



# Academy Attendance Management Policy

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# Attendance Management Policy

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## 1. Introduction

- 1.1 As the employer of staff in our Academies, Northern Education Trust (NET) recognises the statutory responsibilities related to employment. Day to day management of staff is delegated to the Principal and line managers in each Academy. Throughout this document reference is made to the responsibilities held by the Governing Body/Principal for operational purposes. Ultimate responsibility rests with the Trust. Where the \*Principal is referred to, this is either the Principal or nominated representative.
- 1.2 Very few people go through their working lives without losing some time through sickness absence. It is accepted that a certain level of absence is unavoidable, but the Governing Body/Principal still need a procedure in place for managing sickness absence.
- 1.3 A clearly understood and well-communicated absence management policy is an important part of a positive, proactive approach to staff management. The purpose of this policy is to develop a procedural framework, resulting in a co-ordinated approach to the management of absence and to ensure that all members of staff are treated in a fair, sympathetic and consistent manner. This policy will ensure that all staff are fully aware of the way in which their absence will be managed. This policy recognises different types of sickness absence and provides a framework whereby absences will be dealt with appropriately and sensitively. It is hoped that the management of sickness absence will lead to the earlier detection of problems (both work related and personal), and that this will support staff in minimising sickness and help bring about swift returns to work.
- 1.4 By adopting a positive and proactive approach, the aim of the Governing Body/Principal is that staff feel valued and understand that their contribution is an important part of the Academy's successful operation.
- 1.5 In determining this policy the Governing Body has taken into account all relevant legislation, particularly the Equality Act 2010 (see Para 4) and codes of good practice. This policy should be read in conjunction with the Trust Redeployment Policy and the Academy's Health and Well Being Policy which has a particular focus on promoting good health and being proactive to support staff with a mental health condition and includes guidance for the Principal and Governing Bodies in using risk assessment to identify and reduce stress risk hazards in the academy. The terms and conditions of employment of the burgundy book for teachers' and the green book for support staff will also be adhered to.
- 1.6 Patterns of absence will be monitored to identify problems in particular areas or in specific occupations with a view to examine possible causes and seek solutions.

## 2. Roles & Responsibilities in the Management of Attendance

### Role of the Employee

Each employee should:

- 2.1. Attend work unless unfit to do so and inform the \*Principal if they need to leave work early due to sickness absence;
- 2.2 Where appropriate, discuss any health-related problems which they feel are affecting their performance with the \*Principal at an early stage;
- 2.3 When absent due to sickness, ensure that they act in accordance with the Academy's absence notification procedure and follow the attendance management procedure as outlined in this document;
- 2.4 During a period of absence, keep the \*Principal, or in the case of the Principal, the Chair of Governors and the Chief Executive of the Trust, informed of their health status, any significant

developments especially their estimated date of return and attend meetings in relation to this procedure as appropriate and where possible during the absence;

- 2.5 Seek medical advice and treatment where appropriate and in a timely fashion in order to facilitate a return to work as quickly as possible;
- 2.6 Whilst off sick, not undertake any work related or other activity which is not appropriate or conducive to a return to work;
- 2.7 Provide the relevant certification (self-certificates or statement of fit for work certificates), as required by the length of absence;
- 2.8 Receive a copy of the Sickness Notification Procedure (**Appendix 1**).

### **Role of the Principal\***

The \*Principal is responsible for managing the attendance of **all** staff in the Academy:

- 2.9 Ensuring that all staff are aware of the rules and procedures for sickness absence and follow the sickness absence notification procedures as outlined in this document;
- 2.10 Applying the attendance and absence management procedure fairly, sympathetically and consistently;
- 2.11 Ensuring that accurate sickness records are maintained, that these are monitored effectively, and that further action is taken under the procedure where necessary, including, as a last resort, instigating termination of employment;
- 2.12 Ensuring that absence rates and trends are analysed to identify any areas of concern regarding academy working practices that may require remedial management action;
- 2.13 Ensuring that where appropriate, action is taken with employees who do not comply with the sickness absence notification procedures;
- 2.14 Making every effort to contact an employee when they unexpectedly do not report for work and do not contact the academy. This should be viewed as an emergency situation.
- 2.15 Seeking advice from the Trust HR function where necessary;
- 2.16 Ensuring that they make themselves available to staff who wish to discuss performance problems, which may be related to health or other more personal problems;
- 2.17 Ensuring that regular contact, where appropriate, is made with the absent employee to discuss and receive an update on the absence and offer measures to help them return to work;
- 2.18 Ensuring that confidentiality is paramount and applied in all stages of the procedure;
- 2.19 Completing the necessary absence reporting forms for payroll.

### **Role of the Trade Union/Right to Representation**

- 2.20 Employees may be accompanied by a recognised trade union representative or by a work colleague at any formal attendance management meetings or case review hearings. It is also good practice to allow an employee to bring a trade union representative or work colleague to standard absence review meetings;
- 2.21 A trade union should ensure that their officials are trained in the role of acting as an employee's representative and understand the Attendance Management policy and procedure;

- 2.22 A trade union representative, who is not an employed official, must have been certified by their union as being competent to accompany an employee;
- 2.23 Work colleagues accompanying employees are responsible for accompanying or supporting their colleague at meetings, hearings and appeals as appropriate;
- 2.24 It is the responsibility of the employee to arrange for his/her representation including notifying the representative of any meetings in good time. Where the employee's chosen Trade Union representative or work colleague is not available at the time proposed for the meeting/hearing, the employee may propose an alternative time within 5 working days;
- 2.25 It is good practice for management to try and agree a mutually convenient date for the meeting with the employee and their representative or work colleague to ensure that meetings do not have to be delayed or postponed.

### **3. Services Provided by the HR Function**

#### **Academy HR Function:**

- 3.1 Monitoring sickness absence records in order to consult with the \*Principal as to appropriate courses of action and where appropriate and when recommended, particular courses of action;
- 3.2 Consultation with individual employees about any of the issues arising from their absence e.g. duration of absence, effects of their illness, the need for referral to the Occupational Health Service and support on return to work;
- 3.3 Referral of individual cases to Occupational Health for advice on such matters as the expected duration of a particular absence, what types of support an employee might need to enable him/her to return to work and once they have returned to work;
- 3.4 On-going consultation with all parties once the Occupational Health advice and recommendations have been received;
- 3.5 Consider where reasonable adjustments are necessary
- 3.6 If it has become apparent that a return to work or a satisfactory level of attendance is not going to be achievable, consultation with all interested parties as to what appropriate courses of action can be taken. This could include providing advice on ill health retirement for the individual and advice on redeployment where appropriate
- 3.7 Provision of advice and/or information at any time to employees and the \*Principal about any aspect of issues such as sick pay, sickness monitoring, support in the workplace, retirement benefits and redeployment, where appropriate;
- 3.8 Provision of information regarding the Trust Counselling Service;

#### **Trust HR Function**

- 3.9 Provision of professional support and advice to the \*Principal regarding absence cases;
- 3.10 Attendance at formal meetings; case review hearings and appeals.

### **4. Equality Act 2010**

- 4.1 The Equality Act 2010 became effective from 1<sup>st</sup> October 2010 and harmonised and replaced previous legislation such as the Race Relations Act 1976 and the Disability Discrimination Act 1995.
- 4.2 “Under the Act a person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities which would include things like using a telephone, reading a book or using public transport”
- 4.3 The Act puts a duty on employers and they are expected to make reasonable adjustments to help employees overcome disadvantage resulting from impairment.

### **How this applies to the Management of Sickness Absence**

- 4.4 An employee experiencing poor health may become permanently or temporarily disabled. In such situations, with the advice and support of Human Resources, the \*Principal or Governing Body have an obligation to consider all reasonable adjustments that will facilitate the continued attendance or return to work of an employee.
- 4.5 The Equality Act protects employees from discrimination - direct, including by association and by perception, indirect, harassment and victimisation - because of disability. For example, the dismissal of an employee because they are dyslexic could be potentially discriminatory.

### **5 Work Related Health, Industrial Injury & Notifiable Disease**

- 5.1 In relation to this policy, an employee absent as a result of an accident or injury sustained at work should be treated no differently from an employee absent due to other health problems. However, there are risk management considerations that need to be taken into account with regard to incident reporting and The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) obligations. The employee must ensure that both the Accident Report Form and Accident Book are completed as soon as possible. If the employee is unable to complete the forms because of serious injury the \*Principal may do so on their behalf.
- 5.2 The Burgundy Book includes particular reference to accidents, injury or assault that arise out of, or in the course of a teachers’ employment and sick pay entitlement may be extended. Advice should be sought from HR.
- 5.3 All accidents at work must be reported whether these result in lost time or not. Accidents will be investigated by the Academy and corrective action taken where appropriate. If employee records show recurrent accidents, the Principal/Governing Body will consider whether there is scope for additional training, underlying capability issues or whether corrective action is required by the academy.
- 5.4 Notifiable diseases must be reported in line with the Health Protection Agency Guidelines. [www.hpa.org.uk/](http://www.hpa.org.uk/)
- 5.5 If an absence is due to an accident, which is not work-related, e.g. a road traffic accident, the employee should notify the \*Principal. It may be possible to recover damages in the form of compensation from a third party and the Academy will then wish to recover from the employee all or part of the allowance equivalent to sick pay entitlement paid if this is represented in the amount of damages ultimately paid to the employee. See third party claim form (**Appendix 2**).

### **6. Teaching Staff – DfE Regulations**

- 6.1 Employers of existing and prospective teachers, lecturers and those entering Initial Teacher Training have a responsibility to ensure employees have the health and physical capacity to teach and will not put children and young people at risk of harm.
- 6.2 The Fitness to Teach Guidance 2007 document aims to provide guidance for employers who have responsibility for assessing the health and physical capacity of those who fall within the

scope of The Education (Health Standards) (England) Regulations 2003, whilst also ensuring they fulfil their duties under the Equality Act 2010

- 6.3 The guidance also provides information in regard to teachers who become medically unfit in service as well as suspensions or dismissal on the grounds of ill health and barring and restricting employment on health grounds.
- 6.4 The role of the Academy in such cases is to consider whether the health, education or welfare of pupils will be put at risk by the teacher's condition. If the Principal feels that a teacher is unfit to remain at work he/she should discuss this with the Trust's HR function as to what action should be taken.
- 6.5 Two further documents containing occupational health advice are
- Obtaining Occupational Health Advice on Fitness to Teach
  - Fitness to Teach

## **7. Access to Medical Reports Act 1988**

- 7.1 Upon referral to Occupational Health, it may be decided that a medical report is required from the employee's GP/Consultant/Specialist. There are statutory requirements that must be adhered to when considering access to medical records and information, which are set out below.
- 7.2 The Access to Medical Reports Act 1988 affords individuals the right to check the accuracy of medical reports prepared by a medical practitioner (who is or has been responsible for the clinical care of the individual), in response to a request from an employer or insurance company.
- 7.3 Under the Act an employer cannot apply for a medical report from a practitioner as defined by the Act unless:
- a) the individual has been notified by the employer that there is a proposal to make the application, and
  - b) the individual has notified the employer that he/she consents to the making of that application. If an individual does not give his/her consent, the employer will not be able to apply for a medical report.
- 7.4 The current working arrangements are that the Trust's Occupational Health Provider will request consent where necessary from employees referred to the service and they inform the employees of their rights in this connection.
- 7.5 Should an employee exercise his/her right not to give consent then the Occupational Health Provider will provide advice/ give an opinion based on the evidence available at the time. Likewise, any managerial action to be taken by the Academy will be based on the information available at the time.

## **8. Management Interventions**

### **Occupational Health Services**

- 8.1 The Occupational Health service will provide clear and consistent advice based on objective evidence and to pro-actively support management in rehabilitating employees back to work where possible whilst moving cases forward to conclusion.
- 8.2 It is important to emphasise that the \*Principal does not need to wait until the employee has reached a trigger point before they can refer them to Occupational Health.

- 8.3 It is important that employees attend for an appointment that has been arranged for them. Any employee who is unable to attend an appointment must contact the Occupational Health provider direct to inform them as soon as possible but no later than 48 hours before the appointment.
- 8.4 Failure to attend an Occupational Health appointment without a valid reason may result in a charge being made to the employee for the missed appointment. Decisions about continued employment will be based on all medical information available at that time.
- 8.5 The Trust's Occupational Health provider is concerned with how an employee's health can affect his/her ability to do a particular job and also how work and the work environment can affect an employee's health. Although decisions about an employee's future employment when there are health problems are managerial ones, they are largely based on medical opinions provided by Occupational Health.
- 8.6 The following are the major areas in which Occupational Health become involved:
- pre-employment health screening i.e. is the employee fit to do the job, whether he/she will need any support/special equipment;
  - full pre-employment medical examinations of newly qualified teachers who have not had a medical at their training institution;
  - investigations when employees have been referred because of long-term or frequent short-term absence and provision of advice as to how soon an employee might return to work, whether the employee be fully fit on their return; whether a period of rehabilitation be necessary, and if there is a genuine medical reason for the absence;
  - provide advice on any reasonable adjustments that may be necessary
  - when an employee is not absent but is experiencing difficulty in performing the duties of his/her job, Occupational Health can provide advice about the type of support necessary to enable the employee to continue in employment;
  - in considering whether or not an employee will become fit enough to return to work in the foreseeable future and what the likely time scale for this will be;
  - where applicable, assessment of a teachers' application for ill health retirement through Teachers Pensions;
  - whether a suspension from work on medical grounds is appropriate.

### **Early Phased Returns**

- 8.7 In appropriate cases where an employee has had long-term sickness absence, the Academy may agree a 'phased return' to work. This may include a variation to their duties or a reduction in hours where appropriate to ease the transition back to work and facilitate an early return. A medical opinion will be obtained via Occupational Health and will be subject to time limits according to individual circumstances. The period is variable and, although it is envisaged that it would not normally exceed 4 weeks, it should be appropriate to the facts of the individual case and can be extended in exceptional circumstances. Employees will usually be paid in full for the first 4 weeks of a phased return, although account will be taken of whether the employee has had paid phased returns to work previously. Only in exceptional circumstances will full pay be extended beyond a 4 week period. Full discussion will take place with the employee regarding this.
- 8.8 Where a phased return has not been medically recommended, or needs to be extended beyond 4 weeks, the employee and manager may agree that the employee will temporarily reduce their contracted hours of work and be paid accordingly. If the employee is employed on a whole time basis (i.e. not term time only) the use of annual or flexi-leave for support staff to reduce the



amount of time at work for the first few weeks following the return to work may be agreed. Employees are encouraged to seek advice from their trade union representative in this connection.

## **9. Terminal Illness**

9.1 Where an employee is suffering from a terminal illness, the following factors should be taken into account:

- people are affected differently by the knowledge that they are terminally ill. Some may wish to continue working for as long as they are able, while others may find it impossible to remain at work. Occupational Health advice must be considered in all cases.
- management will need to demonstrate sympathy and sensitivity to the employee's situation and seek HR guidance at all times;
- the usual absence monitoring processes will not be appropriate in their entirety; discussion should take place with the employee and their union representative as to how the absence should best be managed, taking into account the wishes of the employee;
- the pension benefits available to the employee and their relatives should be considered and advice sought from the appropriate pension scheme.
- employees should be encouraged to seek advice from their trade union representative .

## **10. Distinguishing Long-Term & Frequent Short-Term Absence**

The \*Principal will monitor all staff absence. Long term and short-term absences need to be treated differently and therefore will need to be clearly defined in order to be treated appropriately.

### **Short-Term/Frequent Intermittent Absences**

10.1 These are the absences that are normally sporadic and attributable to minor ailments, in many cases unconnected. Often the employee will only be absent for a maximum of a week, but more often for single days. The difficulty faced by the Academy is the frequency and unpredictability of such absences. This can be the most difficult type of absence for the Academy to deal with and the problem can really only be addressed effectively through close monitoring systems and effective management action.

### **Trigger Points**

10.2 Where appropriate, the \*Principal and Governors can use the following as trigger points:

- 5 absences of any duration in a rolling 12 month period
- Signed off sick for a continuous period of 21 days or more in 1 episode
- Second absence in rolling 12 month period for a Mental Health condition
- Second absence in rolling 12 month period for Musculoskeletal condition
- Any other patterns or periods of absence that cause concern

10.3 The Academy will record all absences in order to ascertain whether or not any pattern of absence is being established e.g. particular days of the week. A record of all absences and return to work meetings must be kept. This is also important to ensure any necessary support is offered.

10.4 The principle of the return to work meeting will be followed for all staff and after every single absence. On return to work, the employee will be treated fairly and sympathetically. These meetings should be used to try to ascertain if there is an underlying problem behind the absences or whether they are unconnected.

10.5 Although it is important to allow flexibility according to the circumstances of each case (see para 10.6), the \*Principal should ensure that they have a formal attendance review meeting with the employee once the absence reaches any one of the 'trigger points'. Each case will however, be considered on merit.

- 10.6 Formal review meetings may not be necessary when the evidence from return to work meetings shows that the absences are clearly unrelated and that there is little prospect of further absence.
- 10.7 The \*Principal must write to the employee to confirm the arrangements for any formal attendance review meetings. Employees can have the opportunity to be accompanied by a work colleague or Trade Union representative at these meetings.
- 10.8 The purpose of the meeting is to explore opportunities to improve attendance, understand reasons for absence as well as address any support that could be put in place to reduce levels of sickness absence and to set targets for improvement.
- 10.9 Employees suffering from conditions of an intimate nature may choose to discuss sensitive health issues with a person of the same gender or an alternative appropriate person, the identity of whom will be agreed between the employee and the designated person
- 10.10 Employees are encouraged to discuss any conflict they have between work commitments and demands in their personal lives.
- 10.11 Employees are encouraged to discuss any work-related issues they perceive are having an impact on their health and the academy will, where appropriate, offer support in addressing these concerns.
- 10.12 Possible outcomes of the meeting could include:
- seeking Occupational Health advice
  - identify and implement support mechanisms
  - reasonable adjustments
  - setting targets for improvement in attendance levels, if appropriate
  - further meeting to review progress
- 10.13 A reasonable length of time should be given to ensure improvements.
- 10.14 The areas discussed at the meeting should be followed up in writing and a copy of the letter placed on the employee's personal file.
- 10.15 Employees are expected to comply with the advice and recommendations. Employees will be informed of the improvement required and advised of the possible consequences if this is not achieved which could include a case review hearing before the Principal or the Governing Body Hearing Committee. Employees should be made aware that failure to improve their attendance could ultimately lead to dismissal.
- 10.16 If there is insufficient improvement in the employees' attendance, a further review will be conducted. This meeting will:
- understand again the reasons for absence
  - reaffirm the issues previously discussed
  - further explore opportunities to improve attendance
  - address any additional support that could be put in place
  - set further targets for improvement where there may be some mitigation as to the reasons for non- improvement OR
  - discuss the requirement to convene a case review hearing with the Principal or Governors Hearing Committee.
- 10.17 The areas discussed at the meeting should be followed up in writing and a copy of the letter placed on the employee's personal file.
- 10.18 If a case review hearing was not convened after the further review meeting and there is still insufficient improvement, then a case review hearing should be held.

## **Long-Term Sickness Absences**

- 10.19 This is defined as absence of more than four calendar weeks with no immediate prospect of return. It can also include repeated shorter spells linked to one specific medical problem e.g. hospitalisation, an operation, ongoing therapy etc.
- 10.20 There is no prescribed time scale for determining when to pursue a course of action in relation to long term absences, since each absence needs to be assessed on its facts. Whatever the cause of the absence, the \*Principal will monitor GP statements from an early stage and maintain regular contact with the employee, where appropriate, to ascertain what progress is being made and what the time scale is for a likely return to work.
- 10.21 Where it is expected that the absence will be ongoing a medical opinion should be sought from Occupational Health. The purpose of gaining advice will be to provide an indication of the likely duration of the employee's absence and whether any steps can be taken to help the employee make a successful return to work.
- 10.22 Generally, if a long-term absence reaches the stage where Occupational Health advises that there is no possibility of a return to work, the \*Principal must discuss this with the Trust HR function to discuss future employment implications and appropriate case management.
- 10.23 However, it is important to consider the need for flexibility on a case-by-case basis and to ensure that all reasonable action has been taken, including any implications under the Equality Act 2010, reasonable adjustments and re-deployment where appropriate.

### **The following guidance will apply in Long Term Absence Management:**

- 10.24 Initial stages of absence (Weeks 1 to 3)
- The \*Principal to determine reason for the absence
  - Offer support to the employee e.g. counselling
  - Contact the Trust HR function to discuss the case if necessary
  - Maintain contact with the employee

### **Stage 1 (Arrange to meet)**

- 10.25 When an absence continues beyond four weeks with no date for a return to work the \*Principal should arrange to meet with the employee, where possible, at a suitable venue.
- 10.26 The purpose of the meeting is to:
- Obtain up to date information with regards to the reason for the absence, any medication that has been prescribed and/or treatment received
  - Offer support e.g. counselling
  - Refer to Occupational Health where appropriate
  - Obtain timescales for a return to work
  - Agree how contact will be maintained and the frequency of the contact
  - Update the employee on any changes that have occurred whilst they have been absent
- 10.27 The \*Principal should keep a written record of the meeting and confirm the points discussed in writing to the employee.

### **Stage 2 (Review meetings)**

- 10.28 Following the first meeting the \*Principal should continue to maintain contact with the employee. Meetings should be held regularly but the frequency will depend on the circumstances of the absence.
- 10.29 The \*Principal should keep a written record of the meetings and confirm the points discussed in writing to the employee.
- 10.30 If medical advice has not already been obtained at this stage the employee should be referred to Occupational Health. Re-referrals to Occupational Health should then be made if and when necessary.
- 10.31 Advise the employee that a Case Review Hearing may be arranged if there is no sign of a return to work in the foreseeable future and that the outcome of the hearing could be dismissal.

### **Stage 3 (Case Review Hearing)**

- 10.32 If there is no indication of a date for a return to work in the foreseeable future the \*Principal should arrange a case review hearing.
- 10.33 Before arranging a Case Review hearing the following steps must have been taken during stage 2:
- A recent Occupational Health report obtained
  - The employee informed that a hearing would be arranged if there is no indication of a date for a return to work in the foreseeable future
  - Alternative employment explored where appropriate
  - Reasonable adjustments to the workplace/job considered
  - All appropriate steps to comply with the Equality Act have been considered
  - The outcome of the hearing could be dismissal, discussed at least once with the employee prior to the hearing

### **11 Health Issues which do not lead to an Absence from Work**

- 11.1 There may be occasions where an employee is suffering from health issues that do not lead to them being absent from work. If the employee believes that their health is impacting on their ability to do their work this should be raised with the \*Principal.
- 11.2 The \*Principal should discuss the matter with the employee and explore whether any additional support can be provided. Depending on the circumstances it may be appropriate to refer to Occupational Health for advice.

### **12 Return to Work Meetings**

- 12.1 Returns to work meetings are an important part of any effective attendance management policy, and will be held with each employee after every single absence. The aim of such meetings is to provide an opportunity for both parties to share relevant information, express any concerns, and discuss problems and possible solutions. It is important to ensure that the venue for the return to work meeting is private and that there will be no interruptions.
- 12.2 The \*Principal will undertake to hold the meeting on the first day back at work or as soon as possible thereafter. Meetings for teachers should be held within directed time but not in breaks or in a teacher's PPA time.
- 12.3 The discussion will cover some or all of the following-:
- A general welcome back to the Academy and if necessary, an update on what has been happening in the member of staff's absence

- The reason for the absence, (i.e. not just “sick”), and a review of absence records/patterns if necessary
- Whether there is a likelihood of further absences for the same reason e.g. doctor’s/hospital appointments or physiotherapy
- Whether the employee is sufficiently recovered and able to recommence normal duties
- Are there any underlying problems causing the absence(s)
- Is there a need for support/advice of any kind or are any adjustments to working conditions/practices necessary
- A reinforcement of the importance of the employee’s contribution to the Academy
- A reinforcement of the academy duty of care to the employee

- 12.4 Often when an employee has been absent for a substantial length of time, an initial period of rehabilitation is beneficial when they return to work. There may be occasions where a phased return to work or a return to partial duties in the short term can be accommodated. (See 8.7 Early Phased Return to Work). Prior to their return the question of whether a phased return period would be of benefit, and if so, what assistance and support will be afforded to the employee should be discussed preferably at a face to face meeting with the Principal or nominated officer.
- 12.5 If a phased return to work programme has been agreed, the details of the programme, its length and review date should be recorded.
- 12.6 If an employee has a medical condition that will affect them at work on a longer term, or even permanent basis, greater consideration will need to be given to the organisation of their work and adjustments to the workplace. If it is not possible to accommodate the adjustments required, the opportunity for suitable alternative employment should be explored.
- 12.7 Employees should be made aware that these meetings are standard procedure and apply to everyone. Every member of staff who is absent from work due to sickness should expect to be seen upon their return to work.
- 12.8 A written record of the discussion will be made and agreed with the employee. This record can then be referred to if the employee has further absences. Should it later become necessary to take further action it will be essential that an accurate record is available of when such meetings took place, who was involved and what was discussed. The notes from the meeting can be recorded on the Return to Work/Self Certification Form attached at (**Appendix 3**). A copy should be given to the employee and a confidential copy retained by the Principal for future reference.

### **13 Case Review Hearings**

- 13.1 An employee can expect to be invited to attend a case review hearing where:
- There are continuing concerns regarding frequent short-term absences that hit the trigger points and the employee has not achieved the improvement required
  - In the case of long-term absence where options to remain in employment are either inappropriate or unsuccessful
  - There are ongoing concerns regarding the number of long term absences.
- 13.2 The purpose of the case review hearing will be to consider whether there are any further actions that the \*Principal can take to assist the employee in continuing their employment and maintaining their attendance at work, or whether employment should be terminated on the grounds of capability due to ill health.

- 13.3 Employees will be given 5 working days written notice to attend and they have a right to be accompanied by a work colleague or recognised trade union representative.
- 13.4 The hearing will be chaired by the Principal or a panel of the Hearing Committee of the Governing Body if the Principal has had direct involvement in the case. The Principal or the Hearing Committee will be advised by an officer of the Trust HR function.

### **Procedure for Conducting a Case Review Hearing**

- 13.5 The procedure for a hearing is at **(Appendix 4)** of this policy.
- 13.6 The employee and/or their representative together with others involved in the case will be given an opportunity to provide details to allow the Hearing Panel to make an informed decision. When reaching a decision the following issues will be considered:
- Employee's full absence record
  - Representations made by the employee and or their representative
  - Actions taken to enable the employee to continue in employment
  - Medical advice
  - Previous warnings or advice the employee has been given regarding their attendance
  - Impact of employee's absence on the Academy
  - Support already offered, including whether all alternatives to dismissal have been explored, e.g. redeployment and reasonable adjustments
- 13.7 The employee will be advised of the decision, which will be confirmed in writing. If it is decided that further action is appropriate this will be detailed in the letter and the situation will continue to be monitored with a further case review hearing convened if appropriate.
- 13.8 Possible outcomes could include:
- No action required
  - No sanction but a continuation of monitoring
  - Management Guidance
  - A first written warning ('live' for 9 months) and a continuation of monitoring
  - A final written warning ('live' for 12 months) and a continuation of monitoring
  - Dismissal. If a decision to dismiss is made, the letter will serve as notice of termination of employment.
- 13.9 Employees have the right to appeal against dismissal and warnings. An employee wishing to appeal must do so within five working days of receipt of the letter confirming the outcome. The appeals procedure will be conducted in accordance with the Academy's Appeals Procedure. Attached at **(Appendix 5)**.

## **14 Sickness Absence & Capability (Performance) Procedures**

- 14.1 Both the Government and ACAS have made it clear that automatically delaying capability procedures because of sickness absence is unacceptable. In such situations, ill health absences will need to be assessed on an individual basis with the assistance of a medical opinion from Occupational Health.
- 14.2 Where the monitoring and assessment of performance has reached a stage where the absence of a member of staff would not significantly affect the outcome of a capability procedure, it may be possible to continue with and complete a capability procedure in the employee's absence. This course of action is unlikely to be viable if the employee goes off sick at an early stage of the capability procedure. The \*Principal is unlikely to have gathered enough evidence at this stage on which to base an assessment of an employees' competence.

- 14.3 Where sickness absence starts before the Academy has had an opportunity to assess performance, the only reasonable option available will be to commence the absence procedure and request medical advice as to what further action can be taken and whether the employee is able to engage in the procedure.
- 14.4 If the employee is unable to engage in the procedure, upon their return to work the employee should be allowed a reasonable period of time to rehabilitate before the resumption of the capability process. Every attempt will be made to offer any support agreed prior to their absence and to exclude the period of absence from the period for support, monitoring and review unless 14.2 applies.
- 14.5 In dealing with such situations, the Academy should seek advice from the Trust HR function.

## **15. Dismissal – On the Grounds of Capability Due to Ill Health**

- 15.1 The Principal or the Governing Body may reach a decision to take steps to dismiss an employee should any of the following circumstances arise (although this list is not exhaustive):
- When the advice received from Occupational Health is that a member of staff is permanently unfit to continue working or there is no clear indication of a return to work in the foreseeable future or within an acceptable time scale
  - Where frequent or long term absences continue and there is no improvement in the employee's attendance record despite having improvement plans in place.
- 15.2 Whatever the reason for the Principal or Governing Body reaching the decision to follow this course of action, it is essential that the procedures for the dismissal of staff are closely followed otherwise it will not be possible to achieve a fair dismissal.
- 15.3 **It is strongly emphasised that whenever the dismissal of a member of staff is contemplated the Trust HR function should be consulted at the earliest possible opportunity.**

## **16. Conduct Cases**

- 16.1 Sickness absence may become a conduct issue to be addressed under the Disciplinary Procedure if the employee has an absence or patterns of self-certificated sickness absence (or absence certified by a sick note) that cause concern in terms of the authenticity or circumstances of the absence. The Principal should seek advice from the Trust HR function before taking any action in this respect.
- 16.2 A potential conduct case involves an investigation into the absence(s) and may result in sanctions up to and including dismissal, the non-payment of occupational and statutory sick pay (*and a break in pensionable service equivalent to the period of absence*) Employees have a right of appeal against any disciplinary sanction issued as detailed in the disciplinary policy and procedure.
- 16.3 **The following list is not exhaustive and could warrant disciplinary action up to and including dismissal following an examination of the circumstances:**
- failure to comply with this policy/procedures
  - engaging in activities that might delay recovery or exacerbate the illness or injury
  - engaging in other employment whilst absent due to sickness (unless the nature of the illness prevents them from working in one employment contract but not in others)
  - falsely claiming sick pay whilst actually being fit for work

## **17 Application for Ill Health Retirement**

- 17.1 An employee may be unable to continue working because of health problems and early retirement on the grounds of permanent incapacity may be an option to consider.
- 17.2 Different procedures apply for Teaching and Support Staff because of their different pension schemes. Information and more specific advice and guidance on Ill Health Retirement procedures are available from the Trust HR function.

## **18. Monitoring & Evaluation**

- 18.1 Northern Education Trust, our Governing Bodies and staff are committed to monitoring and reviewing the effectiveness of the attendance management policy with recognised trade unions, both at national level through the JCC and at local level with Academy representatives.





## Sickness Notification Procedure

**A copy of the following requirements should be provided to all staff at the Academy and should be available in the Academy office or shared drive for staff to refer to.**

Sickness absence must always be notified on the first day (or first available working day) of absence. Notification should be to the \*Principal as indicated below – messages must not be left with other colleagues. Staff are required to notify the Academy of their absence in person. A telephone call from a relative or friend will only be acceptable in circumstances where the member of staff is unable to make contact.

The \*Principal will obtain the following information from the employee, where possible:

- the exact day that the illness began, including Saturdays, Sundays or holiday for Statutory Sick Pay (SSP) purposes.
- the nature of the illness – unwell is not sufficient
- the likely duration of the absence
- whether they will be absent from all jobs they hold in the academy.
- the address at which they can be contacted during the absence if different from the normal home address and a contact telephone number.

**Note:** If the employee advises that the reason for absence is stress related, the \*Principal should clarify whether the cause is personal or work related. Each case must be handled sympathetically and on an individual basis.

The following table outlines the certificates required to cover for periods of sickness absence:

Period of Absence	Required Certification
1 <sup>st</sup> day up to and including 7 calendar days	Return to Work/Self Certification form
8 days or more	Statement of Fitness for Work from GP

### First Day

If you are unable to attend work through illness or injury you must notify **XXXXXXXXXX** by not later than **XXXXXXXXXX** (am) giving the reason for your absence and likely duration of the absence. Where this is not possible, someone should do this on your behalf. If you live alone or do not have access to a telephone, you should let the Academy know this in advance so that allowances can be made for any reasonable delay.

If **XXXXXXXXXX** is not available you should then notify **XXXXXXXXXX**.

On the day you return to work the \*Principal will discuss your absence with you and complete the Return to Work/Self Certification form.

During the first seven days of absence (if the absence lasts this long), unless you have agreed otherwise with the Principal, you are expected to telephone the Academy every day and update the \*Principal on the status of your health and when you expect to be back at work

Sickness Self Certification forms, must be dated from the first day of absence and include a clear reason for absence; it is not acceptable to state "unwell" as a reason for absence or leave it blank.

In circumstances where more than one Statement of Fitness for Work is required to cover a period of absence, employees must ensure that subsequent certificates are submitted on time and without a break in dates. Employees should also contact the \*Principal before the end of the medical certificate with details of expected intentions. i.e. further Fitness for Work Statements or return to work.

### **Eighth Day**

If you are still absent on the eighth day, you must obtain a Statement of Fitness for Work signed by a doctor. This, and any further statements, must then be sent to the \*Principal. During the course of an extended period of sickness absence you should visit your doctor regularly and submit statements without delay, with dates that run concurrently. You should also keep the \*Principal notified of your progress on a regular basis rather than just sending in your statements without comment. You may be asked to obtain a \*Statement of Fitness for Work from your doctor from the first day of each absence and the Academy will reimburse any charges made by your GP for this service to you.

### **Occupational Sick Pay**

Occupational sick pay will be paid in accordance with the employee's contract of employment and their conditions of service

This should not be taken to mean that high levels of sickness absence are acceptable. The Principal/governing body reserves the right to terminate employment before the expiry of contractual sick pay, in accordance with the procedure for dismissal on the grounds of capability (health).

### **Extension of Sick Pay**

Extensions of sick pay will not be granted unless there are compelling and exceptional circumstances. After an employee's period of paid sickness entitlement has expired, individual applications for extension of sick pay may be considered by the Governing Body. There are separate conditions for teachers who are absent as a result of an accident, injury or assault that arise out of, or in the course of a teachers' employment. (Burgundy Book, Clause 9)

### **Repayment of Sickness Payments in Cases of Accident**

Where an employee is absent as a result of an accident there will be no automatic entitlement to sickness payment if damages may be recoverable from a third party.

As it is not always possible at the commencement of such absence to determine whether damages will in fact be recoverable, the Governing Body will advance to the employee a sum equivalent to the normal sick pay to which he/she may be entitled, subject to the employee undertaking to repay the total amount of such a payment, (or a proportion thereof) represented in the amount of damages ultimately received.

Employees should ensure that, in cases of the above nature, they complete an "Undertaking to Repay" form and return this to the Principal as soon as possible after the absence has begun.

Employees will also be expected to reclaim from insurers associated medical expenses such as occupational health, physiotherapy and counselling.

### **Other Activities whilst on Sick Leave**

Whilst off sick, employees should not undertake any work related or other activity which is not appropriate or conducive to a return to work

### **Taking a Holiday whilst on Sick Leave**

Employees who wish to take a holiday whilst on sick leave may be required to provide written evidence from a doctor/hospital that the holiday will not be detrimental to their recovery. They must also discuss this with the \*Principal who will seek advice from HR, in advance of booking the holiday.

### **Illness during Academy Holiday Periods**

If you become ill during a period of Academy closure you should attempt to let the \*Principal know as soon as possible.

### **Illness during Periods of Annual Leave**

If you are a member of support staff employed whole time (i.e. not term time only) and you are ill during periods of annual leave, a statement of fitness for work signed by a doctor should be obtained immediately, whatever the period of absence anticipated. This should be submitted to the \*Principal as soon as possible in order for leave records to be amended.

### **Accrual of Annual Leave during Periods of Absence**

If you are a member of support staff employed whole time (i.e. not term time only) you will accrue annual leave during periods of sickness absence. Carry over of untaken annual leave to the following leave year will be in line with statutory requirements.

### **Maintaining Contact during Absence**

When an employee is absent from work as a result of sickness it is important that contact is maintained between the \*Principal and employee.

During the early stages of sickness absence regular telephone contact should be maintained where appropriate. If the absence continues or is likely to continue beyond 4 weeks, arrangements should be made for the \*Principal to meet with the employee to update on their current state of health, consider the likelihood of a return to work or otherwise and identify if there is any support the Academy can offer.

### **Returning to Work**

It is necessary to inform the \*Principal that you are returning and when, so that any temporary arrangements can be terminated and a return to work meeting can be arranged.

### **Absence due to Industrial Injury or Disease/Accident**

If you have had an accident at work, the accident form must be completed as soon as possible and details entered into the accident book. Where you are unable to complete the accident form/accident book, this should be completed by an appropriate colleague on your behalf.

**Note:** These records should always be completed if you have an accident at work even if you are not absent as a consequence.

The Burgundy Book sets out specific conditions of service relating to teachers if they have obtained an injury in the course of their duties. If this is the case you should seek HR advice.

**XXXXXXXXXX ACADEMY**

**Undertaking to Repay Sickness Payments and Notification of Accident**

Name of Employee: ..... Date of Accident: .....  
Payroll Number: ..... Address: .....  
.....  
.....  
.....

Conditions of Service

1. The above employee is absent from work due to the above accident, in respect of which damages may be recoverable from a third party.
2. By virtue of the above-mentioned conditions of service adopted by the Academy and applicable to this employee, the Academy may advance a sickness allowance to the employee.
3. The Academy has agreed to pay the above-mentioned allowance based on the employee's normal salary, on the condition that the employee enters into the under mentioned undertaking.

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**UNDERTAKING TO REPAY**

To: **XXXXXXXXXX** Academy

I, the undersigned employee hereby undertake as follows: -

- (a) I will give all information regarding my claim for damages as may be required by the Payroll Unit and will take any step required by the Academy in pursuance of such claim.
- (b) If I recover any damages in respect of my accident, I will forthwith notify the Payroll Unit.
- (c) I will repay forthwith to the Academy out of such damages the amount of the sickness allowance paid to me, or the proportion thereof represented in the amount of damages received.
- (d) The person dealing with my claim is: -  
(Name and address of solicitor or union if known)

Signed: ..... Date: .....

Witness (give name, address and occupation)



## Sickness Absence Management Return to Work / Self Certification

This form must be completed on the day the employee returns to work. It should account for:

- a) Absence of up to and including 7 calendar days
- b) The first 7 calendar days or a longer absence  
(even where a Dr's certificate has been provided)

Name of Employee:

Employee Number:

First Date of Sickness: (dd/mm/yy) Half Day

Reason for Absence: NB: this may not be the same as  
first reported

Last Date of Sickness: (dd/mm/yy) Half Day

Date Returned to Work:

Was absence due to work related illness/injury?  
Yes  No

If yes, workplace accident book completed  
Yes  No

Was absence due to third party accident e.g. RTA  
Yes  No

If yes. Undertaking to repay form completed?  
Yes  No

### Summary of Discussion:

### Manager's Actions Required:

### Employee's Actions Required:

\*Principal/Line Manager declaration:

The content of this form has been completed and confirmed with the employee named above during the return to work interview.

The employee is aware that should they give false or misleading information, this could result in disciplinary action which may lead up to dismissal.

I confirm that a copy of this return to work interview has been given to the employee.

Name:

Date:

\*or delegated member of staff

## **The Return-to-Work Interview**

### **Preparation**

1. Prepare in advance for the meeting
2. Gather all necessary information (check that the employee's sickness record is correct and reflects their days of work according to the correct work pattern. Request amended Absence Record prior to meeting.
3. Look at:
  - Patterns / frequency
  - Repetitive Reasons
4. Be open minded

### **The Interview**

#### **Welcome**

1. Do not pre-judge
2. Be supportive
3. Think about your body language
4. Welcome the employee back & let them know they have been missed
5. Explain the reason for the interview, what you'll be discussing and why
6. Establish that they are fit and ok to return to work

#### **Absence**

1. Discuss the absence. Try to establish the real cause. Did they see a GP? Are they taking any Medication?
2. Was the Notification of Absence Procedures followed?
3. Seek explanation for any apparent trends and patterns.
4. Show them their absence record.
5. Be prepared to challenge if not satisfied.
6. Discuss the effect on the service and colleagues.
7. If the problem relates to work it must be discussed.
8. Discuss how absence can be resolved.

*Consider adjustments to work if appropriate*

#### **Responsibility**

1. Remind them it's their responsibility to attend work as per their contract.
2. Ask them to take responsibility for their absence.
3. Ask them what you can do to help.
4. Is this a trigger absence? If yes, remind them of this. Attendance review meeting to be scheduled.
5. Record the agreed actions and note on the RTW form (\*Principals actions and employees actions).
6. Agree a review date, which is to ensure things are still ok, even if they don't have any further absence.

#### **Move On**

1. It is important to finish on a positive note.
2. Express confidence in their ability to keep to their commitment.
3. Brief them on what has happened in the Academy during their absence and discuss what needs to be done to catch up, now that they have returned.
4. Ensure the employee agrees with what's written on the RTW form and receives a copy.

## Procedure for a Hearing

The Principal/Chair of the Committee of Governors will open the proceedings by:

- stating the purpose of the hearing
- introducing all present
- saying how the hearing will be conducted
- confirming that all have the same documentation
- confirming the number and names of witnesses attending on both sides
- asking for any points of clarification to be stated
- reading the disciplinary allegations
- asking each side to present their case and is responsible for ensuring that all presentations, evidence and questions are relevant and questioned if any area is unclear

The Principal/Governors will then proceed to hear the case.

1. The Management representative\* to present the facts of the case and may call witnesses.
2. The employee or his/her representative to have the opportunity to question the Management representative and any witnesses about the facts provided.
3. The Principal/Hearing Committee to have the opportunity to question the Management representative\* and any witnesses.
4. The employee or his/her representative to put his/her case and to call such witnesses as he/she wishes.
5. The Management representative\* to have the opportunity to ask questions of the employee or his/her representative and witnesses.
6. The Principal/Hearing Committee to have the opportunity to ask questions of the employee or his/her representative, or the witnesses.
7. The Management representative\* to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
8. The employee or his/her representative to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
9. The Management representative\* and the employee and his/her representative to withdraw.
10. The Principal/Hearing Committee to consider the facts presented to them.

The hearing may also be adjourned at the deliberation stage, in order to allow for further investigation if the Principal/Hearing Committee feels that there are points that need clarification. An opportunity may be given to re-examine the evidence/witnesses.

\*Management representative and a representative of the Trust HR function

**Appeal Hearing Procedure**

1. The Principal\* to present the facts of the case and may call witnesses.
2. The employee or his/her representative to have the opportunity to question the Principal\* and any witnesses about the facts provided.
3. Members of the Committee to have the opportunity to question the Principal\* and any witnesses.
4. The employee or his/her representative to put his/her case and to call such witnesses as he/she wishes.
5. The Principal\* to have the opportunity to ask questions of the employee or his/her representative and witnesses.
6. Members of the Committee to have the opportunity to ask questions of the employee or his/her representative, or the witnesses.
7. The Principal\* to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
8. The employee or his/her representative to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
9. The Principal\* and the employee and his/her representative to withdraw.
10. The members of the Appeals Committee to consider the facts presented to them.

The appeal hearing may also be adjourned at the deliberation stage, in order to allow for further investigation if the Committee feels that there are points that need clarification. An opportunity may be given to re-examine the evidence/witnesses.

Principal\* (or nominated representative) will be accompanied by a representative from the Trust HR function



**Model Letters**

**Model Letter Invite to Attendance Meeting**

Academy letterhead

Date

Dear .....

**RE: Attendance Management Policy– Invite to Attendance Meeting**

I am writing in connection with your current absence from work since XXXX due to illness. In accordance with the Trust attendance management policy I would like to visit you at home to discuss your absence and see if there is any support I can offer you during your absence. XXXX will accompany me. I would like to visit you on XXXX (date) at XXXX (time).

If you would prefer to meet in an alternative venue or at the academy please let me know. The meeting is standard procedure but if you wish, you can be accompanied by your trade union representative or work colleague but it is your responsibility to arrange this.

If the date and time are not convenient please contact me so we can arrange a mutually convenient alternative. In the meantime, I look forward to seeing you on XXXX (date). Please confirm receipt of this letter by phone or email to XXXXXXXX.

Yours sincerely

Principal

CC: File

**Model Letter - Invite to Formal Attendance Review Meeting**

Academy letterhead

Date

Dear .....

**RE: Formal Attendance Review Meeting**

The Trust's Attendance Management Policy identifies the following as triggers for management support and intervention:

- 5 absences of any duration in a rolling 12 month period
- Long Term Absence of 3 weeks or more
- Second absence in rolling 12 month period for a Mental Health condition
- Second absence in rolling 12 month period for Musculoskeletal condition
- Any other patterns or periods of absence that cause concern

According to records held you have incurred XX occasions of sickness absence since XXXX, totalling XX days.

I have therefore arranged for us to meet to discuss the reasons for your absences in more detail. The purpose of the meeting is to also provide any necessary support, advice and guidance that may be required to improve your attendance in the future.

This meeting has been arranged as detailed below in my office:

**Date: XXXX**

**Time: XXXX**

If you wish, you may be accompanied at the meeting by a trade union representative or work colleague but it is your responsibility to arrange this.

A breakdown of your total absences since XXXX is detailed below:

{DATE} to {DATE} 1 day stomach upset

{DATE} to {DATE} 2 days chest/respiratory

{DATE} to {DATE} 15 days tiredness

{DATE} to {DATE} 3 days sore throat

Yours sincerely

Principal

CC: File

**Model Letter – Invite to Case Review Hearing**

Academy letterhead

Date

Dear .....

**RE: Invite to Attendance Case Review Hearing**

Further to our recent meeting regarding your attendance levels I am writing to invite you to a case review hearing. The hearing has been arranged for {DATE} at {TIME} at {VENUE}.

You have the right to be accompanied by a certified trade union representative or work colleague but it is your responsibility to arrange this. You are encouraged and advised to do this.

I will be presenting the management case and *will/will not* be calling any witnesses. *Insert names of witnesses if applicable.*

*Delete option below as appropriate:*

1. .... (Principal) will hear the case and will be supported by ..... (HR representative NET). Copies of the written evidence and relevant documents that will be presented to the hearing are enclosed.
2. The case will be heard by a panel of Governors. The names of the Governors are ....., ....., ..... although this may be subject to change. The panel will be supported by ..... (HR representative NET). Copies of the written evidence and relevant documents that will be presented to the hearing are enclosed.

..... (name) will also be present at the hearing to take minutes.

The following information should be supplied to me as soon as possible and no later than ..... (2 days before hearing)

- any written evidence or relevant documents you wish to be considered
- the names of any witnesses and copies of their written statements detailing their evidence
- confirmation of your attendance and who will accompany you

It will be the Chair of the Hearing Committee decision as to whether any late submitted evidence from either side is acceptable.

You should be aware, that under the attendance management procedure the sanctions that could be agreed by the Panel are:

No sanction but a continuation of monitoring  
Management Guidance Improvement note  
Written warnings (first written or final)  
In extreme cases, dismissal.

Yours sincerely

.....  
Principal

CC: ..... (Trade union rep) *if known and applicable*

## CONTACTS

For advice on the content of this policy please contact:

Judith Telford  
HR Director  
Northern Education Trust  
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Jane Hiser  
HR Advisor  
Northern Education Trust  
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Tel: 07714 245678

Employees are also encouraged to contact their trade union representative for advice and support where appropriate.