

HR Policy and Procedures

Section: D29

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| Title: | Managing Sickness Absence Policy |
| Purpose: | To provide a robust framework to manage sickness absence for all school based staff |
| Operational contact: | YourHR Operational Team & Schools Nominated Officer |
| Policy contact: | Faye Parrett, HR Change & Strategy Team, 01384 814986, faye.parrett@dudley.gov.uk |
| Supersedes: | September 2008 version of the policy |
| Consultation: | This policy has been formulated in consultation with the NUT, NASUWT, ATL, ASCL, NAHT, GMB and Unison and agreed with all Trade Unions. |

Policy Revision History

| Revision number | Date | Amendment | Revised by |
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| 00 | May 1999 | Creation (D-27) | Unknown |
| 01 | June 2004 | Revision | Unknown |
| 02 | September 2008 | Revision | Sam Webb |
| 03 | December 2013 | Revision | Jo Evans |

Policy adoption

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| Policy adopted by the Governing Body of: | |
| Date adopted by the Governing Body: | |
| Signed by Chair of Governors: | |

Amendment: May 2020 – COVID-19 Pandemic:

Under the current Government arrangements for the Covid-19 pandemic, schools may be required to open to more children from June 1st 2020 if the infection rate (R) remains below 1 and the 5 key Government targets have been met. School will also remain open for Key worker children.

To ensure the safety of children, staff and families, necessary Local Authority risk assessments will be in place alongside more specific to Brook safety measures that have been carefully considered. These include:

- Reduced contact between children and staff – group sizes of 15 that will be kept away from other groups
- Allocation of the same staff to a group as far as possible
- Groups to remain in the same classroom throughout the day including isolated, staggered break times and lunch times
- Thorough cleaning - shared resources (if they cannot be individualised), frequent cleaning of surfaces that children touch, including toys
- Ensure frequent hand washing and hand sanitizing
- No use of outdoor equipment

However, School cannot guarantee that the recommended 2mtr social distancing rule can be adhered to at all times for either staff or pupils.

Alongside the recommendations made in the risk assessments some basic principles can help to keep children, teachers and staff safe at school and help to stop the spread of this disease:

- All staff to wash hands on arrival in school
- Staff need to be aware of the basic information and guidance about COVID-19 and know the main symptoms as identified by the Government and NHS. These are:
 - High temperature
 - New, continuous cough
 - Loss or change to sense of smell or taste
- Unwell teacher and other staff should not come into school
- If they show any of the symptoms of COVID-19, then should self isolate alongside other members of their household for 14 days following the COVID-19: Guidance for households, including accessing testing.

Staff who fall into the government's/ school's guidelines to self-isolate will be expected to work from home when this is possible.

Staff who have helped someone who was taken unwell with COVID-19 symptoms do not need to go home unless they develop symptoms themselves.

Staff Reporting Procedures if unwell:

- If at home, staff need to inform the head teacher, immediately if they are displaying signs of being unwell via telephone call. Staff should always try not to leave messages of absence and should endeavour to speak to the head directly. If they are not well enough, then another member of the household should avoid messages being missed and that appropriate staffing changes can be made
- Any staff member who displays signs of being unwell while at school should immediately refer themselves to the head teacher and will be sent home.
- Unwell staff should try contact the head teacher as soon as they begin to feel well or have a negative test return, to discuss their return to work date.

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1.0 Purpose

The purpose of this policy is to provide Brook Primary School with the necessary tools to support staff at the School/Academy when there are periods of sickness absence. Brook Primary School will ensure the wellbeing of its staff through support mechanisms to enable informed decisions to be made whilst exercising a duty of care to the employees of Brook Primary School, ultimately to increase consistency in learning for children and young people.

This policy is intended to complement other School/Academy model policies.

2.0 Scope

This policy applies to all staff employed, both teaching and non-teaching, including the Headteacher.

The Headteacher may delegate the responsibility of actions short of any dismissal hearing to an appropriate colleague, further referred to as the appropriate designated officer.

3.0 Principles

The aim of this policy is to support Brook Primary School in achieving wellbeing and provide support mechanisms for staff at Brook Primary School when there are periods of sickness absence, maintaining high levels of attendance in Brook Primary School.

The Policy is based on the following principles:

- To develop a working environment and management style which is supportive, values employee's and encourages high performance and attendance;
- To ensure staff at Brook Primary School are supported in terms of wellbeing in periods of sickness absence whilst also developing a culture of regular and sustained attendance, supported by the leadership of Brook Primary School which values employees and encourages high performance and attendance;
- The need to recognise and acknowledge good attendance;
- The need to develop a collaborative and open approach in managing sickness absence issues;
- To raise awareness of responsibility to both the management and employees of Brook Primary School;

- To create a confidential environment for dealing with sickness absence issues;
- To utilise processes contained within the policy to gain a full understanding of the reason for illness/sickness absence, to be able to make informed decisions;
- To raise awareness of the legal obligations placed on the Employer and the Employee including duties under Health and Safety at Work Act 1974, Equality Act 2010 and subsequent regulations;
- To comply with access to medical records legislation regarding confidentiality in dealing with an employee's sickness absence issues;
- To be implemented in accordance with the provisions of the ACAS Code of Practice in relation to any employment related issues.

4.0 Payment for Sickness Absence Leave

Payment for Sickness Absence Leave for Non-Teaching Staff (Green Book)

Currently if an employee (non-teaching staff) has 5 years continuous service, the period of full pay during sickness absence leave is 6 months. For an employee with less than 5 years continuous service, the payment of occupational sick pay is staggered. The amount of sickness absence pay entitlement is calculated by looking back 12 months from the first day of any period of sickness absence. Any sickness payment during the 12 months will be deducted from the overall entitlement.

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| During the 1 st year of Service | 1 months full pay and (after completing 4 months service) 2 months half pay |
| During the 2 nd year of Service | 2 months full pay and 2 months half pay |
| During the 3 rd year of Service | 4 months full pay and 4 months half pay |
| During the 4 th and 5 th year of Service | 5 months full pay and 5 months half pay |
| After 5 years Service | 6 months full pay and 6 months half pay |

Payment for Sickness Absence Leave for Teaching Staff (Burgundy Book)

Provided the appropriate conditions are met, a teacher absent from duty because of illness (which includes injury or other disability) shall be entitled to receive in any one year sick pay as follows:

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| During the 1 st year of Service | Full pay for 25 working days and after completing 4 calendar months' service, half pay for 50 working days |
| During the 2 nd year of Service | Full pay for 50 working days and then half pay for 50 working days |
| During the 3 rd year of Service | Full pay for 75 working days and then half pay for 75 working days |
| During the 4 th and subsequent years | Full pay for 100 working days and half pay for 100 working days |

For the purpose of the sick pay scheme for teaching staff only, "service" includes all aggregated teaching service with one or more local education authorities.

For the purpose of this scheme, "working days" means teaching and non-teaching days "directed time", as specified in the School Teachers' Pay and Conditions document.

5.0 Occupational Sick Pay

In order to qualify for occupational sick pay an employee must comply with the Sickness Absence Policy and the appropriate local reporting procedure.

6.0 Legal Context

Throughout the application of this policy Brook Primary School will comply with the legal framework of relevant employment legislation that affects all employees and includes;

- Equality Act 2010;
- The Health & Safety at Work Act 1974;
- The School Staffing (England) Regulation 2009;
- Education Act 2011;
- Data Protection Act 1998;
- Fitness to Teach - Guidance for Employers;
- Initial Teacher Training Providers 2007;
- The Education (Health Standards) (England) Regulations 2003.

The Governing Body recognises the requirement to comply with legislative requirements and aims to follow good practice wherever possible. Teachers will receive sickness pay in accordance with the Conditions of Service for School Teachers in England and Wales August 2000 (Burgundy Book). Non-teaching staff will receive sickness pay in accordance to National Agreement on Pay and Conditions of service for local government services (Green Book).

This policy also incorporates legal provisions made under the Equality Act 2010 and the Secretary of State's requirements for health and

physical capacity to teach as outlined in the Fitness to Teach: Guidance for Employers and Initial Teacher Training Providers 2007.

The intrinsic functions of the work of a teacher as defined by Fitness to Teach are prescribed by The Education (Health Standards) (England) Regulations 2003 for the purposes of Section 141 of the 2002 Education Act.

7.0 Model Policies

Where applicable this policy should be read in conjunction with the following Brook Primary School policies:

- Paid Leave of Absence Policy;
- Handling Local Government Ill Health Retirements;
- Flexible Working and Retirement Policy;
- Substance Misuse Policy;
- Redeployment Policy;
- Health & Safety Policy.

In addition the following guidance:

- Managing Sickness Absence Guidance;
- Local Government Maternity Scheme;
- Teachers Maternity Scheme;
- Local Government Adoption Scheme;
- Teachers Adoption Scheme;
- Local Government paternity, parental and maternity support scheme;
- Teachers' paternity, parental and maternity support scheme.

These policies/guidance notes are not an exhaustive list and any other relevant Brook Primary School policies should be referred to.

8.0 Absence Roles and Responsibilities

The specific responsibilities for staff are as follows:

Appropriate designated officer:

This person will have overall management responsibility for the absence management of the employee and they will undertake the following:

- Conduct return to work interviews/wellbeing meetings;
- Support the employee on their return to work;
- Facilitate any agreed reasonable adjustments, for example a phased return to work for a period of time;
- If required, refer the employee to Occupational Health via HR & OD;

- If required, present the case at a capability hearing after all reasonable steps/processes including occupational health/medical assessments have been undertaken.

The role of HR:

- To provide advice and guidance regarding appropriate policies;
- To accompany the appropriate designated officer when requested and participate at any meetings related to the absence/attendance of employees;
- To assist the appropriate designated officer with the facilitation of the Occupational Health referral process;
- To provide the appropriate designated officer advice regarding legal issues i.e. Equality Act;
- If required, to provide support to the appropriate designated officer in capability dismissal hearings.

The role of the employee:

- To comply with the absence policy;
- To comply with the absence reporting protocol and provide appropriate documentation for absence i.e. self certification and or Doctor's fit note in a timely manner (in line with local reporting arrangements);
- To maintain contact with the appropriate designated officer in an agreed manner to agreed regularity;
- To actively participate in return to work interviews, wellbeing meetings and other sickness management meetings;

Brook Primary School's Absence Reporting Protocol (Appendix 1) is required to be followed by all employees unless this is superseded by a Brook Primary School protocol. The protocol will be issued to staff during their induction period and should be re-issued to an employee on the first occasion that the protocol is not followed as well as making a written record (including the date when issued) that the employee has received Brook Primary School's sickness absence reporting protocol for a second time. Should incorrect reporting procedures not be followed after this, Brook Primary School's Disciplinary Procedure may need to be invoked.

9.0 Representation

This policy recognises the right for employees to seek representation and encourages partnership working with Trade Unions and Professional Associations.

An employee or fellow worker has the right to be accompanied to the meeting by a current recognised trade union representative, trade union official or a fellow worker so long as their nominated

representative has no conflict of interest. If the employee or fellow worker has any concerns or are unsure whether their nominated representative may potentially be considered unsuitable for any reason then they should contact HR at the earliest opportunity and prior to the above meeting should it become necessary for them to consider alternative support of another trade union representative or fellow worker. It is the employee's/fellow worker's responsibility to arrange to be represented.

Should the employee have representational support from a Disability Advisor, carer or support worker, this support for the employee will be recognised in addition to Trade Union involvement.

It is expected that representatives who participate in meetings with employees will behave in a professional manner at all times. Brook Primary School reserves the right not to engage with representatives who display unreasonable behaviour toward staff at any stage of the process.

10.0 Managing Short –Term/Persistent Absence

10.1 What is short term absence?

Short-term absence usually takes the form of minor one off absences or minor absences that occur more frequently.

Please refer to the Sickness Absence Guidance that should be read in conjunction with this policy for the process to manage persistent short-term sickness absence.

10.2 Return to Work Interviews

Return to work interviews should be conducted for all sickness absences by the appropriate designated officer to ascertain up-to-date factual information regarding the staff member's current and ongoing health and well-being.

Return to work interviews need not take a great deal of time, just enough to ascertain if there are any contributory factors and to ensure the employee receives any support or guidance as appropriate to facilitate their return to work.

Following the return to work should an employee's sickness absence have reached a trigger point the appropriate designated officer may wish to establish an Employee Improvement Action Plan.

10.3 Trigger Points

Short term absence can have the biggest impact on service delivery and can have significant consequences in terms of staff morale, team-working and associated costs if persistent; therefore absence management action should be taken to reduce this category of sickness absence at the earliest opportunity.

For the purpose of this Policy, it is recognised that the following absence levels may be used as a trigger for improvement.

Employees who have had 3 separate periods of absence in a 6 month period

OR

Employees who have had 10 working days absence in a rolling 12 month period

10.4 How will short term sickness absence be managed when an issue is identified?

If an individual reaches a trigger point then this should be highlighted to the appropriate designated officer who will consider the individual circumstances and may meet with the employee in a confidential environment. The employee has the right to be accompanied to the meeting by a current recognised trade union representative, trade union official or a fellow worker. The following may be discussed at the meeting:

- Enquire about their health and wellbeing, expressing concern over the high level of sickness absence and establish if there are any underlying reasons;
- Check whether or not the employee's absence could be due to work related concerns or personal problems;
- To establish whether any reasonable workplace adjustments in terms of support may assist to improve their level of attendance, particularly where the absences are disability related.

The response that the appropriate designated officer receives will determine what action may be taken, which may include:

- Statements of underlying illness – seek advice from the schools nominated HR Officer who may advise a referral to Occupational Health;
- Personal problems – offer support and counselling if appropriate;
- Problems at work – manage as appropriate;
- Reasonable adjustments - either consider and implement or seek advice from the schools nominated HR Officer;

Following the discussion and with any agreed support in place the appropriate designated officer will consider whether it is then necessary to implement an Employee Improvement Action Plan.

Where no satisfactory response is given, the appropriate designated officer should:

- Explain that high levels of absence are not acceptable;
- Confirm again that there is no explanation;
- Agree a realistic target in the Employee Improvement Action Plan;
- Agree a date to review the attendance;
- Explain to the employee that there is an expectation of regular and sustained attendance with regards to the employee attending the workplace;
- Explain that failure to meet the required target may result in formal disciplinary action under the School's Disciplinary Procedure (before taking any disciplinary action the case should be discussed with your nominated HR Officer).

At the review, if the attendance target has been met, the appropriate designated officer will acknowledge/commend this with an expectation that the improvement should be sustained. The appropriate designated officer will also inform the employee that the employee's absence will continue to be monitored in line with normal procedures.

If the employee's attendance remains unsatisfactory, the appropriate designated officer will explore the reasons for this, following the stages outline above. If there is no satisfactory reason, the School's Disciplinary Procedure may be invoked. The reason for the disciplinary action is because they are not fulfilling their contract of employment with regards to attendance, not because they are sick.

If there is continuous failure to sustain improved attendance, action may continue under the School's Disciplinary Procedure and could ultimately result in dismissal.

11.0 Managing Long Term Sickness Absence

11.1 What is long term sickness absence?

Long term sickness absence is defined as being a period of sickness absence of 4 weeks or more in duration.

11.2 How do I manage long term sickness absence?

In the first four weeks of sickness absence, contact should be maintained between the employee and School to ensure the School are kept notified about the employee's condition. Between 4 and 8 weeks and following advice from HR, a welfare

meeting should be arranged between the appropriate designated officer, the employee and if requested your nominated HR Officer and a representative who may be a fellow worker, a trade union official, or a current recognised trade union representative who has been certified by their union as being competent. The invite to the meeting should be written formally giving at least 5 working days notice. If the employee wishes to be represented and the representative is unavailable, the meeting should be rearranged within 5 working days. Sometimes it may be necessary to conduct a Home Welfare Visit, however, this will always be by arrangement and the appropriate designated officer should never conduct a home visit alone.

This welfare meeting will be used in order to provide support and to share information to establish the best way forward for both the employee and the School. The appropriate designated officer will ask the employee for an update on their current medical condition, details of any referrals or treatment and a view on the likely duration of the absence. This meeting may also trigger a referral to Occupational Health, where appropriate.

Regular meetings and support should continue throughout the absence and should be appropriate to the employee's condition.

12.0 Occupational Health Referrals

Where the appropriate designated officer, after consultation with their nominated HR Officer, considers it appropriate a referral should be made to the Occupational Health Physician/Advisor. As a general guide this will normally be considered between 4 and 12 weeks for long term and as deemed appropriate with short term absence. However, each case will have unique circumstances and it may be necessary/advisable to refer an employee at an earlier point in their absence such as when an absence appears to have been triggered by the commencement of monitoring within the appraisal process, the capability process or the disciplinary process. Alternatively, where clear advice has been received by the GP there may not be a requirement to refer to Occupational Health e.g. a broken bone.

The reason for the referral will vary according to individual circumstances but some examples are:

- Persistent short term absence occurs without any substantial reason;
- A long term absence / health concern exists;
- The School is concerned for the health, well being or safety of the employee, other School employees or pupils;
- The School knows or suspects substance misuse;
- To determine whether someone is fit to be at work or to return to work;
- To determine what support can be given to aid an employee's return to work;

- To determine what support can be given to aid an employee to sustain high levels of attendance;
- To gain an opinion regarding an employee's likelihood to return to work.

The list above is not exhaustive. Occupational Health referrals are not exclusive to sickness absence and referrals may be made where there are health concerns relating to someone's employment.

12.1 The Process

A referral will be facilitated with the support of HR in all cases. The process followed will be:

- Explaining the reason for the referral to the employee;
- Explaining the process supported by supplementary information;
- Consent will be sought from the employee under the Access to Medical Records Act 1988 for the referring officers to view the Occupational medical report;
- The appropriate designated officer, supported by HR, will complete the referral documentation;
- The employee attends an assessment with an Occupational Health Physician/Adviser;
- The Occupational Health Physician/Adviser will contact the employee to seek agreement that the report is accurate and can be released to the referring officers.

12.2 Recommendations

Examples of responses which may be received from the Occupational Health Physician/Advisor are:

- **Fit to return to work**

A return to work date should be agreed with the employee. Consideration will be given to any reasonable adjustments that are suggested by the report or the employee's Doctor's fit note.

- **Return with Reasonable adjustments**

This term covers a multitude of options and will be unique to individuals, dependant upon their medical condition, length of absence and practicalities available at School. All adjustments would be considered particularly if the adjustment is required due to an employee's disability. These may include:

- **Phased return to work:** This is for a maximum of 4 weeks dependant on the length and nature of the absence. The return should be phased by building up the number of working hours, days, duties and/or responsibilities.

Within the 4 weeks timeframe the employee will have built up to their full contractual obligations;

- Salary during a phased return to work. This will be based on the pay being received immediately prior to returning to work. Should the employee be in receipt of half pay then they will continue to receive half pay or be paid for the actual hours worked whichever is the greater. If the employee is in receipt of nil pay then they will be paid for the actual hours worked.
- Temporary reduction in hours, duties and/or responsibilities;
- Permanent change in hours, duties and/or responsibilities;
- 'Stepping down' to a post of less responsibility;
- Ergonomic assessment and subsequent environment changes;
- Purchase of special equipment.

This list is not exhaustive.

- **Re-referral**

This is usually within a specified time, where there is no current expected return to work date and would be dependent upon circumstances. The appropriate designated officer should continue to monitor the absence, maintain contact and keep the employee informed of their intentions.

- **Redeployment**

Following receipt of the Occupational Health report, which recommends the redeployment process be initiated, reference should be made to Brook Primary School's Redeployment Policy. Your nominated HR Officer can provide advice and support to both the School and employee.

In circumstances where an ill health capability dismissal is being considered, it is essential that, where applicable, redeployment opportunities are fully explored before dismissal proceedings are initiated. There may, however, be occasions when redeployment is deemed inappropriate by either the employee or Occupational Health.

- **Ill health retirement**

Local Government Ill Health Retirement

Please refer to the model policy D-40 for Handling Local Authority Ill Health Retirements.

Teacher Ill Health Retirement

A Teacher has the right to apply for ill health retirement. With effect from 1st January 2007, the Teacher may be granted partial incapacity or permanent incapacity. It is in the Teacher's interest to seek an up to date medical opinion from the Authorities Occupational Health Physician/Adviser, who will report on whether they believe the Teacher to be incapacitated. However, it is the decision of Teachers Pensions Medical Advisors as to whether the application for Ill Health Retirement is granted. Upon confirmation that a Teacher has been granted Ill Health Retirement Benefits, the Local Authority will work with the School and employee to agree a termination date.

NB for teachers this is not classed as a dismissal.

- **Dismissal on the grounds of ill health capability**

This is where the employee is not medically capable of returning to work in the foreseeable future. All other alternative options will have been exhausted at this point, including redeployment, if applicable. The employee will be informed that the School can no longer sustain the absence. The decision to seek to dismiss must be reasonable, considering all circumstances. An up to date report from the Occupational Health Physician/Advisor would normally form part of the Statement of Case.

The School will seek to dismiss the employee under the Ill Health Capability Dismissal Procedure.

In the event of the employment being terminated for ill health capability, appropriate pay in lieu of notice will be made.

12.3 Appeal

An appeal against the report of the Occupational Health Physician/Advisor can be in the way of;

- A request by the employee for the Occupational Health Physician/Advisor to amend the report;
- Provision of an alternative medical report (at the employee's cost, sometimes assisted by a Trade Union), which would be returned to the Occupational Health Physician/Advisor.

13.0 Prior to Dismissal

Ill Health Capability dismissal should only occur as a last resort. Prior to contemplating this course of action, one or more of the following must have taken place:

- Referral to an Occupational Health Physician/Advisor;
- Genuine consideration given to the possibility of a change of duties either on a temporary or permanent basis;

- Genuine attempts to redeploy under the Schools Redeployment Policy, where appropriate;
- The option of Ill Health retirement under the appropriate Scheme has been explored;
- Action under the Disciplinary Procedure.

14.0 Ill Health Capability Dismissal Procedure

The Governing Body has the statutory authority to decide to dismiss staff. However, it may delegate that authority to:

- i) The Headteacher (if agreed by the Headteacher) in its entirety (all dismissals);
- ii) The Headteacher (if agreed by the Headteacher) for Ill health capability dismissals only;
- iii) One or more Governors (the Staff Dismissal Committee); or
- iv) One or more Governors and the Headteacher (if agreed by the Headteacher)

In this School the power of dismissal lies with the staff dismissal committee.

The Governing Body will decide to delegate their authority to any of the above and this must be recorded in writing in the minutes of a full governor meeting and staff must be advised.

Where the Headteacher has delegated powers and has not been involved in managing the case, they may Chair the Ill health capability hearing and decide the outcome, including a decision to dismiss.

Where the Headteacher does not have delegated powers, the arrangements are for the Staff Dismissal Committee with delegated authority to hear the ill health capability hearing and decide the outcome of the hearing, including a decision to dismiss.

Where the Headteacher is not presenting the case they may attend such a hearing for the purposes of offering advice, in front of all parties, which the Governors must consider before making a decision.

It is assumed that before dismissal proceedings are instigated options including redeployment have been considered and that there is medical evidence to support the employee's inability to return to work in the foreseeable future.

In preparation for the proceedings, the appropriate designated officer will have prepared a full report on the employee's circumstances, including documents such as medical certificates, Occupational Health reports and any other documents relevant to the employee's absence. Information should be factual and represent all alternatives explored.

14.1 If the Headteacher has Delegated Powers to Dismiss

The employee will be invited in writing by the Headteacher to a hearing where the issue can be decided upon. The Panel will comprise of:

- Headteacher (Chair of the panel);
- Supported by a note taker/Clerk to the Governing Body.

In addition for Community and Voluntary Controlled Schools, the panel must be supported by:

- Dudley MBC Legal Services representative;
- Dudley MBC HR representative.

For Voluntary Aided, Foundation and Academy Schools it is strongly recommended to seek the above support at the hearing.

In this school support will be sought from Dudley MBC to provide a legal and HR representative.

The order of proceedings is detailed in Appendix 2 and 3.

To allow the employee sufficient time to prepare for the hearing and consider a response, this letter must be sent at least 10 working days in advance of the hearing date. Together with the letter, 2 copies of the appropriate designated officer's report including relevant documents will be issued. One copy is for the employee and the other is for their representative.

The letter to the employee inviting them to this hearing must state:

- The date, time and location of the hearing;
- Whether any witnesses are being called; and
- State clearly that one outcome of the meeting could be termination of their employment.

It is recommended that the Panel are sent copies of the papers and documentation at the same time as the employee and the representative.

Should the employee wish to refer to any evidence or call witnesses during the hearing, the evidence and/or names of witnesses must be submitted to the Clerk to the Committee no less than 3 working days prior to the hearing. The Clerk to the Committee will then distribute the relevant correspondence to the committee members.

The employee must be reminded of their right to be accompanied at the hearing. If the representative is unable to

attend the proposed date of the hearing the employee can suggest an alternative time and date as long as it is reasonable and not more than 5 working days after the original date. Brook Primary School recognise that where possible an alternative date will be negotiated with the employee and their chosen representative to avoid further delays.

If the panel make the decision to dismiss, they will inform the employee in writing stating:

- the reason for the dismissal;
- the date upon which the contract of employment will terminate;
- the appropriate notice period;
- pay entitlement;
- their right of appeal against the decision.

These areas must be made clear to avoid misunderstandings.

The decision letter will be sent to the employee within 5 working days of the hearing decision. A copy of the decision letter will also be forwarded to the nominated HR Officer advising on the case at the same time as notifying the employee

The School recognise that the Local Authority is then required to ratify the dismissal within 14 days as set out in the School Staffing (England) Regulations 2009. If notification is not received by the Local Authority in time to allow 14 days for the ratification of the dismissal, then the School accept that any liability for extended employment costs will pass to the School. Where the teacher works in more than one School, the letter from the Local Authority will explain that they are required to cease work at the School from which they have been dismissed.

14.2 *If the Headteacher does not have Delegated Powers to Dismiss*

The Headteacher will notify the employee that they will be referring the case to the Staff Dismissal Committee with the recommendation that the employee be dismissed. The employee will be invited in writing to a hearing where the issue can be decided upon.

The Panel will comprise of:

- The Staff Dismissal Committee, one of whom will Chair the panel;
- Supported by a note taker/Clerk to the Governing Body.

For Community and Voluntary Controlled Schools, the panel must be supported by:

- Dudley MBC Legal Services representative;
- Dudley MBC HR representative.

For Voluntary Aided, Foundation and Academy Schools it is strongly recommended to seek the above support at the hearing.

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The order of proceedings is detailed in Appendix 2 and 3.

To allow the employee sufficient time to prepare for the hearing and consider a response, this letter must be sent at least 10 working days in advance of the hearing date. Together with the letter, 2 copies of the appropriate designated officer's report including relevant documents will be issued. One copy is for the employee and the other is for their representative.

The letter to the employee inviting them to this hearing must state:

- The date, time and location of the hearing;
- Whether any witness are being called; and
- State clearly that one outcome of the meeting could be termination of their employment.

It is recommended that the Panel are sent copies of the papers and documentation at the same time as the employee and the representative.

Should the employee wish to refer to any evidence or call witnesses during the hearing, the evidence and/or names of witnesses must be submitted to the Clerk to the Committee no less than 3 working days prior to the hearing. The Clerk to the Committee will then distribute the relevant correspondence to the committee members.

The employee must be reminded of their right to be accompanied at the hearing. If the representative is unable to attend the proposed date of the hearing the employee can suggest an alternative time and date as long as it is reasonable and not more than 5 working days after the original date. Brook Primary School recognises that where possible an alternative date will be negotiated with the employee and their chosen representative to avoid further delays.

If the committee make the decision to dismiss, the Staff Dismissal Committee will inform the employee in writing stating;

- the reason for the dismissal;
- the date upon which the contract of employment will terminate;

- the appropriate notice period;
- pay entitlement;
- their right of appeal against the decision.

These areas must be made clear to avoid misunderstandings.

The decision letter will be sent to the employee within 5 working days of the hearing decision. A copy of the decision letter will also be forwarded to the nominated HR Officer advising on the case at the same time as notifying the employee.

The School recognise that the Local Authority is then required to ratify the dismissal within 14 days as set out in the School Staffing (England) Regulations 2009. If notification is not received by the Local Authority in time to allow 14 days for the ratification of the dismissal, then the School accept that any liability for extended employment costs will pass to the School. Where the teacher works in more than one School, the letter from the Local Authority will explain that they are required to cease work at the School from which they have been dismissed.

15.0 Appeals

Any employee who is dismissed on the grounds of ill health capability has the right to appeal to the Staff Appeals Committee. The appeal should be in writing and sent to the Clerk to the Staff Dismissal (Appeals) Committee and must state the grounds for the appeal. This needs to be done by the employee within 10 working days of receipt of the dismissal letter.

Where the Appeal is either against a decision to dismiss taken by the Headteacher or against a decision to dismiss made by the Committee, the Appeal will be heard by the Staff Dismissal (Appeals) Committee referred to for the purpose of this procedure as the 'Appeals Committee'. This Committee has the power to confirm or vary any such previous decision, taking into account advice from the advisors at the hearing.

Appeals will be heard without unreasonable delay.

15.1 Grounds for Appeal

Grounds for appeal should be one of the following:

- The finding is unfair, stating clear reasons;
- Significant new evidence has come to light, stating the evidence;
- The procedure was not applied correctly, stating how.

The appeal will not be a re-hearing, but will be concerned with the grounds of appeal which should be set out in the letter from the employee.

15.2 The Appeals Process

The appeal will be heard by the Appeals Committee, the Panel will comprise of:

- The Staff Dismissal (Appeals) Committee one of which will Chair the panel;
- Supported by a note taker / Clerk to the Governing Body.

For Community and Voluntary Controlled Schools, the panel must be supported by:

- Dudley MBC Legal Services representative;
- Dudley MBC HR representative.

For Voluntary Aided, Foundation and Academy School it is strongly recommended to seek the above support at the hearing.

In this school support will be sought from Dudley MBC to provide a legal and HR representative;

The dismissed employee has the right to be accompanied at the meeting by a representative. The format for the appeal meeting is set out in Appendix 3.

15.3 The Appeals Decision

The decision of the appeals committee will be one of the following;

- Appeal not upheld – confirm the original outcome;
- Appeal upheld. The employee will be reinstated into their former post.

The Appeals Committee decision is final. There will be no further appeal allowed under this procedure. The decision letter will be sent to the employee within 5 working days of the hearing decision.

15.4 Re-Hearing

A re-hearing can be requested in place of the appeal, only on the following grounds:-

- The dismissal hearing procedure was not used correctly
- Significant new evidence has come to light that wasn't available at the original hearing.

When a request for a re-hearing is received, the Chair of the Staff Dismissal (Appeals) Committee should take advice from HR and Legal.

The proceedings for the re-hearing are outlined in appendix 3. For the avoidance of doubt, significant new evidence which has become available or known subsequent to the dismissal hearing shall be admissible.

The constitution of appropriate committees and establishment of staff dismissal and staff dismissal appeals committees are contained in Appendix 4.

There is no further right of appeal following a re-hearing.

16.0 Other Considerations

16.1 Refusal to see the Occupational Health Physician/Advisor or to release the Medical Report

If an employee refuses to give consent the matter should be discussed between the appropriate designated officer and the employee to clarify the reasons why and try to resolve any objection informally and reach an agreement. However, the Governing Body have a statutory obligation to ensure that school staff have the health, mental and physical capacity to carry out their duties. If the informal route does not meet with success and the sickness absence issue continues then the appropriate designated officer does ultimately have the right to request an employee to see the Physician and to receive a copy of the medical report following a referral. Any request for an employee to attend an assessment with an Occupational Health Physician/Advisor, will therefore be deemed as a reasonable management request and refusal to meet this request may lead to the disciplinary policy/procedure being concurrently invoked.

16.2 Medical Suspension

Medical suspension may be necessary in certain scenarios. For example:

- a) The occupational health report indicates that the employee is not fit to be at work and the employee's GP has signed the

employee fit. Although a GP may sign an employee fit for work, they do not have experience of how the medical condition may affect the person's ability to do their job or be aware of the consequences under employment law.

Therefore, until the School is satisfied that the Occupational Health Physician/Adviser declares the employee fit for work, the appropriate designated officer may choose to medically suspend (on full pay) until fitness to return is confirmed by the Occupational Health Physician/Advisor.

- b) The School believes the employee is a Health and Safety risk to themselves or others due to medical reasons. Where this situation arises and suspension occurs an urgent referral to Occupational Health should take place to limit the length of any suspension.

The power of suspension lies with the full Governing Body of the school unless they have formally delegated such powers to one or more individual Governors or the Headteacher.

In this school the power of suspension lies with the Headteacher.

For Community and Voluntary Controlled Schools, before exercising the power of suspension, the Governing Body (or Governor(s) or Headteacher with delegated powers), must first seek the advice of the Local Authority through their nominated HR Officer.

For Voluntary Aided, Foundation and Academy Schools it is strongly recommended to seek advice from your nominated HR Officer prior to suspension.

The employee should be called to a meeting and informed of the reason and terms of the medical suspension, the meeting will normally be supported by a HR Officer and the employee will be given the opportunity to seek representation. However, if no representation can be sought this should not prevent the meeting from taking place.

Any suspension may only be lifted by the Governing Body and they shall, on ending such a suspension, immediately inform the Governor(s)/Headteacher with delegated powers of suspension. The Governing Body must also confirm this decision in writing to the employee within 5 working days of the decision.

For Community and Voluntary Controlled Schools the Local Authority must also be informed that the suspension has been lifted, through their nominated HR Officer.

16.3 Maternity Leave

It should be noted that maternity leave is not sick leave and that any employee intending to take maternity leave should refer to the guidance on maternity, particularly regarding risk assessment for a pregnant employee.

Any sickness during pregnancy should be treated in a supportive and sensitive manner in order to reduce undue stress to both the mother and child particularly pregnancy related.

If the employee has not commenced Maternity Leave then any period of sickness, up to an employees 4th week before their expected week of confinement (EWC), should be notified and recorded in the same way as any other sickness period.

If the employee has not commenced Maternity Leave after the 4th week before EWC and notifies her line manager of being absent from work due to sickness then the normal attendance provisions should apply.

However, if the nature of the absence period is pregnancy related, it will prevent the employee from returning to work before their EWC and the line manager can instruct the employee to commence their Maternity Leave from the date of the period of absence.

From this point the absence should be classified as maternity leave as opposed to sickness absence and maternity payments commence. The appropriate designated officer must record this accordingly.

Any sickness during a period of Maternity Leave does not require the employee to notify her line manager or for it to be recorded as sickness and therefore it can not be re-claimed by the employee.

If an employee who has just completed a period of Maternity Leave immediately notifies her line manager that she is unable to return to work due to sickness, then they should be deemed to be absent due to sickness rather than maternity from the date the maternity leave ends. In this scenario the normal attendance provisions should be followed from the date the episode of absence commenced.

16.4 Equality Act 2010

Although the Act does not make it compulsory for an employee to disclose if they have a disability or protected characteristic, the employee must recognise that, in order for the School to provide a supportive environment, some knowledge of the medical condition/impairment needs to be shared in order to facilitate any requirements. Once the School are made aware of

such a request, the School have a duty to consult with the employee on possible reasonable adjustments.

HR can support the School and the employee in ensuring appropriate support is available either from the Occupational Health Physician/Advisor, Access to Work, the Disability Rights Commission or any other supportive body.

The Act places a duty on the School to make reasonable adjustments where a disabled employee is placed at a substantial disadvantage by a provision criterion or practice applied by the School or by any physical feature of the School premises. The kinds of adjustments envisaged include re-allocation of the person's duties, altering hours of work or acquiring special equipment. Any adjustments must be reasonable to the circumstances.

As such cases are unique and employment case law is ever evolving, advice should be sought from your nominated HR Officer.

16.5 *Unauthorised Absence*

Where an employee does not follow Brook Primary School's Absence Reporting Protocol, the appropriate designated officer will need to investigate the reason for this, either by telephone, at a welfare meeting or upon their return, as part of their Return to Work Interview.

What action the appropriate designated officer takes will be determined by the information given during the conversation, but may fall between:

- a) Where a new employee has a feasible explanation for not being at work but has failed to follow reporting procedures, or genuinely has not been told or does not appear to understand the procedure. This can be prevented by embedding the School's Absence Reporting Protocol within the School.
- b) If previous warnings have been given or there is no explanation for the failure to follow the Sickness Absence Protocol, the School's Disciplinary Procedure may be invoked, subject to advice from your nominated HR Officer.

16.6 *Good Attendance*

It is recommended that good attendance is recognised. It would be appropriate to acknowledge this in supervision and appraisal meetings.

17.0 Monitoring and Review

The Governing Body and Headteacher will review the operation and effectiveness of the School's managing absence arrangements every 2 years or as legislation or national policy dictates.

Sickness Absence Reporting Protocol

All employees must notify the School when they are absent from work due to sickness. Employees should use the following timescales and guidance unless this has been superseded by the Schools internal policy:

| DURATION | DESIGNATED OFFICER'S RESPONSIBILITY | EMPLOYEE'S RESPONSIBILITY |
|--------------------------|---|---|
| DAY 1 | <p>Once notified of an employee's absence the details should be forwarded to the designated officer responsible for sickness records within the School.</p> <p>If the nature of the absence is identified as an industrial injury then the appropriate Accident Reporting form should be completed.</p> | <p>Employee should notify the designated officer of their absence at least half an hour prior to their normal start time or in accordance with local arrangements.</p> <p>When notifying the School of any episode of absence the employee should give an indication of the likely duration of the sickness episode and the nature of the absence.</p> <p>It is also good practice for the employee to report any work that they are currently working on or any appointments that may need to be re-arranged during their absence.</p> <p>It is important that every effort is made by the employee to speak directly to the designated officer.</p> |
| DAY 4 | <p>If the employee has not returned to work it is essential that they make further contact with the designated officer in order to again discuss the nature of the absence and the expected date of return.</p> | <p>Employee to notify the designated officer of their continuing absence so that appropriate cover can be arranged.</p> <p>This should again include clarity as to the nature of the sickness episode and either an indication of return or clarity as to when the next contact shall be made.</p> <p>Upon an employees return to work, a self certificate should be completed and passed to the designated officer.</p> |
| DAY 8 AND BEYOND | <p>Receive the Doctor's fit note noting the reason for sickness and its length of duration.</p> <p>This date should be recorded and monitored in order that its expiry date either results in the employees return to work or in the receipt of a another Doctor's fit note confirming the sickness episodes continuation.</p> <p>All such fit notes received should be filed on the employee's personal file throughout the episode.</p> | <p>Employee to forward a Doctor's fit note to the designated officer after having signed it on the reverse, within three days of the doctor signing the form. It is the employee's responsibility to ensure the Doctor's fit note is received by the School's designated officer.</p> <p>These to continue up until the employee returns to work.</p> <p>During any pro-longed episode of absence the employee should continue to be available and constructive in discussing its timely resolution. This is to include attending welfare meetings and being open to a possible referral to Occupational Health.</p> |
| AFTER 4 WEEKS AND BEYOND | <p>As well as the continual receipt of Doctor's fit notes consideration should be given to a referral to Occupational Health.</p> | <p>Employee to continue to forward a Doctor's fit notes to the designated officer after having signed it on the reverse.</p> |

If an individual becomes ill during a period of annual leave, a Doctors Fit Note will be required to be produced from the 1st day of sickness absence.

III Health Capability Dismissal Procedure

At all times it should be borne in mind that it is likely to be a distressing and emotional time for any employee who is facing the prospect of a dismissal. All those involved in the process are required to be mindful of this and treat the situation with sensitivity and are reminded that proceedings are confidential.

The Committee of the Governing Body who are required to consider such cases is the Staff Dismissal Committee, this should be appropriately constituted as detailed in appendix 4. For the purposes of this procedure the Staff Dismissal Committee will be referred to as 'The Committee'. For the purposes of this process, where the Headteacher has delegated powers of dismissal in full, or in part, the Headteacher and panel members will also be referred to as "The Committee".

In preparation for the proceedings, the Headteacher/designated Officer will have prepared a full report on the employee's circumstances, including documents such as occupational health reports, meeting notes, redeployment details and any other documents relevant to the employee's absence history. Information should be factual and represent all alternatives explored, such as training and support, concluding with a recommendation to dismiss.

When it is determined that a dismissal hearing will be held, the employee will be given no less than 10 working days notice of the hearing. Before a dismissal hearing is held, 2 copies of the "report" including relevant documents will be issued at the same time as the notice of the hearing, 1 copy is for the employee and 1 for the representative.

A copy of the "report" must also be distributed to all of the Committee members in good time for them to have read through it thoroughly, prior to the hearing. It is recommended that the Committee members are sent copies of the papers and documentation at the same time as the employee and the representative.

Should the employee wish to refer to any evidence or call witnesses during the hearing, the evidence and/or names of witnesses must be submitted to the Clerk to the Committee no less than 3 working days prior to the hearing. The Clerk to the Committee will then distribute the relevant correspondence to the 'Presenting Officer' and Committee members. If the employee is submitting a substantial amount of information, it would be beneficial to submit the evidence as early as possible to allow the Committee members enough time to review the information.

For all schools with the exception of Academies, the Director of Children's Services and/or his/her Representatives have the right to attend for the purpose of giving advice, on all proceedings of the Committee relating to any determination concerning dismissal. The Committee shall consider any such advice before making any decision.

**ORDER OF PROCEEDINGS FOR ILL HEALTH CAPABILITY DISMISSAL
HEARINGS AND APPEALS**

1.0 PRELIMINARY MATTERS

The Chair of the Committee shall be taken by the Chair or Vice Chair of Governors, unless he/she is not a member of the Committee, or he/she is absent when the meeting begins, in which case those present shall elect from amongst their number, a person to take the Chair at the meeting during such absence. The Chair or Vice Chair cannot be an employee of the School. In cases where the Headteacher has delegated powers for dismissal The Headteacher will Chair the Committee.

It is recommended that staff Governors do not form part of either The Staff Dismissal Committee or the Staff Dismissal (Appeals) Committee. All other Governors should register a potential conflict of interest at the stage in which the Committee is convened. This is to demonstrate that any decision made is fair, independent and non-prejudiced. Any Governor who has been involved in the particular action taken, or who is in any material way an interested party shall not participate as a Governor in the proceedings.

The hearing shall take place in private session and all parties shall be reminded that proceedings are confidential.

The employee shall have the right to be accompanied by a companion, who may be a fellow worker, a trade union representative, or an official employed by a trade union. It is the employee's responsibility to arrange to be accompanied. The employee's representative can address the Committee and confer with and advise the employee, however, the representative must not answer questions on the employee's behalf.

The Presenting Officer will have the right to be accompanied by a representative from their HR provider who can address the panel, ask questions and confer with and advise the Presenting Officer and ask questions.

The Director of Children's Services and/or his/her representatives have the right to attend and advise the Committee in terms of employment law, procedure and regulation, under reference of the School Staffing (England) Regulations 2003.

It should be established whether any adjustments are required to the usual facilities arrangements.

Facilities shall be provided for each side to meet separately. A private waiting room will be provided for the employee and his/her representatives and their witnesses.

The Headteacher will normally present the case to Governors, except in cases of delegated powers, where the presenting officer will be the appropriate designated officer / HR Officer. However, in exceptional circumstances the Headteacher may delegate the presentation of the case to another officer within the school. The Headteacher should make this recommendation to the Chair of the Panel at the beginning of any hearing. It is the Chair of the Committee that will grant this request.

There may be occasions where either party request an observer. In these circumstances, the employee, their representative and the Presenting Officer should agree in principle to the observer. The formal request will be made to the Chair of the Committee to approve the request prior to the hearing commencing.

The Clerk to the Governors shall confirm that the body is correctly constituted and that the preliminary matters, as above, have been carried out.

The Chair shall, at the commencement of the meeting, set out the procedure as set out below.

2.0 OPENING REMARKS BY CHAIR OF THE APPROPRIATE COMMITTEE

- Introduce those present, or ask each individual to introduce themselves
- Advise that an adjournment may be requested at any time during the Hearing
- Outline the procedure to be followed
- Outline the reason(s) for calling the hearing.

3.0 ORDER OF PROCEEDINGS

3.1 DISMISSAL HEARING

3.1.1 The designated officer/HR Officer will present the report of the individual's circumstances to the Committee. Written evidence may be read out, subject to the agreement of the Committee.

3.1.2 The employee and/or representative may ask questions of the presenting officer.

3.1.3 Members of the Committee may ask questions.

- 3.1.4 The employee and/or representative will respond to the report presenting any information related to the contents and/or recommendations.
- 3.1.5 The designated officer/HR Officer may ask questions of either the employee or their representative or to clarify the response to the report.
- 3.1.6 Members of The Committee may ask questions.
- 3.1.7 The designated officer will summarise the circumstances of the case.
- 3.1.8 The employee or representative will offer a final response.
- 3.1.9 The employee or representative will offer a final response. At the conclusion of the meeting the parties and any other persons present, with the exception of the Clerk and the Director of Children's Services or his/her representatives shall withdraw whilst the Committee deliberates.
- 3.1.10 In cases where a decision is able to be reached, all parties will be called back into the Hearing. The Chair of the Committee will supply details of the outcome of the hearing. The employee will be given the Right of Appeal and should he/she wish to do so, must exercise their right by stating the grounds for Appeal, in writing. The Chair should indicate who the Appeal must be addressed to and that any Appeal should be lodged within 10 working days.

This statement will form the substance of the decision letter which must be sent to the employee within 5 working days of the hearing decision by the Chair of the Committee.

For Community and Voluntary Controlled Schools, a copy of the decision letter must be forwarded to their nominated HR Officer supporting the case at the same time as notifying the employee. The Local Authority is then required to ratify the recommendation of the Committee and will issue notification of termination of the employment contract within 14 days of the dismissal decision. This statutory requirement is set out in the School Staffing (England) Regulations 2003, Sections 35(8) and 36 (8) of The Education Act 2002.

If notification is not received by the Local Authority in time to allow for the ratification of the dismissal within 14

days of the initial dismissal decision, then any liability for extended employment costs would pass to the School.

4.0 ORDER OF PROCEEDINGS

4.1 APPEAL HEARING

- 4.1.1 The employee (Appellant) and/or representative will present the grounds for the Appeal and will call such witness as may be necessary.
- 4.1.2 The Presenting Officer/HR Officer may ask questions of the employee and of any witness called.
- 4.1.3 The appellant and/or representative may re-examine the witnesses.
- 4.1.4 The Presenting Officer/HR Officer will present his/her response to the appellant calling witnesses as necessary.
- 4.1.5 The appellant and/or representative may ask questions of the Presenting Officer and of any witness called.
- 4.1.6 Presenting Officer/HR Officer may re examine the witnesses.
- 4.1.7 Members of the Committee may ask questions of the parties or witnesses at any stage but will seek to confine questioning until immediately prior to their re-examination.
- 4.1.8 The Appellant or representative will sum up the case.
- 4.1.9 The Presenting Officer/HR Officer will sum up the case.
- 4.1.10 The Chair of the Committee may recall witnesses or call for further evidence on specific points but if it becomes necessary to act in this way both parties must be recalled.
- 4.1.11 Witnesses shall only be present whilst giving evidence.
- 4.1.12 At the conclusion of the Hearing the parties and any other person present with the exception of the Clerk and Director of Children's Services or his/her representatives shall withdraw whilst the Committee deliberates. The decision will be given orally and will subsequently be confirmed in writing within 5 working days. The outcome of the Appeal is final.

CONSTITUTION OF APPROPRIATE COMMITTEES

1.0 ESTABLISHMENT OF STAFF DISMISSAL AND STAFF DISMISSAL (APPEALS) COMMITTEES.

- 1.1 It is recommended that Committee members are established at the first full Governing Body Meeting of the Academic Year. When selecting membership for Committees the principles of natural justice must be seen to be applied.
- 1.2 Governors should establish a Staff Dismissal Committee and a Staff Dismissal (Appeals) Committee.
- 1.3 A Committee shall normally include not less than three members of the Governing Body. Where a Committee is established to take a decision regarding the termination of employment of School staff, no member of that Committee shall take part in the proceedings of the Committee established to consider any Appeal against that decision. The membership of the Appeal Committee shall include no fewer members of the Governing Body than that of the Staff Dismissal Committee.
- 1.4 It is recommended that staff Governors do not form part of either The Staff Dismissal Committee or the Staff Dismissal (Appeals) Committee. All other Governors should register a potential conflict of interest at the stage in which the Committee is convened. This is to demonstrate that any decision made is fair, independent and non-prejudiced. Any Governor who has been involved in the particular action taken, or who is in any material way an interested party shall not participate as a Governor in the proceedings.
- 1.5 The quorum for each Committee shall be not less than two thirds of the voting membership.

2.0 Delegating Powers of Dismissal to a Headteacher

- 2.1 The introduction of the School Staffing (England) Regulations 2003, which came into effect on 1 September 2003 gave significant additional delegated powers to Headteachers for dealing with staffing issues. One of these key features was the provision to provide a Headteacher with delegated responsibility for initial dismissal decisions, following which there will be an opportunity to appeal to a panel of governors "The Staff Dismissal Appeals Committee".
- 2.2 The Governing Body should meet to consider whether they will delegate the power to dismiss to the Headteacher, if the power is not delegated then a panel of three governors will be constituted, as stated above and will form the Staff Dismissal Committee.

- 2.3 Governing Bodies are advised to meet at the beginning of each academic year to determine whether they wish to delegate responsibility of dismissals to the Headteacher. Dismissals can be delegated in their entirety (all dismissals) or in part (only some specific dismissals). Governing Bodies are recommended if only delegating dismissals in part, to delegate the responsibility of probationary period dismissals to the Headteacher.
- 2.4 All decisions should be recorded and minuted. The minutes may need to be relied upon to evidence the delegation of dismissals.
- 2.5 In making the determination to delegate responsibility for dismissals in full, or in part, the governing body should ensure that the Headteacher has the relevant skills and experience to carry out the role required.
- 2.6 Headteachers with delegated powers for dismissal cannot delegate the role.
- 2.7 There may be cases where the Headteacher has been involved directly with a case or may also be the line manager for the post taking action against. In these circumstances, and on a case by case basis, it may be necessary to convene the Staff Dismissal Committee. This again should be minuted by the Governing Body.