PENPOL SCHOOL

Staff Attendance Management Policy

Signed by:

_____ **Head Teacher** **Date:** _____

_____ **Chair of Governors** **Date:** _____

Updated November 2019

STAFF ATTENDANCEMANAGEMENT POLICY

1 Introduction

This model policy has been determined by the Local Authority in consultation with the recognised trade unions, teachers' associations and the Governors' Council. This policy is recommended to schools for adoption immediately; should schools decide to develop their own procedure, they will need to re-open trade union consultation on an individual basis.

This policy reflects the legal provisions concerning fitness to teach contained in The Education (Teachers' Qualifications and Health Standards) Regulations 1999 (S1 No 2166), The Education Act 1996, the provisions of the Equality Act 2010, Health and Safety at Work Act (1974 and 1992) and the Access to Medical Reports Act 1988.

The Health and Safety at Work Act requires Governors and Head Teacher's to ensure, so far as it is reasonably practicable, the health, safety and welfare at work of all their employees. In addition, all employees have a responsibility to take reasonable care for the health and safety of themselves and of other persons who may be affected by what they do, or fail to do, at work.

This policy may not cover all circumstances and the Governing Body/Head Teacher are therefore advised to seek advice from the Schools' Employee Relations Team at the earliest opportunity.

"School days" refer to days on which the school is open.

For the purposes of this policy the term "Head Teacher" can refer to the Head Teacher, Deputy Head Teacher or other nominated person in the school's Leadership Group.

2 Purpose

To manage sickness absence effectively and provide for the fair and consistent treatment of staff.

3 Scope

This procedure applies to all members of staff employed at Penpol School.

'Sickness Absence', for the purposes of this procedure, refers to all occasions where a member of staff is absent from work because of sickness.

Where Head Teacher's/Governors have reasonable grounds to believe that a member of staff is abusing the system with due regard to Occupational Health advice (eg sickness is not genuine, failure to comply with sickness notification procedure without good reason) the matter will be dealt with in accordance with the School's Disciplinary Procedure.

4 Policy Statement

Penpol School wishes to establish a positive attendance culture by providing a fair and consistent framework for handling staff absence and by promoting occupational health services and staff welfare through specialist help which may be arranged by the school. When illness or injury occurs, the school will respond in a supportive manner. Equally staff are responsible for caring for their own health, seeking medical help when appropriate, attending work unless unfit to do so and co-operating with the requirements of the attendance policy.

This policy is designed to encourage full attendance and the proper management of sickness absence.

This procedure will be applied in a non-discriminatory way, irrespective of sex, age, race, marital status or disability.

The existence of the policy will be made known to every member of staff and is contained within the Personnel Handbook – A Guide for Head Teacher's and Governors.

During the informal and formal stages of this procedure, the member of staff has the right to representation from a trade union representative or work colleague.

5 Contact with Absent Staff

It is important that regular communication is established between the member of staff and the school. Many members of staff who are absent through sickness for a period of time wish to be kept up-to-date with school news; similarly, the school will wish to be regularly updated on the individual's progress. It is essential that the school receives timely medical certificates.

It will not always be appropriate for the Head Teacher to be in direct contact with the absent member of staff. If this is the case a senior member of staff may act as a link, with the agreement of the Head Teacher, the absent person or his/her trade union representative. The Head Teacher or other senior person should maintain contact with the absent member of staff and monitor the situation effectively. It is important that the Head Teacher or nominated person adopts the correct balance as primarily the concern should be for her/his welfare and the Head Teacher or nominated person must be careful not to give the member of staff the impression that s/he is being pressurized into returning to work when not fit to do so.

If it is necessary for the Head Teacher or other senior member of staff to meet with the member of staff, a mutually convenient meeting should be arranged. Head Teacher's are advised not to make unaccompanied home visits or to require staff to work from home. If the member of staff wishes, a trade union representative or work colleague may be present at any such meeting or may represent them in their absence.

6 Sickness Reporting

This procedure identifies the actions to be taken by staff and Head Teacher's.

If a member of staff wilfully fails to follow the notification procedure, this may lead to sick pay entitlement being withheld and in exceptional circumstances, disciplinary action may be taken. Whilst on sick leave staff must take care not to do anything that may prejudice recovery.

In essence, the following action (shown overleaf) should be taken in the event of sickness absence.

When	Head Teacher's' Responsibilities	Staff Responsibilities
Prior to appointment	All offers of appointment must be made on a provisional basis subject to pre-employment medical checks being undertaken. Successful applicants are required to complete the pre-employment medical screening process prior to taking up appointment. Further advice on this process is available from Occupational Health.	All successful applicants must undergo pre-employment medical checks prior to confirmation of offer of employment.
Prior to appointment	Schools are required to comply with the provisions of The Equality Act 2010 (Disability), which makes it unlawful to discriminate against people with disabilities in employment. The Act must be taken into account and the school may have to make reasonable adjustments to employment arrangements or premises. If you require further clarification of the Act please contact the Schools' Employee Relations Team.	
Induction	All new staff must be given a copy of the Whole School Attendance Policy.	Staff should read the Whole School Attendance Policy and know what to do in the event of absence.
1st day of absence on normal working day	Staff should arrange for someone to telephone you to let you know why s/he is absent, the date s/he expects to return to work and whether s/he has taken medical advice. If absence is attributable to an injury sustained at work you should ensure that an appropriate entry is made in the First Aid Log.	Staff, or their representative, should telephone the Head Teacher (or School Secretary) before the start of the teaching day, giving reasons for the absence, stating whether s/he has been to the doctors, giving a likely return date, if possible, and preferably noting any tasks that need to be undertaken.
4th day of absence (counting normal work days and non-work days)	Staff should telephone you to indicate the reason for her/his continuing absence, when a return to work is likely, and whether medical advice has been taken. Staff who are absent with stress or stress-related illnesses should not be pressed into stating a return date. You should advise the member of staff whether further contact is required.	Staff should telephone the Head Teacher (or School Secretary), giving reasons for the continued absence and stating whether medical advice has been sought, giving a likely return date, if possible.
4th day of absence (counting normal work days and non-work days)	You should ensure that the member of staff completes a self-certification form when s/he returns to work.	All staff must complete a self-certification form on return to work.

When	Head Teacher's Responsibilities	Staff Responsibilities
8th day of absence (counting normal work days and non-work days)	Staff should provide you with a doctor's Statement of Fitness for Work ('Fit Note'). If the absence continues after the date given by the doctor, you should request further statements.	Staff must provide a doctor's Statement of Fitness for Work ('Fit Note'). Should absence continue beyond the date given by the doctor, staff must produce further statements. If you wish to return to work before your Fit Note expires then you must seek the agreement of the Head Teacher and attend OH appointments arranged for you in order to assess your fitness for work.
Return to work	Where a staff member wishes to return to work before the expiry of their 'not fit for work' fit note, then a meeting should take place with the employee to agree this, undertaking an appropriate risk assessment and/or seeking advice from Occupational Health as necessary. You, or a nominated manager, should talk to the member of staff on their return to work within the first 5 working days. The overriding principle of the return to work meeting is to support the member of staff with their return to work and if necessary discuss any area which may facilitate a smooth return to work. The discussion might need to cover (depending on the number of absences): • a discussion regarding the member of staff's level of sickness absence; • underlying reasons causing the absence; the reason for absence should be reported on the notification. • available support such as counselling and Occupational Health. At any time in the procedure it may be appropriate to ask a member of staff to produce a doctor's note for each period of absence. In such cases the School will meet any costs.	Wherever possible staff should give notice of at least one day of their intention to return to work. In cases of long-term absence, further notice may be required in order to ensure appropriate OH advice is available and any necessary adjustments to work arrangements have been agreed and put in place. If the return to work is prior to the expiry of a 'not fit for work' fit note then a meeting should take place with the Head Teacher or designated manager to agree this. An appropriate risk assessment and/or advice may be sought from Occupational health as necessary. Staff will be asked to attend a "return to work" meeting.
Stress	In cases where it has been identified that an employee is suffering from work related stress, you are advised to refer to the Stress Management Toolkit available via the Schools Messenger website under Health, Safety and Wellbeing, with a view to undertaking a workplace stress risk assessment.	If it is identified that you are suffering from work related stress then your Head Teacher / manager should refer to the Stress Management Toolkit with a view to undertaking a workplace stress risk assessment with you. Employees are also able to access the toolkit via the Schools Messenger website under Health, Safety and Wellbeing.

7. Return to Work Meetings

On the employee's return to work the Head Teacher/manager should hold a return to work meeting within five working days of the return (an exception to this may be in the case of employees who have been on long term sick leave; in which case a return to work meeting can often be helpful prior to the employee returning to work as this allows time for structured return to work plan to be devised. (See Appendix 24 – Return to Work Meeting form).

Return to work meetings are considered to be a significant tool in managing sickness as they give the opportunity for the Head Teacher/Manager and the employee to discuss the reason for the absence and agree any supportive measures to improve things.

All employees, regardless of how long they have been absent for, should be asked to attend a return to work meeting by the Head Teacher/ manager. They are important both for the employee and the Head Teacher/manager; for the manager to welcome the employee back and to enquire as to how they are feeling. Also to update them on things that have happened in the workplace in their absence, particularly if they have been absent for an extended period of time. Additionally, for the employee to have the opportunity to discuss where the cause of the absence may be work related (where absence is due to work related stress refer to the Stress Management Toolkit which is available via the Schools Messenger website under Health, Safety and Wellbeing)

The meeting should be conducted in a sensitive and confidential manner, using the Return to Work meeting form as a guide and a record. As such meetings are seen to be part of normal day to day management there is no right to be accompanied at the meeting.

It is expected that the reason for the absence will be explored in order to ensure that the employee is fit enough to return to work and for the manager to consider whether any help and support is required to ensure a sustained attendance at work is achieved.

The employee will be required to sign the self-certification section of the return to work meeting form for any period of absence not covered by a Statement of Fitness for Work ('fit note'). If a fit note is required but has not been received the employee will be reminded of his/her obligation to provide one.

If the employee has failed to comply with any aspect of the attendance management procedure the manager will remind them what is required.

If the level of absence is unacceptable, the Head Teacher/Governor may inform the employee that an evaluation or review meeting is necessary in view of the unsatisfactory level of attendance and in accordance with this Procedure.

8. Managing Short Term Absence

Frequent short term absences are normally attributable to minor ailments which in many cases are unconnected. However, if it is thought that the absence(s) may be related to a disability or a particular health condition, it is recommended that the Head Teacher contacts the Schools' Employee Relations Team as under these circumstances the member of staff may have higher than average levels of absence. If a member of staff has an unsatisfactory level of absence or a regular pattern of absence the Head Teacher or Senior Manager should deal with it appropriately. Schools may decide to apply the Policy on a case by case basis with due regard to the individual circumstances of each case or may apply the Policy where a member of staff(s) absence differs from the normal pattern of absence.

As a matter of guidance schools **may** wish to consider the following levels of absences as indicating a potential problem that could lead to informal and formal action.

- during any three term period a member of staff has five or more occasions of uncertificated, self-certificated or medically certificated absence; or

- during a three term period a member of staff has had ten or more school days of uncertificated, self-certificated or medically certificated absences.

It should be emphasised that it will be up to each school to decide on a case by case basis what level of absence should activate possible action under the procedure.

9 Informal Approach

The Head Teacher should meet with the member of staff who has been identified as having a level or frequency of absence which gives cause for concern. At the meeting the Head Teacher (or designated manager) will:

- discuss concerns about the current level of absence;
- explore the reasons for the absence including inviting comments from the member of staff;
- find ways to resolve any problems that might improve attendance and identify areas of support and assistance;
- seek a commitment from the member of staff to improve her/his attendance.

At this stage the meeting should be informal, with an emphasis on counselling and support. Should a member of staff ask to be accompanied by a trade union representative at this stage, such a request should be agreed.

At the end of the meeting the Head Teacher (or designated manager) should summarise the main points discussed including:

- concern about the unsatisfactory level of absence and the need for improvement in attendance over a specified period;
- the action points that have been agreed including areas of assistance and support;
- the need to monitor the member of staff's attendance and schedule a date for the next review meeting. When a date for the next review meeting has been set the member of staff can request a Trade Union representative or a workplace colleague to accompany him or her to the informal stage review meeting. The member of staff should make this arrangement immediately as the informal stage review meeting will not be cancelled due to the non-availability of a Trade Union representative or a work place colleague.

A record of the meeting and agreed actions should be kept, noting the member of staff's responses. A copy of the record of the meeting should be given to the member of staff.

10 Informal Stage Review Meeting

At this meeting the Head Teacher (designated manager) should determine whether any improvement has been made and may consider the following options.

- taking no further action if attendance is now satisfactory;
- requiring continued or further improvement in attendance over a reasonable specified period;
- ensuring that medical advice has been taken to establish whether treatment is needed and/or to establish whether absences are work-related;

- requesting a doctor's statement for further periods of absence;
- referring the employee to the Occupational Health Consultant;
- reviewing/monitoring work programme;
- taking formal action.

A record of the meeting and agreed actions should be kept, noting the member of staff's responses. A copy of the record of the meeting should be given to the member of staff. In doing so the Head Teacher or senior member of staff should take account and be sensitive to the health and welfare of the member of staff

11 Short Term Absence - Formal Procedure

11.1 Application

The member of staff should be informed of her/his right to be accompanied to a meeting, at any stage of this procedure, by a trade union representative or work colleague.

The parties may, by mutual agreement, modify the time limits referred to in this procedure.

Notification of all meetings at any stage in this procedure should be in writing, giving at least ten days' notice of the date, time and place of the meeting and the reason for the meeting.

At all stages of the procedure consideration should be given to the need for medical advice from Occupational Health and the member of staff's medical condition should be monitored throughout the process. This may help in determining whether attendance is likely to improve if the member of staff remains in post.

A representative of the Director of Children, Schools and Families may advise the Head Teacher or Governors at all meetings and has the right to attend any meeting where dismissal of a member of staff is to be discussed.

A detailed record of the interview at each stage of the procedure should be kept, including the member of staff's responses, and any agreed areas of support and assistance.

The Head Teacher may delegate responsibility for the application of this procedure at Stage One and Stage Two to a designated manager. Any concerns that the member of staff has about a particular manager's role in the process should be carefully considered when applying this procedure.

11.2 Stage One

A member of staff who has not shown sufficient improvement in attendance following the informal interview, or whose attendance has deteriorated again following some initial improvement, will be required to attend a formal interview. The letter requesting attendance at this meeting should be set out as in Appendix 8.

The Head Teacher or designated manager will conduct the meeting. The Head Teacher/designated manager will cover the following points during the course of the meeting:

- explore why the absence level continues to be unsatisfactory and the reasons for the absence, including inviting comment from the member of staff
- explain concern at the absence level and the impact on the school;
- offer any further help or guidance, eg changes that might be made to the teacher's working environment;
- seek an agreement that the member of staff will improve her/his attendance;

- the Head Teacher should emphasise the level of absence remains unsatisfactory, the level of improvement required and the continued need for monitoring and specify the review period.

In most circumstances a referral for specialist advice should be sought from Occupational Health in consultation with the Schools' Employee Relations Team.

The Head Teacher/designated manager should consider comments, circumstances & perspectives presented by the employee at the meeting and may consult a representative from the Schools' Employee Relations Team in this respect. Following these considerations, the Head Teacher/designated manager should consider the following options:-

- no further action (where the employee's explanation and circumstances are such that the Head Teacher/manager is satisfied that no further action is required under this Procedure);
- extension to the informal review period; or
- issue a formal written warning

The outcome of the meeting should be confirmed in writing to the member of staff within five school days. Where continued further review is required, reference should also be made to:

- any improvement required;
- the timescale for any improvement to be made (which must be of sufficient length to allow adequate time for improvement and assessment);
- the likely consequences of a failure to improve;
- further monitoring and review meetings.

Where a written warning is issued, this should be confirmed in the outcome letter (see Appendix 9). Reference to the employee's right of appeal should be made in the letter (see section 11.7).

11.3 Stage One Review Meeting

On completion of the review period, an assessment of attendance will be undertaken. The Head Teacher (or designated manager) will meet with the member of staff (or his/her representative) to assess whether the required improvement in attendance has been achieved. The outcomes at the end of Stage One could be that:

- the required improvement in attendance has been achieved. The individual will be encouraged to maintain attendance and the procedure will cease;
- where some but insufficient improvement in attendance has occurred a further review period within Stage One shall occur;
- where the required improvement in attendance has not occurred the individual will be advised that Stage Two of the procedure will be invoked.

11.4 Stage Two

A member of staff who has not shown sufficient improvement in attendance following the Stage One Review Meeting, or whose attendance has deteriorated again during the period of the written warning, will be required to attend a formal Stage Two interview. The letter requesting attendance at this meeting should be set out as in Appendix 8.

The Head Teacher (or designated manager) will conduct the meeting. The Head Teacher/designated manager will cover the following points during the course of the meeting:

- explore why the absence level continues to be unsatisfactory and the reasons for the absence, including inviting comments from the member of staff;
- explain concern at the absence level and the impact on the school;
- offer any further help or guidance;
- seek an agreement that the member of staff will improve her/his attendance;
- the Head Teacher should emphasise the level of absence remains unsatisfactory, the level of improvement required and the continued need for monitoring and specify the review period.

A referral for specialist advice from Occupational Health should be sought in advance of the Stage 2 Formal Interview. It is also strongly recommended that advice is sought from the Schools' Employee Relations Team.

The Head Teacher/designated manager should consider comments, circumstances & perspectives presented by the employee at the meeting and may consult a representative from the Schools' Employee Relations Team in this respect. Following these considerations, the Head Teacher/designated manager should consider the following options:-

- no further action (where the employee's explanation and circumstances are such that the Head Teacher/manager is satisfied that no further action is required under this Procedure);
- extension to the informal review period; or
- issue a final written warning.

Where a final written warning is issued, the Head Teacher should inform the member of staff that unless there is a significant improvement her/his job might be at risk. The final written warning should be confirmed in writing and sent to the member of staff within five school days (see Appendix 10 for standard letter). If appropriate, reference should also be made to:

- any improvement required;
- the timescale for any improvement to be made (which must be of sufficient length to allow adequate time for improvement and assessment);
- the likely consequences of a failure to improve;
- further monitoring and review meetings.

Reference to the employee's right of appeal should also be made in the letter (see section 11.7).

11.5 Stage Two Review Meeting

On completion of the review period, an assessment of attendance will be undertaken. The Head Teacher (or designated manager) will meet with the member of staff (or her/his representative) to assess whether the required improvement in attendance has been achieved. The outcomes at the end of Stage Two could be that:

- the required improvement in attendance has been achieved. The individual will be encouraged to maintain attendance and the procedure will cease;
- where some but insufficient improvement in attendance has occurred a further review period within Stage Two shall occur;
- where the required improvement in attendance has not occurred the individual will be advised that Stage Three of the procedure will be invoked.

11.6 Stage Three

A member of staff who has not shown sufficient improvement in attendance at the Stage Two Review Meeting, or whose attendance has deteriorated again following improvement, will be required to attend a formal Stage Three Hearing. The case will be heard by a Panel of Governors from the Personnel Committee of the

Governing Body. The Full Governing Body is required to delegate the responsibility for managing sickness absence matters to the Committee. The Panel should consist of at least three Governors. The Director of Children, School and Families, or a representative, may also be requested to attend. The letter requesting attendance at this meeting should be set out as in Appendix 8.

The purpose of the interview will be to:

- to inform the member of staff of her/his attendance record and that it shows insufficient improvement;
- explore the reasons for lack of improvement including a report from Occupational Health and invite the individual or her/his representative to present her/his case as to why s/he should not be dismissed;
- consider the comments, circumstances & perspectives presented by the employee;
- consider the feasibility of alternative working arrangements that would facilitate a satisfactory level of attendance from the employee that could be accommodated by the school;
- if no acceptable reason is given for the inadequate attendance and if there is no prospect of the employee achieving the required levels of attendance in the future, consideration should be given to dismissal subject to the right of appeal.

The hearing should be conducted in accordance with the Procedure as set out in Appendix 25.

If no satisfactory reason for the continuing poor level of attendance can be determined and if there is no prospect of the employee being able to provide a satisfactory level of attendance taking into account any possible alternative working arrangements that may be arranged, the Panel of Governors may resolve to dismiss the member of staff. In such circumstances, advice should be sought from the Schools' Employee Relations Team. A letter confirming the decision should be sent to the member of staff within five school days (see Appendix 11). If the decision is to dismiss the member of staff, appropriate contractual/statutory notice should be provided and the employee should be advised of her/his right of appeal. If the member of staff decides not to appeal, the Governors will need to instruct the LA to dismiss the employee.

11.7 Appeals

General:
A member of staff has the right of appeal against dismissal or any formal warning issued to them in respect of unsatisfactory attendance.

Where a member of staff wishes to exercise the right of appeal, he/she should make his/her appeal in writing to the Head Teacher outlining the reasons for appeal within 2 calendar weeks of receiving written confirmation of the warning. Appeals will be heard by way of a formal appeal hearing, which will be convened (where practicable) within 4 calendar weeks of receipt of the appeal.

The member of staff has the right to attend the appeals' hearing represented by a trade union representative or a work colleague. The member of staff and/or his/her representative has the right to make written and verbal submissions at the appeal hearing. The Procedure for appeal is set out in Appendix 26.

Appeals will be heard by the Appeals' Panel of the Governing Body. All parties will be provided with copies of relevant background documents regarding the process undertaken with regard to the case. Additionally, the Head Teacher/line manager who issued the warning may be required to attend the appeal hearing for the purpose of explaining to the Panel the reasons for the issuing the formal warning to the employee.

The Appeals' Panel's decision is final.

Appeals' Against Dismissal:
Where a member of staff has lodged an appeal against dismissal as determined by a Panel of Governors from the Personnel Committee under Section 3 of this Procedure, the appeal will be heard by a Panel of Governors from the Appeals' Committee who have had no prior involvement in the case (ie: the Appeals' Panel cannot include any members who sat on the previous Panel that made the recommendation to dismiss). In addition, the number of Governors constituting the Appeals' Panel of Governors cannot be less than the number of Governors who sat on Panel that made the decision to dismiss. The Director of Children, Schools and Families, or a representative, may also be requested to attend the appeal hearing.

The Appeals' Panel of Governors will receive all documentation considered by the Panel that made the decision to dismiss. The member of staff and/or her/his representative may make verbal and/or written submissions to the Appeals' Panel.

The Staff Dismissal Appeals Committee having considered the matter may either confirm or overturn the dismissal decision. If the Appeals' Committee decides to uphold the decision to dismiss the member of staff, the member of staff is entitled to written notice in accordance with their contract of employment or alternatively an arrangement of pay in lieu of notice may be agreed.

The Appeals Committee may announce their decision verbally or in writing. In all cases, a letter confirming the decision of the Appeals' Panel should be sent to the member of staff within one calendar week (see Appendix 12). Where the decision to dismiss is upheld by the Appeals' Panel, the Governors will need to instruct the LA to dismiss the employee.

12 Managing Long Term Absence

A number of supportive actions should be put in place where a member of staff has been absent, or is likely to be absent, for a prolonged period as a result of sickness. The following arrangements should be made:-

- An agreed arrangement for continued contact with the employee, either through the trade union representative, the Head Teacher, a governor or work colleague;
- A referral appointment to Occupational Health to seek a medical prognosis on the employee's state of health and advice on any supportive actions that may be undertaken by the school';
- Regular updates on school/work activities for the employee as part of maintaining contact;
- Where appropriate, regular review meetings with the employee to discuss progress in recovery (subject to employee's fitness to engage in such meetings).

12.1 Informal Approach

If it proves impossible to estimate when a member of staff will be able to return to work, or if this is unlikely to be within a reasonable period, the Head Teacher (or designated manager) should seek the advice of the Schools' Employee Relations Team and Occupational Health. Occupational Health will consider the likelihood of a return to work in the foreseeable future, the scope of the member of staff's medical condition and its effect on her/his present or continuing capability, alternative working arrangements that may facilitate the employee's return to work or whether the employee would be able to return to a suitable alternative role.

Due regard should also be taken of the Equality Act 2010 relating to disability when considering the suitability of alternative employment or whether employees should be dismissed on grounds relating to their capability (see below).

If medical advice suggests that an employee is incapable of undertaking her/his duties, consideration should be given to the following:

- the availability of 'reduced' duties (such as teaching smaller classes or less contact time) or alternative work pending recovery and a return to normal duties; or
- where recovery is insufficient to enable the member of staff to return to her/his normal duties, in some circumstances it may be possible to find alternative employment through the redeployment procedure.

It should be noted that the Local Authority cannot insist that a Governing Body of a different school appoints a redeployee to a vacant post that may represent suitable alternative employment for the redeployee. This is because Governing Bodies have the autonomy to make their own decisions in terms of staff appointments to their schools. The Schools' Employee Relations Team should be consulted to help facilitate redeployment. The Schools' ER Team will explore the availability of suitable alternative employment options that may be available in other schools and will facilitate contact with those governing bodies as a means of attempting to secure alternative employment for the employee where an appropriate opportunity may exist.

Where Occupational Health suggests that an employee is incapable of fulfilling her/his full range of duties (either permanently or within a reasonable timescale having regard to operational or other considerations), and no suitable alternative employment can be found, the Head Teacher is strongly advised to contact the Schools' Employee Relations Team before considering a proposal to terminate the employment of the member of staff (see Appendices 13 and 14).

13 Procedure for Dismissal on the grounds of Lack of Capability due to Ill Health

Where the informal approach to managing long term absence has not resulted in a return to work of the member of staff, the Governing Body may decide to make arrangements for formal consideration to the prospect of the employee's continued employment in view of the ongoing lack of capability due to ill health. Before considering the option of terminating the member of staff's employment, the Governing Body should be satisfied that there is no medical evidence to suggest that the member of staff will be returning to work in the foreseeable future and that the absence is having detrimental effect on the school

13.1 Full Governing Body Meeting

The Full Governing Body should delegate the management of the case of an employee's long-term sickness absence to an appropriate Committee of the Governing Body (usually the Personnel Committee). It is essential that in making the resolution to delegate the case to the appropriate Committee, only the briefest of information is shared with the Governing Body. This will ensure that any Governors involved in considering the case at a later stage (ie: either at a formal hearing or an appeal) will do so without prejudice and with absolute impartiality. If an appropriate Committee has not already been established the Governing Body will need to do so before progressing the matter further.

Once a Committee is established, a formal meeting can be arranged to consider the question of the employee's continued employment, having taken into account the considerations referred to in paragraph 13 above.

13.2 Medical Referral Meeting

Prior to holding a formal meeting, the Head Teacher or his/her adviser should write to the member of staff to confirm the proposed action of convening a formal hearing to consider the question of the employee's ongoing employment (see Appendix 14).

The member of staff will be offered an appointment with an Occupational Health adviser prior to the formal meeting. The purpose of the Occupational Health appointment is to give the member of staff an opportunity to submit medical evidence from her/his General Practitioner/ Consultant or Specialist and make medical representations to the Occupational Health Consultant. The employee may ask any suitably qualified medical practitioner to attend this meeting with them to make representations on her/his behalf.

Following the appointment, the Occupational Health Consultant will provide a report to the Staff Committee on the member of staff's capability to continue in her/his post, or ability to undertake work on the basis of certain adjustments being made or undertake alternative work.

A date for the medical representations meeting should be set giving the employee at least two calendar weeks' notice.

13.3 Formal Governors' Committee Meeting

A Panel of Governors from the appropriate Committee will be convened to hold a formal meeting to consider the question of the employee's continued employment. The Panel should be represented by not less than 3 Governors. At the meeting, it is recommended that the Panel invite a representative from the Local Authority (usually an Employee Relations Officer from the Schools' Employee Relations Team) to attend the meeting as adviser to the Panel. The Procedure for the meeting is set out in Appendix 25.

In advance of the meeting, the Panel of Governors will be provided with copies of any relevant documents in respect of the case (eg: copies of medical reports, Head Teacher's report regarding impact on the school etc). The employee and his/her representative will also be provided with copies of the relevant documentation no later than 10 days before the meeting. The employee and/or his/her representative may also make verbal and/or written submissions to the hearing. Where the employee intends to make written submissions to the meeting, he/she should endeavour to provide these no later than one calendar week before the hearing where possible.

At the meeting, the Governors should hear representations from the member of staff as to why s/he should not be dismissed on grounds of lack of capability due to ill health. Additionally, the Head Teacher may be required to attend the hearing to present to the Panel information on the process undertaken to date in respect of attempts to facilitate the employee's return to work, any considerations of redeployment that may have been made, any relevant medical information (including medical reports) and the impact of the ongoing sickness absence on the operations of the school.

The letter requesting the employee's attendance at this meeting should be set out as in Appendix 15 giving at least ten school days' notice.

The Panel of Governors will decide, on the basis of evidence available, including the Occupational Health Consultant's report, whether or not to recommend to the Local Authority that the member of staff is dismissed (subject to the individual's right to appeal).

A letter confirming the decision should be sent to the member of staff within one calendar week of the meeting (see Appendices 16A and 16B). If the decision is to dismiss the member of staff s/he should be advised of her/his right of appeal.

Should the individual choose not to appeal within the specified period or the appeal is not upheld, the Governing Body will advise the Local Authority (see Appendix 17) who will issue a dismissal letter to the individual with due notice (see Appendix 18). The dismissal letter will state the reasons for dismissal.

13.4 Appeals

Appeals against dismissal must be made by the member of staff in writing to the Head Teacher or, where the appellant is the Head Teacher, to the Chair of the Governing Body, outlining the reason for the appeal within two calendar weeks of receiving written confirmation of the dismissal. Appeals will be heard, where practicable, within twenty school days of receipt of the appeal application.

Appeals against dismissal will be heard by a Panel of Governors from the Appeals Committee. This Panel will exclude those Governors who have previously sat on the Panel of Governors that made the recommendation to dismiss. Additionally, the number of Governors constituting the Appeals' Panel of Governors cannot be less than the number of Governors that constituted that Panel that made the recommendation to dismiss. It is recommended that the Panel invite a representative from the Local Authority (usually an Employee Relations Officer from the Schools' Employee Relations Team) to attend the meeting as adviser to the Appeals' Panel. The Procedure for the Appeal meeting is set out in Appendix 26.

All documents that were considered by the Panel of Governors that made the recommendation to dismiss at the first meeting will be provided to the Appeals' Panel of Governors. The employee and/or her/his representative will also be provided with a copy of the relevant documents in advance of the hearing. The employee and/or his/her representative may also make verbal and/or written submissions to the Appeals' Panel of Governors at the appeal meeting. Where documents are submitted to the Appeals' Panel, the employee and/or his/her representative should endeavour to ensure these are provided no less than one calendar week before the date of the appeal meeting.

The Appeals' Panel of governors, having considered the matter may either uphold or overturn the decision of the previous Panel of Governors. If the Appeals' Panel decides to uphold the decision to dismiss the member of staff on grounds relating to capability due to ill health, the employee is entitled to written notice in accordance with his/her contract of employment or as an alternative, pay in lieu of notice may be made where this is agreed with all parties.

The Appeals Panel of Governors may announce their decision verbally or in writing. In all cases, the Panel must confirm the decision to the employee in writing within one calendar week of the appeal meeting (see Appendices 12, 17 and 18).

14 Termination of Employment

In all cases where an employee's contract of employment is terminated on the grounds of ill health, the termination date must take into account the contractual notice period. Regardless of the status of the employee's sick pay entitlement, full pay must be reinstated for the notice period so as to ensure no breach of contract occurs.

In accordance with the relevant case law employees may be entitled to receive payment for accrued statutory holiday entitlement where this has not been taken as a consequence of sickness absence.

15 Ill Health Retirement

In cases of chronic ill health, ill health retirement should be considered after all other options relating to facilitated return to work, reasonable adjustments to work or redeployment have been exhausted.

15.1 Teaching Staff

Under the Teachers' Pensions Regulations it is the teacher who instigates the approach to Teachers' Pensions for the payment of an ill health pension (see Appendix 19). Teachers' Pensions will then assess the medical evidence and make a decision on whether or not to award the pension. Their application would normally need to be supported by a consultant specialising in the medical condition which prevents their return to work.

If the teacher does not have a compelling case for an application for ill health retirement, or the Teachers' Pensions medical advisors do not support the application, the school may still wish to terminate the teacher's employment on the grounds of lack of capability due to ill health.

If the Occupational Health Consultant has confirmed that the teacher is permanently incapable of performing her/his duties and has recommended ill health retirement, the letter at Appendix 20 would be sent to the member of staff.

15.2 Non-Teaching Staff

If an employee is a member of the Local Government Pension Scheme (LGPS) and the Occupational Health Consultant ***and*** an independent registered medical practitioner (who is qualified in occupational health medicine) has confirmed that the member of staff is permanently incapable of performing her/his duties and has recommended ill health retirement, then the member of staff may be able to receive an immediate retirement pension. There are graded levels of benefit based on how likely an individual will be capable of obtaining gainful employment after they leave. Further details are available from the Schools' Employee Relations Team.

Managers are advised to seek guidance on behalf of the employee on whether an employee is a member of the LGPS and whether they would be entitled to an ill health pension from the Pensions Section. Estimates of benefits are not normally prepared until the Occupational Health Consultant has recommended ill health retirement.

APPENDIX 1

ABSENCE RECORD **PRIVATE AND CONFIDENTIAL**

To be retained confidentially and securely by Headteacher

Year	**School .....**	**Department .....**
Name	**Post .....**	**Job Title .....**

Summer Term

May	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	
June	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30		
July	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	
Aug	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	

Total for Summer Term: _____

Autumn Term

Sept	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30		
Oct	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	
Nov	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30		
Dec	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	

Total for Autumn Term: _____

Spring Term

Jan	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	
Feb	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29			
Mar	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30	31	
Apr	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	21
22	23	24	25	26	27	28	29	30		

Total for Spring Term: _____

Insert letters as appropriate: A = Annual Leave S = Sick Leave O = Other

Draft letter to individual - Occupation Health Referral (NON STRESS RELATED)

Appendix E4

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

I am sorry to learn that you are still unwell and unable to attend work. I am writing to you in order to maintain contact with you during your period of sick leave and inform you on the school's established process for supporting employees who are unable to attend work due to prolonged sickness absence.

As you will be aware, you have been on sick leave since DATE and in view of the duration of your absence and in accordance with the Whole School Attendance Policy I am writing to advise you that I have completed a Form OH1 to refer you to Occupational Health. This process will ensure that I am provided with medical advice on ways in which the school can support you in your recovery, and also advise me on your fitness to return to work and any appropriate arrangements that may help facilitate a successful return to work for you at the appropriate time. I enclose an overview of the role of Occupational Health for your further information.

Occupational Health will contact you directly and arrangements will be made for you to either undergo a telephone consultation or you may be asked to attend an appointment with an Occupational Health Nurse or Consultant. Following your consultation, OH will provide a report giving general management advice, a prognosis and likely timescales for your recovery and return to work.

I must emphasise that this is the normal procedure followed when a member of staff is absent due to sickness.

Should you have any queries, please contact me.

Yours Sincerely

XX XX
Headteacher

Enc The Role of Occupational Health

Draft letter to individual – Stress Risk Assessment / Occupation Health Referral

Appendix E5

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

Workplace Stress Risk Assessment & Referral to Occupational

I am sorry to learn that you are still unwell and unable to attend work. I am writing to you in order to maintain contact with you during your period of sick leave and inform you on the school's established process for supporting employees who are unable to attend work due to prolonged sickness absence.

I understand from our discussions that the reason for your sickness absence is work related stress.

OR

The fit note provided by your GP indicates the reason for your sickness absence is work related stress. In order to establish those areas at work that you find stressful it is necessary for me to undertake a workplace stress risk assessment with you, followed by a referral to Occupational Health. This will help me to take appropriate action where possible to address any aspects of your work that you may find stressful.

Whilst I appreciate that you are not feeling well at this moment in time, it would be helpful if we could meet in order for the workplace stress risk assessment to be completed as soon as possible and I propose DATE at TIME. I do appreciate that at this time you may not wish to attend the school so in confirming your attendance on the above date an alternative suitable venue can be agreed.

Please be assured that this process reflects the school's established practice for supporting an employee absent from work for a prolonged period with work-related stress and is consistent with the School's Attendance Policy.

I look forward to hearing from you.

XX XX
Headteacher

Teacher – Suspension from Duty

Appendix E6

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

Medical Suspension from Duty

I am sorry to write to you while you are absent from work. I am contacting you to inform you that in view of the fact that you are unfit to teach and the present time and taking into account the prolonged period of your incapacity, I am required to suspend you from your teaching post with immediate effect in accordance with the terms of the Conditions of Service for School Teachers, Section 3 Paragraph 5.1.

Under this paragraph, and in accordance with the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999), a teacher who is declared unfit for teaching and absent from duty for more than three months should be suspended from duty, and may not resume work until deemed to be fit to teach by a medical professional.

The purpose of this contractual and statutory requirement is to ensure that teachers who are unable to attend work for a prolonged period of sickness remain absent from work until they are fully fit to return and undertake the responsibilities of their teaching post. You will appreciate that this is in the interests of both the children you teach and your own ongoing health and wellbeing.

I will arrange for your health and progress with your recovery to be monitored by referring you to the Council's Occupational Health Consultant. Once you have reached a stage in your recovery whereby you are deemed to be fit to teach, your medical suspension will be lifted and we will meet to discuss appropriate arrangements for your return to work, which will take into account medical advice by the Occupational Health Consultant.

If you believe you are currently fit to teach, you are entitled to submit medical information in respect of your fitness to teach from your GP or Consultant to the Council's Occupational Health Service. In such circumstances, the report will be considered by the Council's Occupational Health Consultant who will advise the school on your health status and fitness to resume your duties.

Please note that although you are now able to return only once the conditions set out above have been met, your normal salary entitlements, subject to sickness allowances, still apply. In support of this, you should continue to submit appropriate Statements of Fitness for Work ('fit notes') from your GP.

If you have any queries please do not hesitate to contact me or your trade union. I hope that you soon feel better.

Yours sincerely

XX XX
Headteacher

Copy for: Schools' HR Team

APPENDIX 7

Attendance at Stage One/Two/Three meeting

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

(Specify Stage One, Stage Two or Stage Three) Capability Meeting

I write to request your attendance at a meeting on INSERT DATE at INSERT TIME at INSERT VENUE. The purpose of the meeting is to discuss concerns about your sickness absence record.

According to our records you have been absent from school on the following occasions:

INSERT DETAILS INCLUDING REASONS FOR ABSENCE IF GIVEN.

During the meeting the attached documents will be referred to. (INSERT DETAILS OF ANY OTHER PEOPLE ATTENDING AND AN INDICATION OF THEIR ROLE.)

You have the right to be accompanied at the meeting by a workplace colleague or your trade union representative. You and/or your representative have the right to make a written submission prior to the meeting and/or to make statements at the meeting. You also have the right to nominate persons to provide your own supporting evidence and to question other parties called by management. Could you please let me have names of any persons you propose to call in order that arrangements can be made for them to be released from their duties.

Please be advised that this letter constitutes notification that the School's Whole School Attendance Policy is being formally invoked.

A copy of the procedure to be followed at the meeting and a second copy for your workplace colleague or trade union representative is enclosed.

Yours sincerely

XX XX
Headteacher

Copy to: Schools' Employee Relations Team, Room 469, New County Hall, Truro,
Cornwall, TR1 3AY

Written Warning

Appendix E8

USE CAPABILITY PROCEDURE AS GUIDE

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

Written Warning

I write further to the meeting which took place on INSERT DATE in accordance with INSERT NAME OF SCHOOL Whole School Attendance Policy. At that meeting INSERT NAMES OF PEOPLE AND AN INDICATION OF THEIR ROLE were in attendance.

At the meeting it was established that your attendance record has been unsatisfactory because INSERT DETAILS OF ABSENCE.

I confirm that you were issued with a written warning. This written warning will remain valid for a period of twelve months from the date of the meeting, after which it will be disregarded. You were informed that the following improvements are required INSERT AN INDICATION OF IMPROVEMENTS REQUIRED AND OVER WHAT TIMESCALE.

A review meeting will take place on INSERT DATE, TIME AND VENUE to assess whether the necessary improvement in attendance has occurred.

You should be aware that failure to make the required improvements in your attendance may lead to further formal action being taken against you and may ultimately lead to your dismissal.

I enclose a copy of INSERT NAME OF SCHOOL Whole School Attendance Policy, and draw your attention to your right of appeal. If you wish to appeal against this formal written warning you must do so in writing to me within ten working days of receipt of this letter.

Yours sincerely

XX XX
Headteacher

Copy to: Schools' Employee Relations Team, Room 461, New County Hall, Truro,
Cornwall, TR1 3AY

Final Written Warning

Appendix E9

USE CAPABILITY PROCEDURE AS GUIDE

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

Final Written Warning

I write further to the meeting which took place on INSERT DATE in accordance with INSERT NAME OF SCHOOL Whole School Attendance Policy. At that meeting INSERT NAMES OF PEOPLE AND AN INDICATION OF THEIR ROLES were in attendance.

At the meeting it was established that your attendance record has been unsatisfactory because INSERT DETAILS OF ABSENCE.

I confirm that you were issued with a final written warning. This final written warning will remain valid for a period of eighteen months from the date of the meeting, after which it will be disregarded. You were informed that the following improvements are required INSERT AN INDICATION OF IMPROVEMENTS REQUIRED AND OVER WHAT TIMESCALE.

A review meeting will take place on INSERT DATE, TIME AND VENUE to assess whether the necessary improvement in attendance has occurred.

You should be aware that failure to make the required improvements in your attendance may ultimately lead to your dismissal.

I enclose a copy of INSERT NAME OF SCHOOL Whole School Attendance Policy, and draw your attention to your right of appeal. If you wish to appeal against this final written warning you must do so in writing to me within ten working days of receipt of this letter.

Yours sincerely

XX XX
Headteacher

Copy to: Schools' Employee Relations Team, Room 461, New County Hall, Truro, Cornwall, TR1 3AY

APPENDIX 10

Notification of dismissal

USE CAPABILITY PROCEDURE AS GUIDE

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

Outcome of Sickness Absence Meeting, (date)

I write further to the meeting of the Panel of Governors appointed by the Governing Body of INSERT NAME OF SCHOOL which met on INSERT DATE, TIME AND VENUE at which you were present / were represented / were not present (delete as applicable). The purpose of the meeting was to consider the question of your ongoing employment in view of the concerns for your ongoing sickness absence / level of sickness absence (delete as applicable). The Panel of Governors comprised of INSERT NAMES OF GOVERNORS. The meeting was also attended by INSERT NAMES AND AN INDICATION OF THEIR ROLES.

At the meeting it was established that your attendance has been unsatisfactory for a prolonged period of time since (DATE) and regrettably this is becoming increasingly difficult for the school to accommodate. After careful consideration of all the evidence, the Governors concluded that there was no prospect of you being able to sustain the required standards of attendance. The Governors therefore resolved to dismiss you on grounds of lack of capability.

I enclose a copy of the Whole School Attendance Policy and draw your attention to your right of appeal against dismissal to the Appeals Committee of Governors.

If you wish to appeal against this dismissal you must do so in writing within ten working days of receipt of this letter.

If I have not heard from you by INSERT DATE IN EXCESS OF TEN WORKING DAYS, I will assume that you do not wish to appeal and will instruct the Local Authority to dismiss you.

Yours sincerely

XX XX
Chair of Panel of Governors

Copy to: Headteacher
Trade union representative (where applicable)
Schools' Employee Relations Team, Room 461, New County Hall, Truro, Cornwall, TR1 3AY

APPENDIX 11

Notification of dismissal after appeals

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

Outcome of Staff Dismissal Appeal Hearing on INSERT DATE

A Panel from the Appeals Committee of Governors of INSERT NAME OF SCHOOL met on INSERT DATE to consider your appeal against dismissal following the decision of the Panel of Governors from the Personnel Committee who made the decision to dismiss you at a hearing held on INSERT DATE.

The Governors considered all the evidence brought to the previous Panel of Governors from the Personnel Committee (including the occupational health report, the Headteacher's report, the grounds of your appeal and any new evidence available) and concluded that there was no prospect of you being able to sustain the required standards of attendance The Appeals' Panel therefore upheld the decision of the previous Panel of Governors that you be dismissed from INSERT NAME OF SCHOOL with effect from 30 April / 31 August / 31 December. We will, therefore, be instructing the LA to formally dismiss you.

If there is anything that you believe that the school can reasonably do to offer you support at this time, please let me know.

Yours sincerely

XX XX
Chair of Appeals' Panel of Governors

Copies to:
XX, Headteacher, INSERT NAME OF SCHOOL
XX, Trade Union Representative, INSERT NAME OF TRADE UNION
Schools' Employee Relations Team, Room 461, New County Hall, Truro, Cornwall, TR1 3AY

LONG TERM SICKNESS OPTIONS

Appendix E12

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

NAME OF *EMPLOYEE* - JOB TITLE

Following our recent meeting, I am writing to you regarding the options available to Governors in respect of the ongoing absence of INSERT NAME.

Governors will be aware that INSERT NAME has been absent from work since INSERT DATE. S/He applied to Teachers' Pensions for ill health retirement on INSERT DATE. Under the conditions of service, INSERT NAME entitlement to full salary ceased on INSERT DATE. INSERT NAME is currently receiving half pay and, if s/he does not return to work by INSERT DATE, will commence no pay from INSERT DATE.

I set out below the options available to you.

Option One

Governors could await the outcome of the ill health application. Unfortunately, the decision of whether or not to grant ill health retirement lies entirely with Teachers' Pensions. The timescales can range from three weeks to one year but in our experience, most applications take at least four months and the LA has no control over these timescales.
OR
Governors could await the outcome of the ill-health application. This option merits serious consideration given that Dr INSERT NAME of Occupational Health is supportive of the application.
OR
When the CSF Employment Support Team telephoned Teachers Pensions on INSERT DATE, the application was still being considered by medical advisers and the TP would not confirm how long this would take. Whilst I remain hopeful that a decision will be made by the TP this term, I obviously cannot guarantee it.
OR
We have today received notification from the Benefits Administrator at Teachers' Pensions (TP) advising that they are currently in the process of obtaining further medical evidence on behalf of the Medical Advisors to enable a decision to be made. When sufficient evidence is received and the Medical Advisors are able to make a recommendation, the TP will inform us of the outcome.

Option Two

TEACHERS OVER 50

Governors consider allowing INSERT NAME to retire early on the grounds of the efficiency of the service. However this option has cost implications for the school - Gail Higgins will be sending you the details of this under separate cover.

TEACHERS UNDER 50
As INSERT NAME is less than 50 years of age, s/he would not meet the criteria for an efficiency retirement. However, Governors could consider allowing INSERT NAME to retire on efficiency grounds and could award a lump sum compensatory payment up to a maximum of 66 weeks pay depending on INSERT NAME age and service. It is worth bearing in mind that the LEA would not contribute to this payment and the full cost would therefore need to be met by the school. Further details can be obtained on request.

Option Three

(FOR A TEACHER) Governors could consider whether it would be appropriate to dismiss INSERT NAME with effect from 30 April / 31 August / 31 December on the grounds of continuing lack of capability due to ill health.

(FOR SUPPORT STAFF) Governors could consider whether it would be appropriate to dismiss INSERT NAME giving due contractual notice on the grounds of continuing lack of capability due to ill health.

The procedure for taking this course of action is as follows:

1. The Governing Body elects a Panel of Governors to consider the prospect of the employee's ongoing employment and an Appeals' Panel of Governors from the Appeals' Committee to consider any appeal. The Appeals' Panel of Governors cannot have fewer Governors than that of the first Panel. There must be at least 3 members of each of the Panels. The Headteacher cannot sit as a member of these Panels.
2. INSERT NAME is informed of the process to be followed (see attached draft letter).
3. INSERT NAME is offered a medical representation meeting with an Occupational Health Consultant. S/He may be represented at this meeting by a suitably qualified medical practitioner and INSERT NAME and/or his/her representative may present medical evidence as to why s/he should not be dismissed. Any written medical evidence should be submitted to the Occupational Health department before the appointment and, after the appointment, Occupational Health produces a medical report.
4. INSERT NAME and/or his/her trade union representative are invited to make representations to the Panel of Governors as to why s/he should not be dismissed on grounds of continuing lack of capability.
5. The Panel of Governors considers the representations, together with any other information available to them including the medical report from Occupational Health and a report by the Headteacher. The Panel decides whether INSERT NAME should be dismissed on grounds of lack of capability or not. The report by the Headteacher should set out the organisational and educational consequences of INSERT NAME prolonged absence and the effect this is having upon the needs of the school, concluding with a recommendation.
6. INSERT NAME is informed of the outcome and if the decision of the Panel of Governors is to dismiss, INSERT NAME and/or his/her representative has the right to appeal to the Appeals' Panel of Governors.

If Governors decide to proceed in relation to **Option 3** above, my advice is that you commence proceedings soon. The Governing Body would need to pass a resolution to form the two committees on or around INSERT DATE. This will ensure that the procedure can be completed in time for the requisite amount of notice to be issued (INSERT MONTHS/WEEKS). INSERT NAME would be due to be paid full pay during the period of his/her notice and this will be a cost on the school's budget. You will need to confirm whether you will be covered for this payment if the school is a member of the Supply Insurance Scheme operated by the LA.

Obviously, there is also an option to commence dismissal proceedings later in the year for a dismissal date of INSERT DATE, by which time it is more likely that a decision regarding INSERT NAME ill health application might have been made by Teachers' Pensions.

I trust that this information is helpful to yourself and Governors. **In the interests of fairness and equity for any future appeals, it is important that the Full Governing Body are not involved in discussing any details of the case and in particular the effects of INSERT NAME prolonged absence on the life of the school or his/her state of health.**

Please do not hesitate to telephone me if you require any further information.

Yours sincerely

XX XX
Employee Relations Consultant / Adviser
Schools' Employee Relations Team

LETTER TO INDIVIDUAL COMMENCING DISMISSSAL PROCEEDINGS
Appendix E13

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

I write on behalf of the Governors of (INSERT NAME OF SCHOOL).

As you know, you have now been absent due to sickness from your post at (INSERT NAME OF SCHOOL) since (INSERT DATE). You have been referred to Occupational Health, but to date no indication has been received to suggest that you are likely to be fit to return to work in the near future. The Governors are obliged to consider the ongoing educational and development needs of the pupils at the school, and as such the Governing Body recently met to determine a way forward.

The Governing Body has reluctantly concluded that given the length of your sickness absence and the fact that there has been no indication that you will be fit to return to work in the foreseeable future, it has no option but to consider the likelihood of your return to work in the foreseeable future and the commence dismissal proceedings on the grounds of lack of capability due to ill health. The procedure which they now intend to follow is set out below for your information and a copy of this letter has been forwarded to your trade union representative.

It appears that you may no longer have the health or physical capacity for your employment and therefore, in accordance with Regulation 7 of the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999, you are offered the opportunity to submit medical evidence and make representations to Dr (INSERT NAME), from Occupational Health. An appointment has been provisionally arranged for you to see Dr (INSERT NAME) at (INSERT TIME) am/pm on (INSERT DATE) at the Fowey Building, New County Hall, Truro. If you wish to submit any medical evidence from your General Practitioner or Consultant, please do so in writing to Dr (INSERT NAME) at least two days before the appointment. You will be expected to meet any costs associated with the provision of medical evidence from your General Practitioner or Consultant. You are entitled to be represented at the appointment with Dr (INSERT NAME) by a qualified medical practitioner of your choice. Please confirm to me in writing whether you wish to attend the appointment with Dr (INSERT NAME) by midday on (INSERT DATE).

Following the appointment and having considered any evidence you may provide Dr (INSERT NAME) will provide a report to a Panel of Governors appointed by the Governing Body of (INSERT NAME OF SCHOOL). This Panel has been appointed by the Full Governing Body to consider in detail the question of your continued employment.

Following your appointment with Dr (INSERT NAME) you will be invited to attend a representations meeting with the appointed Panel of Governors. You will have

an opportunity to be represented at the meeting by your trade union and you and/or your representative will have an opportunity to present your views to Governors as to why you should not be dismissed on the grounds of lack of capability due to ill health. The Panel of Governors will decide, on the basis of evidence available, including Dr (INSERT NAME) report, whether or not to dismiss you. A provisional date has been set for the representations meeting for (INSERT DATE) at (INSERT TIME) am/pm. If you wish to make representations to the appointed Panel of Governors, you may choose whether you wish this meeting to take place at the school or at County Hall.

If the Panel of Governors determines that your employment should be terminated, you will be offered an opportunity to appeal to a second Panel of Governors from the Appeals' Committee of the Governing Body. The Appeals' Panel may either decide to confirm or overturn the decision of the previous Panel of Governors that made the decision to dismiss. If they uphold the decision to dismiss, you will be issued with notice to terminate your employment with effect from 30 April / 31 August / 31 December. A provisional date, should it be necessary, for the Appeal hearing has been set for (INSERT DATE).

If there are any aspects of this letter which you or your trade union representative would like to discuss with me, or any alternative proposals which you would like to put forward as to how this situation might otherwise be resolved, please do not hesitate to contact me.

Yours sincerely

XX XX
Employee Relations Consultant / Adviser
Schools' Employee Relations Team

Copies to: XX, Headteacher, INSERT NAME OF SCHOOL
XX, Trade Union Representative, INSERT NAME OF TRADE UNION
Occupational Health Consultant, Fowey Building

LONG TERM ABSENCE – Invitation to Governors Meeting
Appendix E14

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

I am writing further to your recent appointment with INSERT NAME OF DOCTOR of Occupational Health. The report that INSERT NAME OF DOCTOR has produced following this appointment states the following:

INSERT DETAILS.

As discussed in my letter to you dated INSERT DATE, I am now writing to invite you to attend a meeting with the Panel of Governors appointed by the Governing Body to consider the prospect of you returning to work in the foreseeable future and the question of your ongoing employment. The meeting has been arranged to take place on INSERT DATE, TIME AND VENUE. The meeting can take place at County Hall if you would prefer this venue to one at the school.

You will have an opportunity to be represented at the meeting by your trade union and you and/or your representative will have an opportunity to present your views to Governors as to why you should not be dismissed on grounds of lack of capability due to ill health. The Governors will decide, on the basis of evidence available, including INSERT NAME OF DOCTOR report and the Headteacher's report (attached), whether or not to dismiss you with effect from 30 April / 31 August / 31 December. I would be grateful if you or your representative would inform me by midday on INSERT DATE whether you wish to make representations to the Panel of Governors and if so, whether you wish this meeting to take place at the school or at County Hall.

If you or your representative have any queries, please do not hesitate to contact me on (01872) 32XXXX.

Yours sincerely

XX XX
Employee Relations Consultant / Adviser
Schools' Employee Relations Team

Copies to: XX, Headteacher, INSERT NAME OF SCHOOL
XX, Trade Union Representative, INSERT NAME OF TRADE UNION
Dr INSERT NAME, Occupational Health, Fowey Building, NCH

NOTIFICATION OF DISMISSAL **Appendix E15A**

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

The Panel of Governors appointed by the Governing Body of INSERT NAME OF SCHOOL to consider the question of your ongoing employment met earlier today at INSERT VENUE. At that meeting INSERT NAMES OF PEOPLE AND AN INDICATION OF THEIR ROLES were in attendance.

The purpose of the meeting was for the Governors to decide, on the basis of the evidence available to it, including Dr INSERT NAME OF DOCTOR report, whether or not to dismiss you. Evidence considered by the Governors included the following:

1 The Occupational Health Consultant's report dated INSERT DATE;

2 A report by the Headteacher dated INSERT DATE;

3 Insert details of any representations made by the employee and/or her/his representative.

After careful consideration of the evidence, the Governors regrettably concluded that there is no prospect of you being able to return to work in the foreseeable future in any capacity and therefore resolved that they have no option but to dismiss you on grounds of lack of capability due to ill health with effect from 30 April / 31 August / 31 December.

You have the right to appeal against this decision to an Appeals' Panel of Governors. If you wish to appeal, please inform me in writing by INSERT DATE. Should it be necessary, the appeal hearing has been scheduled for INSERT DATE at INSERT TIME in the INSERT VENUE. You have the right to be represented at this meeting by your trade union and I suggest that you contact your trade union representative for advice. If I have not heard from you by INSERT DATE, I will assume that you do not wish to exercise your right of appeal and I will write to you formally to issue you with notice of dismissal.

Yours sincerely

XX XX
Employee Relations Consultant / Adviser
Schools' Employee Relations Team

Copies to: XX, Headteacher, INSERT NAME OF SCHOOL
XX, Trade Union Representative, INSERT NAME OF TRADE UNION

NOTIFCATION OF DISMISSAL **Appendix E15B**

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

I am writing following the meeting of the Panel of Governors appointed by the Governing Body to consider the question of your ongoing employment, which took place on INSERT DATE. The Governors met and carefully considered all information that was available to them, including a report/s from Occupational Health and the Headteacher's report, and the written and oral representations made by you and/or your representative.

The Governors considered the effects of your absence on the educational and development needs of pupils and concluded that INSERT DETAILS.

IF APPLICABLE
Whilst the Governors remain hopeful that your application to retire on grounds of ill health is successful, they resolved that they have no option but to dismiss you on grounds of lack of capability due to ill health with effect from 30 April / 31 August / 31 December. I appreciate that this decision is likely to come as a disappointment to you and notwithstanding this fact, if there is anything that you believe the school can reasonably do to offer support and assistance at this time, please let me know.

You have the right to appeal against this decision to an Appeals' Panel of Governors. If you wish to do so, please inform me in writing by no later than INSERT DATE. The date of the Appeal Hearing has been provisionally arranged to take place at INSERT TIME on INSERT DATE. You have a right to be represented by your trade union.

Finally, can I emphasise that whilst the Governors have made this decision, they did so after much deliberation. They all wished to express their sympathy to you over your continuing ill health.

If you have any queries regarding the contents of this letter, please do not hesitate to contact me on (01872) 32XXXX. Alternatively, you may choose to contact your trade union representative INSERT NAME to whom I am also sending a copy of this letter.

Yours sincerely

XX XX
Employee Relations Adviser
Schools' Employee Relations Team

Copies to: XX, Headteacher, INSERT NAME OF SCHOOL
XX, Trade Union Representative, INSERT NAME OF TRADE UNION

Appendix E16

INSTRUCTION BY A SCHOOL GOVERNING BODY TO CORNWALL COUNCIL TO DISMISS AN EMPLOYEE

This declaration must be completed, signed by the Headteacher and Chair or Vice Chair of Governors, and forwarded to CSF HR, Room 469, New County Hall, Truro, TR1 3AY

NAME OF SCHOOL:	
FULL NAME OF EMPLOYEE:	
DATE OF BIRTH (if known):	/ /
AGE AT DATE OF DISMISSAL:	
TITLE OF POST HELD:	
IS THE EMPLOYEE FULL-TIME OR PART-TIME: If part-time, please specify FTE	Full-time / Part-time (please delete) 0. _____ FTE
GRADE AND/OR SPINAL POINT:	
ACTUAL SALARY:	£
REASON FOR DISMISSAL:	
DATE & MINUTE REF OF THE QUORATE MEETING OF THE GOVERNING BODY WHEN IT WAS RESOLVED THAT THE ABOVE NAMED EMPLOYEE BE DISMISSED: NB please forward a copy of these minutes (if they have not previously been forwarded)	
EFFECTIVE DATE OF DISMISSAL:	

DECLARATION

ON BEHALF OF THE GOVERNING BODY I INSTRUCT CYPF PERSONNEL TO DISMISS THE ABOVE EMPLOYEE

HEADTEACHER'S SIGNATURE..... DATE:.....

SIGNATURE OF *CHAIR / VICE CHAIR OF GOVERNING BODY

..... DATE:.....

*Please delete as appropriate

FOR COUNTY HALL USE ONLY

	APPROVED	DATE
COUNTY TREASURER		
HEAD OF HR & OD		

Appendix E17

TERMINATION OF EMPLOYMENT

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

Termination of Employment on the grounds of lack of capability due to ill health

I write further to the letter dated INSERT DATE from INSERT NAME AND TITLE.

(FOR TEACHERS) I therefore issue you with notice of dismissal on grounds of lack of capability due to ill health and confirm that your last day of employment will be 30 April / 31 August / 31 December. In accordance with the terms of your contract, you are entitled to INSERT months/weeks notice for which you will receive full pay.

(FORSUPPORT STAFF) I therefore issue you with notice of dismissal on grounds of lack of capability due to ill health and confirm that your last day of employment will be DATE. In accordance with the terms of your contract, you are entitled to INSERT months/weeks notice for which you will receive full pay.

I would like to express my genuine regret at the circumstances which have required that your employment be terminated. I hope that your health soon improves and wish you all the very best for the future.

Yours sincerely

XX XX
Employee Relations Consultant / Adviser
Schools' Employee Relations Team

Copies to: XX, Headteacher, INSERT NAME OF SCHOOL
XX, Trade Union Representative, INSERT NAME OF TRADE UNION

APPENDIX 18

LETTER TO TEACHER – ILL HEALTH RETIREMENT FORMS

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

Premature Retirement on the Grounds of Ill Health

Further to your recent request, please find enclosed forms 18 and 20 Pen.

You will need to complete Part A of Form 18 Pen and return it to INSERT NAME, Children, Schools and Families Employment Support Team, Room 313, New County Hall, Truro, TR1 3AY. We will then complete Part B and forward it to Teachers' Pensions (TP). You will also need to pass the Form 20 Pen to your GP for completion. The Form 20 Pen will be returned direct to Teachers' Pensions by your GP.

On receipt of the above forms, Teachers' Pensions will make an assessment of your case. It is for the Secretary of State to decide whether or not an application for ill health retirement is granted. The TP will write to you direct to advise you of its decision.

If I can be of any further assistance, please do not hesitate to contact me. If you are a trade union member you may find it helpful to approach your local representative for further advice on the best way to present your application to the TP.

Yours sincerely

XX XX
Employee Relations Consultant / Adviser
Schools' Employee Relations Team

Encs

TEACHER - ILL HEALTH RETIREMENT **Appendix E19**

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

I am writing further to your recent appointment with Dr INSERT NAME.

Dr INSERT NAME has informed me that because of medical reasons s/he does not believe that you should continue to work as a teacher, and is recommending that you consider early retirement on the grounds of ill health.

In the light of this prognosis about your state of health, I am enclosing forms 18 and 20 Pen which are produced by Teachers Pensions for use by teachers who wish to apply for premature retirement. You may wish to take advice from your trade union before completing these forms.

However, should you take this option, you will be required to complete Form 18 Pen and return it to Children, Schools and Families Employment Support Team, Room 313, New County Hall, Truro, TR1 3AY. We will then complete Part B and forward it to Teachers' Pensions (TP). You will also be required to pass the Form 20 Pen to your GP for completion. This will be returned direct to the TP. The TP will then make an assessment of your case. If you choose not to take this route, as you will appreciate, we would have no option but to advise the school to dismiss you on the grounds of permanent ill health, as you have been deemed unfit to continue in your work as a teacher.

I hope that this is helpful to you. Please do not hesitate to contact me should you have any queries or require any assistance in completing the 18 Pen.

Yours sincerely

XX XX
Employee Relations Consultant / Adviser

Copy to: XX, Headteacher, INSERT NAME OF SCHOOL

LETTER TO STAFF – MEETING BEFORE RETURNING TO WORK BEFORE EXPIRY OF FIT NOTE

Appendix E20

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

Return to Work before expiry of Fit Note

As you are aware, your GP recently issued you with a 'not fit for work' fit note, which is due to expire on INSERT DATE.

You have informed me that you feel well enough to return to work prior to the expiry of your fit note, however, before agreeing to this I would like to meet with you to discuss your recovery and any temporary adjustments that may need to be considered.

I suggest a meeting takes please at the school on DATE at TIME and I would be grateful if you would confirm your attendance.

Yours sincerely

XX XX
Headteacher

LETTER TO STAFF – AGREEMENT TO RETURNING TO WORK BEFORE EXPIRY OF FIT NOTE

Appendix 21

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

Return to Work before expiry of Fit Note

I write following our meeting on DATE to discuss your request to return to work prior to the expiry of your fit note.

I confirm that I am satisfied that you feel you have made sufficient recovery from your recent illness to enable your return work and it has been agreed that you will return to work on DATE.

IF APPLICABLE INSERT ANY DETAILS REGARDING HEALTH AND SAFETY RISK ASSESSMENT THAT HAS BEEN OR WILL BE CARRIED OUT.

IF APPLICABLE CONFIRM ANY ADJUSTMENTS AGREED AND FOR HOW LONG.

IF APPLICABLE CONFIRM AGREED REDUCTION IN HOURS AND FOR HOW LONG (*note that a reduction in hours is usually paid at full hours for a period up to 4 weeks – if this arrangement needs to continue after this time then pay should be adjusted according to the hours being worked).*

Yours sincerely

XX XX
Headteacher

LETTER TO STAFF – NON-AGREEMENT TO RETURNING TO WORK BEFORE EXPIRY OF FIT NOTE

Appendix 22

Personal & Confidential

INSERT NAME
ADDRESS
ADDRESS
POST CODE

Your ref:
My ref:
Date:
Tel No:

Dear

Return to Work before expiry of Fit Note

I write following our meeting on DATE to discuss your request to return to work prior to the expiry of your fit note.

I confirm that I am not satisfied that you have made sufficient recovery from your recent illness to enable your return work. Therefore you should refrain from work until the expiry of your fit note on DATE.

IF APPLICABLE INSERT ANY DETAILS REGARDING HEALTH AND SAFETY RISK ASSESSMENT THAT HAS BEEN OR WILL BE CARRIED OUT.

IF APPLICABLE CONFIRM ANY ADJUSTMENTS AGREED AND FOR HOW LONG.

I look forward to welcoming you back to work on DATE.

Yours sincerely

XX XX
Headteacher

APPENDIX 23

RETURN TO WORK MEETING

A. Personal Details

Surname:	Forename:	Payroll Ref:
Job Title:		

B. Absence Details

First day of absence *(on a normal working day inc weekend where appropriate):* Last day of absence *(including weekend).*

Day: Date: Day: Date:

Reason for Absence:

Is the absence as a result of Work Related Stress? Yes ☐ No ☐

If yes, has the Stress Management Toolkit been used (available via the Schools Messenger website under Health, Safety & Wellbeing)

Does the absence result from an accident involving a 3rd party? Yes ☐ No ☐

Is the absence as a result of an industrial accident or disease? Yes ☐ No ☐

If yes, please refer to Health, Safety & Wellbeing via the Schools Messenger website

C. Return to Work Interview Notes *(for employees who are completing Self Certification)*

Was the absence notified correctly? Yes ☐ No ☐

(i.e. absence reported on the 1st day of absence on a normal working day)

Give details of anything you can tell me which may affect your recovery?

What can I do to support you?

Is a follow up meeting or any further action required? Yes ☐ No ☐

D. Self Certification

I declare that the details given above are true and I understand that making a false declaration could lead to formal action

Signed Employee Print Name Date

E. Return to Work Interview Notes *(for employees who have been required to provide a Statement of Fitness for work)*

Was the absence notified correctly? Yes ☐ No ☐

(i.e. absence reported on the 1st day of absence on a normal working day)

Has a Statement of Fitness for Work ('Fit Note') been submitted? *(required from the 8th day of absence)* Yes ☐ No ☐

Is your GP aware that you are returning to work? Yes ☐ No ☐

What can I do to support you?

(discuss suggestions that may have been made by the employee's GP on the fit note and detail any agreed temporary adjustments in the box provided below)

Is a follow up meeting required? *(possibly to review any agreed temporary adjustments)* Yes ☐ No ☐

Is an Occupational Health referral required? Yes ☐ No ☐

I declare that the details given above are true and I understand that making a false declaration could lead to formal action

Signed Employee : Print Name: Date: / / 20

F. Agreed Temporary Adjustments

Insert details of agreed temporary adjustments, timescale and any review dates.

G. Additional Comments

Including addressing any concerns there may be about the employee's attendance (refer to section 7 - Managing Short Term Absence & 11 - Managing Long Term Absence, in the Whole School Attendance Policy).

Management signature:

Print Name:

Designation:

Date:

APPENDIX 24

CONFIDENTIAL to Employee, Line Manager/Other cc Headteacher

PROCEDURE FOR FORMAL DISMISSAL HEARING (on the grounds of lack of capability due to ill health or ongoing unacceptable attendance)

- The Headteacher shall present the case in respect of the employee's ongoing ill health/unacceptable standard of attendance in the presence of the employee.
- The employee and the Panel of Governors will have the opportunity to ask questions of the Headteacher.
- The employee (and/or his/her representative) will present his/her case, including any medical representations they may wish to make in the presence of the Headteacher.
- The Headteacher and the Panel of Governors will have the opportunity to ask questions of the Headteacher.
- The Headteacher will be given the opportunity to sum up the case.
- The employee (and/or his/her representative) will be given the opportunity to sum up the case.
- The Headteacher and the employee (and his/her representative) will withdraw.
- The Panel of Governors will deliberate in private, only recalling the Headteacher and the employee to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return.
- The Panel of Governors will announce the decision to the parties.

APPENDIX 25

PROCEDURE TO BE FOLLOWED AT APPEAL HEARINGS

- The appellant (and/or his/her representative) will present his/her case in the presence of the Headteacher.
- The Headteacher and the Appeals' Panel of Governors will have the opportunity to ask questions of the appellant (and/or his/her representatives).
- The Headteacher will put forward his/her case in the presence of the appellant (and/or his/her representative).
- The appellant (and/or his/her representative) and the Appeals' Panel of Governors will have the opportunity to ask questions of the Headteacher.
- The appellant (and/or his/her representative) will be given the opportunity to sum up the case.
- The Headteacher will be given the opportunity to sum up the case.
- The Headteacher and the appellant (and/or his/her representative) will withdraw.
- The Appeals Panel will deliberate in private, only recalling the Headteacher and the appellant to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return.
- The Appeals Panel will announce the decision to the parties.