



**Education
Partnership
Trust**

Creating outstanding schools
which transform learning, lives
and communities

LONG TERM SICKNESS ABSENCE MANAGEMENT POLICY

DOCUMENT CONTROL

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1.0 PURPOSE

- 1.1 This model procedure provides a framework for schools to manage cases of long-term sickness absence. The procedure is intended to give clear guidance to all parties in dealing with long-term absence.
- 1.2 The definition of a long-term absence is one lasting a minimum of 28 calendar days.
- 1.3 This policy has been produced following consultation with the recognised Trade Unions.
- 1.4 Absence records are confidential to those persons involved. Schools should be mindful of the requirements of the Data Protection Act 2018 and compliance with GDPR.

2.0 APPLICATION

- 2.1 This procedure has been adopted by the Education Partnership Trust and forms part of the contract of employment of all staff.
- 2.2 This procedure has been written on the understanding that the day-to-day management of attendance is undertaken by the Headteacher (or nominated person), and dismissal decisions are taken by the Attendance and Dismissal Committee of the Governing Body. However, in accordance with the provisions of the Education Act 2002 and its associated School Staffing (England) Regulations 2003 and 2009 and The School Staffing (England) (Amendment) Regulations 2015, the Governing Body may elect to delegate the power to make dismissal decisions to the Headteacher. Appeal will be referred to the Appeal committee of the Local Governing body. If the responsibility for dismissal decisions rests with the Headteacher, to preserve the integrity of the managing attendance process, the Governing Body should delegate the responsibility for the day-to-day management under this procedure to another member of the School Leadership Team, thereby leaving the Headteacher available to consider what action should be taken at the end of the formal procedures, including dismissal.
- 2.3 In these cases, any reference to the role of the Headteacher within this procedure should be taken to mean the member of the School Leadership Team responsible for the day-to-day management of attendance (identified with an asterisk (*) throughout this procedure).
- 2.4 Nothing in this procedure shall prevent an employee from exercising their statutory rights under employment law to register a claim with an employment tribunal.

3.0 GENERAL PRINCIPLES

- 3.1 In all cases of long-term absence, it is important that the school maintains regular contact with the absent employee in relation to their absence, unless exceptional circumstances apply. Appropriate informal social contact should also be encouraged, with an appropriate person in school and frequency and method of contact is to be agreed by all parties.
- 3.2 Where any action under this procedure may have implications for an employee's salary or their continued employment, they should be advised to seek advice from their trade union. At any

meeting convened under this procedure, the employee may be accompanied by a work colleague or representative from a recognised trade union.

- 3.3 Where the absence(s) is due to a condition that could be classed as a disability under the Equality Act 2010, advice should be sought from Human Resources in relation to the procedure and its application on a case-by-case basis.
- 3.4 An equality impact assessment of this policy will be undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.
- 3.5 In such circumstances whereby consideration of alternative employment is required, this may be within the employees own School and those within the Trust.

4.0 MEDICAL REFERRAL PROCEDURE & OUTCOMES

- 4.1 The responsibility for the management of long-term absence cases rests with the School, supported by Human Resources. Each school will need to ensure that all employee absence is monitored and will need to ensure that they are able to supply the information required to make a referral to the Occupational Health Unit (OHU).
- 4.2 A referral for a medical opinion from the OHU should be made in the following circumstances:
 - Where an employee has been absent from duty for four weeks or more due to sickness; or
 - If the employee has been absent from duty with stress, depression, anxiety or any other mental health condition, the referral should be undertaken when the first medical certificate is received; or
 - If the employee is absent with an industrial injury or other work-related condition, a referral should be undertaken immediately; or
 - There have been a number of shorter periods of sickness, (see Repeated Short-Term Absence Procedure); or
 - The Headteacher*/Governors of the school have justified concerns about the ability of the employee to carry out their duties because of a medical condition,
- 4.3 There is a need for discretion and tact in requiring an employee to attend an OHU assessment, taking into consideration the circumstances of the case. In certain circumstances, it may be appropriate just to monitor the case over a longer period of time rather than referring it to the OHU, e.g. post hysterectomy, broken bones, end dated or terminal illness.
- 4.4 It should be noted that, in cases where employees who have contact with children suffer from pulmonary tuberculosis, epilepsy, psychiatric disorders or other such conditions, action should be taken to refer the employee to the OHU without delay.
- 4.5 Where it is decided that the employee should be referred to the OHU, the Headteacher* or nominated person should contact the employee to inform them of the referral, before the referral is made. In all cases, the employee should be informed that they may find it helpful to seek the advice and guidance of their trade union/professional association.

- 4.6 In the case of teachers, the Education (Teachers' Qualification and Health Standards) (England) Regulations 1999 apply. These regulations state that employees may be required to submit to medical examination if requested to do so. The same requirement applies to support staff.
- 4.7 If the employee decides that they wish to pursue ill health retirement they should be encouraged to consult their trade union/professional association, so they are fully aware of the implications of their application.
- 4.8 The prime responsibility for initiating the referral process rests with the school. The referral should contain factual details and provide details of the illness, the duties and responsibilities of the postholder, any problems which have come to light in undertaking the duties and responsibilities as a consequence of the medical condition, the likely length of absence, possible adjustments to enable a return to work and any other relevant information. In completing the referral, the manager should bear in mind the fact that the referral may be seen by the employee at a later date.
- 4.9 OHU may consider it appropriate for a medical report to be sought from the employee's own medical practitioner. If this is the case, the employee will be asked to sign a consent form, sent by the OHU, which will set out their rights under the Access to Medical Reports Act 1988, including the right to see the report prior to it being sent to the Trust's Occupational Health Adviser.
- 4.10 An OHU appointment will normally be arranged within 2 weeks of the referral. The OHU will notify the employee of the date of any appointment once the appointment date has been set.
- 4.11 All school employees are required, under their conditions of service, to attend a medical consultation arranged by the OHU and failure to do so without a reasonable explanation being provided to the Headteacher or nominated person, or failure to notify School and OHU of intended non-attendance may lead to formal disciplinary action or may lead to decisions being taken on the basis of the existing level of knowledge about the absence. It may also disqualify employees from the benefits of the occupational sick pay scheme, in accordance with their conditions of service.
- 4.12 Following the OHU appointment, the OHU will prepare a report, which will be available on the on-line system. A copy of the report should be provided to the employee by the Headteacher* if requested.
- 4.13 Depending upon the circumstances of the case, a meeting may be convened by the Headteacher* to discuss the implications of the OHU report and the sickness absence procedure with the employee. At this meeting, the Headteacher* may be accompanied by Human Resources. The employee has the right to be accompanied by their trade union representative or a work colleague at this meeting. In exceptional circumstances, the Headteacher* may not be present at this meeting and the meeting may take place away from the school premises, or outside of school time.
- 4.14 Normally, the outcome of the medical referral and any subsequent discussion with the Headteacher* will be one of the following: -
 - the employee is fit to return to the full duties of the post, therefore a return-to-work date is agreed;
 - the employee is fit to return to the duties of the present post subject to there having been some 'reasonable adjustment' carried out and/or the benefit of a rehabilitation programme, possibly, through a phased return to work, therefore a return to work date is agreed. The suggestion of adjustments may arise from the OHU report or from a GP fit note;
 - the employee is permanently incapable of discharging efficiently the duties of the present post, but fit for other comparable employment within the school (where this is available);

- the employee is permanently incapable of discharging efficiently the duties of the present post or any other comparable employment within the school (where this is available) (see Section 5 below);
 - the case should be reviewed at a later date; the matter may be referred to the Attendance and Dismissals Committee of the Governing Body or Headteacher (where the Governing Body has delegated the power to make dismissal decisions to the Headteacher). If this is the case, the employee should be informed of this intention, and of the possible outcomes of such a committee meeting regarding the possible impact on their future employability within school prior to the meeting of the Attendance and Dismissals Committee being convened.
- 4.15 In consideration of the above when dealing with an employee suffering from a disability, the Headteacher* should consider their duty to make reasonable adjustments under the Equality Act and should consider any advice from the OHU in relation to risk assessments. The Headteacher* should also seek and consider advice from Human Resources.
- 4.16 In cases where the OHU and the employee's medical adviser agree that the employee is permanently incapable of efficiently carrying out the duties and responsibilities of the employee's present post, or any other comparable employment within school (where this is available), the Headteacher* should arrange a meeting with the employee and their representative to discuss the implications of that decision. In these circumstances, the Headteacher* should seek and consider advice from HR.
- 4.17 Where the Occupational Health Adviser determines that the employee is permanently incapable of discharging the duties of the present post efficiently but is fit for comparable employment within school (where this is available), consideration should be given to the school making alternative arrangements, in consultation with OHU/HR Team, by discussing the following points. This is not an exhaustive list, and other support can be considered where appropriate: -
- job restructuring;
 - relinquishing some responsibilities;
 - changing to job share or part-time work;
 - being re-trained;
 - modifications to the workplace or to working practices;
 - the use of technical aids.
- 4.18 Such alterations should also be considered under the provisions of the Equality Act 2010 to assist the employee in gradually returning to full-time employment. Where appropriate, any proposal in relation to alternative duties should be discussed with the HR Team and with the OHU (if necessary) before the amendment to the role is made.
- 4.19 Where the employee agrees with a recommendation of permanent incapacity, an application for ill health retirement benefits should be pursued where appropriate.
- 4.20 If suitable alternative employment within the school is identified and offered but is rejected by the employee and if they are in agreement with the medical opinion with regard to permanent incapacity, the matter should be referred to the Attendance and Dismissals Committee, who may decide to terminate the contract of employment on the grounds of permanent ill health. Any appeal against such a dismissal decision may be accepted where it is submitted that the alternative employment which has been offered is not comparable or suitable. The employee must also be made aware that refusal of the offer of comparable employment would result in no automatic entitlement to pension benefits being paid upon dismissal.

- 4.21 Where it is felt there are no suitable alternative employment or the employee refuses to accept the medical advice or there is continuing disagreement, the matter should be referred to the Attendance and Dismissals Committee, who may decide to terminate the contract of employment on the grounds of permanent ill health.
- 4.22 Any appeal against dismissal by the Attendance and Dismissals Committee will be heard by the Appeals Committee. The appeal outcome will be final. There will be no further right of appeal against dismissal.

NOTE:

In this context 'permanently incapable' means incapable of discharging the duties of the post until the employee's normal retirement age.

Alternative/comparable employment is defined as employment in which, when compared to an employee's present employment, the contractual provisions as to capacity are the same or differ only to an extent that is reasonable. The following factors will be taken into account: the nature of the employee's ill health or infirmity of mind or body, the contractual provisions as to location, remuneration, hours of work, holiday entitlement, sickness or injury entitlement and other material terms that do not differ substantially from those of the employee's present employment.

5.0 ILL HEALTH RETIREMENT (IHR)

- 5.1 Any teacher considering an application for IHR benefits should be advised to consult with their trade union/professional association, before submitting their application. In making such an application, the teacher will be reminded that in doing so, they are indicating to their employer that they believe themselves to be permanently unfit to teach. For further details of the IHR process, visit the TPS website at www.teacherspensions.co.uk.
- 5.2 Any support staff member of staff considering an application for IHR benefits are advised to consult with their trade union representative before submitting their application. Further details regarding the ill health retirement can found on the Your Pension Service website www.yourpensionservice.org.uk.

6.0 TEMPORARY INCAPACITY

- 6.1 If the OHU advises that the employee is not permanently incapable of carrying out the duties and responsibilities of the post and may be capable of returning to work, the Headteacher* will continue to monitor the case. In these circumstances, it may be necessary for the Headteacher* to arrange a meeting with the employee to discuss the return-to-work arrangements or discuss the situation if no return to work is forthcoming. Where it appears that the employee will be fit to return to their duties in the near future, no further action may be required.
- 6.2 Where it is apparent from the OHU report that the employee will remain absent from duty for some time but may return, the Headteacher* should discuss the matter with a member of the HR Team in order to determine what action could be taken. A meeting may also be arranged with the employee to discuss the options available. The alternatives available include: -

- continuation of monitoring;
 - the possible application for ill health retirement benefits;
 - phased re-introduction to work;
 - restructuring of the employee's duties and responsibilities;
 - retraining;
 - any other reasonable adjustments recommended by the OHU or on the GP fit note.
- 6.3 In case of more prolonged absence, where the OHU continue to be unable to make any firm prognosis regarding return to work or ill health retirement, a meeting/interview should take place with the employee, accompanied if they so wish by a work colleague or trade union/professional association representative, to discuss the findings of the medical report, the implications of the continued absence, to inform the employee of the process and outcomes of an Attendance and Dismissals Committee hearing and to consider any comments made by/on behalf of the employee.
- 6.4 Any meeting or interview with the employee should be arranged by the Headteacher*, with the advice of HR. The meeting should address alternative mechanisms for the continuation of employment, several of which are outlined above. If a mutually acceptable return to the work situation is not identified, a decision as to whether the matter should be referred to the Governing Body's Attendance and Dismissal Committee or Headteacher (where the Governing Body has delegated the power to make dismissal decisions to the Headteacher) should be taken, in consultation with the Schools HR Team and the Headteacher*/Chair of Governors as appropriate, having considered:
- the available medical advice;
 - the nature of the illness;
 - the pattern of absence;
 - the overall absence record
 - the likelihood of a return to work in the foreseeable future;
 - the operational needs of the school; - the impact on other employees.
 - any implications arising from the Equality Act 2010

7.0 TERMINATION OF EMPLOYEE'S SERVICES

- 7.1 Where it is decided that all alternatives have been exhausted and termination of the employee's contract of employment should be considered, advice must be sought from the HR Team, as in the case of all dismissals.
- 7.2 Circumstances in which consideration may be given to terminating an employee's services include: -
- where the OHU determine that an employee is permanently unfit to carry out the duties of their present post or any other comparable employment within school (where this is available), and the employee does not wish to pursue ill health retirement;
 - where the OHU determine that an employee is permanently unfit to carry out the duties of their present post but is fit for other comparable employment within school (where this is available) and all other employment alternatives have been considered, including modifications to the workplace and/or working practices, but no such comparable employment has been identified;
 - where the employee does not agree with the medical opinion with regard to permanent unfitness.
 - where the employee has been advised to seek ill health retirement on the basis of medical advice but refuses to do so;
 - where the OHU is unable to reach a decision on permanent unfitness.

- where neither OHU nor the employee are able to indicate a return-to-work date in the foreseeable future;

7.3 In these circumstances a report will be made to the Governors' Attendance and Dismissal Committee or Headteacher (where the Governing Body has delegated the power to make dismissal decisions to the Headteacher). The Committee will consider whether to monitor the case further or to take a decision to terminate services on the grounds of permanent or temporary incapacity, having regard to the circumstances of the case, and the factors set out above. The procedure to be followed at the meeting is outlined at Appendix A.

8.0 MEDICAL DISORDERS (TEACHERS AND OTHER EMPLOYEES HAVING CONTACT WITH CHILDREN)

- 8.1 In cases where a teacher is found to be suffering from a contagious disease or a condition such as pulmonary tuberculosis, epilepsy, a psychiatric disorder or other such condition, the matter should be referred to the OHU. The employee may be asked not to work until the OHU has given clearance.
- 8.2 In some cases, the employee's General Practitioner may sign the employee off as being fit to work but they may not be allowed to return to duty until the OHU has made a decision, even if this means suspending the employee from duty on full pay. A suspension on medical grounds would need to be based on advice from Occupational health, and Human Resources.
- 8.3 Headteachers* must take immediate action when they consider a teacher may have become medically incapable of performing teaching duties if this may put at risk the health, education, safety or welfare of pupils.

9.0 INDUSTRIAL INJURY

- 9.1 Where an employee is absent from duty due to an accident which arose out of, and in the course of, their employment, this may be treated as an industrial injury. The Headteacher must consider each case on an individual basis and make a decision on whether the absence is due to an industrial injury. Where there is any doubt as to whether it should be treated as an industrial injury, the Headteacher should seek advice from HR.
- 9.2 The Headteacher should inform the employee that the case is held to be an industrial injury and should ensure that any relevant paperwork is completed e.g. HS1, RIDDOR form etc, in consultation with the employee.

9.3 Teachers

Paragraph 9 of the Burgundy Book outlines the provisions relating to absence arising from accident, injury or assault at work. These provisions apply equally to absence caused by both physical injury and clinically diagnosed psychological injury.

If the case is held to be an industrial injury, teaching employees are entitled to full pay for a maximum period of 6 months, which is not deducted from the normal sick pay entitlement, though such absences are reckonable for entitlement to Statutory Sick Pay.

9.4 Support staff

If the case is held to be an industrial injury, support staff employees are entitled to full pay for a maximum period of 9 months, after which time the employee will receive half pay entitlement under the Occupational Sick Pay Scheme.

10.0 EXPIRY/REDUCTION OF SICK PAY

- 10.1 Not less than one month before the full pay/half pay of a teacher is due to expire, HR should check the amount of aggregated teaching service and, where appropriate, implement the award of an extension of sick pay.
- 10.2 Extensions are not normally granted where there is no expectation of the teacher returning to duty, e.g. where the employee has applied for or Teachers' Pensions have already approved an application for failure of health retirement benefits. Where such applications are still being considered, extensions to sick pay will not normally be granted as the teacher has indicated to the employer that they consider themselves to be permanently unfit to teach. Therefore, it is assumed that any return to teaching is unlikely, unless further medical evidence is produced and is accepted which modifies this view and indicates a possible return at some point in the foreseeable future.
- 10.3 All staff should be informed about the payment of incapacity benefits after 28 weeks of Statutory Sick Pay (SSP). This will be undertaken by HR. If they do not, then the school must ensure that the employee is informed and provided with the appropriate form to claim SSP/benefits.
- 10.4 In the case of support staff or where teachers do not qualify for extensions, the HR Service will inform them, in writing, in advance of the date on which they will reduce from full pay to half pay and from half pay to no pay.

11.0 TERMINAL ILLNESS CASES

- 11.1 This procedure may be used for dealing with cases of terminal illness. The Occupational Health Unit can assist in dealing with such cases.
- 11.2 Advice on managing cases of long-term absence due to terminal illness can be obtained from HR and trade union representative, including advice and guidance in relation to financial entitlements and pensions issues. Matters of this nature must be managed sensitively, and employees should be advised to contact their trade union representative in the first instance.

12.0 ABSENCE CAUSED BY NEGLIGENCE Teachers

Based on paragraph 11.1-3 of the Burgundy Book:

- 12.1 If the absence of the teacher is occasioned by the actionable negligence of a third party in respect of which damages are recoverable, they shall advise the employer forthwith and the employer may require the teacher to refund a sum equal to the aggregate of sick pay paid to them during the

period of disability of such part thereof as is deemed appropriate, but not exceeding the amount of the damages recovered. In the event of the claim for damages being settled on a proportionate basis, the employer will require full details and will determine the actual proportion of sick pay to be refunded by the teacher.

- 12.2 If the employer, in consultation with the governing body as appropriate, are of the opinion that the disability which has occasioned the teacher's absence from work is due to their misconduct, or if the teacher has failed to observe the conditions of this scheme, or has been guilty of conduct prejudicial to recovery, the payment of any sick pay under the scheme may be suspended by the employer. In any such case the employer shall inform the teacher of the grounds upon which the payment of sick pay has been suspended. The employee will then be given the opportunity to submit their observations and to appear (accompanied by a representative if they so wish) before the Grievance Committee of the Governing Body. The Committee will thereupon decide whether the disability was due to the conduct of the teacher or whether they have failed without reasonable cause to observe the conditions of the scheme or has been guilty of conduct prejudicial to their recovery, in which case the teacher shall forfeit their right to any payment or further payment of sick pay in respect of that period of absence.
- 12.3 Sick pay shall not be paid in a case of accident due to active participation in sport as a profession unless the employer decides otherwise, though Statutory Sick Pay may be payable".

Support staff

Based on paragraph 10.10 of the Green Book (paragraph 10.10)

- 12.4 If an employee abuses the sickness scheme, or is absent on account of:
- sickness due or attributable to deliberate conduct prejudicial to recovery, or
 - the employee's own misconduct or neglect, or
 - active participation in professional sport, or
 - injury while working in the employee's own time on their own account for private gain or for another employer.
- 12.5 The Governing Body will advise the employee of the grounds for suspension and the employee shall have a right of appeal to the Grievance Committee of the Governing Body. If the Committee decide that the grounds were justified, then the employee shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme will be dealt with under the disciplinary procedure.
- 12.6 If an absence is attributable to the negligence of a third party in respect of which damages are recoverable, the employee should inform the employer. In such cases, the employer may require the employee to refund a sum equal to the amount of sick pay paid to him/her during the period of absence, not exceeding the amount of the damages recovered.

13.0 APPENDIX A - GOVERNING BODY ATTENDANCE AND DISMISSAL COMMITTEE

PROCEDURE FOR CONSIDERATION OF REPEATED AND LONG-TERM SICKNESS ABSENCE AND TERMINATION OF EMPLOYMENT ARISING FROM SICKNESS ABSENCE

A. GENERAL PRINCIPLES

Any consideration of termination of employment should be pursued in consultation with Chief Executive of Education Partnership Trust as in the case of all dismissals.

The employee has the right to attend and/or be represented by a work colleague or representative of a trade union/professional association, at any meeting convened under these procedures. In addition, the employee may be accompanied by a scribe whose only function is to take written notes to serve as a private record for the employee.

The Headteacher*, when presenting a report at any meeting convened under these procedures, has the right to be accompanied by a representative of a professional association to act as adviser (not as the presenter of the case).

At any meetings convened under these procedures, the Chief Executive of the Education Partnership Trust, with a HR representative, is entitled to attend.

The power to adjourn meetings convened under these procedures' rests with the Chair of the meeting. Both parties will be allowed the facility of an adjournment which will not unreasonably be refused.

In schools where the Governing Body have not delegated the responsibility for dismissal decisions to the Headteacher, any reports presented to the Governing Body under these procedures will not be dealt with by the full Governing Body, but by a Committee of the Governing Body set up for that purpose comprising no fewer than three governors. The Governing Body will empower the Disciplinary Committee to sit as an Attendance and Dismissal Committee with delegated powers to deal with matters under both the short term and the long-term sickness absence procedures. The Committee will be empowered to consider and determine matters arising from ongoing temporary incapacity and repeated short-term absence and to consider and determine matters where an employee does not accept a recommendation to seek infirmity benefits.

Any appeal against termination of contract will be referred to the Appeals Committee of the Governing Body.

B. PROCEDURE AT THE HEARING OF THE ATTENDANCE AND DISMISSAL COMMITTEE OF THE GOVERNING BODY

The Attendance and Dismissal Committee will meet as soon as is practicable, once a decision has been taken to submit a report to Governors.

The employee will be informed in writing that a report is being submitted to the Attendance and Dismissal Committee and that the employee can attend and may be represented by a work colleague or Professional Association/Trade Union representative, to respond to the case. Where the employee fails to attend and no reasonable explanation is forthcoming, the matter may be considered in their absence.

The Headteacher* will prepare a report for the Attendance and Dismissal Committee setting out:

- the absence record of the employee over the relevant period (depending upon the nature of the absences) with any patterns/frequencies highlighted which are considered to be relevant
- all correspondence confirming action taken

- a current medical report (where this is available) and any further medical advice relevant to the case.

The Clerk to the Governors will give written notification of the date, time and place of the hearing to the employee and their representative together with a copy of the report to be placed before the Committee at least 10 working days prior to the date of the meeting. If the employee is not able to attend due to the unavailability of their professional association/trade union representative, the representative should suggest an alternative date within 5 working days of the original date.

The employee may (if they wish) submit to the Clerk of the Governors any documents concerning the report for circulation to the members of the Committee prior to the meeting.

The case on behalf of the School will be made by the presenter of the report (i.e. Headteacher*, or other appropriate person e.g. an officer of the Trust) and witnesses may be called to support the case.

Where an employee does not attend the hearing or is not represented but submits written representations, these will be taken into consideration by the committee.

The employee and/or their representative and members of the Attendance and Dismissal Committee will be entitled to question the presenter of the report and any witnesses.

The employee and/or their representative will present a statement of case and present any documents to the Committee and will be entitled to call witnesses to support the case.

The presenter of the report and the Committee will be entitled to question the employee and any witnesses who have been called.

The presenter of the report will have the opportunity to make a closing statement to the Committee and, thereafter, the employee and/or their representative will have the opportunity to do the same.

At the conclusion, the presenter of the report, the employee, their representative and any witnesses will withdraw, and the Committee will reach a decision in private. Advice given by the Chief Executive of the Trust or their representatives must be considered by the Committee. Should any parties need to be recalled clarifying any points of uncertainty, all parties should return notwithstanding that the point giving cause for concern relates to one party only.

Following their deliberations, the decision of the Committee will be conveyed orally to both parties and subsequently confirmed in writing within 5 working days informing the employee of their right of appeal which must be exercised within 10 working days of written confirmation of the decision.

In the event that a decision to dismiss is taken, the employee will receive due notice.

The notice period will commence from the date that the decision to dismiss is taken.

The same procedure will be followed where the Governing Body have delegated the responsibility for dismissal decisions to the Headteacher. In these cases, the Headteacher will assume the role of the Committee and an alternative member of the School Leadership Team will assume the role of the Headteacher. The Headteacher will identify the most appropriate individual to assume the role of the Clerk to Governors.

C. APPEAL PROCEDURES

Any appeal against a decision of the Headteacher (where the Governing Body has delegated the power to make dismissal decisions to the Headteacher) or the Attendance and Dismissal Committee will be referred to the Appeals Committee of the Governing Body.

Appeals will be dealt with by way of rehearing and the order of proceedings as above.

The Clerk to the Governors will give written notification of the date, time and place of the hearing to the employee so as to arrive no later than 10 working days before the date of the meeting and the employee will receive, by that time, a copy of the report and statement(s) (if any), which are to be considered by the Appeals Committee.

The employee may submit any documents concerning the decision of the Attendance and Dismissal Committee or Headteacher (where the Governing Body has delegated the power to make dismissal decisions to the Headteacher). These should normally be made available to the Clerk to the Governors as soon as possible before the date of the meeting, so that they may be circulated with the report and statements.

A copy of the report and statements will be forwarded to members of the Appeals Committee prior to the hearing.

The Appeals Committee will have the power to confirm or alter the decision of the Attendance and Dismissal Committee or Headteacher (where the Governing Body has delegated the power to make dismissal decisions to the Headteacher). In the event that any subsequent appeal reverses the decision, the termination of employment will be rescinded, and any arrears of salary will be reinstated accordingly.

The decision of the Appeals Committee will be final, and no further right of appeal or hearing will be allowed under these procedures. The decision will be conveyed orally to the employee at the conclusion of the appeal hearing by the Chair of the Committee or one of the advisors to the Committee.

The Governing Body will notify the Authority in writing within 5 working days of the meeting of any determination to dismiss and the reasons for it. The Trust will within a period of 14 days (excluding weekends and public holidays) of the receipt of notification inform the employee of the termination of their contract of employment having regard to any period of notice to which they are entitled.

The effective date of dismissal will be the date of the Attendance and Dismissal Committee hearing or Headteacher hearing (where the Governing Body has delegated the power to make dismissal decisions to the Headteacher) where the original decision to dismiss was taken. All dismissals under this procedure will be with notice pay or payment in lieu of notice.

NOTE Employment Tribunal

Nothing in these procedures will restrict an employee from exercising statutory rights under employment law.