver business requirements. *</i>		If No, on this occasion do not issue a warning. Continue to review employee's absence and put in place the reasonable adjustments advised by OH. If Yes, continue with appropriate course of action.	Please detail action you have taken

In normal circumstances it would be expected that the Headteacher would issue a warning if the answer is 'Yes' to any of the following questions:

Employee attendance record	Yes/No	Details
Is there evidence of a history of persistent short-term absence? This could include one of the following:		
1.	Reoccurring informal discussion Have you had regular informal discussions with the employee but not proceeded to formal action at this stage?	
2.	Previous formal hearing (with no warning issued) Has the employee hit an absence trigger (numerical or concerning patterns) and had a formal hearing in the last 12 months and you have not issued a warning?	
3.	Previous warnings Issued Is there a history of issuing a warning (s) that have now lapsed, and attendance has not improved?	

Action	Level of warning issued	Reason
No warning issued		
Warning issued		

ATTENDANCE MANAGEMENT

Key considerations for Headteachers when deciding whether to apply a sanction – long term sickness absence

NB It is a fundamental principle of the procedure that the employee is made aware informally before a formal hearing is arranged at a Return to Work interview and/or a welfare meeting prior to hitting a 'formal' trigger. If the employee has a disability the Headteacher should ensure that reasonable adjustments have been put in place prior to a trigger being hit.

Employee name:		Employee number:		Job title:	
Date of hearing:		Stage:			

	Questions for discussion	Details
1	Is there any prospect of the employee being able to return to work and if so, within what period of time?	
2	What physical and mental conditions are preventing the employee from returning to work and what treatment(s) is the employee receiving for their conditions?	
3	Has there been any change in the physical and mental condition of the employee since the Occupational Health appointment?	
4	Are there any reasonable adjustments which can be made to the employee's working arrangements or workplace which would enable the employee to return to work and if so, within what period of time?	
5	Is there any available alternative employment which would be suitable for the employee if no reasonable adjustments can be made to the employee's existing job?	

	Support offered	Answer	Guidance	Details
1	Have you sought advice from Occupational Health, where you consider that there may be an underlying disability and/or underlying health issue contributing to the absence?		If no, are you satisfied there is no underlying duty of care? If yes, see question below.	Please detail any action taken
2	If yes, have you put any reasonable adjustments or recommendations from OH in place to assist the employee? <i>NB consideration may also be given to requests from an employee but must be reasonable and continue to deliver business requirements. *</i>		If no, on this occasion do not issue warning. Continue to review employee absence and put in place the reasonable adjustments advised by OH. If yes, continue with appropriate course of action.	Please detail any action taken

Action	Level of Warning Issued	Reason
No warning issued		
Warning Issued		

Access to Work Mental Health Support Service

1. What is the Access to Work Mental Health Support service?

The Access to Work Mental Health Support service is delivered by Remploy on behalf of Access to Work across England, Scotland and Wales. Support is available to employees who are experiencing difficulties at work due to depression, anxiety, stress and/or other mental health conditions.

The service can complement any occupational health scheme a company already has in place and is delivered by a team of Vocational Rehabilitation Consultants who are fully trained professionals with expertise in mental health and its impact in the workplace.

2. What are the eligibility criteria to access the service?

- Be in permanent or temporary paid employment any hours
- Working or signed off sick
- The employee has a mental health condition that has made them miss work, or that is making it difficult for them to remain in work.

3. What support can be offered:

The support can include:

- a) Workplace mental well-being support and advice for nine months, which is tailored to the needs of the employee.
- b) Help for employees to identify successful workplace and condition coping strategies that will support their success.
- c) Advice on simple adjustments that could be implemented to help employees fulfil their role.
- d) A step-by-step support plan for employees to follow, helping them to get back on track.
- e) Helping employers to fully understand what support they can offer to employees with a mental health condition (with their permission).
- f) Support provided in an appropriate environment, in respect of the employee's wishes.
- g) All of the above is provided at no financial cost to the employer.
- h) A toolkit which consists of a variety of resources to help raise awareness of and integrate the support offered, is available on request.

4. What is the referral process to access the service?

- Confidential helpline: 0300 456 8114
- email: a2wmhss@remploy.co.uk
- www.remploy.co.uk/mentalhealth

Sample Letter (Management of Attendance)
Formal Procedure – Stage 1
Invitation Letter

Dear

**Schools Management of Attendance (Capability) Procedure
Formal Stage 1**

Your sickness absence has now reached a level which is causing concern. I, therefore, require you to attend a meeting under Stage 1 of the above procedure in my office (amend as appropriate) on (date) at (time).

Enclosed is a copy of your sickness absence details, including

- Copy of your sickness absence record
- Keep in touch records
- Return to work meeting records,
- Any report(s) from the school's Occupational Health provider (where appropriate)

I have also enclosed a copy of the school's Management of Attendance (Capability) Policy and Procedure

The outcome of this meeting may lead to the issue of a formal warning as set out in the procedure. You are entitled to be represented by a teacher professional association, trade union representative or work colleague if you so choose.

It is important for you and your representative to prepare your response carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter, please contact me.

Yours sincerely

Headteacher

Sample Letter (Management of Attendance)
Formal Procedure – Stage 1
Outcome Letter

Dear

**School's Management of Attendance (Capability) Procedure
Formal Stage 1**

I refer to our meeting on (date) when your representative (name) was present (or) when you chose not to have a representative present) regarding your sickness absence.

At that meeting I informed you that I had concerns regarding your level of sickness absence, the impact on the school and that you have met the following trigger/s: (*please specify*)

Having considered the information available to me, and your representations at the meeting, *I have decided to issue an oral warning under the school's Management of Attendance (Capability) Policy and Procedure. If your sickness absence does not improve you may ultimately be dismissed. It is hoped, however, that there will be no further action on the school's part. This warning will last for a period of six months.

Your Conditions of Service give you a right of appeal against this decision to the school's Appeals Committee. If you wish to exercise this right, you may do so either individually or through your teacher professional association or trade union representative by notifying the Clerk to the Governors within 10 days from the date you receive this letter.

You have a right to appear before the Appeals' Committee with or without a representative of a teacher professional association, trade union representative or work colleague.

Yours sincerely

Headteacher

***OR** I found that your sickness absence has breached the Management of Attendance (Capability) Policy and Procedure. However, I have decided that on this occasion I will take no formal action, but your attendance will continue to be monitored.

Sample Letter (Management of Attendance)
Formal Procedure – Stage 2
Invitation letter

Dear

**Schools Management of Attendance (Capability) Procedure
Formal Stage 2**

I refer to our meeting on (date) under Stage 1 of the above procedure. As there has not been an improvement in your attendance, I now require you to attend a meeting under Stage 2 of the above procedure in my office (amend as appropriate) on (date) at (time).

Enclosed is a copy of your sickness absence details, including

- Copy of your sickness absence record
- Keep in touch records
- Return to work meeting records,
- Any report(s) from the school's Occupational Health provider (where appropriate)
- Copies of any relevant documentation relating to previous meetings

I have also enclosed a copy of the school's Management of Attendance (Capability) Policy and Procedure

The outcome of this meeting may lead to the issue of a formal warning as set out in the procedure. You are entitled to be represented by a teacher professional association, trade union representative or work colleague.

It is important for you and your representative to prepare your response carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter, please contact me.

Yours sincerely

Headteacher

Sample Letter (Management of Attendance)
Formal Procedure – Stage 2
Outcome letter

Dear

**School's Management of Attendance (Capability) Procedure
Formal Stage 2**

I refer to our meeting on (date) when your representative (name) was present (or) when you chose not to have a representative present regarding your sickness absence.

At that meeting I informed you that I had concerns regarding your level of sickness absence, the impact on the school and that you have met the following trigger/s: *(please specify)*

*Having considered the information available to me, and your representations at the meeting, *I have decided to issue a written I warning under the school's Management of Attendance (Capability) Policy and Procedure.

If your sickness absence does not improve you may ultimately be dismissed. It is hoped, however, that there will be no further action on the school's part. This warning will last for a period of twelve months.

Your Conditions of Service give you a right of appeal against this decision to the school's Appeals Committee. If you wish to exercise this right, you may do so either individually or through your teacher professional association or trade union representative by notifying the Clerk to the Governors within 10 days from the date you receive this letter.

You have a right to appear before the Appeals Committee with or without a representative of a teacher professional association, trade union representative or work colleague.

Yours sincerely

Headteacher

*I found that your sickness absence has breached the Management of Attendance (Capability) Policy and Procedure. However, I have decided that on this occasion I will take no formal action, but your attendance will continue to be monitored.

Sample Letter (Management of Attendance)
Formal Procedure – Stage 3
Invitation letter

Dear

**School's Management of Attendance (Capability) Procedure
Formal Stage 3**

I refer to our meeting on (date) under Stage 2 of the above procedure. As there has not been an improvement in your attendance, I now require you to attend a meeting under Stage 3 of the above procedure in my office (amend as appropriate) on (date) at (time).

Enclosed is a copy of your sickness absence details, including

- Copy of your sickness absence record
- Keep in touch records
- Return to work meeting records,
- Any report(s) from the school's Occupational Health provider (where appropriate)
- Copies of any relevant documentation relating to previous meetings

I have also enclosed a copy of the school's Management of Attendance (Capability) Policy and Procedure

The outcome of this meeting may lead to the issue of a formal warning as set out in the procedure. You are entitled to be represented by a teacher professional association, trade union representative or work colleague if you so choose.

It is important for you and your representative to prepare your response carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter, please contact me.

Yours sincerely

Headteacher

Sample Letter (Management of Attendance)
Formal Procedure – Stage 3
Outcome letter

Dear

**School's Management of Attendance (Capability) Procedure
Formal Stage 3**

I refer to our meeting on (date) when your representative (name) was present (or) when you chose not to have a representative present regarding your sickness absence.

At that meeting I informed you that I had concerns regarding your level of sickness absence, the impact on the school and that you have met the following trigger/s: *(please specify)*

*Having considered the information available to me, and your representations at the meeting, *I have decided to issue a final written warning under the school's Management of Attendance (Capability) Policy and Procedure.

If your sickness absence does not improve you may ultimately be dismissed. It is hoped, however, that there will be no further action on the school's part. This warning will last for a period of 18 months.

Your Conditions of Service give you a right of appeal against this decision to the school's Appeals Committee. If you wish to exercise this right, you may do so either individually or through your teacher professional association/trade union representative by notifying the Clerk to the Governors within 10 days from the date you receive this letter.

You have a right to appear before the Appeals Committee with or without a representative of a teacher professional association, trade union representative or a work colleague.

Yours sincerely

Headteacher

*I found that your sickness absence has breached the Management of Attendance (Capability) Policy and Procedure. However, I have decided that on this occasion I will take no formal action, but your attendance will continue to be monitored.

Sample Letter (Management of Attendance)
Formal Procedure – Stage 4
(Conducted by the Staff Dismissal Committee)
Invitation letter

Dear

**School's Attendance Management (Capability) Procedure
Formal Stage 4**

I refer to our previous meetings regarding your level of sickness absence, under previous stages of this procedure. As there has not been an improvement/sustained improvement in your attendance, I now require you to attend a meeting under Stage 4 of the above procedure with the school's Staff Dismissal Committee on (date) at (time) in (venue).

Enclosed is a copy of your sickness absence details, including

- Copy of your sickness absence record
- Keep in touch records
- Return to work meeting records
- Any report(s) from the school's Occupational Health provider (where appropriate)
- Copies of any relevant documentation relating to previous meetings

I have also enclosed a copy of the school's Management of Attendance (Capability) Policy and Procedure

The outcome of this meeting may lead to your dismissal from the school's employment as set out in this procedure. You are entitled to be represented by a teacher professional association, trade union representative or work colleague if you so choose.

It is important for you and your representative to prepare your response carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter, please contact me.

Yours sincerely

Headteacher

Sample Letter (Management of Attendance)
Formal Procedure – Stage 4
Outcome letter

Dear

**School's Management of Attendance (Capability) Procedure
Formal Stage 4**

I refer to the meeting with the school's Staff Dismissal Committee on (date) when your representative (name) was present (or) when you chose not to have a representative present regarding your sickness absence.

At that meeting the Committee considered your level of sickness absence, other relevant information available, and your representations at the meeting.

Having considered all the details and circumstances of your case,* the Committee concluded there has been no improvement in your level of attendance. I am, therefore, giving you formal notice that your employment with the school is terminated with relevant notice, effective from xxx. Your last day of service will therefore be xxxx

Your Conditions of Service give you a right of appeal against this decision to the school's Staff Dismissal Appeals Committee. If you wish to exercise this right you may do so either individually or through your teacher professional association/trade union representative by notifying the Clerk to the Governors, giving reasons for the appeal, within 10 days from the date you receive this letter.

You have a right to appear before the Staff Dismissal Appeals Committee with or without a representative of a teacher professional association/trade union representative or a work colleague.

Yours sincerely

Chair of Staff Dismissal Committee

*The Committee found that your sickness absence has breached the Management of Attendance (Capability) Policy and Procedure, but on this occasion they have decided not to terminate your contract of employment.

However, they have decided to

a) re-issue a final written warning, effective from the date of this letter. If your sickness absence does not improve you may ultimately be dismissed.

or

b) instruct that your attendance continues to be monitored. If your sickness absence does not improve you may ultimately be dismissed.

**Management of Attendance (capability) Formal Hearing
(Stages 1, 2 & 3)**

(a) Format for Hearing

- 1) The Headteacher will make introductions and explain the reason for the meeting.
- 2) The Headteacher will outline the concerns in the documentation issued to the employee
- 3) The headteacher will seek a response to the concerns from the employee
- 4) The employee (or their representative) makes representations and ask questions of the Headteacher
- 5) The headteacher clarifies if there are any other questions or representations, before inviting the employee (or their representative) to sum up.
- 6) Adjournment of the meeting
- 7) Inform the employee of outcome of the meeting, either in person or in writing within 5 working days of the meeting

NB *The headteacher may adjourn the proceedings at any stage if it appears necessary or desirable. If adjourning for the purpose of enabling further information to be obtained they should specify the nature of that information. Any adjournment should normally be for a stated period.*

(b) Outcome of hearing

The outcome should be one of the following:

- A decision that the sickness absence has breached the Management of Attendance (Capability) Policy and Procedure, however the headteacher has on this occasion decided not to take formal action, but the employee's attendance will continue to be monitored.
- Issue/ re-issue an 'appropriate' warning under the school's Management of Attendance (Capability) Policy and Procedure
 - Oral - 6 months
 - Written – 12 months
 - Final Written – 18 months

The Headteacher should provide an explanation for that action and should explain the employee's right of appeal under the procedure.

Stage 4 – Management of Attendance (Capability) Hearing

Format for hearing (to be conducted by Staff Dismissal Committee)

- 1) Chair of the Committee to make introductions and explain the reason for the meeting.
- 2) The Headteacher to put the management case.
- 3) The employee (or their representative) to ask questions of the Headteacher
- 4) The members of the Staff Dismissal Committee to ask questions of the Headteacher.
- 5) The employee (or their representative) to put his/her case and to call witnesses if appropriate.
- 6) The Headteacher to ask questions of the employee and/or their representative
- 7) The members of the Staff Dismissal Committee to ask questions of the employee and/or their representative.
- 8) The Headteacher to sum up.
- 9) The employee (or their representative) to sum up.
- 10) The Chairperson of the Staff Dismissal Committee may adjourn the proceedings at any stage if it appears necessary or desirable. If adjourning for the purpose of enabling further information to be obtained they should specify the nature of that information. Any adjournment should normally be for a stated period.
- 11) Following the summing up, both parties, together with their representatives will withdraw. If it is necessary to recall one of the parties for further information before a decision is taken both parties should be recalled. The Director of Children's Services or her nominated officer, should remain during the Staff Dismissal Committee's deliberations.
- 12) On completion of the Staff Dismissal Committee's deliberations the Chairperson should ask the employee and their representative to return and should announce the decision of the Staff Dismissal Committee and the action, if any, to be taken.

NB In exceptional circumstances witnesses may be called

Outcome of hearing

The decision of the Staff Dismissal Committee should be one of the following:

- 1) To confirm with the employee the matter is being dismissed (or cannot be substantiated) and direct that all reference to the matter be removed from their record.
- 2) To find that the alleged breach of the Management of Attendance (Capability) Policy and Procedure is proved in whole or part but resolve that no action be taken.
- 3) To re-issue a final written warning advising that any further absences or breaches of the sickness absence triggers may ultimately lead to dismissal.
- 4) To determine that the employee should cease to work at the school.
- 5) The Chairperson should also give an explanation for that action and should explain the employee's right of appeal under the procedure.
- 6) The Staff Dismissal Committee should confirm the decision in writing as soon as is reasonably practical to the employee (copy to the teacher professional/trade union representative and the Director of Children's Services), detailing the sickness absences and the action taken.

Stage 4 – Management of Attendance (Capability) Appeal Hearing

Format for appeal hearing

- 1) Chair of the Committee to make introductions and explain the reason for the meeting.
- 2) The Headteacher to put the management case.
- 3) The employee (or their representative) to ask questions of the Headteacher.
- 4) The members of the Staff Dismissal Committee to ask questions of the Headteacher
- 5) The employee (or their representative) to put their case
- 6) The Headteacher to ask questions of the employee and/or their representative
- 7) The members of the Staff Dismissal Committee to ask questions of the employee and/or their representative.
- 8) The Headteacher to sum up.
- 9) The employee (or their representative) to sum up.
- 10) The Chairperson of the Staff Dismissal Committee may adjourn the proceedings at any stage if it appears necessary or desirable. If adjourning for the purpose of enabling further information to be obtained they should specify the nature of that information. Any adjournment should normally be for a stated period.
- 11) Following the summing up, both parties, together with their representatives will withdraw. If it is necessary to recall one of the parties for further information before a decision is taken both parties should be recalled. The Director of Children's Services or her nominated officer, should remain during the Staff Dismissal Committee's deliberations.
- 12) On completion of the Staff Dismissal Committee's deliberations the Chairperson should ask the employee and their representative to return and should announce the decision of the Staff Dismissal Committee and the action, if any, to be taken.

NB In exceptional circumstances witnesses may be called

Outcome of appeal hearing

The decision of the Staff Dismissal Committee should be one of the following:

- 1) To confirm with the employee the matter is being dismissed (or cannot be substantiated) and direct that all reference to the matter be removed from their record.
- 2) To find that the alleged breach of the Management of Attendance (Capability) Policy and Procedure is proved in whole or part but resolve that no action be taken.
- 3) Re-issue a final written warning advising that any further absences or breaches of the sickness absence triggers may ultimately lead to dismissal.
- 4) To confirm whether the employee should cease to work at the school, and to confirm that there is no further right to appeal.
- 5) The Chairperson should also give an explanation for the decision.
- 6) The Staff Dismissal Appeal Committee should confirm the decision in writing as soon as is reasonably practical to the employee (copy to the teacher professional/trade union representative and the Director of Children's Services), detailing the sickness absences and the action taken.