Managing Absence and Ill Health Policy

April 2026

Ratified by Full Governing Body: July 26

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Date Agreed	09.07.26
Signed by Headteacher	N Hirst
Signed (Chair of Governors)	E Worthen
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Amend in final version
Guidance Note:
This policy has been developed by the HR Connect for use in all Schools and Academies

Kent Schools
The Local Authority expects that all KCC Community and Voluntary Controlled Schools will use this document as the basis for their School Absence and Ill Health Policy. This document is also strongly recommended for consideration for adoption by Foundation and Aided Schools.

This document has been shared with representatives of KCC's recognised trade union / professional associations for comment. Schools are advised to ensure staff and unions have the opportunity to comment on the proposed policy prior to the document being formally adopted by Governors.

Kent Academies and Schools / Academies Outside of Kent

This policy and procedure may be adopted in its entirety or adapted for use by Academies within Kent and Schools / Academies outside of Kent.

Statutory / contractual obligations are highlighted within the policy. Areas where the Academy / School may determine their own approach or adopt varied provisions are also indicated.

HR Connect is able to provide advice and support to Academies in developing their own policies.

Academies are strongly advised to ensure that there is sufficient opportunity for staff and their trade union / professional representatives to comment on the proposed policy prior to the document formally being adopted by Governors.

Please ensure you populate the highlighted sections and remove any non applicable options and also the guidance notes before adopting this policy and procedure.

It is recommended that the School / Academy undertakes an Equality Impact Assessment on all policies for the management of staffing issues.

Version Control

Date	Revisions
April 2024	Para 35
April 2026	Amendment due to Employment Rights Act 2025 - Para 16 – to ensure sick pay entitlement aligns with changes under ERA 25

Part A - Policy

1. Policy Statement

The School is committed to supporting the health, wellbeing and attendance of all Employees. The School expects a high level of attendance and requires each Employee to take responsibility for achieving and maintaining good attendance.

The School recognises that on occasions Employees may be absent from work due to ill health and that health issues may also impact on performance in the workplace.

The School is committed to supporting an Employee during a period of absence with the aim of assisting their return to work and maintaining the required levels of performance. The School also recognises its obligations under the Equality Act 2010.

Advice may be sought from an occupational health advisor or personnel provider in the management of ill health issues.

An Employee will be advised of the possible consequences of their absence, including if their employment is at risk.

The School will seek to balance the needs of the School with the needs of the Employee. Where an Employee is unable to discharge the duties of their post due to ill health and all reasonable alternative options have been exhausted, consideration may be given to terminating employment.

This procedure explains:

- How the School will manage absence and ill health issues in a fair and consistent manner
- What is expected from the Headteacher and Employees with regards to the reporting and management of absence and ill health.

It does not address absences for reasons other than personal sickness. Non sickness related absences are covered by other procedures.

2. Scope

This Policy and Procedure applies to Employees of Ashford St Mary's Church of England Primary School.

Where employees have transferred to a school/Academy under TUPE legislation they will continue to benefit from the terms applicable pre-transfer whilst they remain in their current post. The school/academy may consult with staff to change these terms at a later date as long as the reason for making the change is not attributed to the transfer itself.

3. Adoption Arrangements and Date

This procedure was adopted by the Governing Body of Ashford St Mary's Church of England Primary School on 09.07.26 and supersedes any previous managing absence and ill health policy and procedure.

This policy will be reviewed by the Governing Body every 2 years or earlier if there is a need. This will involve consultation with the recognised unions where there are material changes.

4. Responsibilities of the School

- To ensure all Employees are aware of the absence management procedures
- To ensure sickness absence is accurately recorded, monitored and reviewed effectively
- To take appropriate management action where absence and ill health related underperformance are causing concern
- To make suitable arrangements to discuss absence and the impact of this – including absence review meetings and return to work discussions
- To discuss / identify with Employees support and strategies for improving attendance and work performance or facilitating a return to work
- To keep in regular contact with an absent Employee and make them aware should their employment be at risk
- To consider termination of employment only after other potential options have been explored
- To provide a working environment conducive to enabling the Employee to perform safely
- To take reasonable action to maintain Employee confidentiality in matters relating to health.

5. Responsibilities of the Employee

- To ensure attendance meets the required standards
- To make the Headteacher aware of any health issues that may be impacting on their ability to maintain good attendance and performance, including work related causes
- To comply with the School's absence notification and certification requirements
- To attend meetings in connection with the management of absence issues (i.e. return to work meetings, absence review meetings, Occupational Health appointments)
- To maintain reasonable contact with the School and advise the School of alternative contact details if they are residing away from their usual address during their period of absence
- To work with their Headteacher to identify support and strategies for improving attendance or facilitating a return to work.

6. Delegated responsibility

The management of ill health issues may be delegated to staff other than the Headteacher. References to the role of the Headteacher in the policy and procedure include their nominee.

Please refer to Appendix A for further details of the delegation arrangements which apply in this School.

7. Timescales

Concerns regarding ill health and absence will be addressed without undue delay.

Timescales stated are for guidance and may vary depending on the circumstances of the case.

For the purpose of this procedure a 'working day' will normally refer to the 195 School days. At the School's discretion, working days may include school closure periods where the Employee works outside of term time.

Appropriate timescales will be discussed with the Employee.

8. Management of Absence and Ill Health

The procedure describes the School's approach to the management of short term (para 23) and long term (para 24) periods of absence. It is recognised that the likely nature or duration of an Employee's absence may be unknown at the outset and the School reserves the right to move between these approaches should the Employee's condition change or once more information is available.

Any change in approach will be discussed with the Employee

In cases where ill health does not give rise to absence – but may impact on an Employee's capability to undertake their job role – appropriate monitoring, support and reviews will be discussed with the Employee.

9. Recurring Periods of Absence

It should be noted that where an employee has recurring periods of absence which are addressed through this procedure these may be regarded as being linked.

As such the school may resume the sickness absence management process for any subsequent absence at the point it was halted. Where a matter has been addressed informally previously – the School may move immediately to the formal stage of the procedure where there is a reoccurrence of the concerns.

10. Right to Representation

An Employee is entitled to be accompanied to a formal hearing or appeal by either a workplace colleague or Trade Union Representative.

A workplace colleague or Trade Union Representative is also able to attend formal absence review meetings held under this procedure.

Due and careful consideration will also be given to any request from an Employee to be accompanied by a workplace colleague or Trade Union Representative at informal meetings, including return to work discussions. However, it should be noted that the presence of a representative does not make the meeting formal.

11. Absence Monitoring

In order to manage attendance effectively the School will record, monitor and review absences on an individual and whole School basis.

Where absence levels are causing concern – an individual's attendance record may be shared with them.

Part B – Procedure

12. Notification of Absence

> **Guidance Note:**
>
> Schools may determine alternative absence notification arrangements as appropriate.

Employees should report sickness absence to their Line Manager by telephone as soon as possible on their first day of absence before the start of the working day and no later than 1 hour before their start time. Contact should be made by the Employee in person and not by a third party, unless unavoidable.

Employees should state:

- The reason for their absence / nature of their illness
- The estimated period of absence.

If the Employee does not contact their Line Manager by the required time the School may attempt to contact the Employee by telephone.

Following the initial notification, the School may need to contact the Employee to obtain more detail of the nature of the absence and expected duration.

Repeated failure to follow these notification requirements may be addressed in accordance with the School's Disciplinary Procedure.

13. Absences up to and including 7 calendar days

Employees will be required to complete and submit a self-certification form on return to work for all periods of sickness absence not exceeding seven days, inclusive of rest days, public holidays and school closure periods.

Where an Employee attends work but later goes home sick during the day – pay will not be deducted and this will not be regarded as a sick day for contractual sick pay purposes. However, such absences will be recorded and considered for absence monitoring purposes.

14. Absences of more than 7 calendar days

A Statement of Fitness for Work "fit note" is required if a period of absence lasts for eight days or more inclusive of rest days, public holidays and school closure periods.

The following conditions apply to the provision of "fit notes":

- "Fit notes" must be issued, by a certified health care professional (doctor, nurse, occupational therapist, physiotherapist, pharmacist).
-
- Paper and electronic fit notes can be accepted and should include the issuer's name, profession and address of the medical practice.

- "Fit notes" must be received by the Headteacher or other designated person as soon as practicable after the 8th calendar day of absence

- "Fit notes" will only be accepted for sick pay purposes from the dates specified and certified by the doctor

- Subsequent "fit notes" must be submitted in a timely manner to cover absence if it extends beyond the period of the initial certificate, including school closure periods, weekends, bank holidays and non working days

- Where an Employee is admitted to a medical centre for treatment, "fit notes" need only be submitted on entry and on discharge

- Exceptionally, the School may request an Employee to provide a "fit note" for a period of sickness absence not exceeding seven days. In such cases the School will meet the cost of any "fit note" being issued.

15. "Fit Note" Provisions

Should a "fit note" indicate that an Employee is 'not fit for work' they should remain on sick leave until the expiry of the note. There is not a requirement for the Employee to be signed "fit for work" by a medical practitioner before returning.

Should the Employee feel fit to return to work prior to the expiry date of the note, the School will give this request due consideration and may undertake a workplace risk assessment / seek the guidance of an occupational health practitioner to establish whether they are fit to return to work early. The School reserves the right to ask that the Employee remains on sick leave until the expiry of the note should they feel it is not appropriate for the individual to return following completion of a risk assessment completed in discussion with the Employee.

Should a “fit note” indicate that an Employee ‘may be fit for work’ the School will discuss with the Employee ways of helping them get back to work. This may include agreeing a phased return to work, amended duties or workplace adjustments for a temporary period. A risk assessment or guidance of an occupational health practitioner may be sought to identify how a return to work might be supported.

If it is not possible for the School to provide the support an Employee needs to return to work, or an Employee feels unable to return, then the statement will be used in the same way as if the GP advised that the Employee was ‘not fit for work’.

16. Sick Pay Entitlement

The contractual sick pay entitlement for teachers is in accordance with the Burgundy Book.

The contractual sick pay entitlement for support staff is in accordance with the Blue Book.

In exceptional circumstances the Headteacher has discretion to extend contractual sick pay. This will be considered on a case by case basis.

Statutory sick pay will be paid to qualifying staff in accordance with statutory provisions.

Sick pay is a financial provision and not a provision that in any way indicates the amount of absence to which an employee is entitled. Following due process, the School reserves the right to terminate the contract of any employee absent through sickness or injury should it be satisfied that a return to work is not possible / sustained or where attendance levels are unsatisfactory irrespective of whether contractual sick pay has been exhausted.

17. Sick Pay Requirements

Payment of sick pay is conditional upon meeting both statutory and school requirements concerning absence notification and medical certification. Appropriate certification is required for the entire period of absence including school closure periods and non working days.

Failure to follow these requirements or provide certification in a timely manner may result in the absence being regarded as unauthorised and in exceptional circumstances the School reserves the right to withhold pay.

Where an Employee’s conduct is prejudicial to their recovery or they have intentionally placed themselves at risk the School also reserves the right to withhold contractual sick pay following appropriate evidence being sought. Contractual sick pay will not be paid where an absence from work is as a result of sickness or injury sustained through the active participation in sport as a profession.

The making of false sickness declarations may be addressed in accordance with the School’s Disciplinary Procedure.

The School may also require an Employee to complete any declaration / questionnaire which may be necessary for the purpose of the School's sickness insurance scheme.

18. Contact during a period of absence

The School requires Employees to maintain reasonable contact with the Headteacher or other designated member of staff during any period of absence, presenting medical certificates in a timely manner and attending review meetings as requested.

Where an absence is for three calendar days or less it is expected that the Employee will contact the School each day, unless agreed otherwise.

Where an absence lasts more than three calendar days, the Employee must keep their named contact updated with the situation at agreed intervals until a return date is known.

If the absence is likely to be longer term it is expected that the Headteacher and Employee will discuss how best to maintain contact at agreed intervals. Consideration will also be given on how best to keep the Employee updated with School news and events during their absence.

Where a medical condition affects the ability of an Employee to maintain contact with the Headteacher consideration will be given to reasonable adjustments to the reporting procedures.

An Employee should notify the school of any alternative contact details should they be residing away from their usual place of residence during a period of absence.

19. Location of meetings

Meetings in connection with the management of health issues will usually take place on the School site wherever possible. However, a reasonable alternative venue away from the School site may be arranged if this will assist the Employee.

Absence, ill health-related and welfare meetings may also take place using virtual technology.

20. Referral to Occupational Health

Where health issues are impacting on an Employee's attendance or performance, the School will seek advice from an Occupational Health Advisor, GP or other appropriate health advisor in order to inform management action or support.

It is the School's policy to usually make a referral to an Occupational Health Advisor in the following circumstances:

- During a period of longer term continuous absence. A referral will usually be made no later than the 4th week of a period of continuous absence - but may be made earlier, if appropriate

- Following frequent or recurring short term absence which is giving rise to concern. As a guide a referral may be made in instances where there have

been 3 periods of short term absence within a 6 month period – although this may vary depending on individual circumstances.

- Where an injury or illness may have an impact on the Employee's ability to undertake their job role
- Where an Employee has a degenerative condition or disability which is impacting on their ability to undertake their job role
- Where a new health condition is reported to the school when an application for ill health retirement is made.

Employees have a responsibility to be proactive in raising their concerns about work-related causes of absence as part of the normal staff/manager relationship. It may be appropriate in such circumstances to make an immediate referral to an Occupational Health Advisor.

The advice of an Occupational Health Advisor may be sought:

- To identify how an Employee's health or medical condition may impact on their attendance or ability to undertake their job
- To ascertain when or if an Employee will be fit to return to work in the foreseeable future
- To provide guidance on what support or adjustments could be made to facilitate a return to work
- To provide guidance on any adjustments which may support a disabled Employee in the workplace
- To provide guidance on the Employee's ability to attend formal meetings and investigations under any other procedure whilst absent
- To advise how an Employee may be able to improve their health and wellbeing.

An Occupational Health Advisor may refer to the Employee's GP or other medical specialist for further information regarding the Employee's medical condition.

It is expected that all Employees will consent to a referral being made to an Occupational Health Advisor when reasonably asked to do so.

Where consent is refused the School may make decisions about the management of an ill health issue based on the available information and without the guidance of an Occupational Health Advisor. Where an employee refuses to attend an OH appointment without good reason, the school reserves the right to withhold contractual sick pay.

An Occupational Health Advisor assessment may be made via a face to face appointment or telephone or virtual consultation.

Any written report provided by the Occupational Health Advisor will be shared with the Employee. The Occupational Health Advisor will make the Employee aware of their rights under the Access to Medical Reports Act 1988 which includes the being able to view any written report and requesting corrections are made prior to this

being shared with the School.

This report may also be shared with the School's HR advisor to enable their advice and support in the management of the ill health.

On receipt of the report from the Occupational Health Advisor a review meeting will usually be convened.

On rare occasions, there may be a difference of medical opinion between the Employee's GP / Fit note and the Occupational Health Advisor. In such instances the school reserves the right for the opinion of an Occupational Health Advisor to take precedence.

If an Employee's absence or medical condition continues the School may request further advice from an Occupational Health Advisor, as necessary.

21. Return to Work Meetings

> **Guidance Note:**
>
> It is best practice for a return to work discussion to take place after every period of absence. Some schools may prefer to state a trigger point of a particular number of absences or duration of absence after which a return to work meeting will take place. Where the school operates a trigger point this should be stated in the policy.

Employees may be required to meet with their Headteacher or other delegated manager on their return to work, regardless of the duration of their absence. The nature of the meeting will depend on the circumstances.

The purpose of this meeting is to:

- Discuss the reason and cause of the absence
- To consider any concerns regarding attendance or patterns of absence
- Confirm that the Employee is fit to return
- Discuss and agree any support that the Employee may need to return to work and sustain a successful return, including recommendations made by a GP or Occupational Health Advisor
- To update the Employee on anything they may have missed during their absence.

In complex cases, where disability is a factor or in instances where an Employee has been absent from work for some time – it may also be useful for a trade union representative or workplace colleague to attend this meeting.

A written record of the return to work meeting will be made and kept on the Employee's personnel file for absence monitoring purposes.

Depending on the reason and length of the absence the Headteacher may agree further follow up meetings to help ensure that the Employee makes a successful and

sustained return to work.

22. Supporting a return to work

The School will seek to provide support measures to enable an Employee to make a successful and sustained return to work following a period of absence or to maintain their performance in the workplace.

The School will give due consideration to any support measures recommended in a "fit note" or by an Occupational Health Advisor or requested by an Employee. If the recommendations are such that the Employee is fit to return to work, or will be fit to return to work within a manageable period, or may be fit to return if measures can be taken by the School to assist the Employee in returning to work, the School may seek to put in place a phased return to work programme which will set any stages of the phased return to work programme (for example shorter working hours, different working arrangements, temporary adjustment to duties), and the timescale for achieving this.

Any agreed supportive measures will be confirmed in writing.

Where a phased return is agreed there may be circumstances in which the School will consider whether it is appropriate either to pay the Employee their full contractual hours or only for the hours actually worked during this period, plus any SSP to which they are entitled. Payment will be made at the discretion of the Headteacher and arrangements for payment will be confirmed in writing with the Employee.

Guidance Note:

Schools are advised to seek guidance from their HR Advisor regarding payment during phased returns to work.

23. Reasonable adjustments for disabled employees

The School will recognise its obligations to make reasonable adjustments for disabled employees under the Equality Act 2010. An Employee is disabled if they have a physical or mental condition which is long-term and which has a substantial effect on their ability to carry out normal day to day activities. An Employee who is, or has been, absent due to illness may be disabled if they have a long-term condition that meets the definition, but this does not mean that all Employees with health problems are disabled.

The School will, wherever possible, consider all reasonable adjustments which could be made in respect of a disabled employee's work in order to facilitate their return to work or to assist them after a return to work. Such adjustments may include:

- A phased return to work – this may be to working hours or a gradual resumption of full duties
- Adjustments to the working environment

- The outcome of any risk assessment
- A temporary alteration of duties or pattern of work
- Provision of additional equipment to assist the Employee in their duties
- Providing time off for medical treatment or appointments
- Arranging temporary additional support in the workplace
- Redeployment to another role in the School, although the School will not be obliged to create a new position for this purpose.

Reasonable adjustments may be agreed on a temporary or permanent basis depending on the circumstances of each case – where permanent this may necessitate a change to the terms and conditions of employment and job description.

The School will usually seek the Employee's views in considering adjustments and medical advice from Occupational Health, or the Employee's GP/medical consultant where appropriate. It is however for the School, not the medical adviser, to decide whether an employee is disabled and what adjustments are reasonable, though the medical advice will be taken into account.

24. Short Term Absence

24.1. Informal Action

In instances of repeated or persistent short term absences causing concern the Headteacher will seek to address this informally at an early stage by meeting with the Employee.

The usual trigger point for informal action within this school is 4 separate periods of sickness within a six month period, or a total of 10 days or more off sick within a six month period, this may trigger management action relating to attendance. However any sickness which is causing concern may be managed using this procedure.

Guidance Note:

Schools may wish to determine a review point for management action in relation to absence – e.g. 3 periods or 10 days within a 6 month period or as appropriate.

The purpose of this initial meeting is to:

- Advise the Employee that their level of attendance is unacceptable and discuss how the level of absence is impacting on the individual's performance and the School
- Explore reasons for absence and give the opportunity for the Employee to raise any health or other concerns arising from within or outside the workplace that may be impacting on their attendance

- Identify any support that the School may be able to provide or any action the Employee can take to improve or sustain attendance

- Agree any follow up action including considering making a referral to an Occupational Health Advisor or counselling service or undertaking a risk assessment where appropriate

- Explain the School's expectations regarding attendance, agree an action plan or attendance targets and timescale for improvement

- Advise the Employee that should an acceptable level of attendance not be achieved and sustained – formal action up to and including the termination of employment may be considered

- Agree when / how attendance will be monitored and reviewed.

The Headteacher may issue an informal managerial warning at this meeting where it is reasonably believed there is no underlying medical reason for the absence. The Headteacher may agree future expectations with the Employee – including measures to support and improvement attendance and, if appropriate, agree a review period and monitoring arrangements. The outcome of the discussion will be confirmed in writing and a copy placed on the Employee's file.

There is no requirement for a workplace colleague or trade union representative to be present at such a meeting although due and careful consideration will be given to requests from an Employee to be accompanied. However it should be noted that the presence of a trade union representative / workplace colleague does not in itself make the meeting formal.

The Headteacher may move directly to address absence issues under the formal stage of the procedure, without first exhausting the informal stages where the circumstances warrant, including instances where concerns about the Employee's short term absence have previously been addressed formally.

24.2. Monitoring of Attendance following Informal Action

In most instances it is anticipated that the level of attendance will improve and informal monitoring will continue to ensure satisfactory attendance is sustained. However, in circumstances where an Employee's attendance does not show acceptable improvement the School may move to a formal absence review meeting.

In instances where it is suspected that the reason for the absence is not genuine, the matter may be treated as a conduct issue and be addressed under the School's Disciplinary Procedure.

24.3. Formal Absence Meeting

Where attendance does not show acceptable improvement a formal absence review meeting will be convened.

An Employee will be given written notification of the formal absence meeting and will be advised that a formal warning may be an outcome.

The Employee may be accompanied to this meeting by a workplace colleague or trade union representative.

This meeting will be conducted by the Headteacher / Line Manager.

The purpose of this meeting is to:

- Explore the reasons for continuing absence and the impact this is having on the individual's performance and the School
- Give the Employee the opportunity to respond to the concerns about their attendance and make any relevant representations or present any mitigating factors
- Consider any relevant advice received from Occupational Health or whether such advice should be sought
- Review progress towards attendance targets and set further targets and timescales for improvement
- Consider the impact of any support / workplace adjustments which have been put in place and any further support which may be of benefit
- Consider whether the Employee will be able to achieve and maintain a satisfactory level of attendance
- Agree when / how a further meeting will be held to review attendance. The monitoring period may vary depending on the circumstances of the case but will usually be 4-6 working weeks.

The outcome of this meeting may be:

- Where some improvement in attendance has been made - to continue a further period of formal monitoring in which the Employee will need to achieve and sustain a satisfactory level of attendance. A further formal absence meeting will be arranged at the end of this period.
- To adjourn the meeting to seek further information or advice e.g. from an Occupational Health Advisor or explore alternative options such as ill health retirement or redeployment, where appropriate.
- To issue a formal warning to the Employee regarding their level of attendance and advise them that should an acceptable level of attendance not be achieved or sustained within the identified timescales termination of employment may be considered. A further period of formal monitoring will continue and formal review meeting arranged at the end of this period.

A formal warning may be issued for up to 12 months. The duration of the formal warning will be determined by the Headteacher / Line Manager depending upon the circumstances of the case.

The Headteacher / Line Manager should provide the Employee with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days.

This should specify:

- The improvement in attendance that is required and the timescale to achieve this

- Any agreed workplace adjustments / supportive measures

- Monitoring arrangements and when a further review of attendance will take place

- The outcome of the meeting. Where a formal warning is issued the reason and duration should be specified.
- The notification should also advise the Employee that should an acceptable level of attendance not be achieved or maintained the termination of employment, may be considered.

An Employee may appeal in writing against a formal warning within 5 working days of receiving the written outcome. See para 24.6 for details.

24.4. Formal Review Meeting

A formal review meeting will be arranged with the Employee at the end of the monitoring period.

The meeting will be conducted by the Headteacher / Line Manager. The Employee may be accompanied to this meeting by a workplace colleague or trade union representative.

The purpose of this meeting is to assess progress and improvements during the monitoring period.

Should it be found that attendance has not improved to an acceptable level or should satisfactory attendance have not been sustained within the review period, the Employee will be notified in writing of the requirement to attend a hearing to consider unsatisfactory attendance / ill health and be advised that dismissal may be an outcome of this.

Where some progress has been made there may be a further period of monitoring or one or more formal review meetings to assess the situation and consider next steps, before either moving to the next level within the procedure or concluding the formal procedure.

The Headteacher should provide the Employee with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days.

24.5. Hearing to consider unsatisfactory attendance

The arrangements for hearings are set out in further detail in Appendix B

The Employee will be given written notification of date, time and venue of the hearing. This will usually be not less than 10 working days' notice – but may be varied by mutual agreement or should circumstances dictate. The notification will advise the Employee of the case to be considered and possible outcomes of the hearing – including that dismissal may be an outcome.

The School will provide the Employee with all relevant documents which will be referred to during the hearing with the notification letter and usually no later than 10 working days before the hearing.

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

The Employee is required to provide, no later than 5 working days before the hearing:

- The name of their trade union representative or workplace colleague
- Any relevant documents they wish to be considered

During the hearing the School will present the case for dismissal and the Employee will be given the opportunity to respond.

The outcome of this meeting may be:

- To recommend further information or advice is sought (e.g. from an Occupational Health Advisor) or to explore alternative options such as ill health retirement or redeployment or adjustment of duties where appropriate
- To extend the formal warning and continue a further period of formal monitoring during which the Employee will need to achieve and sustain a satisfactory level of attendance
- To dismiss the Employee with notice on the grounds of unsatisfactory attendance or capability due to ill health

The Headteacher should provide the Employee with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days of the decision being made.

Where dismissal is an outcome, the notification letter should:

- Specify the reason for the dismissal, termination date and the notice period
- Advise the Employee of their right of appeal.

Where notice is given this is the greater of the Employee's statutory or contractual notice entitlement.

Where the outcome is not dismissal, the notification letter should specify:

- The reason for the extension of any formal warning, how long this will remain live and that the Employee may appeal
- The improvement in attendance that is required and the timescale to achieve this
- Any agreed workplace adjustments / supportive measures

- Monitoring arrangements and when a further review of attendance will take place

- Advise the Employee that should an acceptable level of attendance not be achieved or maintained –the termination of employment, may be considered.

The Employee will be advised how they will be notified of the outcome. The outcome may be issued by letter or email. If by letter it will be deemed sufficient for the school to issue written confirmation of the outcome of the hearing to the Employee's last known address. Where the outcome is to be issued by email an appropriate email address with be sought and verified with the Employee.

24.6. Appeal

The arrangements for appeals are set out in further detail in Appendix A

An Employee may appeal in writing against a formal sanction or dismissal decision if they believe the decision to be wrong or unjust. Appeals should be made within 5 working days of receipt of the written outcome to the Clerk to the Governing body or nominated person and include clear reasons as to why the appeal should be considered.

Grounds for Appeal may include but are not limited to:

- Unfairness of the decision

- That the sanction imposed was unreasonable

- That new evidence has come to light

- Procedural irregularities.

The letter of appeal must state which of the above grounds the employee wishes to appeal against and the reasons for this. Failure to do this will result in the appeal being delayed or in the case of continued failure to provide the grounds of appeal may result in the appeal being declined on the grounds that it has not been submitted in an appropriate and timely manner

Any supporting information must be submitted by the Employee no later than the deadline for the receipt of an appeal. If a late submission is received the panel has discretion as to whether to accept this and make provision for an adjournment during the hearing to consider this. The panel reserves the right to disregard this information.

The School will provide the Employee with copies of any documents which will be referred to during the appeal in advance and usually no later than 5 working days before the appeal hearing.

An appeal hearing will be convened at the earliest opportunity, and wherever possible usually within 20 working days of receipt of the Employee's written appeal

A workplace colleague or trade union representative may accompany an Employee to an appeal.

The purpose of the Appeal is to review the original decision on the basis of the grounds for appeal presented by the Employee. The outcome may be:

- To uphold the previous decision in full
- To uphold the previous decision in part – but reduce a dismissal to a final formal warning imposed or amend other elements of the decision
- To uphold the Employee's appeal in full and withdraw any dismissal / final formal warning.

The panel may not impose a higher level of sanction than reached previously.

The Employee will be notified in writing of the outcome of the appeal, usually within 5 working days of the decision being made.

The Employee will be advised how they will be notified of the outcome. The outcome may be issued by letter or email. If by letter it will be deemed sufficient for the school to issue written confirmation of the outcome of the hearing to the Employee's last known address. Where the outcome is to be issued by email an appropriate email address with be sought and verified with the Employee.

The decision of the appeal panel is final and there is no further right of appeal.

25. Long Term Absence

25.1. Informal Action

In instances of longer term absence the Headteacher will seek to address this informally at an early stage by meeting with the Employee. A meeting will usually take place within the first 4 weeks of any period of absence - but may be earlier if appropriate.

The purpose of this meeting is to:

- Explore reasons for absence and give an opportunity for the Employee to raise any health or other concerns arising from within or outside the workplace that may be impacting on their attendance
- Consider the likely duration of the absence
- Explain how the continuing absence is impacting on the individual's performance and the School
- Identify any support or adjustments that the School may be able to provide or any action the Employee can take to facilitate or expedite a return to work
- Make a referral to an Occupational Health Advisor or counselling service, undertake a risk assessment or consider any other follow up action that may be appropriate
- Consider whether the Employee will be able to achieve and maintain a satisfactory level of attendance

- Agree when a further review meeting will take place.

Should an Employee return to work before the review date the School may continue to support and monitor the situation informally to ensure that a successful and sustained return is made.

25.2. First Formal Absence Review

Should the Employee remain absent from work, the Headteacher will convene a Formal Absence Review meeting with the Employee.

The review period may vary depending on the circumstances of the case but the meeting will usually be held after 4-6 weeks of absence or once advice is received from an Occupational Health Advisor.

The purpose of this meeting is to:

- Discuss the impact of the absence on the individual and the School
- Consider any advice received from Occupational Health
- Consider whether the Employee will be able to return to work in the foreseeable future
- Consider the Employee's views on continuing in employment
- Consider other options which may be available such as Ill Health Retirement and Redeployment
- Identify any support or adjustments that the School may be able to provide or any action the Employee can take to facilitate or expedite a return to work
- Advise the Employee that if they are unable to return to work within a reasonable period consideration may be given to the termination of employment on the grounds of ill health
- Explain that if the Employee is unlikely to be in a position to return to work in the foreseeable future – the situation will be reviewed after an agreed period.

The Employee may be accompanied to this meeting by a workplace colleague or trade union representative.

In instances where there is no prospect of a return to work or the Employee is permanently unfit to undertake the duties of the post, the School reserves the right to move immediately following the first formal absence review meeting to a hearing to consider the case for dismissal on the grounds of capability due to ill health.

The Headteacher will provide the Employee with written confirmation of what was discussed and the outcome of the meeting usually within 5 working days.

25.3. Second Formal Absence Review

A second review period and formal absence review meeting may be convened, if required. Such a meeting will follow the same format as a First Formal Absence Review meeting.

A further review period(s) and absence review meeting(s) may be appropriate in certain circumstances.

However, if having reviewed the case, the Headteacher determines that the Employee is either:

- Not currently fit for work and is unlikely to be able to return to work or sustain a return within a reasonable period of time, or

- Not currently capable of discharging the duties of the post and is unlikely to be able to do so within a reasonable period

and

- All other appropriate options have been considered.

A hearing may be convened to consider the termination of employment on the grounds of capability due to ill health.

25.4 Mutual Termination

Where all parties are in agreement that an Employee's contract should terminate, arrangements for the mutual termination of employment may be put in place. This may include, at the Employee's request, waiving the right to attend a dismissal hearing.

The Headteacher / Employee will mutually agree the termination date.

Circumstances where this may be an option include where:

- an Employee is incapacitated through ill health and can no longer work in their role nor any other role within the School, but is not considered permanently unfit for work

- an Employee is not eligible for ill health retirement as they are not a member of a pension scheme, however may be incapable of working

- there is no indication, by the employee or OH, of a return to work in the foreseeable future.

The Employee may be supported by a workplace colleague or trade union representative in any discussions relating to a mutual termination.

25.5. Hearing to consider dismissal on the grounds of capability due to ill health

The arrangements for hearings are set out in further detail in Appendix B

The Employee will be given written notification of the date, time and venue of the hearing. This will usually be not less than 10 working days' notice. The notification

will advise the Employee of the case to be considered and possible outcomes of the hearing – including that dismissal may be an outcome.

The School will provide the Employee with all relevant documents which will be referred to during the hearing with the notification letter and in any case no later than 10 working days before the hearing.

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

The Employee is required to provide no later than 5 working days before the hearing:

- The name of their trade union representative or workplace colleague
- Any relevant documents they wish to be considered.

During the hearing the Employer will present the case for dismissal and the Employee will be given the opportunity to respond.

The panel should provide the Employee with written confirmation of what was discussed and the outcome of the hearing within 5 working days of the decision. The Employee may appeal against any sanction within 5 working days of receipt of the notification of the outcome.

Where dismissal is an outcome the notification letter should:

- Specify the reason for the dismissal, termination date and notice period, and
- Advise the Employee of their right of appeal against the dismissal.

The Employee will be advised how they will be notified of the outcome. The outcome may be issued by letter or email. If by letter it will be deemed sufficient for the school to issue written confirmation of the outcome of the hearing to the Employee's last known address. Where the outcome is to be issued by email an appropriate email address with be sought and verified with the Employee.

Where an Employee is not dismissed appropriate next steps and further review date will be confirmed in writing with the Employee.

25.6. Appeal

The arrangements for appeals are set out in further detail in Appendix A

An Employee may appeal in writing against a formal sanction or dismissal decision should they believe it to be wrong or unjust. Appeals should be made within 5 working days of receipt of the written outcome to the Clerk to the Governing body or nominated person and include clear reasons as to why the appeal should be considered.

Grounds for Appeal may include, but are not limited to:

- Unfairness of the decision

- That the sanction imposed was unreasonable
- That new evidence has come to light
- Procedural irregularities.

The letter of appeal must state which of the above grounds the employee wishes to appeal against and the reasons for this. Failure to do this will result in the appeal being delayed or in the case of continued failure to provide the grounds of appeal may result in the appeal being declined on the grounds that it has not been submitted in an appropriate and timely manner.

Any supporting information must be submitted by the Employee no later than the deadline for the receipt of an appeal. If a late submission is received the panel has discretion as to whether to accept this and make provision for an adjournment during the hearing to consider this. The panel reserves the right to disregard this information.

The School will provide the Employee with copies of any documents which will be referred to during the appeal in advance and usually no later than 5 working day before the appeal hearing.

An appeal hearing will be convened at the earliest opportunity, and wherever possible usually within 20 working days of receipt of the Employee's written appeal

A workplace colleague or trade union representative may accompany an Employee to an appeal.

The purpose of the appeal is to review the original decision on the basis of the grounds for appeal presented by the Employee. The outcome may be:

- To uphold the previous decision in full
- To uphold the Employee's appeal in full and withdraw any sanction.

The panel may not impose a higher level of sanction than reached previously.

The Employee will be notified in writing of the outcome of the appeal, usually within 5 working days of the decision being made.

The Employee will be advised how they will be notified of the outcome. The outcome may be issued by letter or email. If by letter t will be deemed sufficient for the school to issue written confirmation of the outcome of the hearing to the Employee's last known address. Where the outcome is to be issued by email an appropriate email address with be sought and verified with the Employee.

The decision of the appeal panel is final and there is no further right of appeal.

Part C Additional Considerations in the Management of Absence and Ill Health

26. Non attendance at formal meetings and hearings

Where an Employee or their representative is unavailable to attend they should inform the School at the earliest opportunity.

If an Employee's representative is unavailable, a hearing or appeal may be deferred by up to 5 working days from the date of the original meeting.

Other than in exceptional circumstances only one postponement of a hearing will be granted.

In some instances it may not be possible for the Employee to attend meetings due to the nature of their illness. The School will consider rescheduling meetings where this is reasonable and practicable.

The School reserves the right to hold a hearing / appeal or meeting in the Employee's absence where all reasonable efforts to secure their attendance have been unsuccessful. In this event the Employee will be given the opportunity to make written representations or to be represented by a workplace colleague or trade union representative.

Should the Employee not attend and no representations be received the Headteacher / panel will make a decision as to the outcome based on the available information and write to the Employee with the decision.

It will be deemed sufficient for the Academy to issue written confirmation of the outcome of the hearing / appeal to the Employee's last know address.

27. Duty to Disclose

Employees are responsible for ensuring they are fit to carry out their duties and be within the workplace.

Employees should inform the Headteacher if they have a medical condition or are taking prescription medication which may impair their work performance and / or affect their health and safety or that of others. Upon disclosure the school will consider any adjustments or support which may be appropriate. A risk assessment or guidance of an Occupational Advisor may be sought to identify appropriate support or control measures.

28. Absence during the probationary period

The School will monitor attendance during an Employee's probationary period. Any concerns will be managed in accordance with the School's probationary provisions and without recourse to this full procedure.

29. Absence / poor performance related to an ongoing medical condition or disability

Guidance Note:
A person has a disability if they have a physical or mental impairment which has lasted or is likely to last for at least 12 months or for the rest of the person's life and where the impairment has a substantial adverse effect on their ability to carry out normal day-to-day activities. (Equality Act 2010).

Cancer, HIV infection, and multiple sclerosis are deemed disabilities from the point of diagnosis. Progressive conditions and those with fluctuating or recurring effects will amount to disabilities in certain circumstances.

In instances where an Employee's disability or ongoing medical condition has an impact on performance in the workplace advice may be sought from an Occupational Health Advisor in the first instance to identify measures that can be put in place to support the Employee. This may include consideration of reasonable workplace support and adjustments under the provisions of the Equalities Act 2010 and / or redeployment to an alternative role.

Regular informal review meetings will be arranged to monitor the situation.

Where all reasonable adjustments have been considered and should there be an ongoing impact on performance, these concerns may be addressed through the School's Capability Procedure.

30. Absence arising from management action to address performance / conduct concerns

In instances where absence arises directly from management action to address performance and / or conduct concerns or as a result of a grievance complaint – the School may seek immediate advice from an Occupational Health Advisor regarding how to support the Employee and manage the absence and / or progress the management of the other concerns.

The absence of the Employee will not usually prevent the school proceeding with action to address other concerns. However each case will be considered on a case by case basis and after consideration of the circumstances.

31. Ill Health Retirement

If an Employee is unable to return to work or carry out the full duties of their role due to continuing ill health an application for ill health retirement may be appropriate. Referrals for ill health retirement will be made in accordance with the provisions of the Teachers' Pension Scheme or the Local Government Pension Scheme (for Support Staff).

32. Medical Suspension

The School reserves the right to suspend Employees in accordance with their duty of care on medical grounds, pending medical / occupational health advice, should their presence at work be deemed to be detrimental to the health, wellbeing and safety of the individual, colleagues or pupils. Any such suspension will be confirmed in writing, be for a limited period of time and reviewed regularly.

Where a medical suspension is in place, absence review meetings may be expedited once appropriate medical / occupational health advice is received.

Such suspensions are made on normal pay and do not count against an Employee's sick leave entitlement or pay.

33. Time off for Medical Appointments

Prior approval must be sought for time off for medical appointments during working hours.

Wherever possible, routine medical appointments should be made outside of working hours.

Should this not be possible the School may allow reasonable paid time off to attend such appointments. The School may seek confirmation of the appointment by asking the Employee to provide an appointment letter / email / text or other evidence where available.

Whenever possible, appointments should be made at the beginning or end of the School day to minimise absence.

The School reserves the right to require an Employee to reschedule non urgent appointments where their absence would have an adverse impact on the operation of the School.

Where appointments and/or treatment are related to a long term condition or disability then a discussion may be held with the Employee to discuss a likely pattern of absence for treatment and any appropriate adjustments

Reasonable time off for medical appointments will not be recorded as sickness absence.

34. Time off for Elective Procedures

Elective Procedures are those that are not considered to be medically necessary and may include cosmetic surgery / dental treatment / laser eye treatment.

Employees should discuss any requests for time off for this reason at the earliest opportunity.

It is not the School's policy to grant authorised paid leave for appointments and procedures which are elective.

Employees should endeavour to schedule appointments related to elective procedures in non working time. Where this is not possible flexible working arrangements or unpaid leave will be considered at the discretion of the Headteacher.

Wherever possible elective procedures and the consequent recovery time should be planned during school holidays. Where elective procedures take place during term time unpaid leave or annual leave (in the case of employees contracted all year round) may be requested for such absence.

Should the consequences of an elective procedure make the Employee unfit for work a 'fit note' is required from the first day of absence. Usual sick pay entitlement would apply.

Certain elective procedures may be required to correct or prevent sickness absence arising from a diagnosed medical condition – e.g. surgery to fit a pacemaker / hip replacement. In such circumstances reasonable paid time off will be granted for appointments. For these procedures time off on the day of treatment will not usually be regarded as sickness absence and paid authorised absence will be granted. Following the treatment or procedure any recovery time during which the Employee is unfit for work will be regarded as a sickness absence. A fit note is required and usual sick pay entitlement would apply.

35. Time off for Fertility Treatment

Guidance Note:
Whilst there is no legal obligation to grant paid time off for fertility treatment, Schools are encouraged to consider allowing periods of paid leave as part of good practice.

Enhanced leave provisions are offered under Kent Scheme Conditions of Service – Schools may wish to mirror this provision for teaching staff. Please refer to the Model Special Leave Policy for further information

Employees are invited to inform the Headteacher as soon as any plans to undergo fertility treatment have been confirmed to enable the School to consider how best to provide support.

Please refer to the School's Special Leave Policy for details of any leave arrangements which may be available.

Should the consequences of fertility treatment make the Employee unfit for work a 'fit note' is required from the first day of absence. Usual sick pay entitlement would apply.

36. Absences Related to Drug & Alcohol Dependency

Where an Employee has a drug or alcohol dependency which is impacting on their

work or has the potential to impact on their work, they should discuss this with the Headteacher.

Absences related to a declared drug or alcohol dependency will usually be managed as medical issue in the first instance. Where an Employee engages with the School regarding addressing their dependency, consideration will be given to how best to support the Employee. Guidance may be sought from an Occupational Health Advisor. Advice may also be sought from the individuals GP or counsellor as appropriate, with the consent of the member of staff concerned.

Reasonable periods of absence for advice and treatment for dependence on alcohol or drugs will be treated in accordance with usual policies on sickness absence and time off for medical and / or counselling appointments.

Disciplinary action may be considered where misconduct arises from the use of alcohol or drugs or where an Employee refuses to engage with the School.

Any information disclosed to the Headteacher will be treated with the strictest confidence, within the limits of what is practicable and within the law.

37. Communicable Diseases

Employees should adhere to advice from Government / Public Health England with regards to communicable diseases.

Should an Employee believe that they have come into contact with a disease that could present a risk to public health they should inform the School and await advice from the Headteacher as to whether they should refrain from school duties. The Employee would usually expect to continue school duties except in the event of a notifiable disease.

The Headteacher may seek advice from Occupational Health and consider the medical advice given to the Employee when determining whether the Employee's presence in the workplace presents a risk to themselves or others. The Headteacher may determine that the Employee should remain off work until advised that it is appropriate for them to return.

The Employee may be entitled to their usual contractual pay and for the duration of the absence not to be deducted from their entitlement to sick leave / pay if the conditions of the relevant occupational sick pay scheme have been met.

Should there be an infectious disease in the workplace which may place certain Employees at particular risk – the School will discuss with those individuals how such risks can best be minimised and managed.

38. Accidents at work or due to a Third Party

Employees should notify the Headteacher or other appropriate person of any accident or injury that occurs due to no fault of their own during the course of their work and follow the school's procedures for reporting and recording such incidents.

Support staff will receive normal contractual sick pay in these circumstances. This should be recorded separately to other sickness absence.

Teachers who are absent following an accident / injury at work will be paid in accordance with the provisions set out in the Burgundy Book.

Employees should notify the School of accidents / injuries where damages may be recoverable from a Third Party. An Employee who is absent from work as a result of an accident and receives damages in respect of loss of pay from a third-party claim will be required to refund to the School any sick pay paid to them in relation to the incident.

39. Disclosure of formal sanctions in employment references

Guidance Note:
In accordance with the 2010 Equality Act Schools are advised to make reasonable enquiries to verify this information is being sought by a prospective employer after an offer of employment has been made

Should an Employee have an unexpired formal sanction on file relating to attendance – this will be disclosed, upon written request, in any reference provided by the Employer to a prospective Employer. In the case of teachers this information will be provided in accordance with the requirements of the School Staffing (England) Regulations.

40. Minuting Meetings and Record Keeping

All absences will be recorded. Notes may be taken of all discussions and formal / informal meetings held with an Employee to discuss attendance and ill health issues. Where notes are taken a copy or summary will be made available to the Employee.

Minutes may be taken by a clerk who is present at the meeting or transcribed from an audio recording. An audio recording will only be made with the prior consent of the Employee.

Minutes will be shared with the Employee as soon as practicable and in any event before any appeal hearing takes place. The Employee will have the opportunity to check the accuracy of the minutes / notes taken of their evidence and submissions. Where there are discrepancies between the Employer and Employee that cannot be resolved both versions of the minutes will be held on record. Where an audio recording is made this will be shared with the Employee if requested.

Covert recordings of meetings or hearings are expressly prohibited.

41. Confidentiality and Data Protection

The School recognises its obligations under the General Data Protection Regulation and associated legislation and the rights of Employees with regards to the personal

data held on them.

All records relating to the management of Absence and Ill Health will be gathered, processed, held and shared in accordance with the requirements of the General Data Protection Regulation and Data Protection Act.

All records and information, including those relating to any sanction imposed, are a matter of confidence between the School and the Employee. In certain limited circumstances this information may be shared by the School – for example in the provision of employment references to prospective Employers

Please refer to the School's Data Protection Policy and Privacy Notice for further details.

42. Suspected non genuine absence

Where it is suspected that an absence is not genuine or that false sickness declarations have been made the School may, after appropriate investigation, address the matter through the School's disciplinary procedure.

43. Advice and Support to Employees

Employees are advised to seek support from their Trade Union Representative or Professional Association with regards to absence issues. Employees may address questions about this procedure to the Headteacher or other delegated staff member.

Appendix A: Delegated Responsibility

Guidance Note:

Under the School Staffing Regulations 2009, dismissal decisions may be delegated to either:

- The Headteacher
- One or more governors

- One or more governors acting together with the Headteacher

Governors should therefore determine delegation arrangements for formal hearings within their own School.

Schools are advised to seek guidance from their personnel provider on the appropriate composition of formal panels given the circumstances to ensure a fair, impartial and objective process.

In instances where there are insufficient governors available to sit on a hearing or appeal panel, new members may be appointed to the Governing Body to hear the case or any subsequent appeals.

Informal Action

Informal action may be delegated to line managers where appropriate.

Formal Action

Formal hearings to consider matters short of dismissal may be delegated to another manager or the Headteacher.

Where matters are heard by a manager - appeals against any sanction imposed will be heard by the Headteacher. Where the Headteacher has considered the matter – appeals will be heard by a panel of one or more governors.

Dismissal Decisions

In this school responsibility for dismissal decisions has not been delegated and therefore formal hearings to consider dismissal will be heard by a panel of one or more governors who have had no prior involvement in the matter under consideration.

Appeals will be heard by a further panel of one or more governors who have had no prior involvement in the matter under consideration.

Staff governors should not usually be a member of a governor panel and where they are must ensure that they can deal with the matter impartially and objectively.

The following table sets out the provisions which would normally apply.

Informal Action taken by	Formal hearing heard by	Appeal heard by
Line Manager	Another more senior Manager or Headteacher – for matters short of dismissal 1 or more Governors where dismissal is a possible outcome	Headteacher or 1 or more governors

Headteacher	1 or more governors	1 or more governors

Matters relating to the Headteacher

Where the headteacher is absent the same principles in relation to reporting, certification and management will apply and will be addressed by the Chair of Governors.

Informal action is the responsibility of the Chair of Governors.

Formal hearings will be heard by a panel of one or more governors who have had no prior involvement in the matter under consideration.

Appeals will be heard by a further panel of one or more governors who have had no prior involvement in the matter under consideration.

Staff governors should not usually be a member of a governor panel and where they are must ensure that they can deal with the matter impartially and objectively.

Informal Action taken by	Formal hearing heard by	Appeal heard by
Chair of Governors	1 or more governors	1 or more governors

Additional Considerations for Community and Voluntary Controlled Schools.

In accordance with the 2009 School Staffing Regulations where a decision is made by a Community or Voluntary controlled school to dismiss an Employee the Local Authority (via the HR Connect Consultancy team) must also be informed of the decision and reasons for this by the School. HR Connect, acting on behalf of the Local Authority, will then confirm the dismissal decision and any appropriate notice in writing to the employee within 14 working days of the date the Individual was notified of the decision.

Appendix B: Guidance for Hearings and Appeals

General

Hearings and Appeals should take place at a reasonable time and place usually during the Employee's normal working hours, unless agreed otherwise with the Employee and, in the case of Employees who work term time only, during the School term. These arrangements may be varied by mutual agreement.

Hearings may take place either in person or virtually, or a combination of both.

Where a hearing takes place in person, consideration should be given to the venue for the hearing. There should be adequate rooms for the parties and arrangements to ensure that the hearing is conducted with discretion and confidentiality maintained. A venue away from the School site may be appropriate in certain circumstances.

The precise procedure to be followed will vary depending on the particular circumstances of each case, but in general the following will apply:

Role of the Panel / Manager Hearing the Case

It is the role of the panel / manager hearing a case to consider the evidence presented and decide whether on the balance of probabilities:

- The case against the Employee has been established, and
- Whether it is appropriate and reasonable to issue a formal warning or dismiss the employee.

Should an Employee appeal the outcome of the hearing it is the role of the panel / manager considering the appeal to review the original decision on the basis of the grounds for appeal presented by the Employee and consider whether the original outcome was within a range of reasonable responses given the circumstances.

If the case is to be heard by a panel, a chair will be identified who will have responsibility for facilitating the hearing.

The Role of the Representative

The Employee has the right to be accompanied to a hearing or appeal meeting by either a workplace colleague or recognised trade union representative.

The representative may address the hearing to put and sum up the Employee's case, respond on behalf of the Employee at the hearing and confer with the Employee during the hearing. The representative does not have the right to answer questions on the Employee's behalf, address the hearing if the Employee does not wish it or prevent the Employer from explaining their case.

The Role of the HR Advisor

The School may request that a HR Advisor attends a hearing or appeal meeting whose role is to advise the panel on the procedure and any points of employment law.

A further HR Advisor may also be in attendance to support the School in the presentation of their case.

The HR Advisor may be allowed to ask questions and clarify issues on behalf of the party they are supporting.

Procedure for Hearings

- The manager hearing the case / chair of the panel will introduce those present and their roles, explain the case to be considered, the procedure to be followed and the format of the hearing.

- The Schools' representative presents their case including and referring to written submissions / evidence. The Employee and their representative and panel may ask questions of the School's representative.

- The Employee or their representative presents their case including presenting any mitigating circumstances. The School's representative and panel may ask questions of the Employee and their representative.

- Adjournments may be requested by both parties or by the manager / panel during the hearing.

- Both parties have the opportunity to sum up their cases, with the Employee or their representative having the final word.

- The hearing will then be adjourned whilst the panel deliberates over the evidence. If further clarification is required both parties may be recalled and the hearing reconvened so that all parties may hear any additional evidence.

- The hearing is reconvened and the outcome is communicated verbally to the Employee. This should also be confirmed in writing. On occasion it may not be possible for the panel to reach a decision on the day of the hearing in which case the hearing may be reconvened or all parties may agree for the outcome to be communicated in writing within 5 working days of the decision being made.

Procedure for Appeals

- The manager hearing the case / chair of the panel will introduce those present and their roles, explain the case to be considered, the procedure to be followed and the format of the meeting.

- The Employee or their representative shall put the case in support of the grounds for appeal, including any mitigating circumstances. This may include referring to written submissions and evidence. The School's representative and panel may ask questions of the Employee and their representative.

- The School's representative presents the case for upholding the previous manager / panel's decision and refer to written documentation. The Employee and their representative and panel may ask questions of the School's representative.

- The manager hearing the case / panel will invite both parties to sum up their cases, with the Employee or their representative having the final word. The hearing will then be adjourned whilst the panel deliberates over the evidence.

- Adjournments may be requested by both parties or by the panel during the appeal hearing. If new evidence is presented the appeal may need to be adjourned while this is investigated.

- The appeal hearing will then be adjourned whilst the panel deliberates over the evidence. If further clarification is required both parties may be recalled and the hearing reconvened so that all parties may hear any additional evidence.

  The appeal hearing is reconvened and the outcome is communicated verbally to the Employee. This should also be confirmed in writing. On occasion it may not be possible for the panel to reach a decision on the day of the hearing in which case the appeal may be reconvened or all parties may agree for the outcome to be communicated in writing within 5 working days of the decision being made.

Appendix C: Entitlement to Contractual Sick Pay

Teachers Employed Under Burgundy Book Terms and Conditions

Service Required	Sick Pay Entitlement
During the first year of service	Full pay for 25 working days and, after completing four calendar months' service, half pay for 50 working days.
During the second year of service:	Full pay for 50 working days and half pay for 50 working days.
During the third year of service	Full pay for 75 working days and half pay for 75 working days.
During the fourth and successive years:	Full pay for 100 working days and half pay for 100 working days.

- *Please note entitlement is based on aggregated (total) teaching service in Maintained Schools. Previous local government service in non teaching posts does not qualify.*

Support Staff Employed under Kent Scheme Terms and Conditions

Service Required	Sick Pay Entitlement
Up to 4 months' service	1 month full pay
During year 1 (after 4 months' service)	1 month full pay + 2 months ½ pay
During year 2	2 months full pay + 2 months ½ pay
During year 3	4 months full pay + 4 months ½ pay
During year 4 & 5	5 months full pay + 5 months ½ pay

After year 5	6 months full pay + 6 months ½ pay

- *Please note support staff engaged on a temporary basis of 4 months or less are entitled to Statutory Sick Pay or Employment and Support Allowance (formerly Incapacity Benefit) only. After 4 months continuous service staff will be entitled to the contractual sick pay benefits above*
- *Please note entitlement is based on continuous local government service.*