



# Staff Attendance and Absence Policy

<b>Approved by:</b>	Trust Board
<b>Approval period:</b>	Spring Term 2024 – Autumn Term 2027
<b>Review cycle:</b>	Annual
<b>Policy Source:</b>	The Key Model Policy

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## **Statement of intent**

The Great Learners Trust is committed to maintaining the health, safety and welfare of its staff. We seek to provide a positive and healthy working environment and recognise the value of our employees' work-life balance. Regular attendance at work is an integral part of each employee's contract of employment; however, we recognise that employees will, on occasion, have reasons to be absent from work. On those occasions, we will aim to support an employee during the period of absence, with the aim of assisting their return to work at the earliest opportunity.

We also understand that holidays are precious time away from the regular stress of work, and strongly encourage staff to take annual leave. We also recognise that, on occasion, leave may need to be taken due to unforeseen circumstances, and we will try our utmost to accommodate the needs of our staff.

This policy outlines provisions to minimise staff absence levels across the Great Learners Trust, the Trust's duties regarding staff leave of absence, and the provisions for staff to follow when requesting leave, as well as information on how we support employees who are unable to attend work due to ill health. This policy also aims to provide a fair and consistent framework for managing attendance and informs all employees of their responsibilities regarding attendance at work.

In accordance with our obligations under the Equality Act 2010, we will make all reasonable efforts to allow employees with a disability that affects their attendance at work to continue their employment.

This policy is not contractual, and we may depart from its terms where reasonable, and circumstances dictate.

## 1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Rights Act 1996
- The Working Time Regulations 1998
- Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999
- The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
- Equality Act 2010 (Amendment Regulations 2023)
- The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- The Statutory Parental Bereavement Leave (General) Regulations 2020 (Jack's Law)
- ACAS (2010) 'Code of practice on time off for trade union duties and activities including guidance on time off for union learning representatives'
- Cabinet Office (2023) 'Report trade union facility time data'
- DfE (2014) 'Advice on trade union facility time'
- DfE (2021) 'Teachers' Standards'
- DfE (2023) 'School teachers' pay and conditions document 2023 and guidance on school teachers' pay and conditions' (STPCD)
- Department for Work and Pensions (2022) 'The fit note: guidance for patients and employees'

This policy operates in conjunction with the following school policies:

- Conduct and Discipline Policy
- Records Management Policy
- Grievance Policy

## 2. Roles and responsibilities

The board of trustees will be responsible for:

- Reviewing this policy and ensuring it is adhered to across the Great Learners Trust

The local governing board will be responsible for:

- Ensuring that this policy is implemented fairly, consistently and in line with the board's equality duties
- Signing off any special leave requested by the headteacher, e.g. compassionate leave

The headteacher/ line manager will be responsible for:

- Implementing this policy in line with their statutory duties
- Informing all employees of attendance management procedures, including the conditions of the sick pay scheme
- Recording all sickness absence upon notification

- Monitoring and reviewing sickness absence
- Deciding if a stage one absence hearing with an employee is appropriate when their sickness absence level has reached a trigger point
- Maintaining reasonable contact with employees during a period of absence
- Meeting with employees on their return to work, regardless of the duration of the absence
- Implementing a special leave reporting structure for staff and reporting any requests to the governing board
- Delegating responsibilities to line managers to sign off annual leave in line with this policy

Staff will be responsible for:

- Attending work when fit to do so
- Complying with the trust's notification of sickness absence procedures
- Maintaining reasonable contact with the line manager and meeting with the head teacher/ line manager when required during periods of absence of four weeks or longer ("long-term sickness absence")
- If requested to do so by the trust, attending occupational health (and potentially other medical) appointments
- Arranging annual leave during school holiday periods
- Requesting special leave as soon as possible
- Submitting annual leave requests to their line manager
- Arranging leave for a convenient time, i.e. not in conflict with other relevant staff leave
- Adhering to this policy at all times

### **3. Annual leave**

Specific annual leave arrangements are outlined in each staff member's contract of employment. This section of this policy outlines the guidelines the trust will follow in relation to annual leave; however, the trust will refer to staff members' individual contracts of employment when looking at their annual leave entitlement.

#### **Teacher annual leave**

Teachers will be required to be available for work for 195 days each of which 190 shall be days they may be required to teach pupils and 5 will be for other duties (pro-rated for part time employees).

Teachers will not be permitted to request annual leave to take a holiday within term-time. Term-time leave will only be permissible in exceptional circumstances, e.g. to take care of a dependant.

#### **Support staff annual leave**

Entitlement to annual leave for support staff will be specified in their individual contracts of employment.

The provision for support staff employed on a term-time only basis is the same as for teaching staff above. The annual leave year for support staff runs from 1 April to 31 March. The trust

expects annual leave to be taken during school holidays unless a role requires a staff member to provide support at other periods and separate arrangements can then be made.

Line managers are responsible for approving annual leave for their respective support staff. Where support staff request leave during term-time, their request will be granted having given due regard to the exigencies of the service.

Staff may carry forward a maximum of 5 days of annual leave where a minimum of 20 days annual leave has been taken in the current leave year. Any leave carried forward must be taken before 30 June that year and with the prior written consent of their line manager.

### **Term-time only workers**

Holiday entitlement and pay for term-time only workers will be calculated by reference to the hours worked over a 52-week average, known as the calendar week method. This calculation will apply until the end of March 2024. After this date, in line with legislative changes, holiday entitlement for irregular hours and part-year workers will accrue at 12.07% of hours worked in a pay period.

### **Sabbatical leave**

Staff may request sabbatical leave from their line manager – leave may be granted based on the following considerations:

- Job role
- Number of years continuous service
- Performance standards to date
- Length of time requested

Staff requesting sabbatical leave must give at least three months' advance notice. Staff who request sabbatical leave of absence will receive a response within two weeks of their request. Any rejected requests can be appealed to the local governing board for school based staff and the Trust Board for central team staff and headteachers.

### **Accruing annual leave during sick leave**

Employees will have the right to accrue annual leave during sickness and to take this upon return or carry forward the annual leave into the next leave year (subject to the absence policy being followed). The time an employee takes leave will be agreed by the staff member's line manager in line with the needs of the trust. The Burgundy Book provides more detail on sickness absence leave and sickness absence pay entitlements for teachers based on the aggregated length of service. Likewise, the Green Book can be referred to for support staff.

## **4. Leave of absence**

The trust will comply with any statutory regulations regarding allowance of time off for employees. The school recognises that there may be times when employees will need to take additional time away from work and will comply with this in line with their statutory duties.

Staff seeking to take leave of absence will be required to gain approval from their line manager/headteacher in advance, where possible. It is at the discretion of the line manager/

headteacher to grant leave – any refusal will be reasonable and justified. Staff are able to appeal to the trust/ local governing board if their request for leave has been rejected.

The procedures outlined in this policy will be reviewed annually by the board of trustees to ensure they remain unbiased and fair for all staff.

The following are examples of leave of absence which may be requested (this is not an exhaustive list):

- Bereavement leave
- Time off to care for dependants
- Urgent domestic reasons
- Jury service and/or witness summons
- Justice of the Peace (Magistrate) duties
- Other public duties
- Personal health and welfare
- Examination and revision leave
- Religious observance
- Service in non-regular armed forces or volunteer reserve services

Retrospective leave may be requested in exceptional circumstances, e.g. a family emergency.

Maternity leave, paternity leave, adoption leave, parental leave and parental bereavement leave will be arranged in line with the Employment Rights Act 1996 and the provisions set out in the Burgundy Book for teaching staff and the Green Book for support staff.

A minimum of two weeks' Statutory Parental Bereavement Leave will be granted to staff who have lost a child under the age of 18, or who have suffered a still birth from 24 weeks of pregnancy, which took place on or after 6 April 2020. The leave will commence on or after the date of the death or stillbirth and will finish within 56 weeks of that date of the death or stillbirth. If the staff member is already taking another form of leave, e.g. maternity leave, at the time of the death or stillbirth, the Statutory Parental Bereavement Leave will start after the other leave period has ended.

Statutory Parental Bereavement Leave will be implemented alongside Statutory Parental Bereavement Pay, using the [Statutory Parental Bereavement Pay tables](#) to calculate this. Statutory Parental Bereavement Leave and Pay will be implemented in line with the provisions always set out in the Burgundy Book for teaching staff and the Green Book for support staff.

Statutory Parental Bereavement Pay will be provided in line with the relevant requirements set out in the TUPE Regulations at all times.

The trust will permit staff a minimum of 10 days of paid leave per annum in order to take necessary action to deal with the illness of a dependant. For the purposes of this policy, a dependant is defined as a staff member's spouse or civil partner, their child or parent, or any other person who lives in the same household as the staff member and is dependent on the staff member for care and assistance when ill.

There may be situations where paid leave is not appropriate, and in this case unpaid leave or time off in lieu arrangements will be considered.

If an employee takes leave without permission from the trust, the leave will be considered unauthorised unpaid leave and may result in disciplinary action, including dismissal.

## **5. Entitlement to take time off to perform trade union representative duties**

The school will follow the ACAS 'Code of Practice on time off for trade union duties and activities including guidance on time off for union learning representatives'.

A **“trade union representative”** is an employee who has been elected or appointed in accordance with the rules of the independent union to be a representative of all or some of the union's members in the school(s) where the union is recognised for collective bargaining purposes.

A **“union learning representative”** is an employee who is a member of an independent trade union recognised by the employer who has been elected or appointed in accordance with the rules of the union to be a learning representative of the union at the school.

The entitlements below only apply to employees of the school.

Members of staff who are trade union representatives will be entitled to reasonable paid time off to perform their union duties and to undertake relevant training. Trade union representatives are also able to ask for unpaid time off work to undertake activities. Together, these arrangements constitute facility time.

### **Paid time off**

For a union representative to be entitled to paid time off, the union must be:

- Independent.
- Officially recognised by the school's employer.

Union representatives have the right to have paid time off to conduct a variety of activities, including the following:

- Negotiating pay, terms and conditions
- Helping union members with disciplinary or grievance procedures, including meetings to hear their cases
- Going with union members to meetings with their line manager to discuss flexible working requests
- Discussing issues that affect union members, such as redundancies

Union learning representatives have the right to paid time off to:

- Analyse the learning or training needs of union members.
- Give information and advice about learning or training.
- Arrange or encourage learning or training.
- Discuss their activities as a learning representative with their employer.

- Train as a learning representative.

Where paid time off is granted, the staff member will be paid the amount they would have earned had they worked during the time off taken or, where the staff member's earnings vary with the work done, an amount calculated by reference to the average hourly earnings for the work they are employed to do. menta

### **Unpaid time off**

Union members and union representatives may also request reasonable unpaid time off during working hours to take part in union activities, such as:

- Meetings with union officials.
- Meetings of official policy-making bodies.
- Workplace meetings to discuss and vote on the outcome of negotiations with the employer.
- Voting in union elections.

Staff members will not be permitted to request time off for activities relating to lobbying for, planning or carrying out industrial action.

### **Requests for time off**

Union members will give their line managers as much notice as possible when asking for time off. When requesting time off, union representatives will provide their line managers with the following information:

- The purpose of the time off
- Details of the date and time being requested
- The location of the activity taking place

Wherever possible, union representatives will be asked to ensure any time off they are requesting does not interfere with the normal functioning of the school.

When a staff member requests time off to conduct union representative activities, their line manager will discuss how much time can be taken off. The following questions will be considered by the staff member's line manager:

- Can the school accommodate the amount of time requested, and ensure adequate cover for safety and the provision of educational services?
- Does the request contain the right information, and has enough advanced notice been given to provide cover arrangements where necessary?
- Does the request attract paid or unpaid time off?
- If the request cannot be accommodated, is there a reasonable alternative?

The staff member's line manager will determine whether a request for time off is appropriate. Staff members will be able to raise any disputes regarding the outcome of requests will be dealt with in line with the trust's Grievance Policy. Staff members will also be informed of their right to take a case to an employment tribunal.

## Reporting arrangements

Arrangements will be in place to ensure union representatives can account for the duties and activities they have carried out during facility time.

The trust will report the required information to the government on facility time, in line with the government guidance '[Report trade union facility time data](#)'.

## 6. Sickness absence

The trust expects staff to report absence using the following procedure:

- On the first day of sickness absence, staff will call their line manager or other designated staff member by no later than 7:30am
- Staff will notify their line manager of the reason for their absence and the likely duration of their absence
- Staff will maintain contact with the school for the duration of their absence
- Unless and until staff are certified by a fit note from a healthcare professional, they will call their line manager by no later than 9:00am for each day of absence unless instructed otherwise
- If a staff member is absent for longer than seven consecutive days (including weekends), then they will submit a fit note from a healthcare professional to the school

Failure to follow this process could result in sick pay being withheld or the absence being treated as unauthorised.

Schools will make appropriate arrangements to minimise the impact of sickness absence, including arranging supply cover or longer-term arrangements in the event that a school based employee is absent for a longer period of time.

The trust will accept fit notes that are handwritten or computer generated as a printed out or digital copy. The trust will only accept fit notes that include the issuer's name or signature, profession, and the address of the medical practice.

The school will accept fit notes from the following healthcare professionals that deliver NHS services:

- Doctors
- Nurses
- Occupational therapists
- Pharmacists
- Physiotherapists

### Headteacher sickness absence

In the case of headteacher sickness absence, the absence management procedure will be managed by the chair of the local governing board.

## **Long-term sickness absence**

Where a staff member is or is reasonably expected to be absent from work for four weeks or more, including any period of holiday, or where the staff member has been unable to sustain regular and efficient attendance due to a long-term condition, they will fall within the scope of the long-term sickness absence management procedure.

The trust will maintain regular and supportive contact with the staff member, which may include:

- Regular review meetings to discuss their continuing absence
- When they may be able to return to work
- Any reasonable adjustments that the trust may be able to make to assist them in returning to work

It is a contractual requirement that the employee cooperates with the trust during such period of absence.

## **Occupational health**

The trust will refer staff to an occupational health advisor where necessary. The advisor will outline:

- When the staff member will be able to return to their role
- The staff member's ability to carry out their role
- Whether any adjustments or modifications will be made to assist the staff member in carrying out their role
- Whether the staff member is, or will soon be, unable to carry out their role or alternative duties within the school
- Whether any adjustments or modifications could be made to assist the employee in carrying out such alternative duties

The trust will consider appropriate support options, including reasonable adjustments or phased returns to work.

For employees experiencing a psychological illness, e.g. stress, anxiety or depression, or a musculoskeletal complaint, e.g. a neck, shoulder or back condition, an immediate referral to occupational health may be made.

## **Ill-health retirement**

Staff who are contributing to the Local Pensions or Teachers' Pensions (TP) will be considered for ill-health retirement where applicable.

## **7. Sick pay**

Sick pay is based on length of service. For teachers, this is aggregated teaching service within any LA and any academy. For all other staff, it is continuous service within any public authority to which the Redundancy Payments Modification Order 1985 applies. Please refer to the provisions set out in the Burgundy Book for teaching staff and the Green Book for support staff for more information.

If the school/ Trust is concerned that the reason given for staff absence is not genuine, it may commence action under the Trust's Disciplinary Policy and Procedure. The trust reserves the right to withhold sick pay in circumstances which are described in the relevant paragraphs of the conditions of service for teachers and support staff.

Staff who are absent from work on sickness absence must not participate in any other form of work, paid or unpaid, during or outside of their normal working hours without the prior written authorisation of trust. Staff will notify the trust if they are undertaking therapeutic work whilst off sick and will consult with the trust's occupational health service as to the advisability of such activity. If staff are found to be carrying out other work within their contracted hours at the trust, sick pay may be withheld.

Time off for surgery that is not for medical reasons will ordinarily not be paid by the trust.

### **Statutory sick pay (SSP)**

In order to qualify for statutory sick pay (SSP), staff must:

- Be sick for at least four or more days in a row, including weekends and bank holidays, as SSP is not payable for the first three days of any period of absence; and
- Earn an average of no less than the Lower Earnings Limit for National Insurance Contributions (NIC).

SSP is paid by the school for up to a maximum of 28 weeks.

## **8. Returning to work**

Where a healthcare professional advises a staff member that they are not fit for work, the healthcare professional will state the period for which this will be the case and whether they will need to assess the staff member again. If the healthcare professional has not stated that they need to assess the staff member again, the trust will ordinarily assume that the employee will return to work on expiry of the fit note.

The trust may ask the staff member to seek further advice from their healthcare professional regarding a return to work or to seek advice from an occupational health advisor before the employee is allowed to return to work. Staff will attend any additional appointments as reasonably instructed by the trust.

During any additional period of assessment, the staff member will remain entitled to sick pay in accordance with the SSP or the employee's terms and conditions of service.

Staff will take on board any advice given by their doctor on how to return to work. Advice may include:

- A phased return to work
- Flexible working
- Amended duties
- Workplace adaptations

The trust will consider any recommendations made by the staff member's doctor and implement additional measures to support the staff member's return to work where possible.

On their return to work, staff will contact their line manager and complete a sickness notification form as directed.

Following a period of sickness absence, staff will be required to attend a return to work interview with their line manager within three days of their return. The interview will:

- Welcome the staff member back to work
- Inform the staff member of any changes during their absence
- Seek assurance that the staff member is well enough to be at work
- Establish if the staff member requires any additional support
- Assess whether the staff member needs to be referred to occupational health

During the interview, staff will be made aware of the following:

- Whether their absence may lead to a stage one absence meeting
- Any support the trust will offer to avoid a stage one absence meeting
- Whether they have surpassed the trigger points for a stage one absence meeting and the implications of this, e.g. being invited to an absence meeting

If a staff member has already received an official warning over their attendance, they may be invited to a stage two or three absence meeting.

A record of a return to work interview will be signed by both the staff member and their line manager, and a copy will be kept and stored securely in line with the Records Management Policy.

### **Redeployment of staff**

Staff who are fit to return to work, but not in their original role, may be transferred into an alternative role which they are able to undertake with or without reasonable adjustments or training.

If there is no suitable alternative post in the Trust, staff may be redeployed. It will be the decision of the governing board as to whether a school employee will be redeployed.

## **9. Persistent absence**

If a staff member is persistently absent and their attendance levels have not improved to a satisfactory level following informal action through the return to work interviews, their line manager may choose to obtain medical advice from occupational health. The employee would also be invited to a stage one meeting if they met one of the below absence trigger points:

- A total of ten days' absence in a 6-month period (over 4 or more occasions)
- There are concerns about an employee's absences, such as the level or pattern

Where there is a history of formal absence warnings that result in a successful monitoring period which is then immediately followed by further absences, the trust may not recommence the informal attendance monitoring process but move instead to the next stage in the formal procedure.

All sickness absence hearings relating to the headteacher's sickness absence will be conducted by a nominated governor and any subsequent appeal will be held by the chair of governors.

### **Stage one absence meeting**

If a staff member's sickness absence levels have not improved despite being addressed in their return to work meetings, and the employee has reached the trigger points, the line manager will invite the staff member to a stage one absence meeting. The staff member's line manager will provide at least three working days' notice, in writing, of the stage one absence meeting. They will communicate the following to the staff member:

- The time, date and place of the meeting
- The reason for the meeting
- Any evidence to be discussed at the meeting
- The staff member's right to be accompanied by a trade union representative or work colleague not involved in the case

The line manager will prepare for the meeting by ensuring that they have identified the employee's sickness absence levels and the support that has been provided via the return to work meetings. Any medical evidence or documentation that the staff member wishes the line manager to consider will be submitted prior to the meeting.

In the stage one absence meeting the line manager will:

- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused
- Listen to reasons and respond appropriately
- Consider whether to refer the case to occupational health if they have not already done so
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement
- Identify any support required

The potential outcomes of this meeting include:

- Giving the staff member a stage one warning, to remain on file for 6 to 12 months, and explaining that continued failure to improve attendance to the specified level may lead to a stage two absence meeting, which could lead to the staff member's employment being put at risk
- An extension of informal monitoring
- No further action

### **Stage two absence meeting**

If the staff member's attendance drops below the required level within the set monitoring period, their line manager will ask the employee to attend a stage two absence meeting. The line manager will provide at least three working days' notice of the stage two absence meeting in writing. They will communicate the following to the staff member:

- The time, date and place of the meeting
- The reason for the meeting
- Any evidence to be discussed at the meeting
- The staff member's right to be accompanied by a trade union representative or work colleague not involved in the case

In the stage two absence meeting, the line manager will:

- Explain the concern about the absence level and reasons for that concern, such as operational difficulties caused
- Listen to reasons and respond appropriately
- Consider whether to refer the case to occupational health if they have not already done so
- State that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement
- Identify any support required

The potential outcomes of this meeting include:

- Give the employee a stage two warning, to remain on file for 9 to 12 months, and explaining that continued failure to improve attendance to the specified level will lead to a stage three absence hearing which could result in dismissal
- An extension of monitoring and support within stage one of the formal process
- No further action

The staff member's line manager will fully record the details of the meeting and send a letter to the staff member confirming the details of this meeting.

If at any stage a staff member has reached a level of improvement acceptable to the trust, monitoring will revert back to informal arrangements.

### **Stage three absence hearing**

If the employee's attendance drops below the required level within the set monitoring period, their line manager will ask the staff member to attend a stage three absence meeting. The line manager will provide at least five working days' notice of the stage three absence meeting in writing. The notice will include:

- The purpose of the hearing
- Details of the employee's attendance
- The stage reached in the procedure
- When and where the hearing will be conducted
- The right to be accompanied by a trade union representative or work colleague not involved in the case
- The requirement for the employee to provide, in at least two working days before the hearing, all documents that they intend to present at the hearing

The stage three absence meeting will be conducted by the headteacher/ line manager. Any medical evidence or documentation that the staff member wishes the headteacher/ line manager to consider will be submitted at least two working days prior to the hearing.

The purpose of the stage three absence meeting will be to consider whether the staff member is capable of continuing employment with the trust in the light of their health, their attendance and their ability to perform the role with reasonable effectiveness. The meeting will also consider whether the trust can reasonably sustain the staff member's level of attendance.

The potential outcomes of this meeting include the following:

- An extension of monitoring and support within stage two of the formal process
- If the headteacher/ line manager decides that the staff member's attendance is not acceptable and is unlikely to improve to an acceptable level, the employee may be dismissed with notice on the grounds of failure to sustain required levels of attendance

Prior to a decision to dismiss, consideration will be given to any alternative working arrangements or roles within the trust. If a decision is made to terminate the staff member's employment on the grounds of the above, the employee will be informed of the trust's decision to dismiss in writing and the employee will be advised of their right of appeal.

### **Appeals**

Any appeal arising as a result of a warning or dismissal will be made in writing to the clerk to governors within five working days of receiving the outcome of the hearing.

If the staff member submits an appeal, they will be invited to an appeal hearing where their case will be heard by a more senior manager. In the event that a decision was taken by the headteacher, any appeal will be heard by the chair of governors. The outcome of the appeal hearing will be confirmed in writing to the employee. There is no further level of appeal.

An appeal following a stage three dismissal will be heard by a panel of up to three governors.

## **10. Medical suspension and capability**

There are a number of circumstances where the trust may medically suspend an employee. Reasons for such a decision include consideration for the protection of the person's own health, as well as the health and welfare of other staff and pupils who may be put at risk by the medical condition of an employee. Occupational health may recommend medical suspension to management.

Subject to LA arrangements, a referral to LADO may be recommended in cases where a staff member is suffering from or has suffered from suicidal thoughts. The trust will undertake a full risk assessment on the risks posed to the employee or others before deciding on whether the employee is fit to be in work.

If, following advice from occupational health, it appears that the employee is likely to be unable to return to their role or to provide regular and efficient attendance within a reasonable period of time, the employee will be invited to attend a medical capability hearing.

Prior to a medical capability hearing, a preliminary meeting will be arranged in order to discuss the following:

- The history of the employee's absence, including the number of absences or duration of absences

- Any reasonable adjustments that have been made or considered
- If and when the employee may be able to return to work or to provide regular and efficient service
- Any redeployment options that have been considered within the trust
- Up-to-date medical advice

The employee has the right to be accompanied at this meeting by a trade union representative or work colleague.

If, following the preliminary meeting, the staff member's line manager remains of the opinion that the employee is not able to return to work within a reasonable period of time and that their absence cannot be sustained or that the employee will not be able to provide regular and efficient service in accordance with their contract of employment, the employee will be invited to attend a medical capability hearing.

### **Medical capability hearing**

The purpose of the medical capability hearing is to consider the viability of the employee's continuing employment. The employee will be given written notification of the meeting giving five working days' notice.

The medical capability hearing will be conducted by the headteacher. The headteacher will consider dismissal on the grounds of medical capability where having considered any medical advice and any representations by the employee the headteacher reasonably believes that:

- The employee is permanently unfit to work
- They are unable to reasonably determine when the employee will be able to return to work or to provide regular and efficient service
- The employee is unlikely to be able to provide regular and efficient service

In the event that an employee has failed to attend appointments with occupational health and, therefore, there is no medical evidence to consider, the headteacher/ trust may make a decision based on the information at the hearing. Where an employee fails to attend the hearing, it may go ahead in their absence.

The employee has the right to be accompanied at the medical capability hearing by a colleague or a trade union representative.

Any documentation that the employee wishes the / line manager to consider should be submitted at least two working days prior to the hearing. In certain situations where medical evidence from an employee conflicts with the medical evidence from occupational health, the trust will decide to obtain a further medical report or may prefer either report.

If the headteacher/ trust decides to terminate the employee's employment on the grounds of medical capability, the employee will be informed, in writing, of the decision to dismiss and their right of appeal.

### **Appeals against medical capability decisions**

Any appeal arising as a result of a medical capability dismissal will be made in writing to the school within 10 working days of receipt of the outcome of the hearing.

If the member of staff submits an appeal, they will be invited to an appeal hearing where their case will be heard by the governing board. The employee and the school/ trust will provide additional medical information for consideration at the appeal hearing.

The outcome of the appeal hearing will be confirmed in writing to the employee. There is no further level of appeal.

## **11. Monitoring and review**

This policy will be reviewed on an annual basis by the board of trustees. The next scheduled review date for this policy is February 2025.

Any changes to this policy will be communicated to all staff and relevant stakeholders.