BANKS ROAD INFANT AND NURSERY SCHOOL
"A Home for Learning, Laughing, Caring and Trying"

Attendance Management Procedure

2025-2026

This policy sets out the procedures, support and guidance ensuring that absence procedures are followed in line with Nottinghamshire County Council guidelines (April 2022)
The Attendance Management Guidance and Toolkit can be found on NCC portal and should be used in conjunction with this policy.

Nottinghamshire County Council

Banks Road Infant and Nursery School

Nottinghamshire School Attendance Management Procedure

April 2022

HR Advice, Support and Training Service

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SCHOOL ATTENDANCE MANAGEMENT PROCEDURE – Updated April 2022

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Please also note that any changes to the original policy documentation will require your governing board or trust to re-consult with the secretaries of the recognised trade unions and staff in your school.

Introduction

1.0 The Governing Board of Banks Road Infant and Nursery School adopted this Attendance Management Policy on (***26.03.26***). The Pupil and Personnel committee of the governing board will review and monitor the impact of the Attendance Management Policy annually with the head teacher. The next review will take place March 2027.

1.1 The governing board has adopted the **policy/procedure** set out in this document (**along with guidance and toolkit-delete if guidance and toolkit are not available**) to provide an agreed framework for the exercise of its powers and discretions in relation to all staff employed in the school and paid from within the school budget.

1.2 The governing board understands its responsibilities and is committed to taking decisions in accordance with the principles of public life as listed in DfE guidance; objectivity, openness and accountability. Governing bodies should ensure that they are fully aware of their responsibilities under employment law in applying this procedure.

1.3 The governing board recognises the legal requirements placed upon them by the Education Act 2002 and subsequent legislation (**refer to relevant legislation for this procedure**). This document will apply to all staff, including apprentices, directly employed by the school.

1.4 The governing board delegates to the Pupil and Personnel Committee *of the governing board* the responsibility for approving decisions relating to this policy/procedure.

1.5 References to the governing board should be taken to refer to the entity that is responsible for exercising governance functions for a maintained school or academy, which in the case of a multi-academy trust may be the trust board. Likewise references to governors should be taken to mean whoever is responsible for fulfilling governance functions. Where maintained schools are federated under a single governing board this will be the federated governing board.

1.6 In fulfilling staffing responsibilities, the governing board may delegate its staffing functions in accordance with its articles of government. In delegating functions, the governing board must not lose sight of the fact that it retains overall accountability for the decisions made by those to whom the function has been delegated. As a result the governing board should regularly review their arrangements for managing staffing functions and that the right people are fulfilling these roles on its behalf.

1.7 The School Staffing (England) Regulations 2009 confers the right of the County Council to send a representative to all proceedings of the governing board of a community or voluntary controlled school relating to the selection or dismissal of any teacher (including the head teacher and deputy) to offer advice. If the County Council decides to send a representative they must be allowed to attend. Any advice offered as a result must be considered by the governing board (or those to whom the function has been delegated) when reaching a decision. This will usually be a senior officer from the HR Service who may also advise the governing board/head teacher as appropriate. The same rights do not automatically apply in respect of maintained foundation, voluntary-aided and foundation special schools.

Advice, support and Training

1.8 It is the responsibility of the head teacher to ensure that all relevant senior leaders understand their role and have access to appropriate support, advice and training in the application of these procedures. The head teacher should also ensure, in conjunction with the chair of Governors and the training co-ordinator, where appropriate, that in discharging their duties and responsibilities, governors have access to support, advice and training as appropriate.

Consultation and Agreement with the Recognised Trade Unions

1.9 The Nottinghamshire School Attendance Management Procedure is recommended for adoption by all community, voluntary aided, voluntary controlled, academy, foundation, and trust schools who purchase their HR Service from Nottinghamshire County Council.

1.10 This **procedure** has been agreed with all of the recognised trade unions through the JCNP process and meet legislative requirements.

1.11 Due to the complexities of this area of employment and education law, governing bodies are strongly advised to adopt the attached policy without amendment. Should, exceptionally, a governing board seek to amend the recommended policy, they will need to consult/negotiate any changes collectively with all the secretaries of the recognised trade unions and confirm any amendments to the local authority. Governing Bodies are strongly recommended to seek advice from the HR service in these circumstances.

2.0 Equalities and Equal Opportunities

2.0 The governing board recognises its legal responsibilities to staff under the Equality Act 2010 and this policy will ensure equality and fairness regardless of race, sex, sexual orientation, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership, disability or age. All decisions will be taken in accordance with relevant equalities legislation, the Employment Relations Act 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

2.1 The governing board is aware of its responsibilities under the Freedom of Information Act 2000 to make available this policy to all staff at the school and its responsibilities to be compliant with the Data Protection Act 2018 and the General Data Protection Regulations 2018.

3.0 Aims of the Policy

3.0 The purpose of this procedure is to enable schools to monitor and effectively manage the attendance of all school staff. The aim is to improve attendance by providing welfare support, seeking and implementing Occupational Health advice and monitoring attendance. Where attendance concerns are raised or where there is insufficient improvement, the procedure allows for warnings to be issued and ultimately consideration of dismissal based on the grounds of capability due to ill health.

3.1 There are 2 parts to the procedure:

- Part 1 – Managing Attendance Procedure
- Part 2 – The Managing Attendance Guidance and toolkit for head teachers and governing bodies

3.2 The procedure and guidance documents have been produced to enable schools to manage attendance and must be read in full before taking any action to manage attendance issues.

3.3 The Local Authority, the DfE and Ofsted expect all schools to implement strategies to effectively manage and take the necessary action to minimise staff absence from school.

4.0 Part 1 – Managing Attendance Procedure

4.1 This procedure applies to all school employees (teaching and support), including apprenticeships where employed directly by the school, about whose health and / or attendance cause concerns which have not been resolved prior to the formal process through monitoring and welfare support.

4.2 As part of the formal procedure there is an expectation that head teachers/line managers will be able to demonstrate evidence that support has been offered and provided to the employee throughout their absence(s), including regular dialogue, reasonable welfare support, and return to work and welfare meetings have been conducted. Please see Part 2 – Guidance before commencing the first stage of the formal Procedures.

4.3 Head teachers are responsible for the day to day operational management of all staff which includes managing attendance and may, where appropriate, be delegated to another senior leader. The procedure will be led and managed by the head teacher (or other delegated senior leader) or chair of governors (in the case of head teacher health and / or attendance issues). Please see **Appendix 1 for Roles and Responsibilities**

4.4 The procedure assumes that the head teacher and the governing board will consult with and engage the services of the County Council HR Service to provide practical advice and support in the application of these procedures.

4.5 The governing board will manage head teacher absences. This procedure assumes that the chair of governors or other nominated governor will request support from the HR Service at which point a named HR Business Partner will be allocated to support and advise on the procedure. Further guidance has been prepared to support the chair of governors or nominated governor in managing the attendance of the head teacher (**see Appendix 24**).

5.0 Key Indicators

5.1 It is important for the head teacher / governing board to determine what they consider to be a reasonable standard of attendance in the school. The following indicators should normally be used in assessing whether action is required regarding individual cases and/or whether advice should be sought from the HR Service:

- 3 periods of certified and / or self-certified sickness absence in a term or equivalent period of 4 months;

- unacceptable patterns of absence, for example regular Monday or Friday absence or regular absences at particular times during the week or school calendar;
- up to 4 periods which in total exceed a month of certified / self- certified sickness absence per year.

5.2 Caution is needed in the application of the indicators and it is important that an individual's personal circumstances and long term attendance record are also taken into account when considering appropriate action. This is particularly important in cases of serious illness, post-operative recovery and absence due to a disability. (See 'Guidance' heading **Equality Act 2010**).

5.3 The application of the formal Attendance Management Procedures should not be a surprise to the employee. Where an employee's absence is cause for concern, this should be discussed as part of the return to work discussion or as part of welfare contact / meetings. Where absence levels are below the indicators but represent a cause for concern this should be carefully and sensitively explained to the employee and repeated discussions should take place in the context of increasing concern.

6.0 Health Problems Not Causing Absence but Affecting Performance at Work

6.1 There may be circumstances where the ill-health of an employee is affecting their ability to adequately carry out the full duties and responsibilities of the job, even though sickness absence levels are low or even non-existent. When dealing with such cases, head teachers / delegated senior leaders / chairs of governors will need to ensure that concerns are discussed with the employee and appropriate advice sought from occupational health and the HR service to agree what support and action are required.

6.2 Once the facts and circumstances have been ascertained via the process of investigation and discussions with the employee, action should fall into one or more of the following:

- the offer of advice, guidance or support to the employee in an attempt to improve performance;
- consideration of the application of reasonable adjustments to the job, working arrangements or school where the employee has a disability;
- where possible, consideration of a temporary or permanent change in working hours or duties, or in severe cases, where the employee has identified that the reason for their performance difficulties relate to their current job role, discuss the possibility of redeployment;
- agree the concerns relating to performance will be kept under review for a set period of time.

6.3 Where concerns about performance (capability) are due to an underlying medical condition which is likely to continue to affect an employee's ability to perform to the required standard, the school should consider what reasonable support mechanisms can be put in place to improve performance. Head teachers could consider job restructuring, transfer to alternative duties, physical aids, adaptations, etc., but

important factors to bear in mind are the need to serve the needs of the school as well as the interests of the employee. Head teachers and / or chairs of governors should seek support and advice from the HR Service to manage these situations.

6.4 Where Occupational Health advice has been sought and, despite reasonable adjustments being made, health related performance concerns have not improved sufficiently, advice should be sought from the HR service with regard to arranging for the circumstances of the case to be considered under the formal Managing Attendance procedures.

6.5 Where an employee is assessed by the Occupational Health Service to be permanently unfit to undertake the full duties and responsibilities of their existing job and, where applicable, other redeployment opportunities have been considered, either the steps set out in this policy or the ill-health retirement process should be followed (see **section 19.0 Teachers** and **20.0 Support Staff** and relevant **appendices 17, 18, 19** and **20**).

6.6 Where performance concerns not due to an underlying medical condition, such cases should be managed through the school's Disciplinary (Capability) Procedure.

7.0 Medical Suspension

7.1 The Fitness to Teach Guidance 2007 covers teachers and teaching assistants and states that the employer of teachers in maintained schools has the powers to suspend such employees where necessary, if their medical condition poses a risk to the safety and well-being of children or colleagues. Suspension should be carried out on the advice of an appropriately qualified medical adviser about the risks encountered with the individual's state of health and the individual circumstances of the case. It is appropriate at this point to request an appointment with the Occupational Health Physician and to liaise closely with the HR Service.

STAGE 1

8.0 First Review Meeting

8.1 An employee will be invited to attend a First Review Meeting with the head teacher or nominated person in the following circumstances, where the employee:

- has been supported through return to work and welfare meetings and discussions about levels of improvement but who has shown insufficient improvement in attendance; or
- is not undertaking the full duties and responsibilities of the post due to ill health despite reasonable adjustments; or
- has reached the key indicators; or
- has shown some initial improvement but whose attendance has deteriorated again; or

- remains absent from their job. HR advice should be obtained where the employee remains absent due to hospitalisation or whilst undergoing medical treatment.

8.2 Before the meeting, consideration may need to be given to a referral for specialist advice from the Occupational Health Service in consultation with the HR Service. This may help in determining whether there is an underlying medical condition and whether or not the attendance record is likely to improve if the employee continues in their present job. **The head teacher must discuss this or any subsequent referrals with the employee to seek their commitment to attend the appointment on the date and time provided and to ensure that he/she receives a copy of the referral form. The head teacher is required to sign a declaration on the referral form to confirm that a communication has taken place**. A copy of the OHU referral form and guidance can be found on Schools Portal via the link - Occupational Health Referrals.

8.3 Notification of the meeting should be in writing giving at least 10 working days' notice stating the date, time and place of the meeting. The letter should also contain the reason for the meeting and a reminder of the employee's rights to be accompanied by a trade union representative or work colleague and to provide their own information in advance of the meeting, including the right to call appropriate witnesses to provide relevant evidence (**Appendix 7**). Any papers to be considered at the meeting should be circulated with this letter including the statement of case (**Appendix 6**) and order of events (**Appendix 8a)**. The date of the meeting should be agreed in advance with the HR Business Partner who will ensure that an appropriate officer will attend the meeting to give advice on any procedural aspects or matters of employment law.

8.4 The procedure for the meeting is as set out in **Appendix 8a**.

8.5 The school should arrange for a detailed record to be taken at the meeting including the head teacher's concerns and the employee's responses and any agreed areas of action, support and assistance. Notes should be circulated to all parties as soon as possible and the employee should be provided with an opportunity to provide their comments.

8.6 The purpose of the absence review meeting is to allow the employee, accompanied if they wish by a trade union representative or work colleague, to respond to the on-going concerns about their health and / or attendance and to make any relevant representations. The meeting will consider the documents prepared for the meeting to:

- explore the reasons for the unsatisfactory level of absence;
- explain the reasons why the absence level is unsatisfactory and its impact on the school/pupils and teaching and learning;
- offer help or guidance to facilitate a return to work or improved attendance and redeployment support if appropriate;
- where appropriate, seek a commitment by the employee to improve their attendance;

- consider any information provided by the employee/employee representative;
- decide on outcome.

8.7 Following a full consideration of the evidence, there should be an adjournment for the person or panel conducting the meeting to determine the appropriate action to be taken. The person / panel conducting the meeting should carefully consider the advice provided by the HR Service in reaching their decision.

9.0 First Review Meeting – Possible Outcomes

The outcome of this absence review meeting will be one of the following:

9.1 ***Attendance is at an acceptable level*** - If the head teacher is satisfied that the employee's attendance is at a satisfactory level in the circumstances, the decision will be confirmed in writing to the employee. Where within the life of a warning attendance deteriorates, the situation will be reviewed in line with the relevant stage of the procedure.

9.2 ***Attendance is not at an acceptable level*** - The head teacher should reiterate the points raised in the welfare meeting(s) and or return to work discussion(s) i.e. that the level of absence remains unsatisfactory, that an improvement is required and the continued need for monitoring and review within an agreed time. This will normally be in the region of 6 – 8 weeks but should be determined appropriate to the case, with particular reference to any medical information.

9.3 If at this meeting the head teacher considers that the employee's absence level is unsatisfactory, the head teacher will issue the employee with a first or final written warning i.e. that, unless there is a significant improvement, their continued employment at the school may be at risk. It is possible to issue a Final Written Warning at a First Review Meeting, however this would usually be in exceptional circumstances as discussed with the HR Business Partner. Where a Final Written Warning is issued at a First Review Meeting, the Second Review Meeting will follow the format of the Third Review Meeting. Advice should always be sought from the HR Service in these circumstances.

9.4 The decision will be confirmed in writing to the employee **(Appendix 9)**, normally within 3 working days, and a copy sent to their representative. The employee will also be informed in writing that a failure to meet the required levels of attendance during the first review period may lead to further warnings and could put their continued employment at the school at risk and may result in the termination of his/her contract of employment. The employee should be informed of their right of appeal against this warning which should be heard by an appeal panel of 3 governors.

9.5 At this meeting the date of the Second Review Meeting should be agreed with the employee and their representative and scheduled in diaries. If at any point during the review period the employee or their representative are unable to attend the Second Review Meeting, the employee or their representative should contact the head

teacher immediately to explain the reasons why. Depending on the circumstances it may be necessary to re-schedule the meeting to another date within 5 working days of the original date. If the employee's trade union representative / work colleague is unexpectedly and unavoidably unable to attend on the planned date the trade union is required to make every reasonable effort to provide the employee with a substitute representative so that the meeting can go ahead on the planned date.

9.6 During the review period it may be necessary to seek further specialist medical advice in preparation for the Second Review Meeting and this should be discussed with the employee and planned with the HR Business Partner so that this information is available in time for the next meeting.

10.0 First Review Meeting – Appeal against Warning

10.1 The employee has the right to appeal against this decision and must do so in writing, briefly setting out the grounds of the appeal, within 10 working days of the written outcome of the first review meeting. The appeal is a re-hearing and will be considered by a panel of (normally) 3 Governors who have not been involved in the first review period decision.

10.2 The appeal will be conducted in line with the procedure set out in **Appendix 8b**.

10.3 The employee will be invited to the appeal hearing (**Appendix 15**) and notified of their right to be accompanied by their trade union representative or work colleague and to provide their own information in advance of the meeting, including the right to call appropriate witnesses to provide relevant evidence.

10.4 The school should arrange for a detailed record to be taken of the meeting including the attendance concerns, the employees' responses and any agreed areas of action, support and assistance. Notes should be circulated to all parties as soon as possible and the employee and their representative should be provided with an opportunity to provide their comments.

10.5 The outcome of the appeal should be confirmed in writing to the employee (**Appendix 16**) within 3 working days of the decision. Where an employee appeals against a warning issued at the first review meeting, this will not delay the commencement of the second review period.

STAGE 2

11.0 First Review Period

11.1 The First Review Period should start immediately following the first review meeting and will normally be for a period of 6 – 8 weeks, dependent on the circumstances of the case. The purpose of the review period is to provide every reasonable opportunity for the employee to demonstrate the required improvement in their attendance.

11.2 Monitoring and support will take place during this period which will include welfare meetings (as appropriate and as agreed), the seeking of occupational health advice where this is necessary and implementation of other support measures as agreed.

12.0 Second Review Meeting

12.1 The purpose of the Second Absence Review meeting is to formally review the employee's attendance during the First Review period. This will include considering the evidence / documentation prepared for the meeting and any factors relating to the attendance during this period. Although the date will have been set at the First Review Meeting, written confirmation of the Second Review Meeting should be sent as a reminder to the employee no later than 10 working days prior to the end of the First Review Period, giving 10 working days' notice and stating the date, time and place of the meeting, the reason for the meeting and a reminder of the employee's rights of representation (**Appendix 10**). The employee should be informed of their right to provide their own information in advance of the meeting, including the right to call appropriate witnesses to provide relevant evidence. The school should circulate any updated paperwork/statement of case to be referred to at the meeting with this letter.

12.2 The meeting should be convened and conducted by the head teacher (or delegated Senior Leader) unless the meeting is to review the head teachers' absence. In this case, the meeting will be convened by the chair of governors, supported by the HR Advisor, and will normally be heard by the Chair of Governors or an appropriately constituted governors panel, depending on the circumstances of the case.

12.3 The school should arrange for a detailed record to be taken at the meeting including the head teacher's concerns and the employee's responses and any agreed areas of action, support and assistance. Notes should be circulated to all parties as soon as possible and the employee should be provided with an opportunity to provide their comments.

12.4 The procedure for the meeting is as set out in **Appendix 8a**.

13.0 Second Review Meeting – Possible Outcomes

The outcome of this second absence review meeting will be one of the following:

13.1 ***Attendance is at an acceptable level*** **-** If the person / panel conducting the meeting is satisfied that the employee's attendance record has improved to the required level and been sustained during the First Review Period, this decision should be confirmed in writing to the employee. The employee should be informed of the expectation that the improvement should be maintained and that attendance will continue to be monitored as with all other staff in school. The employee should be advised that, if the improvement is not sustained, further action may be considered in line with the relevant stage of the Managing Attendance procedure (**Appendix 11**).

13.2 Where within the life of a warning the attendance level deteriorates, the employee will be informed that the situation will be reviewed in line with the relevant stage of the procedure.

13.3 ***Attendance is not at an acceptable level*** – Where the employee's attendance has not improved to the required level during the period the review meeting should consider the following areas:-

Explore the reasons for the continued unsatisfactory level of absence

- Explain the reasons why the absence level is unsatisfactory and its impact on the school / pupils and teaching and learning.
- Offer help or guidance to facilitate a return to work or improved attendance, and redeployment support if appropriate;
- Explain the continued concern about the level of absence;
- Seek a final commitment to improve attendance by the employee
- Consider any information provided by the employee/employee representative
- Decide on outcome

13.4 Following a full consideration of the evidence, there should be an adjournment for the person / panel conducting the meeting to determine the appropriate action to be taken. The person / panel conducting the meeting should carefully consider the advice provided by the HR Service in reaching their decision.

13.5 If the decision is that the employee's attendance remains unsatisfactory the head teacher / panel should reconfirm the points raised at the First Review Meeting i.e. that the level of absence remains unsatisfactory, that a significant level of improvement is required and that the absence will continue to be monitored and a further review will take place at the end of the agreed timescale. This will normally be a review date set within the region of 6 – 8 weeks, but should be determined appropriate to the case, with particular reference to any medical information.

13.6 The head teacher will issue the employee with a final written warning and inform the employee in writing that a failure to meet the required levels of attendance during the Second Review period could put their continued employment at the school at risk and may result in the termination of his/her contract of employment. The employee should be informed of their right of appeal against the final written warning which should be heard by an appeal panel of 3 governors (note if the employee has already been issued with a final written warning the case should immediately be referred to a Governors panel).

13.7 At the meeting the arrangements for the Second Review Period and the date of the Third Review Meeting should then be agreed with the employee and their representative and scheduled in diaries. If at any point during the review period the employee or their representative is unable to attend the Third Review Meeting date, the employee or their representative should contact the head teacher immediately to explain the reasons why. Depending on the circumstances it may be necessary to

re-schedule the meeting to another date within 5 working days of the original date. If the employee's trade union representative / work colleague is unexpectedly and unavoidably unable to attend on the planned date the trade union is required to make every reasonable effort to provide the employee with a substitute representative so that the meeting can go ahead on the planned date.

13.8 The employee should be informed that if, during the Third Review Period, there are continued concerns about the levels of absence, the Third Review Meeting may be brought forward and will be held with a panel of 3 governors. Where the head teacher has not managed the case the panel may consist of the head teacher and 2 governors.

13.9 The decision will be confirmed in writing to the employee following the Second Review Meeting (**Appendix 11**) normally within 3 working days, and a copy sent to their Trade Union representative or work colleague.

13.10 Accurate and relevant specialist medical advice from Occupational Health will normally be required during the Second Review period and should, therefore, be obtained in time for it to be considered at the Third Review meeting, where dismissal is a possible outcome.

13.11 The school should arrange for a detailed record of the meeting to be taken, including the attendance concerns, the employees' responses and agreed areas of action, support and assistance. Notes should be circulated to all parties as soon as possible and the employee and their representative should be provided with an opportunity to provide their comments.

14.0 Second Review Meeting – Appeal against Final Written Warning

14.1 The employee has the right to appeal against this decision and must do so in writing, briefly setting out the grounds of the appeal, within 10 working days of the written outcome of the Second Review meeting. The appeal is a re-hearing and will be considered by a panel of (normally) 3 Governors who have not been involved in the second review period decision.

14.2 The appeal will be conducted in line with the procedure set out in **Appendix 8b**.

14.3 The employee will be invited to the appeal hearing (**Appendix 15**) and notified of their right to be accompanied by their trade union representative or work colleague and to provide their own information in advance of the meeting, including the right to call appropriate witnesses to provide relevant evidence.

14.4 The school should arrange for a detailed record to be taken of the meeting including the attendance concerns, the employees' responses and any agreed areas of action, support and assistance. Notes should be circulated to all parties as soon as possible

and the employee and their representative should be provided with an opportunity to provide their comments.

14.5 Following a full consideration of the evidence, there should be an adjournment for the panel to consider their decision. In reaching their decision, the panel should carefully consider and take account of the advice provided by the HR Service.

14.6 The outcome of the appeal should be confirmed in writing to the employee (**Appendix 16**) within 3 working days of the decision. Where an employee appeals against a warning issued at the second review meeting, this will not delay the commencement of the third review period.

STAGE 3

15.0 Second Review Period

15.1 The Second Review Period should start immediately and will normally be for a period of 6 – 8 weeks, dependent on the circumstances of the case. The purpose of the review period is to provide every reasonable opportunity for the employee to demonstrate the required improvement in their attendance.

15.2 Monitoring and support will take place during this period which will include welfare meetings (as appropriate and as agreed), the seeking of occupational health advice and implementation of other support measures as agreed.

16.0 Third Review Meeting

16.1 The purpose of the Third Review meeting is to formally review the employee's attendance during the Second Review period. This will include considering the evidence / documentation prepared for the meeting and any factors relating to the attendance during this period. Although the date will have been set at the Second Review Meeting, written confirmation of the Third Review Meeting should be sent as a reminder to the employee no later than 10 working days prior to the end of the Second Review Period, giving 10 working days' notice and stating the date, time and place of the meeting, the reason for the meeting and a reminder of the employee's rights of representation (**Appendix 12**). The employee should be informed of their right to provide their own information in advance of the meeting, including the right to call appropriate witnesses to provide relevant evidence. The school should circulate any updated paperwork/statement of case to be referred to at the meeting.

16.2 The procedure for the meeting is as set out in **Appendix 8a**.

16.3 The school should arrange for a detailed record of the meeting to be taken including the concerns, the employees' responses and any agreed actions, support and assistance. Notes should be circulated to all parties as soon as possible and the

employee and their representative should be provided with an opportunity to provide their comments.

16.4 The arrangements for this meeting will depend on the circumstances of the case since the Second Review meeting:

1. If, during the Second Review Period, the employee's attendance has improved to the required level, the Third Review Meeting should take place with the head teacher.

2. If, during the Second Review Period, the employee's attendance has not improved to the required level, the situation should be considered at a Third Review Meeting with a panel of 3 governors. Where the head teacher has not managed the case, the panel may consist of the head teacher and 2 governors.

16.5 Where the employee's attendance has not improved to the required level the review meeting should consider the following areas:-
Explore the reasons for the continued unsatisfactory level of absence

- Explain the reasons why the absence level is unsatisfactory and its impact on the school / pupils etc.
- Offer help or guidance to facilitate a return to work or improved attendance, and redeployment support if appropriate;
- Explain the continued concern about the level of absence;
- Consider any information provided by the employee/employee representative
- consider up to date medical advice from Occupational Health
- Decide on outcome

16.6 The head teacher should ensure that full documentary evidence including all relevant papers from previous reviews, all medical reports, up to date medical advice and all other supporting paperwork including an updated statement of case has been circulated to the panel of governors, the employee and the HR Business Partner 10 working days in advance of the meeting.

16.7 During the meeting a full exploration and discussion of the situation should be held to determine whether there has been any progress or improvement in the attendance to determine whether or not attendance is at the required level.

16.8 Following a full consideration of the evidence, there should be an adjournment for the person / panel conducting the meeting to consider their decision. In reaching their decision, the panel should carefully consider and take account of the advice provided by the HR Service.

17.0 Third Review Meeting – Possible Outcomes

The outcome of the third review meeting will be one of the following:

17.1 ***Review undertaken by the Head teacher - Attendance is now at an acceptable level*** **–** If the person / panel conducting the meeting is satisfied that the employee's

attendance record has improved to the required level and been sustained during the Second Review Period, this decision should be confirmed in writing to the employee. The employee should be informed of the expectation that the improvement should be maintained and that attendance will continue to be monitored as with all other staff in school. The employee should be advised that, if the improvement is not sustained, further action may be considered in line with the Managing Attendance procedure (**Appendix 14**).

17.2 Where within the life of a warning, the attendance level deteriorates the employee will be informed that the situation will be reviewed in line with the relevant stage of the procedure.

17.3 ***Governors Panel undertakes review (refer to appendix 13) - Attendance is not at an acceptable level -*** Where the employees' attendance has not improved during the review period to the required level, the review will be conducted in line with paragraph 13.5.

17.4 Where there has been some improvement in attendance but it is considered insufficient, or where there is no sustained improvement or acceptable return to work at this point or in the foreseeable future, the panel may determine that the employee's attendance level remains unsatisfactory and that his / her employment should be terminated subject to appropriate notice on the grounds of lack of capability due to ill health.

17.5 Where there has been significant improvement in attendance but not yet to the required level, depending on the circumstances, the panel may take a decision to dismiss or may extend the final warning. Where a final warning is extended, the panel should determine that attendance must improve over an agreed further / extended review period. Where this is determined the period of review and the review date should be set. The decision will be confirmed in writing.

17.6 If the decision is to terminate employment, on the grounds of "incapability through ill health of fulfilling the requirements of the contract of employment", the school should confirm the dismissal and the employee should be advised of their right of appeal against the decision to an appeal panel of 3 governors not party to the original decision to dismiss (**Appendix 14**). In the case of foundation and academy schools, the school will terminate the contract of employment. In the case of community schools, a recommendation should be made to the Strategic Director for CFCS via the HR Service (**appendix 22**) to terminate the contract of employment with Nottinghamshire County Council. In the case of voluntary aided schools the LA may terminate the employment on behalf of the Governing Board at their request. In accordance with the School Staffing (England) Regulations 2009 the request will be actioned within 14 days. Should the member of staff choose to exercise their right of appeal and the appeal is upheld, the contract will be reinstated.

18.0 Third Review Period – Appeal against Dismissal

18.1 The employee has the right to appeal against a decision to dismiss and must do so, in writing to the head teacher/chair of governors, briefly setting out the grounds of the appeal within 10 working days of the written outcome of the dismissal hearing. The appeal will be convened during the notice period and considered by an appeals panel of (normally) 3 governors.

18.2 The appeal should be held in line with the principles and procedure as detailed in **Appendix 8b** and **Appendix 13**.

18.3 The head teacher will formally invite the employee and their trade union representative or work colleague to the appeal hearing (**Appendix 15**). The letter copied to their representative should confirm the purpose, date, time and place of the appeal hearing at least 10 working days in advance of the hearing unless an earlier date is mutually agreed. The appeal is a re-hearing of the case and the appeal invite letter to the employee should include as appendices or make reference to the documentation to be considered at the governors' dismissal appeal hearing.

18.4 The employee should be informed, in writing, of their right to be accompanied by a trade union representative or colleague and to provide their own information in advance of the meeting, including the right to call appropriate witnesses to provide relevant evidence.

18.5 The school should arrange for a detailed record of the meeting to be taken including the concerns and the employees' responses. Notes should be circulated to all parties as soon as possible and the employee and their representative should be provided with an opportunity to provide their comments.

18.6 Following a full consideration of the evidence, there should be an adjournment for the panel to consider their decision. In reaching their decision, the panel should carefully consider and take account of the advice provided by the HR Service.

19.0 Governors Appeal Hearing – Possible Outcomes

19.1 The outcome of the appeal hearing will be confirmed in writing to the employee and their representative within 3 working days of the appeal hearing (**Appendix 16**). The appeal panel will confirm or reject the decision which is subject to appeal. The decision will be final and there is no further right to appeal. If the determination of the appeal panel is to confirm the decision to dismiss the employee, the contract of employment will terminate at the end of the notice period and this should be re-confirmed to the employee. In the event of a successful appeal after the dismissal, arrangements should be made for the employee to be re-integrated into school and notice of termination of employment will be rescinded in writing.

19.2 There are no further rights of appeal against the decision other than to an Employment Tribunal.

20.0 Review of Managing Attendance Warnings

20.1 Although it is usual for formal warnings to be issued for a period of 12 months it will be necessary for head teachers to formally monitor and review such warnings in accordance with the appropriate procedure. Warnings should be reviewed towards the end of the 12 month period.

20.2 Where the warning has been issued by the head teacher, the head teacher should review the warning prior to the end of the 12 months and confirm in writing to the individual whether the warning is regarded as 'spent' or otherwise extended (**Appendix 21**). Where the warning has been issued by a panel of Governors, the head teacher should initiate the review of the warning by the panel responsible for issuing the warning and confirm in writing to the individual on behalf of the panel whether the warning is regarded as 'spent' or otherwise extended (**Appendix 21**).

20.3 There is no appeal against the outcome of a review of a warning.

21.0 Waiver Form

21.1 At any stage during the Attendance Management Procedure in cases where both the employee (teaching and support staff) and the school mutually agree to terminate employment on the grounds of ill health the employee may, with advice from their trade union or work colleague, decide to complete the waiver form. The waiver form negates the requirement to go through a formal dismissal hearing process or appeal process and provides for payment in lieu of notice (**Appendix 20**). In the case of ill health retirement the waiver process may also be used by support staff (note in the case of ill health retirement a waiver would only be applicable for support staff.

22.0 Ill Health Retirement – Teachers

22.1 This process may apply where the teacher is absent due to ill health for at least 4 weeks and is likely to remain so for much longer with a serious medical condition. **Appendix 17** provides more detailed information.

22.2 If the application made by the individual is accepted by Teachers Pensions, a final date of service will be agreed between the teacher and their school. Under the Pension Regulations, a teachers' employment will terminate at the end of the month in which the notification is received, or earlier if requested by the teacher and agreed by the governing board.

22.3 If the application is rejected by Teachers Pensions, schools should seek further advice from the HR Service with regard to commissioning further medical advice and / or considering implementation or continuation of the formal attendance management procedures.

23.0 Ill Health Retirement – Support Staff

23.1 This process may apply where the employee is absent due to ill health for at least 4 weeks and is likely to remain so for much longer with a serious medical condition. **Appendices 18 and 19** provide more detailed information.

23.2 If Ill Health Retirement at one of the three tiers is granted, following notification of the Occupational Health Physician's support for early retirement on the grounds of ill health, it is necessary to present a report to a panel of 3 governors of the governing board, in the light of which a decision will be taken concerning the termination of the employee's contract on medical grounds. The employee should be given the opportunity to attend this meeting if they wish, accompanied by their trade union representative or a work colleague. Alternatively, the employee may opt to use the waiver process (**Appendix 19**).

23.3 If Ill Health Retirement at one of the three tiers is not granted, schools should seek further advice from the HR Service with regard to commissioning further medical advice and / or considering implementation or continuation of the formal managing attendance procedures.

JCNP Staffing Regulations Working Party	**May 2015**
Lead HR Business Partner	**Emma McGeown/Jason Adams**
Senior HR Business Partner	**Andy Wilson**
Date policy updated	**April 2022**
Review date	**As per legislative changes**

BANKS ROAD INFANT AND NURSERY SCHOOL
"A Home for Learning, Laughing, Caring and Trying"

THE POLICY WILL BE REVIEWED ANNUALLY.
DATE OF REVIEW BY GOVERNING BODY: March 2016 March 2017 March 2018 March 2019 March 2020 March 2021 March 2022 March 2023 March 2024 March 2025 March 2026 March 2027
This policy was reviewed and ratified by the Finance and Operational Management committee March 2026 Signed: Chair of Governors_____ Date: _____