

**THE CAM ACADEMY TRUST
STAFF ABSENCE POLICY**

to be read in conjunction with the following policies:
Grievance Policy, Capability Policy, Performance Management Policy

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Sickness Absence

1 Introduction

- 1.1 As a caring employer, the Trust recognises its responsibility for the health, safety and welfare of its staff. We want our Trust to be an excellent place to work and are committed to creating a culture that encourages good attendance. This, in turn, will help us to provide the best possible environment in which our pupils or students can flourish.
- 1.2 Maintaining good attendance matters. We need our staff to be at work and performing to their full potential in order to deliver the best educational provision possible. As a result, it makes sense to ensure that we support our employees to stay fit, healthy and positive. Where people do become ill for whatever reason, we want to ensure that they are supported and encouraged to return to their normal duties as early as possible.
- 1.3 All organisations need to have rules and procedures in place which treat employee absence from work in a fair and consistent way. The Absence Management and Supporting Attendance Policy sets out our expectations on staff attendance; the approach to sickness reporting; the practice we will adopt in managing sickness absence; and the support that will be offered to staff in the event of ill health.
- 1.4 This policy does not form part of any employee's contract of employment and may be amended at any time in consultation with recognised Trade Unions. Relevant statutory terms will be honoured including TUPE transfer and collective agreements.

2 Scope

- 2.1 This policy applies to all employees within the Trust, irrespective of the type of terms and conditions of employment on which they are paid.
- 2.2 The use of the term 'manager' throughout this policy refers to the post holder who has responsibility for managing attendance for an employee or group of employees.
- 2.3 We recognise that sickness absence and health problems that affect the employee's ability to attend work and/or perform to the required standard are not usually issues of misconduct or work performance. Action taken under this policy will not normally be regarded as disciplinary action. The policy is therefore separated from the Disciplinary and Work Performance procedure.
- 2.4 It is designed to provide an acceptable process for dealing with employees who are unable to work, or to perform to the required standards because of a health issue, rather than who choose not to do so (disciplinary procedure) or are incapable of doing so because of a lack of skills, knowledge or experience (performance management & capability procedure).

3 Equality Act

- 3.1 The Trust fully recognises its legal obligations to fulfil the requirements of the Equality Act and understands that a failure to comply with this duty will amount to an act of discrimination. In the event that this procedure is applied to an employee who is disabled under the Equality Act then a full investigation will be undertaken to ensure that the Trust's legal obligations have been met. Particular attention will be paid to a review of requests for reasonable adjustments, the implementation of those adjustments and the effects of these adjustments.
- 3.2 Absences due to an employee's disability under the Equality Act will not be taken into account when monitoring levels of sickness absence unless there is objective justification, for example

where the impact of the absence on teaching and learning cannot be reasonably tolerated. Guidance will be obtained from the School's personnel provider before any action is initiated.

4 Roles and responsibilities

4.1 The Headteacher and School managers

- 4.1.1 The Headteacher/ Principal has overall responsibility for managing sickness and encouraging good attendance within their school. However, all managers have a general duty of care to their employees. Managers have a clear obligation to consider matters that may be contributing to sickness and to look at appropriate forms of support that will help employees to sustain good attendance.
- 4.1.2 Managers are expected to monitor and take action to reduce absence. Managers are also expected to respond effectively to actual and potential problems. The Headteacher/ Principal will ensure that managers receive appropriate training in order to manage sickness sensitively and effectively.
- 4.1.3 The Trust expects staff and pupils to achieve high standards of attendance. The Headteacher and managers are expected to ensure that the standards are achieved and to ensure that all employees understand the importance of achieving and sustaining regular attendance.
- 4.1.4 The Headteacher/ Principal is responsible for monitoring the implementation of the procedure across the School to ensure it is communicated to all staff and is applied consistently.
- 4.1.5 In accordance with ACAS guidance, the Trust and Headteachers/ Principals will monitor levels of sickness absence and will record the average number of working days lost due to sickness per full time equivalent employee. Effective monitoring will allow the Trust and School managers to identify areas where the work of the School, in particular the continuity of teaching and learning, is affected by absence levels. This will, in turn, ensure that appropriate approaches are taken to managing sickness across the Trust.
- 4.1.6 As part of the monitoring process, the Headteacher/ Principal will prepare a termly report on sickness management for the Governing Body's Personnel Committee. The Trust Board will also be provided with termly Trust wide reports identifying absence levels, trends and recommendations to support effective absence management and any actions that need to be taken.

4.2 Employees

- 4.2.1 Employees have a duty to their employer, their colleagues and to the pupils/students to achieve and maintain an acceptable level of attendance at work and to do all that they can to minimise their sickness absence.
- 4.2.2 All staff must attend work when fit to do so. However, if an employee is unable to attend for work, s/he must follow the School's Notification of Sickness Absence procedures, set out in section 5 below.
- 4.2.3 All staff must complete a self certification form detailing the reason for their absence for any period of sickness absence up to seven days. The self-certification form must be completed immediately on return to work.
- 4.2.4 Where requested to do so, employees must attend a medical review with the occupational health service, or registered medical practitioner, nominated by the School. The provisions of the Access to Medical Reports Act, 1988 will, of course, apply. Leave of Absence will be granted with pay for any appointment made by occupational health during the working day. Petrol expenses may be paid.
If the Trust wishes to request a copy of an employee's medical records/reports this will only be to assist in the assessment of the employee's medical condition. The employee's consent, in line with requirements under the Access to Medical Reports Act 1988, will be obtained prior to the employer making contact with the employee's medical practitioner and the employee is entitled to see a copy of the documentation provided. In line with data protection legislation, employees must also be given details on the reason for the examination, what the Trust intends to do with the data obtained and the lawful basis for processing the data.
- 4.2.4 All members of staff must ensure that they obtain medical advice and/or treatment in order to minimise their absence from work. This also means adhering to such advice and/or treatment in order to facilitate a return to work.

4.3 The Governing Body

- 4.3.1 The Governing Body is responsible for supporting the Headteacher in managing sickness effectively. This role includes setting the policy framework in which sickness is managed and staff welfare is considered.
- 4.3.2 The Governing Body has a specific responsibility for the health and well-being of the Headteacher. Where the Headteacher is absent from work due to ill health, the Chair of Governors will be responsible for monitoring and managing his/her absence.

5 Notification of sickness absence

- 5.1 Where an employee is prevented by illness from reporting for duty, s/he must notify his/her line manager, or the Headteacher, as early as possible on the first day of absence and before the usual working day commences. Unless the circumstances are exceptional, the employee is responsible for making contact personally and should not ask a family member or friend to contact the line manager on their behalf.
- 5.2 If an employee does not report for work and has not explained the reason for absence, then their line manager will be expected to contact them the same day. This is an important part of exercising the School's duty of care but must not be treated as a substitute for reporting sickness absence.

- 5.2.1 If the employee is absent for more than seven days, s/he must obtain a medical certificate (Fit Note) from the GP and submit it to the School by the eighth day of absence (including Saturdays and Sundays).
- 5.2.2 In cases where the first medical certificate (Fit Note) covers a period exceeding fourteen days or where more than one medical certificate (Fit Note) is necessary, the employee must obtain a final medical certificate (Fit Note) certifying that they are fit to return to work. Where the medical certificate (Fit Note) states that your fitness for work will not need to be assessed again at the end of this period a further medical certificate stating fitness for duty may not be necessary.
- 5.5.1 Employees must continue to submit medical certificates (Fit Notes) during School closure periods. In the event that an employee becomes fit during a School closure period then s/he should obtain a final medical certificate (Fit Note) certifying that s/he is fit to return to work.

6 Illness or Injury Arising from Work

- 6.1 Any accident arising out of or in the course of employment with the School must be reported and recorded in accordance with the procedures laid down by the Trust. The accident will be subject to investigation and report by an employee authorised for the purpose by the School.
- 6.2 Where an employee seeks medical advice about an illness which is suspected or alleged to result from the nature of his or her employment, the employee must report all relevant information to the Headteacher or senior manager at the first opportunity. This should then be reported to the Trust Facilities Manager and Trust HR Partner.
- 6.3 In the case of the first, and any subsequent absence, due to industrial disease or accident an employee may be required to submit to a medical examination by a registered medical practitioner nominated by the School.

7 Reimbursement of Cost of Doctors' Statements.

- 7.1 Where the Headteacher requires a medical certificate (Fit Note) from an employee, the employee will be reimbursed for any charge made, on production of a receipt.

8 Return to work

- 8.1 Line managers are expected to maintain regular contact with members of their team who are absent from work. It is important to us that staff who are absent from work do not feel isolated or out of touch with their School.
- 8.2 It is also important that the line manager sets aside time to talk to the employee who is returning from a period of sickness. The return to work meeting should take place irrespective of the length of the absence and should include some or all of the following:
- i) welcome the employee back to work;
 - ii) provide the opportunity to update the employee on any changes that may have taken place in their absence;
 - iii) ensure that it is appropriate for the employee to return to work;
 - iv) consider any advice provided by the GP on the medical certificate;
 - v) help to identify any issues at home or in the School that may be impacting on the employee's health and well-being, or their attendance at work;
 - vi) agree the work to be carried out and any priorities for the employee's return.
- 8.3 The return to work discussion should be held on the first day the employee returns to work following sickness absence. A note of the meeting will be made, and the employee will be

provided with a copy.

- 8.4 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and may have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment). Where an employee's attendance record is causing concern, it may be necessary to hold an informal absence review meeting. A note of the meeting will be made using the absence review form at Appendix A and the employee will be provided with a copy.
- 8.5 The School may need to take different approaches to managing sickness, depending on whether the absence is long term or short term/intermittent, or a combination of the two. Appendix B summarises the approaches we may take.

Where the return to work discussion is of a sensitive nature, HR or an appropriate senior leader may conduct a return to work interview.

9 Long term sickness

- 9.1 We define long term sickness as 28 calendar days. If an employee has been absent for 28 days or more, a referral should be made to the occupational health service for advice.
- 9.2 We use occupational health referrals to support the well-being of our employees. The referral allows us to obtain expert medical opinion or advice about health and/or disability issues that may be having an impact on an employee's work. Typically, OH referrals will be made where an employee's health or disability is having an affect on work performance; and/or there are issues in relation to attendance levels.
- 9.3 Generally occupational health referrals are made in order to help the employee return to work on a sustained basis with appropriate support. The occupational health provider will be able to advise whether an employee is:
- fit to undertake his/her current role;
 - fit to undertake his/her present role with adjustments; or
 - not fit to undertake his/her current role.
- 9.4 Some cases or medical conditions may need to be treated differently, e.g. terminal illnesses, information on which is contained in Appendix C.

10 Phased returns to work and Reasonable Adjustments

- 10.1 Where an employee has been absent over an extended period, it may be appropriate for them to return to work on a phased basis. Phased returns should not normally exceed a four to six-week period and may be agreed based on recommendations from the (*occupational health/registered medical practitioner*). The School will make reasonable efforts to support any request for a phased return, although the Headteacher is entitled to balance the needs of the individual employee with the needs of the whole School community.
- 10.2 Where an employee who is still in receipt of full sick pay returns to work on a phased basis, s/he will be entitled to return to work on full pay, irrespective of the number of hours worked during the phased return.
- 10.3 Where the employee is in receipt of half sick pay and returns to work on reduced hours during a first phased return in a two-year period, s/he will be entitled to receive their full salary during the phased return.

- 10.4 Where the employee has a second period of absence and requires a second phased return, s/he will receive either: the sick pay entitlement or payment for the actual hours worked, whichever is the higher e.g. if an employee who normally works full time and is receiving half sick pay, returns to work on a 60% basis, s/he will receive pay at the 60% rate.
- 10.5 Where the employee has exhausted sick pay but makes a phased return, the salary payment made will be based on the actual number of hours worked.
- 10.6 If the employee returns to work with a medical certificate (fit note) which states 'may be fit for work', the advice on the note will be discussed and consideration will be given to how it impacts upon the job, the workplace, pupils and colleagues. The G.P.'s comments, any of the return to work tick boxes, and any other action that could facilitate a return to work will be considered with due regard to the Equality Act. Options may include a phased return to work, temporary or permanent adjustments to working hours, amended duties or other workplace adaptations.
- 10.7 If a return to work is possible, the agreed action plan will be documented and implemented. If it is not possible to provide the support suggested by the G.P, the note will be used as if the G.P had advised 'not fit for work'. The employee will not need to return to their G.P to obtain a revised statement. A Sickness Absence discussion will be held to review the support in place at an appropriate time.
- 10.8 Consideration will be given as to whether a risk assessment is required to ensure the health and safety of the employee in light of the reason for their ill health, for example a stress, ergonomic, maternity, or more general risk assessment may be required.

11 Informal absence review meetings

- 11.1 An informal absence review meeting will normally be arranged with employees whose absence record falls into one, or more, of the following categories:
- i) 3 periods of absence within a term;
 - ii) 10 working days absence within 12 months (i.e. in a rolling 12-month period); or
 - iii) where the employee appears to have a pattern of absence e.g. always absent after a bank holiday; Monday or Friday absences; extra days linked to annual leave; or absences linked to particular work tasks.
- 11.2 Managers will be expected to pro rata the absences for part time employees or those who work a non-standard week.
- 11.3 In normal circumstances, managers with authority to hold informal absence review meetings are: all line managers
- 11.4 As this stage of the process is informal, there is no automatic entitlement for the employee to be accompanied at the meeting but we welcome trade union representatives or colleagues to accompany the employee in exceptional circumstances. This will be decided on a case by case basis although this is not a statutory right.
- 11.5 In preparation for the informal absence review meeting, the line manager will:
- consider the School's statistical data on levels and types of absence for all staff to ensure consistency;
 - review the employee's record against the triggers set out in 11.1 above; and
 - consider the employee's job description and the impact the absence may be having on the School community.

11.6 Informal absence reviews provide the line manager and the employee with an opportunity to discuss the absence on a one-to-one basis. The manager will:

- bring the absence record to the employee's attention and give the employee the opportunity to comment on their absence;
- review any guidance provided by the GP or any other medical adviser;
- explain why sustaining a good attendance record is important and identify any difficulties the absence is causing;
- identify whether there are any barriers that prevent the employee from sustaining a good attendance record;
- consider whether the outcome of the meeting should be a referral to an occupational health/registered medical practitioner;
- consider any adjustments that may need to be made to the work place or working conditions, or by the employee in order to improve their attendance; and
- agree a reasonable timescale for review and explain what action may be necessary if there is no improvement.

11.7 At the end of the meeting, the manager and the employee should be clear on what, if any, further action is required. Any actions or adjustments should be documented using the Sickness Absence Review Form in Appendix A. The form should specify a timescale for the next review, which should not normally exceed 2 months. The employee should sign the form and will be provided with a copy for his/her own records.

11.8 After conducting an informal absence review, the manager will review the employee's attendance and may, if necessary, hold further meetings during the review period if there are other absences, or to check that any adjustments are proving a success. At the end of the review period, if the level of attendance is satisfactory, no further action will be necessary.

12 Formal absence review

12.1 Each case will need to be considered on its own merits; however, if there has only been a limited, or no improvement, it may be necessary to begin formal action to seek a change in attendance. There are two stages in the formal process and the type of case (i.e. short or long-term absence) will determine whether it is appropriate to move through each stage, or, whether it is appropriate to move directly to Stage 2 (long-term absence).

12.2 Appendix B sets out the possible pathways through this process. Action can end at any point in the process if there is a sustained improvement in attendance.

12.3 Stage 1 - Formal absence review

Where the line manager believes that the employee's attendance record has not improved to an acceptable standard after the informal review meeting, s/he will inform the employee that the issue will be referred to a Stage 1 formal absence review. Senior managers with authority to hold Stage 1 formal absence reviews are: Heads of Departments, Team/ Departmental Managers, Members of Senior Leadership Group and other managers as authorised by the Trust or Head/ Principal.

12.3.1 Before starting the formal procedure, managers will need to satisfy themselves that sufficient reasonable action has been taken under the informal procedure to:

- seek medical advice from (the occupational health service/registered medical practitioner);
- consider whether the employee has a disability under the Equality Act;
- consider any support, training and adjustments that have been requested or implemented and the outcome of these actions;
- ensure that the employee has been advised to contact their trade union;
- check whether there are any other work-related issues.
- ensure that the employee has been consulted throughout the informal process;
- consider all of the circumstances and available information.

12.3.2 **Preparation for Stage 1 Formal Meeting**

The senior manager will arrange a formal meeting with the employee, giving him/her at least 10 working days' notice, in writing, of:

- the reason for the meeting, outlining the concerns about the employee's attendance;
- the time, date and location of the meeting;
- who will be conducting the meeting and who else will be present;
- copies of any documents to be referred to including any previous action plan;
- the employee's right to be accompanied and/or represented and to refer to any documents if s/he wishes; and
- the requirement, for the employee to provide the manager with the following information not less than 3 days before the meeting:
 - the name of his/her representative;
 - details of any witnesses; and
 - copies of any papers to which s/he wishes to refer.

12.3.3 **Stage 1 Meeting**

At the stage 1 meeting the Senior Manager will normally have access to advice from the School's HR Manager/ personnel provider. The Senior Manager will:

- explain the purpose of the Stage 1 meeting;
- set out the standard(s) of attendance expected of the employee;
- explain how the employee's attendance has been assessed as falling below these standards and the effect of this on service delivery/colleagues;
- review the results of the informal procedure, including any measures taken to support the employee so far, any work-related issues and any medical reports and advice received;
- listen to the employee and/or his/her representative's comments and give them the opportunity to explain any mitigating circumstances;
- try to establish the reasons, including any underlying causes, for poor attendance and seek agreement from the employee for a further referral to Occupational Health if this is required;

- confirm, where appropriate, that the poor attendance is due to an ill-health issue;
- if appropriate inform the employee that they may wish to
- consult their pension scheme provider with regard to ill health benefits;
- discuss the way forward and determine an action plan that clearly identifies:
 - the improvements necessary to achieve the expected standards;
 - the timescale for improvement;
 - how attendance will be measured/monitored;
 - additional support/training to be provided; and the review period, (which will normally be at least one month and no more than three months).

12.3.4 Within 5 working days of the formal stage 1 meeting, the Senior Manager will write to the employee to confirm the action plan in writing. The letter will advise the employee that if he/she fails to achieve the improvements in the review period a Stage 2 meeting will be arranged where dismissal for lack of capability due to ill-health will be considered.

12.4 **Review period** - The Senior Manager will ensure that during the review period the employee's attendance is monitored. Weekly supervision meetings may be held between the employee and the Senior Manager to ensure:

- effective monitoring;
- appropriate support is given to the employee;
- positive feedback is given where possible; and
- if further problems in attendance are identified, the reasons are discussed.

12.5 The focus will be on supporting the employee to improve their attendance level. Notes of the monitoring process will be kept by the Senior Manager and a copy provided to the employee. The notes may be referred to at Stage 2 of the procedure.

12.6 If, at the end of the review period, the employee's performance has improved to an acceptable standard, no further action will be taken under this procedure, unless standards are not sustained during the next 12 months. The decision to take no further action will be confirmed by the Senior Manager in writing, within 5 working days. This letter will also confirm that the improved attendance must be sustained consistently during the next 12 months and explain that if there are further issues the Sickness Absence procedure may be invoked at Stage 2. A copy of this letter will be kept on the employee's personnel file.

12.7 An employee, who sustains the improved performance consistently over the 12 month period, will receive a further letter to acknowledge his/her continued efforts and confirm that any future attendance issues will be dealt with informally in the first instance.

12.8 If, at the end of the review period, the employee's attendance has not improved to an acceptable standard, the issue will be referred to the Headteacher under Stage 2 of the procedure. The Headteacher/ Principal has the authority to hold a Stage 2 meeting unless s/he conducted the Stage 1 meeting, in which case Stage 2 will be considered by a committee of Governors.

12.9 If the employee is in a pension scheme, s/he will be given the option to explore eligibility for an ill health pension award prior to convening a Stage 2 Meeting.

12.10 Stage 2

12.10.1 Preparation for Stage 2 Formal Meeting

The Headteacher/Senior Manager will hold a formal meeting with the employee giving him/her at least 10 working days' notice, in writing, of:

- the reason for the meeting, outlining the outstanding concerns about the employee's attendance due to ill-health;
- the time, date and location of the meeting;
- who will be conducting the meeting and who else will be present;
- any documents to be referred to in the discussions, including, as appropriate, previous action plans, notes of the monitoring process, copies of reports received from (occupational health/registered medical practitioner);
- the employee's right to be accompanied and/or represented and to refer to any documents he/she wishes, copies of which should be sent to the Senior Manager 3 days in advance of the meeting; and
- the possible consequences of the meeting, i.e. that it may result in the employee's dismissal on the grounds of lack of capability due to ill-health.

12.10.2. **Stage 2 Meeting**

At the meeting the Headteacher/Senior Manager will be advised by HR. They will:

- explain the purpose of the Stage 2 meeting;
- ask the Senior Manager to outline the ways in which the employee has been assessed as not meeting the expected work attendance standards due to ill-health; and the process so far under the Absence & Attendance procedure;
- review in detail, as appropriate:
 - standards of attendance/performance expected;
 - details of Sickness Absence Interview meetings;
 - records of home visits or other meetings plus any other information relating to the informal action taken;
 - monitoring of attendance against action plans;
 - medical advice received from Occupational Health; and
 - measures taken by management to support the employee, e.g. any reasonable adjustments;
- discuss with the employee and his/her representative whether the employee has been assessed as achieving the required improvements in attendance;
- review the effect of the poor attendance on teaching and learning, service delivery and work colleagues;
- explore, as appropriate, the potential for the employee to achieve a sustained improvement in attendance;
- give the employee and/or his/her representative a full opportunity to answer the points made and to give an explanation or put forward any mitigating circumstances; and
- discuss any options regarding the employee's pension that may be available.

12.10.3. Stage 2 Decision

Following the discussion the Headteacher will adjourn the meeting to consider the options available, which may be as follows:

- to take no further action under the procedure; or
- to set a further/final review period to allow for additional monitoring and/or additional management support. A further formal Stage 2 meeting will be held at the end of this review period. If attendance is not satisfactory by that time, then the employee will be dismissed for lack of capability due to ill-health; or
- to dismiss the employee for lack of capability due to ill-health ensuring that alternative work options have already been explored or will be explored during the employee's notice period; that there is no prospect of their return within a reasonable timeframe; or that they will be able to achieve or sustain their attendance.

12.10.4 Dismissal

If the decision at the Stage 2 meeting is to dismiss, the Headteacher will inform the employee and his/her representative, orally, that the employee is dismissed, with the required contractual or statutory notice, on the grounds of lack of capability due to ill-health. The Headteacher will ensure that the decision is confirmed in writing within 5 working days, setting out:

- that he/she has been dismissed;
- the grounds for dismissal and the reasons;
- the required contractual or statutory notice due and the date the dismissal will be effective; and
- the employee's right of appeal against the dismissal to an Appeals Committee of the Governing Body.

12.10.5 In exceptional cases it may be appropriate for the employee not to work his/her notice, but to remain at home on 'garden leave'. A medical certificate (Fit Note) must be provided that covers the employee's notice period.

13 Appeals against Dismissal

13.1 An employee has the right to appeal against a dismissal decision. Any appeal must be submitted within 10 days of receipt of the letter confirming the dismissal and must clearly state the grounds for appeal. All appeals against dismissal will be heard by an impartial Appeals Committee of the Governing Body/Trustees, the panel should consist of three governors. The purpose of an appeal hearing is to review the decision made to dismiss the employee and to decide if this decision was reasonable in all the circumstances. The appeal hearing will be held as soon as practicable and the employee will have the right to representation at the hearing by a trade union representative or work colleague.

13.2 The Appeals Committee of the Governing Body has the authority to:

- uphold the appeal (i.e. to reinstate the employee);
- and/or issue a lesser level of management action, e.g. to drop the formal process; refer to a lower stage in the formal process; and/or reduce standards of attendance or targets set in the action plan or
- dismiss the appeal, i.e. the decision to dismiss remains in force.

13.3 The appeals panel will review the original decision and whether the decision was reasonable based on the evidence presented at the original hearing. In exceptional circumstances a re-hearing may be agreed.

13.4 The decision of the Appeals Committee of the Governing Body is final. The employee has no further right of appeal.

14 Trade Union Representatives

Trade union stewards are subject to the same standards of attendance as other employees. However, to ensure that they are not discriminated against as a result of carrying out their legitimate trade union duties, no action will be taken under the formal process against a recognised trade union representative without prior discussion with the full-time trade union officer.

15 Probationary Periods for Support Staff

All new support staff appointments are made subject to a probationary period. Sickness absence issues that arise during a support staff employee's probationary period will be taken into account in determining whether or not the probationary period is completed satisfactorily, and this procedure will not apply. Please refer to the Probationary Policy for more detail.

16 False Information

The provision of any false information could result in disciplinary action being taken, including the possibility of dismissal.

17 Attendance at Meetings

Throughout this procedure, if an employee indicates that they are too unwell to attend a formal or informal meeting they will be given the option to:

- Meet in a neutral venue or at their home; or
- Attend via telephone conference; or
- Send a trade union representative or work colleague to represent them providing appropriate written consent; or
- Provide a written submission; or
- Request that the meeting takes place in their absence.

If an employee fails to communicate their wishes with regard to the above, the meeting may take place in their absence with the outcome communicated to them in writing. Meetings will not be postponed beyond 5 days unless there is medical evidence that the employee is not medically fit to take part by any of the means described above.

Home visits will only take place with the agreement of the employee. Any senior manager visiting an employee's home will be accompanied by another manager and the employee will be entitled to be accompanied by a person of their choice.

All records are held in line with ICO guidance on data retention.

Appendix A

Strictly Confidential Sickness Absence Review Form

This is the management record of a meeting held under paragraph 11 of the Staff Absence Policy. It is strictly confidential. It will be held on the employee's personnel file until such time as the employee's attendance is wholly satisfactory and for 12 months thereafter. At that time, it will be securely destroyed. The record may be accessed and referred to by those with authority to manage the informal and formal stages of the Sickness Absence Policy and Procedure. A Sickness Absence Interview is not part of the formal procedure and there is no entitlement for the employee to be accompanied or represented. The meeting will be held in private.

Employee:	Date of Meeting:
Length of service:	
Interviewing Manager:	

Details of Sickness Absence

Period of Absence:	Number of Days Absent:
Reason(s) for Absence:	
Is absence related to a disability under the Equality Act? No Yes (if yes – details of medical evidence must be attached) Don't know	

Details of Meeting

Key points discussed: Welcome and update, if necessary, on work events and changes.
Reasons for absence – any underlying medical condition?
Are you fully recovered and able to resume full duties? Yes No If your view is "no" then action plan must consider: Referral to OH/Temporary adjustments

Action Plan

The objective is to reach a position where your level of attendance will be 100%. Is there anything we can do to improve your attendance, e.g. OH referral, counselling, a review of risk assessment, temporary adjustments, training?

Is your absence in any way related to work?

Are you doing all you can to improve your attendance? e.g. acting on medical advice, lifestyle choices, attention to work life balance, non-medical support e.g. counselling.

Fit note required for any period of absence during the monitoring period? (see paras 3.1 and 11.3)

Yes No

Review

Attendance will be reviewed in

1 month 2 months 3 months

Date of review: _____

Please note that further absence during this period may mean that the review is held under Stage 1 of the formal procedure.

Copy of Sickness Absence Policy and Procedure has been provided and process explained.

Yes Date _____ No

(must be provided and explained prior to a formal meeting)

Signature of Manager.....

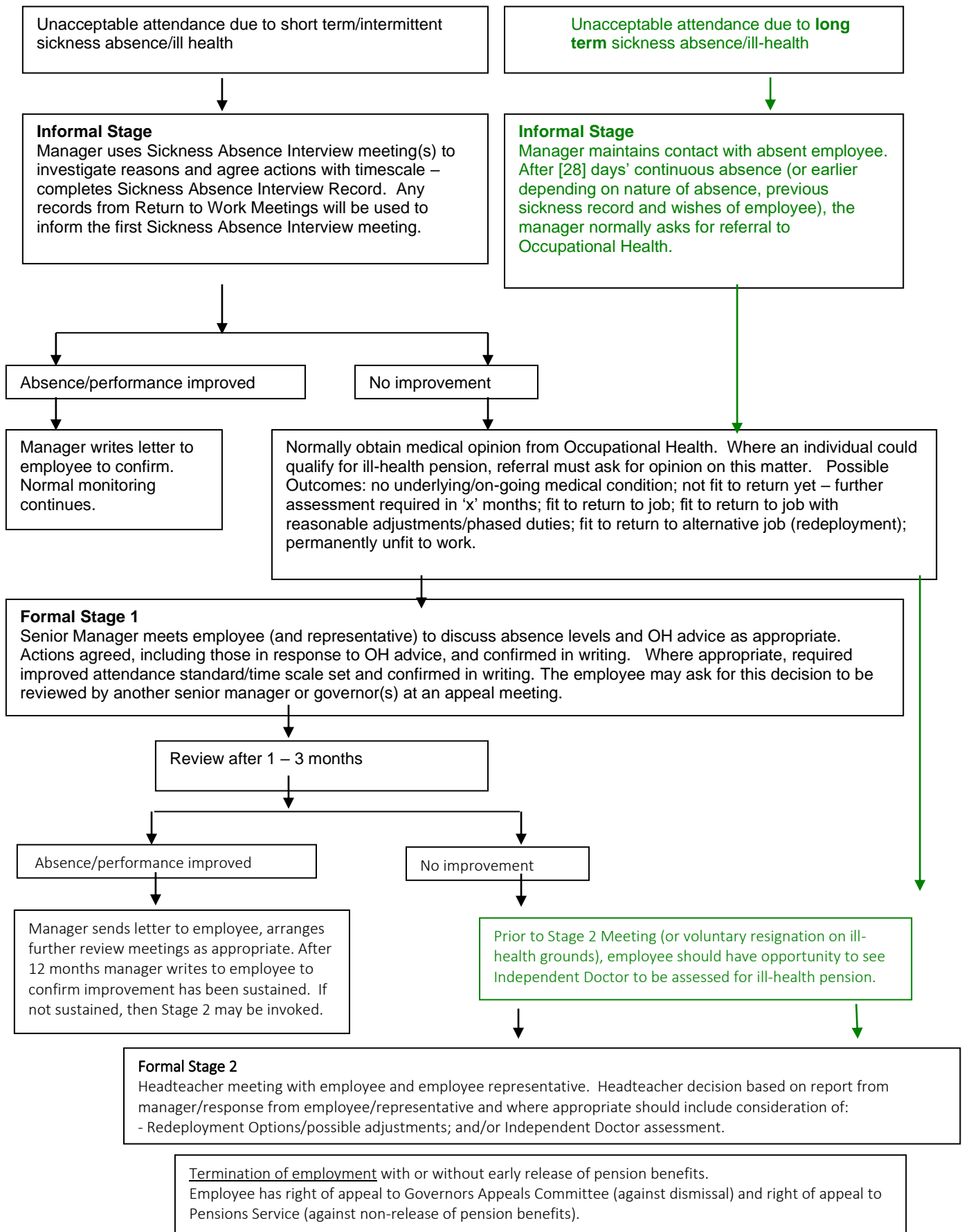
Date

Signature of Employee.....

Date

Appendix B

Sickness Absence Procedures Flowchart



Appendix C: Terminal Illness

Where the employee is terminally ill, the School needs to be particularly sensitive, sympathetic and tactful when dealing with the employee and his/her family.

Where the employee is still able to continue in work, ideally, the Headteacher will be able to discuss the issue with him/her and will make best efforts to be sensitive to his/her needs. Following discussion with the employee, the Headteacher should consult the School's personnel provider and (*the occupational health/registered medical practitioner*) to determine:

- the employee's level of fitness;
- whether the employee remains fit enough to be at work;
- whether the employee's continued attendance will be detrimental to his/her health;
- the employee's ability to undertake all or some of their normal duties.

The Headteacher /Principal should undertake a risk assessment, which should be regularly reviewed and updated.

Any action should take into account the employee's wishes as far as reasonably practical but the Headteacher retains a responsibility to fulfil a duty of care not only to the employee but also to his/her colleagues and other members of the School community.

Local Government Pension Scheme

Special pension rules apply in these circumstances and urgent advice should be sought for local government employees from the Pensions section. Advice and a pensions estimate should be obtained in strict confidence at the earliest opportunity, to enable the employee to make an informed decision about his/her future. If the employee wishes to leave voluntarily they should be fast tracked to the independent doctor for review.

Teachers

In the case of a teacher, pension decisions will be taken by Teachers' Pensions. An application should be submitted to Teachers' Pensions without delay.

Prescribed diseases

Where the terminal illness is a consequence of a prescribed disease defined in RIDDOR, an IRF(96) should be completed by the employee's manager and sent to the Trust Facilities Manager.

Appendix D Model Letter: Notification of Stage 1 Sickness Absence Meeting

Dear

Notification of Stage 1 Sickness Absence Meeting

I refer to your recent period of sickness absence and the Sickness Absence Interview meeting(s) on (date[s]) _____ conducted by (name) _____.

Your further sickness absence during the informal monitoring period means that the matter will now be considered at a formal meeting under Stage 1 of Sickness Absence Policy and Procedure. I would like to stress that this is neither a disciplinary matter nor an attempt to determine whether your absence is legitimate. The main purpose of this meeting is to discuss options to improve your future attendance positively and constructively and will cover the following:

- the standard of attendance expected of you;
- explain how your attendance has been assessed as falling below these standards and the effect of this on (teaching and learning) (service delivery) (colleagues);
- review the results of the informal procedure, including any measures taken to support you so far and any work-related issues;
- give you and/or your representative the opportunity to explain any mitigating circumstances;
- try to establish the reasons, including any underlying causes, for poor attendance, and seek agreement from you for a (further) referral to Occupational Health if this is required;
- confirm, where appropriate, that the poor attendance is due to an ill-health issue;
- discuss the way forward and agree an action plan that clearly identifies:
 - the improvements necessary to achieve the expected standards;
 - the timescale for improvement;
 - how attendance will be measured/monitored;
 - additional support/training to be provided;
 - temporary or permanent work adjustments
 - the review period, (normally one month and no more than three months);

(I give below) (I enclose) details of your sickness absence from ____ to ____ .

First working day of sickness absence	Last working day of sickness absence	Number of working days lost	Reason(s) for sickness absence
---------------------------------------	--------------------------------------	-----------------------------	--------------------------------

The Stage 1 Absence Review Meeting will take place on (date) at (time) in (Location) and will be chaired by me. You are entitled to be accompanied at the meeting by a work colleague or trade union representative. It is your responsibility to arrange for a representative to accompany you to the meeting. If, for any reason, you or your representative are unable to attend the meeting, please let me know as soon as possible so that an alternative date may be considered within 5 working days of the proposed date. In the event that you are unable to attend then I will review the position in your absence, but your representative may attend on your behalf if you wish. I enclose a copy of the Sickness Absence Policy and Procedure and copies of the Sickness Absence Interview Records and other documents that may be referred to at the meeting.

Please confirm your attendance (by telephoning) (in writing) (insert arrangements).

If you believe you are too ill to attend the meeting at School/College you have the option to:

- Meet in a neutral venue or at your home; or
- Attend via telephone conference; or
- Send a trade union representative or work colleague to represent you with your written consent; or
- Provide a written submission; or
- Request that the meeting takes place in your absence.
- Request a postponement (upon production of medical evidence that confirms that you are not medically fit to attend this meeting)

If you do not confirm your attendance or tell me you what your wishes are with regard to the above, then the meeting may take place in your absence with the outcome communicated to you in writing. Meetings will not be postponed beyond 5 days unless there is medical evidence that you are not medically fit to take part by any of the means described above.

Yours sincerely

Senior Manager

Appendix E Model Letter: Outcome of First Sickness Absence Review Meeting

Dear

Outcome of Stage 1 Sickness Absence Review Meeting

Thank you for attending the Stage 1 Sickness Absence Review Meeting on (date). I am writing to confirm the outcome. *Insert the points discussed under each heading below*

- the standard of attendance expected of you;
- how your attendance has been assessed as falling below these standards and the effect of this on (teaching and learning) (service delivery) (colleagues);
- the results of the informal procedure, including any measures taken to support you so far and any work related issues;
- what you and/or your representative said were mitigating circumstances and my view on this;
- the reasons, including any underlying causes, for poor attendance, decision on referral to Occupational Health if this is required;
- confirmation, where appropriate, that the poor attendance is due to an ill-health issue;
- the way forward and the action plan:
 - the improvements necessary to achieve the expected standards;
 - the timescale for improvement;
 - how attendance will be measured/monitored;
 - additional support/training to be provided;
 - temporary or permanent work adjustments
 - the review period, (normally one month and no more than three months).

I informed you that if your attendance is not satisfactory by the end of the review period then I may decide to recommend to the Headteacher that a Stage 2 meeting is held to consider termination of your employment because of your lack of capability through ill health.

I do hope that you will be able to achieve a satisfactory level of attendance and, should you do so then the process will not be escalated. However, this letter will be kept on your personnel file for 12 months. If your attendance is sustained during that period, then it will be removed and securely destroyed, and any further concerns will be dealt with informally. If it is not sustained, then Stage 2 of the procedure will be invoked unless there are exceptional circumstances.

Yours sincerely

Senior Manager

CONFIDENTIAL
SICKNESS ABSENCE - SELF CERTIFICATION FORM

After every period of sickness absence, you must complete a 'Self Certification' form so that:

- We can make sure your sick pay entitlements are calculated correctly.
- You and your manager can agree your fitness to return to work.
- We can investigate, record and in appropriate cases report any absences due to injury or ill health at work.

Please ensure that you complete all parts of this form and give it to your line manager for verification.

All employees:

First Name (please print): Surname (please print)

School Dept Name

Payroll no: NI no:

Job Title:

Date of first day of sickness: ___/___/___
(include any non-working days)

Date of last day of sickness: ___/___/___
(include any non-working days)

Reason for Absence

All employees: From the list below, please tick the box next to the **ONE** category that best fits your reason for absence. If you consider that more than one category applies, please tick the box for the main condition and fill in the 'Other' box below.

You **must** complete the section below even if a doctor's certificate has already been supplied.

<input type="checkbox"/>	01	Musculo-skeletal: Back & neck includes sprains, strain, whiplash, slipped disc, trapped nerve	<input type="checkbox"/>	07	Neurological; headaches & migraines includes epilepsy, fainting, concussion, blackouts, dizzy spells
<input type="checkbox"/>	02	Other musculo-skeletal problems includes legs, feet, arms, hands, broken bones, sprains and joint problems, arthritis	<input type="checkbox"/>	08	Stress, depression, anxiety, mental health & fatigue includes mental illnesses, nervous debility/disorder, insomnia, exhaustion
<input type="checkbox"/>	03	Eye, ear, nose & mouth/dental; sinusitis Includes eye/ear/dental pain, conjunctivitis, loss of hearing/vision	<input type="checkbox"/>	09	Genito-urinary; menstrual problems Includes urinary infection, period pain, gynaecological/genital conditions
<input type="checkbox"/>	04	Chest, respiratory includes asthma, bronchitis hay fever, chest infections	<input type="checkbox"/>	10	Pregnancy related (Excluding Maternity Leave)
<input type="checkbox"/>	05	Heart, blood pressure, circulation includes high cholesterol/blood pressure	<input type="checkbox"/>	11	Stomach, liver, kidney, digestion includes diarrhoea, food poisoning, vomiting, other gastrointestinal illnesses, constipation, IBS, Crohns
<input type="checkbox"/>	06	Infections All viruses & viral infections includes flu, cold, cough, throat infections, sore throats	<input type="checkbox"/>	12	Other Please detail below (<u>only use where other categories cannot be applied</u>)

Do you consider that your work has in any way contributed to your illness? (* If "Yes", please complete the 'Other' box below)	Yes *		No:	
---	-------	--	-----	--

Other (Please state absence reason only if this is not detailed above. Absences should be recorded using the above reasons whenever possible. This box should be used to state the secondary reason for absence again using the standard categories whenever possible).

Accidents/Work Related Illness

All Employees

Have you completed an incident report form confirming that your absence has been due to work related injury or ill health (excluding stress, for which this certificate is sufficient) Please tick if 'Yes':

Have you been absent due to an accident not connected with work, e.g. sport, gardening? Please tick if 'Yes':

All Managers remember: If the employee has been injured, or suffered ill health, in connection with work, you must complete an incident report form. This should not be completed for stress that is alleged to be work-related, this certificate will suffice as a record.

Prescribed conditions
 Are you suffering from and declaring a prescribed condition defined by either:
 • The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR); or
 • The Social Security Acts for the purposes of awarding Statutory Benefits under the Industrial Injuries Scheme (IIS)?
 If the answer is 'Yes' enter the prescribed condition reference number here:
 Please attach your GP's medical certificate that confirms the diagnosis. Your GP will be able to identify the relevant reference number that defines the condition and diagnosis, which is why you must provide a GP's medical certificate. This will enable the school to comply with its statutory duty to notify RIDDOR prescribed diseases to the Health and Safety Executive and assist in ensuring that you receive the appropriate benefit entitlements.
 In either case, the school will seek your informed consent for you to be referred to the school's Occupational Health Service for a health assessment.

Signatures

Employees: I confirm that this is a true and accurate statement:

Signature: Date:

Line-manager: Please ensure that the reason for absence has been ticked overleaf.

I confirm that I have spoken to this employee on his/her return to work and the return to work procedure has been completed

I confirm that an incident report form has been completed because the absence arises from work related injury or ill health (excluding stress) and that this has been submitted to the Headteacher

Name:
 (please print) Position:

Signature: Date:

Leave of Absence

1. Introduction

1.1 The Local Governing Body recognises that the success of the school depends upon the contribution of all employees and gives full acknowledgement that a fair and effective policy on discretionary leave of absence contributes to the maintenance of employee morale and thereby our success.

1.2 This policy sets out the discretionary leave of absence provisions to make sure requests for leave of absence are dealt with in a fair and consistent way. The operational needs of the school are the priority and therefore there will be times when the Principal/Headteacher has to refuse a request for leave. The examples of discretionary leave given are non-exhaustive and where circumstances arise which are not identified in this policy the Principal/Headteacher has authority to make the decision on whether or not leave is granted, and whether it is with or without pay.

1.3 This policy also sets out what you must do in the event that you must take leave of absence because you have a personal emergency.

1.4 The statutory (required by law) leave of absence provisions are generally outside the scope of this policy though they are noted where they bear a relationship to discretionary leave of absence.

1.5 This policy does not cover leave which is included in the policies and procedures listed below:

Annual leave

Maternity/paternity/parental/adoption leave

Flexible working

Redundancy

1.6 This policy applies to all teaching and support staff. This policy has been agreed in consultation with recognised trade unions, is non-contractual and may be amended at any time.

2. Procedure and Decision Making

2.1 Except in emergencies, authorisation to take leave of absence must be requested from the Principal/Headteacher as soon as the need for the leave is known using the form at Appendix 1. Where the leave of absence request is made by the Principal/Headteacher, the request should be made to the Chair of Governors.

2.2 Requests for leave of absence and approval/refusal of such will be dealt with in a fair and consistent manner, having regard to the nature of the request, statutory obligations, pupil/student educational provision, service needs, eligibility, any previous requests and the degree of flexibility that you already have in your current working arrangements. Non-emergency leave of absence must not be taken unless and until it has been approved on the form at Appendix 1.

2.3 Where an **emergency** arises, and you are required to leave work, you must follow the school's procedure to notify the Headteacher and /or Senior Manager. This procedure should include who and how the appropriate person should be contacted. Notification should be given ahead of leaving the school/college with the reason for the absence and how long you expect to be absent from work.

2.4 Where a leave of absence request is refused there is right of appeal. Any appeal must be made on the form at Appendix 1 within 5 days of receipt of the leave of absence decision. The appeal will be considered by the Principal/Headteacher and a panel of two governors whose decision is final.

2.5 A confidential record of requests for leave of absence and whether or not the request was granted will be maintained. Members of the LGPS scheme will be informed about the impact of taking **unpaid** leave on their pensionable service.

3. Leave of Absence

3.1 Examples of discretionary time off work that may be **granted with pay**:

Summary non-exhaustive examples of leave normally granted with pay	Days per academic year
Compassionate leave - illness or injury of a significant other person giving rise to serious domestic difficulties	Period reasonably necessary but not normally more than 3 days
Bereavement leave - death (including funeral) of a significant other person	Period reasonably necessary but not normally more than 5 days
Moving house where it cannot be arranged for a non-working time	1 day
Personal events or emergencies i.e. an event which, if response were to be delayed, would result in significant personal loss to the employee such as fire or flood	1 day
Accepted impossible travel because of weather or other public crisis	Period reasonably necessary but not normally more than 2 days
Interviews for jobs in the education service	period reasonably necessary but not normally more than 3 days
Dependent care leave - employees may only take paid time off to provide personal care for a dependent where there is an immediate crisis (There is a statutory right to take unpaid leave see 6.1 below)	In normal circumstances not more than 1 day on each occasion. Up to 3 days

3.3 Examples of discretionary leave that may be **granted without pay**:

Summary non-exhaustive examples of absence normally granted without pay	Days per annum - all employees
Any personal reason other than those above which it was not possible to schedule for a non-working day or time or within annual leave e.g. dentist, optician, medical appointment, driving test, important one-off family occasions	Normally this would be a maximum of 3 days
Attendance as witness either on subpoena or other direction from a court or at the direction of the police, or voluntary attendance at an inquest as witness not representing the school	Period of attendance necessary
Leave of absence for religious observance	Reasonable time off

3.2.1 Medical appointments:

Upon production of a medical appointment letter/card up to half a day **paid** leave may be granted to attend an appointment at hospital (to include medical screening and blood donation but excluding any appointment associated with elective surgery) where it has proved impractical to attend outside normal working hours. You should liaise with your line manager to agree a mutually convenient time so that the operational requirements of the school are met and then request leave from the Principal/Headteacher using the form at Appendix 1.

3.2.2 Attendance in court as a witness

If you are subpoenaed or summonsed to attend a Court (including an Employment Tribunal), as a witness and you are not representing the school then, on production of proof of required attendance, you must request leave from the Principal/Headteacher using the form at Appendix 1 and you will be granted **unpaid** leave to attend. If you wish to attend Court as a witness on a voluntary basis then you should request leave of absence from the Principal/Headteacher as soon as the need for the leave is known using the form at Appendix 1 and a decision will be made on a case by case basis. Further information on how to claim any loss of earnings and expenses as a result of being subpoenaed or summonsed to attend a Court can be obtained from www.gov.uk/going-to-court-victim-witness/expenses-for-going-to-court

3.2.3 Leave of absence for religious observance

You may request **unpaid** time off work to attend religious festivals, pilgrimages, time off for prayer or may request an adjustment to your working time to accommodate periods of fasting or requirements to cease work by a particular time using the form at Appendix 1. Requests for time off will be considered sympathetically and on a case by case basis, taking

into account the needs of the schools and its students. You should request time off at the beginning of the school year if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time.

4. Statutory Leave of Absence for Public Duties

4.1 Employees are entitled to a reasonable amount of **unpaid** time off work by law to carry out certain public duties. Public duties include service as a:

- Tribunal member
- Magistrate
- Local councillor
- Member of an NHS Trust
- Prison visitor
- Lay visitor to police stations
- School governor
- Lay observers appointed under section 81(1)(1)(b) of the Criminal Justice Act 1991. These are volunteers who monitor conditions for prisoners under escort and in court custody;
- Members of Visiting Committees, for the immigration and detention estate, appointed under section 152(1) of the Immigration and Asylum Act 1999. These committees monitor the immigration detention estate;
- Members of Visiting Committees appointed to monitor short-term immigration holding facilities, for example at airports; and
- Independent prison monitors in Scotland appointed under section 7B(2) of the Prisons (Scotland) Act 1991.

4.2 As soon as you are aware that you will require time off for performance of a public service you should request leave of absence from the Principal/Headteacher using the form at Appendix 1.

4.3 The school will agree to requests for **paid** time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy.

4.4 Each request for time off will be considered on its merits, in the circumstances in which it is made including:

- Whether the activity is reasonable in relation to your employment
- How much time off is reasonably required for the duty in question
- How much time off you have already taken for the public duty in question
- How your absence will affect the school

5. Jury Service

- 5.1 You must inform your line manager as soon as you are summonsed for jury service and provide a copy of your Jury Service Summons and the accompanying Loss of Earnings form. Where, in our view, the release of an employee for jury service raises significant teaching or operational problems, assistance will be provided to the employee in order to appeal to the court to re-arrange or cancel the dates of service.
- 5.2 Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. We will make up the Loss of Earnings allowances to your normal level of earnings. We must complete the Loss of Earnings form and you must give the completed form to the Clerk of the Court on your first day of Jury Service.
- 5.3 Upon completion of Jury Service, the Court will pay an employee for travel, subsistence and Loss of Earnings and provide a remittance advice. This advice **must** be forwarded to the finance department within 3 days of your return to work.
- 5.4 Your salary will be reduced by the "Juror's Loss" **paid** by the Court. Pension contributions are not affected. An employee cannot be **paid** twice by the Court and the school for the same days.
- 5.5 Where jury service lasts for less than half a day you must return to work for the remainder of the day wherever practicable. You must keep your line manager regularly informed about how long you are likely to be away from work.
- 5.6 Employees are protected from being subjected to a detriment or being dismissed, as a result of being summoned to attend for service as a juror or being absent from work on jury service.

6. Statutory Dependent Care Leave

- 6.1 Employees have a right to take a reasonable amount of **unpaid** time off work when it is necessary to:
- provide assistance when a dependent falls ill, gives birth, is injured or assaulted;
 - make longer-term care arrangements for a dependent who is ill or injured;
 - take action required in consequence of the death of a dependent;
 - deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependent; and/or
 - deal with an unexpected incident involving their child during school hours (or those of another educational establishment).
- 6.2 A **dependent** for the purposes of this paragraph 6.1 is:
- an employee's spouse, civil partner, parent or child;
 - a person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee; or
 - anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in 6.1 above.

Appendix 1: Leave of Absence Request

Part 1

Name:	
Job title:	

Date/time from:	Date/time to:
Reason for request: <i>[Please attach a copy of any relevant appointment card]</i>	
I have read and understood the Staff Absence policy in relation to leave of absence requests. I understand and accept that if a leave of absence is granted without pay it will affect my pension entitlement.	
Signed:	Date:

Part 2: Leave of Absence Decision

Your request for leave is:		
Approved with pay:	<input type="checkbox"/>	
Approved without pay:	<input type="checkbox"/>	
Not approved for the following reasons:		
Operational difficulties in covering absence:	<input type="checkbox"/>	
Loss of entitlement/continuity of educational provision for pupils/students:	<input type="checkbox"/>	
Leave of absence limits already reached:	<input type="checkbox"/>	
The request is outside of the policy framework	<input type="checkbox"/>	
Other. Explanation of reason(s) for non-approval	<input type="checkbox"/>	
Signed:	Job title:	Date:

Part 3: Appeal against Leave of Absence Decision

If you wish to appeal against a refusal to grant discretionary leave of absence, then you must explain your reasons below and return this form to the Principal/Headteacher within 5 days of the date of the decision as recorded above. Your appeal will be heard by a panel of two governors.

Signed:

Date: