



Oxspring Primary School

Policy Title: Managing Staff Attendance

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Signed by:

Chair of Governors

All policies available at www.oxspringprimary.co.uk

OXSPRING PRIMARY SCHOOL

Managing Staff Attendance Policy



A.Introduction

This policy was created after a period of consultation with relevant stakeholders within school. It has been formally adopted by governors and reflects our approach at Oxspring Primary School.

B.Aims and Principles

The policy is underpinned by the central aims of Oxspring Primary and values held by the school community:

C.Aims of the school

- Oxspring is committed to promoting high standards of academic achievement for all learners in all subjects.
- As a school we will continue to develop and instil key life skills and values in our pupils.
- We will encourage positive relationships and communications between home, our community and the wider world.

In particular, Oxspring School has an inclusive approach to our provision. Our aim is always to involve all our children and stakeholders in all areas of the curriculum and school life. In accordance with our **Disability Equality Scheme** we recognise that this may mean making special adaptations or arrangements from time to time for children with specific disabilities. We welcome the involvement of disabled adults in all areas of school life.

D.Background Information

Oxspring Primary School is a caring and open school, where parents, children, staff and the wider school community all know that their views and needs will be listened to, in both education and personal areas.

MANAGING STAFF ATTENDANCE - POLICY FOR SCHOOLS

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MANAGING ATTENDANCE – POLICY FOR SCHOOLS

1.0 INTRODUCTION

1.1 **This policy applies to all employees (with the exception of relief employees) in locally managed schools, subject to adoption by the governing body.**

1.2 **Throughout this policy reference will be made to the manager. This is the person who has been designated to lead on the absence or the most appropriate person.**

1.3 It is understood that there are occasions when employees are absent due to sickness. This policy provides a framework for managers to enable them to manage such sickness absence fairly and consistently.

1.4 Failure of any employee to comply with this policy including providing continuous 'fit notes' without reasonable cause, none attendance at absence monitoring meetings or occupational health meetings may be deemed as a contravention of the terms and conditions of the National Joint Council for Local Government Services (Part 2, paragraph 10.10, Part 3, paragraph 4.2) and the Conditions of Service for School Teachers in England and Wales (Section 4, paragraph 8.1); and may result in suspension of Occupational Sick Pay. It may also be construed as a breach of contract and disciplinary action may also be taken if it is determined that an employee has abused the scheme.

1.5 Further guidance on each stage of the process and appropriate referrals to Occupational Health are available in the [Managing Attendance Guidance Pack - Appendix A](#).

1.6 A qualified Occupational Health professional, a nurse or physician qualified in occupational health, can provide options and recommendations regarding continued employment.

1.7 An employee is entitled to be accompanied throughout the formal process at each meeting by either a work colleague or designated trade union/professional association official. However, this right does not extend to friends/family or professional persons such as solicitors and barristers.

1.8 The determination to dismiss on the grounds of ill health or persistent intermittent absence is a matter for the school governing body however; Barnsley MBC remains the employer in Community, Community Special, and Voluntary Controlled schools. In the case of Voluntary Aided schools, Foundation Schools and Academies the governing body is the employer.

1.9 Where the governing body determines that any person employed or engaged by the authority to work at the school should cease to work there, it must notify the Executive Director, People in writing of its determination and the reasons for it.

2.0 KEY PRINCIPLES

2.1 The policy should be followed where a manager identifies that an employee is having ongoing health issues which are resulting in:

- Persistent intermittent absence – Section 6.
- Long-term sickness absence – Section 7.
- Combined long-term and persistent absence - Section 8.

The school/academy has a legal obligation under the Equality Act 2010 not to unlawfully discriminate against an employee, who has an impairment amounting to a disability, see section 11 for further advice.

2.2

Early intervention and support offered to employees who are absent may aid an employee's recovery and facilitate an early return to work. The school/academy should aim to ensure:

2.3

- A safe and healthy working environment.
- Provision of reasonable adjustments where there is a duty under the Equality Act 2010.
- Timely referrals to Occupational Health.
- Wellbeing strategies ([well@work intranet site](#))
- Training for managers on their roles and responsibilities under this policy via POD (for schools who purchase Barnsley HR Services please refer to your Service Level Agreement or contact your HR Business Partner).

Only in **exceptional** circumstances should home visits be undertaken e.g. when an employee is unable to attend any of their medical appointments (e.g. appointments with their own GP) due to their illness or disability.

2.4

3.0 REPORTING AND RECORDING ABSENCE

Reporting

3.1 Where an employee is unable to attend work because of their own illness or injury they must follow the absence notification procedure. Please see [Appendix B](#).

3.1.1

3.2 Recording

3.2.1 Managers are responsible for ensuring that all employee sickness absence is recorded. The original self certification forms and 'fit notes' should be scanned as individual documents and returned to the employee for their records.

Schools who purchase BMBC Financial Services should submit weekly absence returns. The exact nature of the illness should be recorded. All scanned documentation should then be placed on the employee's electronic personal file. Guidance on the storage and retention of the documents is available on the Records Management Intranet.

3.2.2

4.0 MONITORING EMPLOYEE ABSENCE

4.1 For those schools who submit weekly absence returns to Barnsley Financial Services SAP will provide monthly trigger reports identifying any employee hitting one of the agreed trigger points:

- 3 separate absences, of one day or more, in any 3 consecutive months.
- 6 working days absence in a rolling 12 month period (pro rata for employees working less than 5 days per week).
- Long-term sickness where an employee is absent from work for 4 or more consecutive weeks.

5.0 RETURN TO WORK DISCUSSIONS

5.1 A return to work discussion must be held on the employee's first day back to work following a period of sickness absence lasting 3 days or more. However, where there are concerns regarding frequent absences then these should be discussed with the employee at an early stage.

The return to work discussion is an informal meeting and therefore it is not necessary for managers to offer the employee the opportunity to be accompanied or represented.

5.2 If an employee is concerned about the way in which the discussion was undertaken, they should contact their trade union representative or follow the [Grievance Procedure](#).

The return to work discussion form should be completed and filed, please see [Appendix D](#).

PERSISTENT INTERMITTENT ABSENCE

6.0

This section is concerned with managing and supporting short term absences which are normally sporadic and are often attributed to unconnected minor ailments.

6.1

During this process if the employee is absent from work for another reason e.g. period of maternity leave or work break (with the exception of short periods of annual/flexi leave) then the stipulated period for improvement should be suspended until the employee returns to work.

6.2

First Stage

Once the employee appears on a trigger report then the employee must be invited to attend an absence monitoring meeting.

6.3

The meeting should discuss the causes of each absence and any underlying issues. The manager must inform the employee of the expectations regarding attendance at work.

6.3.1

The outcome of the review should be confirmed in writing stating that a significant improvement in attendance is required and that the employee will either:

6.3.2

- Be placed on Stage 1 for a minimum of 12 months.
- Be informed that no formal action will be taken but their absence will continue to be monitored.

6.3.3

Second Stage

If the employee hits a further trigger point during the stipulated Stage 1 period then they will be required to attend a further absence monitoring meeting.

6.4 The meeting should discuss the cause of the absence and any underlying issues. The employee must be informed that failure to reach the acceptable standard within the stipulated period could result in dismissal. The meeting will be confirmed in writing either:

- 6.4.1
- Giving a further period of 12 months to improve.
 - Or confirming that no further action is required.

6.4.2 **Right of Appeal - Stage 1 and 2**

If the employee disagrees with the sanction they have a right of appeal.

If during the stipulated period for improvement under Stage 2 the employee reaches one or more of the trigger points, the manager must consider implementing the dismissal stage of the procedure.

6.5 Managers may invoke the next stage of the procedure for example, where an employee is frequently subject to Stage 1 they may be placed straight on to Stage 2 of the procedure if a trigger point has been reached or a pattern of absence is identified.

6.5.1 The manager may consider that where the employee's attendance has shown signs of improvement but not significantly they can extend the stipulated period during Stage 1 and 2.

6.6

Dismissal Stage

6.7 If the employee hits a further trigger point following or during a Stage 2 sanction, they will be required to attend a formal dismissal meeting. The Human Resources Business Partner/Human Resources Provider should be consulted before the termination of employment is considered.

6.8 The School Staff Regulations (England) 2009 allows for initial dismissal decisions to be delegated to Headteachers. However, it also recommends that where Headteachers have a direct involvement in instigating proposals to dismiss, arrangements for delegating initial dismissal decisions will need to be considered on a "case by case" basis. Given that Headteachers will inevitably have direct involvement in the management of absence procedures, it is advised that dismissal on the grounds of persistent intermittent absence should be undertaken by the dismissal committee comprised of a minimum 3

6.9 governors, the role of the Headteacher being to attend in order to present the case and answer questions. The decision of the panel must be confirmed in writing usually within 5 working days.

6.9.1

Employees have the right of appeal against a dismissal which is exercisable in accordance with the criteria set out in this policy. All appeals shall be heard by the appeal's committee of the Governing Body. To exercise the right of appeal at any stage the employee must write to the named person within 14 days of the date of the outcome letter.

6.9.2

The appeal will be conducted as a review of the first instance decision, having regard to the matters set out in the grounds of appeal and a statement of the dismissal committee. Both parties may address the appeals committee summarising the key aspects of their case.

The appeals committee will have received and read the statement of case and all witness statements of both parties submitted prior to the meeting. Witnesses will not normally be required to present evidence but will be available to be questioned should this be required.

The appeal shall normally be heard in one day except in exceptional circumstances.

The appeal committee have the authority to confirm, increase, reduce or revoke the original decision.

Please refer to [Appendix E](#) for guidance on the dismissal and appeals process.

7.0

LONG-TERM SICKNESS ABSENCE

7.1

Long-term ill health is defined as absence of 4 or more consecutive weeks. The primary aim in dealing with cases of long-term absence should be to facilitate early intervention strategy and support for the employee's return to work at the earliest opportunity.

7.2

A manager should conduct an absence monitoring meeting for all employees absent for 4 weeks or more. Five working days notice of the meeting should be provided in writing.

7.3

Where it is determined that a referral to Occupational Health is necessary the manager must complete a referral and ensure the employee is aware of the content of the referral form before an appointment will be made.

Following receipt of the Occupational Health report the manager must arrange a review meeting with the employee to discuss the outcome of the referral..

7.4

Where the Occupational Health Professional identifies that an employee is unfit for any work for the foreseeable future (this would be for a period of 3 months or more) the manager must inform the employee of their requirement to attend a meeting. The employee will be informed of the Occupational Health Professional's findings and the intention to terminate the employee's contract on the grounds of ill health. Please refer to [Appendix E](#).

7.5

8.0 **A COMBINATION OF LONG TERM AND PERSISTENT ABSENCES**

8.1 A trigger report could contain details of absence that may fall into either long term sickness (absence over 4 weeks) or short term absence (periods of one day or more).

8.2 Managers should hold a formal absence monitoring meeting in order to consider the reasons for the absences, any adjustments already undertaken, and the frequency/patterns of absence.

9.0 **REFERRAL TO BARNSLEY COUNCIL OCCUPATIONAL HEALTH SERVICE**

9.1 Following receipt of a referral, the Occupational Health Unit will confirm the date and time of the appointment and a copy of the letter will be sent to the manager for information.

9.2

If an employee is unable to attend their appointment with Occupational Health then they are required to contact their manager and the Occupational Health Unit explaining why they are unable to attend. Acceptable reasons to cancel such appointments are:

- Where this conflicts with an already pre-arranged medical appointment that cannot be re-arranged.
- Pre-booked annual leave.
- Infectious disease.

Where employees fail to attend an appointment with the Occupational Health Unit without giving 48 hours notice of cancellation the appointment will still be re-charged to the cost centre provided on the referral with an additional administration charge.

9.3

Occupational Health Assessment

9.4 The employee will be reviewed by a qualified Occupational Health professional and a medical report/opinion will be provided to the manager as to the employee's fitness to undertake the duties of the post. Following the appointment further advice may be sought from the employees' GP or Specialist.

9.4.1

The Government Health and Work Assessment Service is available to GP's who may refer their patients to the service. The service will provide employees and employers with a bespoke return to work plan including advice and support to employers. These plans may be used by managers to support a return to work or by the Occupational Health professional as part of their Occupational Health assessments.

9.4.2 **Driver Assessments** – this applies to an employee who is a designated driver in accordance with their contract of employment or where they are required to drive in connection with school activities. Where an employee is absent from work due to ill health either:

- Long Term - i.e. for more than 4 consecutive weeks
- Short Term – i.e. where the illness which is likely to affect their fitness to drive Council vehicles.

9.4.3 An occupational health referral must be completed and consideration given as to whether a driver assessment is undertaken by the Occupational Health Nurse/Physician. This may be appropriate in cases where an employee's absence or illness may have an impact on their ability to drive. If this is the case, this should be discussed with the employee in the first instance. The employee is unable to undertake any driving until clearance is received from Occupational Health. The referral should be made by completing the [Occupational Health Referral Form](#).

Further advice is available from your Human Resources Business Partner.

Occupational Health Assessment – Outcomes

Following receipt of the Occupational Health report the manager should arrange a review meeting to discuss the report.

The Occupational Health report may recommend that further review appointments are necessary; this could be to allow for a course of treatment or to allow for medical information to be obtained from the employees GP or specialist. It is recommended that managers continue to maintain contact and hold regular review meetings with the employee. Possible outcomes of the Occupational Health assessment include:

- Fit to return to work.
- Fit for current role with reasonable adjustments, e.g. phased return
- Unfit for substantive role but may be fit for redeployment.
- Unfit for any work for the foreseeable future.

9.5

Fit to Return to Work

9.5.1

Where the Occupational Health report indicates that the employee is fit to return to work a absence monitoring meeting must be arranged to inform the employee of the outcome and arrange a return to work date.

9.5.2

Fit for Current Role with Reasonable Adjustments

An employee may be experiencing either permanent or temporary difficulties doing all the tasks required in their current role or in coping with the work situation. The manager should consider any recommendations made by Occupational Health.

Managers should discuss recommendations with the employee and give due consideration to implementing these to facilitate the employees return to work, these may include:

- Altering working hours to allow the employee a later start or an earlier finish.
- Minor adjustment to duties.
- A standard phased return lasting no more than 4 weeks.

9.6

- 9.6.1 If the manager is unable to accommodate the adjustments suggested by the Occupational Health and has a valid business reason to support this then the manager should inform the HR Business Partner/HR Provider and the Occupational Health Unit. Where there is a valid reason as to why adjustments cannot be made the manager should write to the employee advising them of a requirement to attend a meeting. At the meeting the manager must advise the employee of the medical assessment and the difficulties in accommodating the adjustments. Consideration should be given to convening a case conference to discuss the difficulties in accommodating the recommended adjustments and to explore other options.
- 9.7

9.7.1 **Unfit for Current Role but may be Fit for Redeployment**

- Where adjustments in hours or work practices have proven unsuccessful or are inappropriate it is necessary to consider, in conjunction with Occupational Health, alternative employment opportunities for the employee. Redeployment must always be considered before dismissing an employee to ensure that the dismissal is fair and, in cases where an employee has a disability, to comply with the Equality Act 2010.
- 9.7.2

The employee will be required to attend a meeting where they must be advised that the Occupational Health has determined that they are unfit for their current role but fit for redeployment. The employee must be given the opportunity at the meeting to respond/comment on the findings/recommendations detailed in the Occupational Health report. Please see Section 12 for further information.

9.7.3 **Unfit for Any Work for the Foreseeable Future**

Where the Occupational Health recommends that the employee is unfit for any work for the foreseeable future (periods of 3 months or more) then the manager will write to the employee to inform them of the requirement to attend an absence monitoring meeting to discuss the medical prognosis. The employee should be advised that their employment may terminate on the grounds of ill health, please see Section 13.

Rehabilitation Options (reasonable adjustments)

- 9.8 An employee may be experiencing difficulties with undertaking the full range of tasks in their current job or may experience difficulties in coping with the work situation. These difficulties may be temporary or permanent. Consideration should be given to whether the employee can return to their current job and whether any adjustments may be required. Adjustments within the current job could relate to phased returns, reduced or changed hours or changes in work practices. It is important that the employee is fully consulted on any proposed arrangements. For further information on reasonable adjustments please refer to [Appendix A](#) and [Appendix H](#).
- 9.8.1

Disputing Medical Opinion

9.8.2 If the employee disputes the findings of the Occupational Health professional further advice should be sought from Occupational Health. If necessary a case conference may be convened between all interested parties and a decision reached as to the appropriate course of action. This could involve:

- Obtaining further specialist reports.
- Discussing a phased return arrangement/agreeing to implement reasonable adjustments.
- A decision to move to a formal dismissal meeting.

9.9 **Case Conference**

9.9.1 This gives the opportunity to discuss and review the known facts of the case, analysing the underlying cause of the absence(s) and developing an action plan to facilitate the employee's return to work. If the absence continues and all alternative avenues have been exhausted, the discussion will need to address the termination of employment. A case conference may not be suitable in all situations and their appropriateness should be determined on a case by case basis.

9.10

9.10.1

9.11

9.11.1

9.12

9.12.1

FURTHER CONSIDERATIONS

10.0 **Resignation**

10.1 An employee suffering from ill health may choose to resign, this is a matter of their own personal discretion however managers must ensure that employees who choose to resign because of ill health are fully aware of the implications.

10.1.1

Medical Suspension on the Grounds of Ill Health

10.2

10.2.1 There may be circumstances when it is necessary for management to temporarily remove an employee from their working environment or prevent them from returning to work, for example:

- It is considered by management following discussions with the HR Business Partner/HR provider that the employee may be a risk to themselves or others.

- The schools Occupational Health professional declares the employee unfit for work but either they or their GP declare them fit to work, i.e. possible conflict of medical opinion.
- Reasonable adjustments have not been put in place in time for a return to work.

All medical suspensions must be agreed by the Headteacher and the decision to suspend the employee must be put in writing. The letter should confirm the timeframe for review and that a referral will be made to the Occupational Health Unit for further guidance as a matter of urgency. Where a return to work is pending reasonable adjustments being made, these should be progressed as soon as practically possible. The employee will continue to receive their contractual pay including any statutory sick pay.

10.2.2

Notice Pay - When the full procedure has been exhausted and an employee is given notice to terminate their employment they will be entitled to a statutory contractual notice period in accordance with their Local Government service. Please note for Teachers who have had previous employment with an Academy, this may affect their Local Government service and advice should be sought from their HR Business Partner/HR Provider.

10.3 [Disciplinary Issues](#)

Where an employee is subject to a disciplinary sanction and subsequently is absent due to long term sickness of 2 weeks or more then the disciplinary sanction will be suspended for the period of the absence and will then be resumed on the employee's return to work at the same point which it was interrupted. For further guidance on sickness absence during the disciplinary process please refer to the schools [Disciplinary Procedure](#).

10.4

Cosmetic Surgery

10.4.1

When an employee undergoes elective cosmetic surgery (e.g. laser eye surgery, facial surgery) this should not be classed as sickness absence unless specifically supported by a GP and/or Specialist. Annual leave or flexi leave must be taken or unpaid special leave may be granted and approval must be sought in the normal way.

Stress/Mental Health

10.5

Where it is identified that mental health problems are the cause of an employees absence you may wish to consider:

10.5.1

- Completing an individual stress risk assessment. This will identify any potential/actual workplace stressors and identify control measures which should be implemented to reduce the effects of the stressors.
- Referring the employee for support via their GP or external agencies such as Remploy.
- Liaising with the HR Business Partner/HR Provider to discuss possible support options.

10.6

Terminal Illness

10.6.1

It may not be appropriate to refer to Occupational Health however contact with the employee or a nominated person must be maintained. The employee may wish to contact their pensions service to discuss their specific circumstances. It is imperative that managers **do not** avoid the situation and should contact their HR Business Partner/HR Provider for advice.

10.7

Infectious or Industrial Diseases and Industrial Injury

10.7.1

An employee, who is prevented from attending work because of contact with an infectious or industrial disease, as determined by their GP or the Occupational Health Unit, shall be entitled to receive normal pay. For further guidance relating to infectious diseases please contact the Occupational Health Unit.

10.8

Any absence which an employee claims, via completion of an appropriate accident form, has arisen 'out of or in connection with a work activity' (known as an industrial injury) will be investigated and verified by the manager including appropriate notification to the Health and Safety Unit.

10.8.1

The manager must inform the employee of the outcome of the investigation and discuss the implications for the employee's pay.

10.8.2

Any employee who falsely submits that their absence has arisen 'out of or in connection with a work activity', as proven through the further investigation, will be subject to the schools [Disciplinary Procedure](#).

10.8.3

Where an employee's absence is verified as either having 'arisen out of or in connection with a work activity', infectious or industrial disease the absence will not be counted for the purposes of the sick pay scheme. The manager must notify their payroll provider that the employee's absence 'has arisen out of or in connection with a work activity'.

The employee will receive the same level/length of sick pay as for any other sickness absence. For accidents at work please refer to the [Health and Safety site, Accident/Incident Reporting, Recording and Investigation](#). These absences should not be considered toward absence triggers.

10.8.4

10.8.5

11.0 [DISABLED EMPLOYEES](#)

11.1 The Equality Act makes it unlawful for an employer to treat a disabled person unfavorably for a reason relating to their disability. Employers are also under a duty to make reasonable adjustments to working conditions or to the workplace where that would help accommodate a disabled employee. The duties under the Equality Act are triggered when an employer knows or could reasonably be expected to know that the employee is disabled.

When considering making reasonable adjustments managers may wish to consider:

- 11.2
- Is the adjustment effective in helping remove or reduce the disadvantage the disabled employee is experiencing. If it is not going to be effective then there is no obligation on managers to implement it.
 - Are a combination of adjustments required to deal with the disadvantage.
 - Is the adjustment difficult to implement, if so it doesn't mean it can automatically be deemed unreasonable.
 - Where the employee is disabled absence triggers may sometimes be considered on an individual basis. For example excluding disability related absence in instances where an employee is adjusting to a new or worsened disability to allow rehabilitation, or to allow medication to be stabilised. Advice may be sought from your HR Business Partner/HR Provider.

Different employees may require different adjustments even if they appear to have similar impairments and should be discussed on a case by case basis.

Where an employee makes you aware of a disability or applies for [Disability Impairment Leave](#) then you need to treat them as disabled for the purpose of the Equality Act 2010. You may wish to contact the HR

Business Partner/HR Provider or refer the employee to the Occupational Health Unit for any support and guidance.

11.3

Whilst the opinion of the Occupational Health professional as to whether an employee is disabled or not is a reliable indication, it is not conclusive and managers should consider all of the information available to them.

11.4

11.5

12.0 **REDEPLOYMENT ON THE GROUNDS OF ILL HEALTH**

12.1 Employees will only be afforded 'at risk' status where they are confirmed by the OHU report as being unable to continue in their post but are capable of carrying out alternative duties taking into account reasonable adjustments.

Where redeployment due to ill health is identified, managers should attempt to identify any work experience opportunities in order to broaden an employee's skills and experience thus increasing the potential redeployment opportunities available to them.

12.2

Notice Periods and Timescales

The employee will be afforded (with the exception of those employed by Academies) 'at risk' status throughout the notice period and will be considered 'at risk' so long as the position that they are applying for is not higher than their current substantive grade. Employees should ensure that any application is marked as 'at risk'.

12.3

12.3.1 Employees seeking redeployment are expected to make arrangements to access the Council's online recruitment website (Engage) and can contact either their HR Business Partner/HR Provider for a 1 to 1 discussion.

When a suitable alternative post is identified and the employee is the preferred applicant, the employee is expected to accept it.

12.3.2

The table below details the length of the looking and notice periods during which time suitable alternative employment will be sought for an employee.

12.3.3

Length of Service	Looking Period	Statutory Notice Period	Total period
1 month or more but less than 2 years	3 weeks	1 week	4 weeks
2 years or more but less than 3 years	2 weeks	2 weeks	4 weeks
3 years or more but less than 4 years	3 weeks	3 weeks	6 weeks
4 years or more but less than 5 years	4 weeks	4 weeks	8 weeks
5 years or more but less than 6 years	5 weeks	5 weeks	10 weeks
6 years or more but less than 7 years	6 weeks	6 weeks	12 weeks
7 years or more but less than 8 years	7 weeks	7 weeks	14 weeks
8 years or more but less than 9 years	8 weeks	8 weeks	16 weeks
9 years or more but less than 10 years	9 weeks	9 weeks	18 weeks
10 years or more but less than 11 years	10 weeks	10 weeks	20 weeks
11 years or more but less than 12 years	11 weeks	11 weeks	22 weeks
12 years or more	12 weeks	12 weeks	24 weeks

12.3.4

Priority Considerations

The 'at risk' applications will be shortlisted and interviewed for posts in line with their priority status. The levels of priority can be seen below:

Priority 1 - Women who will be redundant at the end of their period of ordinary/additional maternity leave.

Priority 2 - Employees who are under notice of redundancy or who have been confirmed by an Occupational Health report as being unable to continue in their existing posts. This will be throughout both the looking and notice periods.

Priority 3 - Employees in receipt of salary protection who are seeking an alternative post to match the contractual earnings of their former salary. These employees are Priority 3 for the duration of their protection period and this status only applies to posts up to their protected grade.

Trial Periods

12.4

Where an employee accepts further employment on terms and conditions which differ in any material respect from their previous terms and conditions, this is subject to a trial period of at least four weeks.

12.4.1

The request for a trial period can be made by either the employee or the manager.

12.4.2

Trial periods should be offered for a period of 4 working weeks. This period can be extended by the manager but should not exceed 8 working weeks in total. During the trial period the employee will receive their normal contractual pay of their substantive post paid by the new business unit/department/school. Following confirmation of appointment any protection element will continue to be funded by the donor school until the period of protection ends.

12.4.3

The purpose of the trial period is to give the chance for an employee and manager to decide if the post is suitable and agree a course of action to improve certain aspects of the post or performance of the employee. The [Redeployment Trial Period Review Form](#) at [Appendix F](#) must be completed by the recruiting manager.

12.4.4

Successful Trial Periods

At the end of the trial period the recruiting manager will be required to inform the HR Business Partner/HR Provider of the outcome and complete an e-variation form (or the appropriate form as determined by your Payroll Provider)

12.5

Unsuccessful Trial Periods

12.5.1

Where the appointment cannot be confirmed clear written reasons for the decision must be recorded on the Redeployment Trial Period Review Form. The employee will remain on the 'at risk' register and should continue to seek suitable alternative employment for the remainder of the looking/notice period.

12.5.2

12.5.3

12.6

12.6.1

12.7

12.7.1

13.0 **ILL HEALTH TERMINATION – NOTICE PERIODS AND RELEASE OF PENSION BENEFITS**

13.1 When all appropriate options have been explored and exhausted and/or following the final Occupational Health report which states that the employee is unfit for any work for the foreseeable future a dismissal meeting should be convened (unless the Headteacher has been delegated the power to dismiss) with the appropriate committee of the governing body. Please see [Appendix E](#).

When the resolution is made to terminate the employees contract on the grounds of ill health the following periods of notice must be adhered to.

13.2

Dismissal Notice Periods

- 13.3 In accordance with the Conditions of Service for School Teachers in England and Wales teaching staff are under a minimum of two months' notice, and in the summer term three months' notice, terminating at the end of the school term as defined in the above document. In the case of Headteachers an additional
- 13.3.1 one month should be added to the above time scales. It must be ensured however that the Teacher/Headteacher is given statutory contractual notice which is 1 weeks notice for every year of service up to a maximum of 12 weeks therefore notice must reflect this statutory requirement.

Notice periods for support employees are dependent on length of continuous service i.e. 1 week for every year of completed Local Government service, up to maximum of 12 weeks.

Release of Pension Benefits

- 13.3.2 Local Government Pension Scheme (LGPS) - The LGPS provides for a multi-tier system in relation to ill-health. LGPS members' who wish to make an application for early release of their pension following termination of their contract on grounds of ill-health should contact their manager in the first instance. Further information is available on www.sypensions.org.uk
- 13.4 Teachers' Pension Scheme (TPS) - Teachers' Pensions medical advisors will assess a member's application and make a recommendation on whether to grant ill-health benefits. The TPS provides two levels of ill-
- 13.5 health retirement benefits that may be paid. For further information please refer to www.teacherspensions.co.uk.

13.6

14.0 **MISCELLANEOUS PROVISIONS**

14.1 Leave Entitlements

14.1.1 Where an employee becomes ill whilst on annual leave; the absence can only be recorded as sickness after a Fit Note has been provided. The leave will then be cancelled and can then be taken at a later date.

14.1.2 If an employee requests annual holiday whilst off work due to sickness, authorisation must be sought from the employee's manager. Where an employee takes a holiday and does not request annual leave this may result in the suspension of occupational sick pay.

14.2

Attending Training

14.2.1

Employees who attend training during a period of sickness absence need to obtain a fit note confirming they are fit to attend and will then be recorded as attending work.

14.3 Continuous Service

14.3.1 Service accrues at all times during an absence due to sickness, paid or unpaid.

14.4 Pay Implications

14.4

Sick pay will be paid in accordance with the employees' conditions of service.

14.4.1

Any extension to occupational sick pay is at the discretion of the governing body but it is recommended that this should only be made in exceptional circumstances.

14.4.2

Payment during a Phased Return to Work

14.5

During a phased return to work the employee will receive their full contractual salary.

14.5.1

Sickness and Maternity Leave

14.6

If an employee is absent due to a pregnancy related illness, within the 4 week period before the expected week of childbirth, the statutory maternity pay period and maternity leave start on the day after the first

14.6.1

complete day of absence from work. For further guidance please refer to the [Maternity and Adoption Leave](#) policy.

Childcare Vouchers/Parking Permits

14.7

Will continue to be deducted from the employee's pay on a monthly basis until sick pay has expired, deductions will then cease.

14.7.1

Car Loans/Employee Development Loans

14.8

Car loans/employee development loans will continue to be deducted from the employee's pay on a monthly basis until sick pay has expired, the employee will then be invoiced each month.

14.8.1

Insurance Claims

14.9

Employees must ensure that they inform their manager if they are absent from work as a result of an accident or injury outside of the workplace e.g. road traffic accident, sporting injury etc. Where damages for loss of earnings are recoverable from a third party the employee will be required to pay back their sick pay to the Council/School

14.9.1

15.0

MANAGING CHANGE

15.1

Managers must ensure that employees who are absent from work due to ill-health are consulted with and kept informed of any proposed changes. For further information please refer to the [Managing Change – Policy for Schools](#).

16.0

POLICY IMPLEMENTATION MONITORING

16.1

Managers must complete the [Policy Implementation Monitoring Form](#) for those employees that they manage who are undergoing a formal procedure. Please refer to [Guidance Notes](#) for further information.

For schools purchasing Barnsley HR Services the schools team will supply any information required for SAP purposes. For schools that do not purchase Barnsley HR Services, the schools HR provider must supply information to the Service Director – Human Resources and Business Support.

16.2

17.0 **EQUALITY AND DIVERSITY**

17.1 This policy has been impact assessed by Human Resources, if on reading this policy you feel there are any equality and diversity issues please contact your HR Business Partner. For schools that do not purchase Barnsley HR Services please contact the Service Director – Human Resources and Business Support.

18.0 **INCOME TAX AND NATIONAL INSURANCE CONTRIBUTIONS**

18.1 There is no tax or national insurance contributions implications arising as a direct result of this policy. However, it should be noted that Statutory Sick Pay is subject to income tax and national insurance contributions and deductions will be made in the normal manner, subject to the levels and rates in force at the time payment is made. The income tax and national insurance contribution implications of other procedures mentioned in this document are contained within each of the individual procedures.

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