



MANAGING ATTENDANCE – DISMISSAL GUIDANCE

1.0 INTRODUCTION

A dismissal meeting is required to consider the evidence in the following circumstances:

- Persistent intermittent sickness – where the employee is on Stage 2 and absence remains at an unacceptable level.
- Long-term sickness absence – where an Occupational Health report states that the employee is unfit for the unforeseeable future or redeployment hasn't been secured.

In both cases consideration will be given to the employee's future employment with the Trust.

All employees shall have the right of appeal against a dismissal, which shall be exercisable in accordance with the criteria set out in this guidance. The dismissal panel will consist of 3 members of the H.R Committee. The appeals panel will consist of 3 members of the Board. The numbers on the dismissal appeals panel should not be less than those on the dismissal panel. No same person may be a member of both panels.

The Trust's HR will advise and support managers at each stage of the process.

2.0 PERSISTENT INTERMITTENT ABSENCE

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 employee must be given 10 working days' notice in writing of the requirement to attend the meeting and must be advised that they have the right to be accompanied or represented by a trade union, professional association representative or work colleague. However, this right does not extend to family/friends and professional persons such as solicitors and barristers. It is the employees' responsibility to make the necessary arrangements.

The letter will inform the employee that the outcome of this meeting may result in them being dismissed from their employment.

Any documents that the Headteacher and HR intend to refer to at the meeting will be provided to the employee 10 working days prior to the meeting. Any documents that the employee intends to present at the meeting should be provided to the employee 5 working days prior to the meeting.

The employee will be given opportunity at the meeting to respond/comment and present any evidence that they submitted in advance of the meeting.

Following the meeting the chair of the panel will write to the employee confirming the discussion and outcome of the meeting. If a decision has been taken to terminate the employee's employment the letter will advise of the right of appeal.

A request for an appeal meeting should be made in writing within 14 days of the date of the decision letter.

3.0 LONG TERM ABSENCE

3.1 EMPLOYEE UNFIT FOR ANY WORK FOR THE FORSEEABLE FUTURE

On receipt of the Occupational Health report which states that the employee is unfit for any work for the foreseeable future the employee will be invited to a meeting to discuss the medical prognosis with the manager, supported by HR.

A minimum of 5 working days' notice of the meeting will be provided and the invite letter will inform the employee that as a result of the meeting a recommendation will be made to the HR Committee to dismiss them on the grounds of ill health.

The employee has the right to be accompanied or represented at the meeting by a trade union, professional association representative or work colleague. However, this right does not extend to family/friends and professional persons such as solicitors and barristers. It is the employees' responsibility to make the necessary arrangements.

At the meeting the Headteacher and HR will discuss the medical prognosis and inform the employee that based on the medical evidence provided a recommendation will be made to the HR Committee to dismiss them on the grounds of ill health. The employee will be given the opportunity at the meeting to respond/comment on the findings and recommendations in the Occupational Health report.

Following the meeting a letter will be issued to the employee to confirm the discussions that took place and advise that a recommendation will now be made to the HR Committee to dismiss them on the grounds of ill-health. The employee does not have to attend the meeting with the HR Committee should they not wish to do so and should indicate their intention by completing and signing the acceptance slip sent with the letter within 5 working days of receipt of the letter.

Irrespective of whether the employee wishes to attend the meeting arrangements will be made for the case to be heard by the HR Committee. At the meeting the Headteacher will make a recommendation to the dismissal committee to terminate the employees' contract on the grounds of ill health.

3.2 EMPLOYEE UNFIT FOR CURRENT ROLE BUT MAY BE FIT FOR REDEPLOYMENT

On receipt of the Occupational Health report which states that the employee is unfit for their current role but may be fit for redeployment the employee will be invited to a meeting to discuss the medical prognosis. Following the meeting a letter will be issued to confirm the discussions that have taken place. The letter will advise the employee that if suitable alternative employment is not found during the looking period then a recommendation will be made to the HR Committee to dismiss them on the grounds of ill health.

The looking period is based on length of service and further details can be found in the redeployment policy.

Towards the end of the looking period, if a suitable alternative position has not been identified a letter will be sent to the employee to advise them that as it has not been possible to identify a suitable alternative position the dismissal process will now

commence and arrangements will be made for an ill health dismissal meeting with the HR Committee. The employee does not have to attend this meeting should they not wish to do so and should indicate their intention by completing and signing the tear off slip enclosed within the letter and returning this to the Headteacher within 5 working days of receipt of the letter.

Following the meeting the chair of the panel will write to the employee confirming the discussion and outcome of the meeting. If a decision has been taken to terminate the employee's employment the letter will also advise of the right of appeal.

A request for an appeal meeting should be made in writing within 14 days of the date of the decision letter.

4.0 PROCEDURE AT THE DISMISSAL MEETING

- The chair of the panel will perform introductions, clarify roles and outline the procedure that will be followed
- Management and HR will present their case referring to any supporting evidence and calling witnesses should this be required. This should include details of any OHU reports, absence statistics, Stage 1 and 2 sanctions etc.
- The employee and/or representative may question management and any witnesses, should this be required.
- The panel may question management and any witnesses, should this be required.
- The employee shall respond to the management's case making reference to any supporting evidence and calling any witnesses, should this be required.
- Management and HR may question the employee and/or their representative and any witnesses should this be required.
- The panel may question the employee and/or representative and any witnesses should this be required.
- Prior to the summing up either side shall have a right to request an adjournment of the proceedings in the event of new allegations being presented.
- Management will summarise their case
- The employee or their representative will summarise their case
- Both parties will then withdraw
- Both parties shall be recalled at the same time and the outcome of the meeting conveyed. This will be confirmed in writing, normally within 5 working days. In some cases it may be necessary for the outcome to be communicated in writing. All parties will be advised of any changes to the method of communication and extensions to timescales at the closure of the meeting.

- In cases where the decision is to dismiss, the employee will be informed of the right of appeal at the time the decision is conveyed.

The procedure at the Dismissal Appeals meeting is the same with the exception that the employee presents their case first.

5.0 GUIDANCE TO ASSIST THE PANEL

The panel may wish to consider the following:-

- The employee's absence record
- The impact of the employee's absence
- Actions/adjustments/support taken to enable the employee to remain in employment
- Medical advice/OHU reports
- Alternatives to dismissal e.g. redeployment
- Have procedures been applied fairly and consistently

If the panel members require further information/clarification both parties must be recalled to allow clarification to be sought.