



Bronte Academy Trust

Attendance Management Policy (Staff)

Bronte Academy Trust has adopted the PACT HR recommended model procedure as agreed by Trade Unions

Reviewed By	Approved By	Date of Approval	Version Approved	Next Review Date
DH	Trustees	12 May 26	1	12 May 27

POLICY DETAILS

Bronte Academy Trust has adopted the PACT HR recommended model procedure as consulted upon and agreed by the following Trade Unions:

- ASCL*
- GMB
- NAHT
- NASUWT
- NEU
- UNISON

*ASCL recognises and agrees the consultation process for this policy.

SUMMARY OF KEY CHANGES

1. Policy details page updated to bring in line with PACT HR recent policies
2. Policy statement regarding the introduction of the Fair Work Agency in April 2026 (ERA 2025)
3. Statement added to reflect the changes made to Statutory Sick Pay (ERA 2025)
4. Further clarity regarding how different types of schools can progress Headteacher / Executive Headteacher / CEO sickness absence
5. Appendix 1: Return to work meeting form has been removed with the most up to date version accessible within the PACT HR Advisory SLA Information Hub
6. Appendix 2: Equality Impact Assessment has been removed with the most up to date version accessible within the PACT HR Advisory SLA Information Hub
7. Review and reformat with 2026 copyright

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1 POLICY STATEMENT

1.1 The Principles of this Policy

As a responsible employer Bronte Academy Trust is committed to maintaining the health, safety and welfare of our employees, providing a positive and healthy working environment and recognising the value of their work/life balance. Regular attendance at work is part of every employee's contract of employment and it is the expectation of the management of the Trust that all our staff will maintain good attendance. However, it is recognised that, occasionally, employees will have genuine health reasons that result in them being absent from work. On those occasions the Trust will offer support to the employee during their absence with the aim of facilitating their return to work at the earliest opportunity.

The overall aim of the Attendance Management policy is to minimise staff absence in the Trust and to advise employees on how they may be supported when they are unable to attend work due to ill health and the possible implications of poor attendance. This policy also provides a fair and consistent framework for managing staff attendance and includes information for employees that details their responsibilities in relation to attendance.

Where a member of staff has a recognised disability or meets the legal threshold to be covered under the Equality Act, the Trust will make every effort to accommodate reasonable adjustment to support the member of staff with their continued employment.

The Trust has no right, in law, to be made aware of either the reason for an employee's absence nor the content of any medical report from either the GP or the EH&WU without the express consent of the employee.

1.2 The Trust's Responsibilities

- To ensure employees are aware of the attendance management procedures including the conditions of the sick pay scheme.
- To keep records of all sickness absence, including reasons for absence where it is declared.
- To maintain reasonable contact with employees, as appropriate, including arrangements and duration of contact during their absence.
- To conduct a return-to-work meeting upon the employee's return
- To regularly monitor and review sickness absence across the Trust to identify key trends and ensure appropriate remedial actions/support is taken.
- To determine the appropriate course of action with an employee when their sickness absence level has reached an unacceptable level.

1.3 Employee Responsibilities

- To attend work when fit to do so.
- To comply with the Trust's Attendance Management procedure for reporting sickness absence.
- To submit statements of fitness for work in a timely manner
- To maintain reasonable contact with the Trust and to attend meetings when required during any periods of absence.
- In exceptional circumstances, to make arrangements for another person, e.g. trade union representative or family member to maintain contact on their behalf if they are not well enough to do so themselves.

- To attend any appointments with the Employee Health and Wellbeing Unit (EH&WU) should they be asked to do so.
- To take reasonable steps to ensure a prompt return to work and avoid any activity that could exacerbate their condition / ill-health

1.4 Equality Impact Assessment

All schools, academies and Trusts must ensure that all strategies, policies, services and functions, both current and proposed have considered equality, diversity and inclusion. It is recommended that an Equality, diversity and inclusion Impact Assessment (EIA) form is used in conjunction with PACT HR Policies. An EIA template can be found on the PACT HR website for completion.

1.5 Fair Work Agency

The Trust is committed to complying with UK employment law and supporting principles of fairness, transparency and accountability at work. The role of the Fair Work Agency is recognised in enforcing employment rights and promoting lawful workplace practices with effect from 7 April 2026.

This attendance management policy complies with the above, other current legislation and educational employment related best practice. Any action taken in relation to attendance management will be fair, transparent and lawful ensuring that employees are treated equitably and with respect at all times.

The Trust will co-operate fully with any lawful request or investigation by the Fair Work Agency and take appropriate corrective action when required.

2 ATTENDANCE MANAGEMENT PROCEDURE

2.1 Reporting sickness absence

A clear reporting process is key to helping the Trust make the necessary arrangements to cover staff sickness absence. This could be short-term supply cover or longer-term arrangements if an employee is absent for a longer period.

The management of the school has a reporting procedure which must be followed by all staff in the event that they are absent due to sickness. Failure to follow this procedure may result in sick pay being withheld and/or the absence being treated as unauthorised in accordance with the Trust's disciplinary procedure.

- On the first day of sickness absence the employee must telephone the Headteacher of the school on their mobile by no later than 7.15am or as soon as reasonably practicable given your hours of work.
- If the sickness absence occurs during the Trust holidays and there are no staff in Trust, the employee should contact PACT HR directly on 01274 436644. PACT HR will record details of the absence on behalf of the Trust.
- The employee must notify the Headteacher / PACT HR (if the school is closed) of the reason for their absence and give a reasonable estimate of how long they may be absent.
- The employee has a duty to maintain contact with the school/PACT HR for the duration of their absence. If the absence persists for longer than 7 consecutive days, the employee must submit a doctor's fit note to the school.

2.2 Sick Pay

Employees who are absent from work will be entitled to Statutory Sick Pay (SSP) provided relevant regulations are met and Occupational Sick Pay in accordance with employment terms and conditions, provided that the employee complies with the Employee Responsibilities as detailed in 1.3 of this policy.

The entitlement to sick pay is based on an employee's length of service. For teachers this is aggregated service as a teacher within any Local Education Authority and may also include service with Academies or other educational establishments. For all other staff it is continuous service with any public authority to which the Redundancy Payments Modification Order 1999 applies. Full details of sick pay entitlements may be found in the national conditions of service which are the Burgundy Book for Teaching and Green Book for Support Staff.

Where Occupational Sick Pay has been exhausted, employees will be entitled to Statutory Sick Pay. Changes introduced by the Employment Rights Act 2025 will apply, meaning that Statutory Sick Pay will be available from the first day of sickness absence, and eligibility will no longer be limited by a lower earnings threshold.

If school management is concerned that the reason(s) given for an employee's absence/s may not be genuine, then investigation under the Trust's disciplinary procedure may be commenced as this would be considered a conduct issue.

The Trust may withhold basic pay where the employee fails to follow the Trusts sickness absence reporting procedures. Advice must be sought from your named PACT HRBP prior to any action taken in this regard.

Where an employee who sustains an injury outside of work is off sick as a result of this and makes a claim against a third party for loss of earnings they must inform their employer. This is so that the Trust can recoup the sick pay as otherwise potentially the employee is receiving payment for loss of earnings twice.

Staff who are absent from work due to sickness should not participate in any other form of work (paid or unpaid) during their normal working hours without the prior written authorisation of the Trust, and on medical advice. Failure to notify the school may result in sick pay being withheld. It is the responsibility of the employee to notify the school if they are undertaking therapeutic work whilst off sick. The member of staff should consult with Employee Health and Wellbeing as to the advisability of working whilst sick. However, it is possible for a member of staff to have two (or more) jobs (with differing working hours) and be unable to attend one due to illness but able to continue to work in another.

2.3 Elective Surgery

If a member of staff elects to have surgery that is not medically necessary, time off with or without pay is at the discretion of the Governing Body / Board of Trustees. Gender affirmation and sex reassignment surgery shall not be considered elective. Advice should be sought from your allocated PACT HRBP in instances of elective surgery and clarification regarding post-operative sick pay provision.

2.4 Returning to Work

A fit note from the GP should state the period (or dates) that the employee will be unfit and whether they will need to assess the employee again. If the GP has not advised that they need to see the employee again, then the employee should return to work on expiry of the fit note. However, there may be occasions where Trust management may ask the employee to get further advice from their GP regarding returning to work or make a referral to EH&WU for advice. Employees are permitted to return to work prior to the expiry of the fit note providing both employee and employer are assured it is reasonable to do so.

If the fit note/return to work plan advises - '*may be fit for work taking account of the following advice*'. This might mean considering a number of options including:

- A phased return to work (which could be reduced hours or duties or a combination of both).
- Flexible working.
- Amended duties or workplace adaptations.

It is important that a meeting takes place prior to the employee's return to work to discuss any adjustments suggested by their GP, the Fit for Work Service or EH&WU. Employees should inform the school of the date they intend to return to work as soon as they are able to do so.

If a member of staff becomes fit to return to work during a Trust holiday and there is no-one in the Trust to advise, they should contact the PACT HR helpdesk on 01274 436644, or their payroll provider. Where an employee feels fit enough to return to work before their fit note expires there is no requirement for the employee to obtain confirmation from their GP. Therefore, an employee can request to return to work before their fit note expires, subject to the agreement of the school.

2.5 Return to Work Meeting

A meeting should be completed on the employee's first day back at work or no later than three days after their return to work. The meeting will be completed by the Headteacher or an appropriate nominated person.

The purpose of the meeting is to:

- Welcome the employee back to work, and consider any support that may be required. Such as a reasonable adjustment, a referral to EH&WB Unit, risk assessment etc
- Provide any necessary updates
- Confirm what the attendance management trigger/review points are
- Inform the employee if they have triggered the next stage of the process or if they will be placed on an informal monitoring period

A template return to work interview record form can be found on the PACT HR Website.

It is recognised that on occasion HR support may be required at a return-to-work interview. In this instance, the employee should be given appropriate notice and will have the right to be accompanied by a trade union representative or a work colleague.

2.6 Employee Health and Wellbeing Unit (EH&WU)

The Trust may refer the employee to the Employee Health and Wellbeing Unit who can advise on matters such as:

- When the employee may be fit to return to their role.
- The employee's ability to carry out their role.
- Whether the employee would be considered disabled under the Equality Act (2010) and whether any adjustments or modifications should be considered that may assist the employee in carrying out their role, for example a higher trigger point or target.
- If the employee is (or will soon be) unable to carry out their role, whether they may be able to carry out alternative duties either within the Trust, and if any adjustments or modifications should be considered to assist the employee in carrying out alternative duties.

- Any referral to EH&WB Unit will be in the strictest of confidence. The employee will be made aware that any medical record sharing is in accordance with the Medical Reports Act. Please refer to PACT HR's Employee Health and Well-being information sheet for more information

The Trust has a duty of care to its employees to consider all appropriate support options including reasonable adjustments or phased returns to work.

It is recommended by the EH&WU that for employees experiencing stress, anxiety or depression or a neck, shoulder or back condition, an immediate referral is made and a stress risk assessment is undertaken.

Where an employee agrees to a referral, they are also accepting that they are liable for any cost should they fail to attend or fail to notify EH&WB Unit that they will not be attending within two days of the scheduled appointment. Full cost of the appointment will be re-charged to the employee where a reasonable explanation for non-attendance has not been provided.

Where employees fall under the Equality Act 2010, employers have a duty to make reasonable adjustments where appropriate. Time off to attend medical appointments could be considered a reasonable adjustment. What is reasonable for the employer to do will depend on the circumstances of the particular case and the needs of the Trust. Advice should be sought from the Trust's HR Advisor.

Prior to instigating formal procedures, line managers should support employees in improving their attendance through informal support mechanisms, such as informal monitoring improvement targets or proactive referrals to the EH&WB Unit

2.7 Medical Suspension

There are a number of circumstances where it may be necessary to suspend an employee on medical grounds. If a situation arises where this is being considered, advice should be sought from the Trust's HR Advisor immediately. Reasons for a decision to medically suspend may include protection of the person's own health and wellbeing, as well as the health and welfare of other staff and pupils who may be put at risk by the medical condition of an employee. EH&WU may recommend medical suspension to management, via the Trust's HR Advisor.

Medical suspension is on full pay and the Trust must give consideration to the appropriate next steps to be taken once medical suspension is actioned. The next steps will be informed by the medical evidence available and the suspension should be reviewed on a regular basis.

2.8 Right to be accompanied

An employee has the right to be accompanied at each absence hearing by a trade union representative or a work colleague only, except in Stage 3 Medical Capability and Stage 3 Appeal Hearings as referenced later in the policy.

The companion should be allowed to address the meeting to put and sum up the member of staff's case, talk things through at the meeting and confer with the employee. The companion does not, however, have the right to answer questions on the member of staff's behalf, address the meeting if the member of staff does not wish it or prevent management from explaining the case.

It is the responsibility of the employee concerned to arrange their own accompaniment, provide them with copies of any paperwork and inform the relevant person conducting the meeting who this will be.

2.9 How Attendance will be reviewed

To manage attendance effectively, sickness absence should be regularly and consistently reviewed. There are pre-determined trigger points which will identify when an employee's absence has reached a point where it may be a cause for concern. These are:

- 3 or more occurrences of sickness absence in any 6-month period
- 7 or more days sickness absence in any 12-month period; pro-rata for part time employees.
- 4 weeks continuous sickness absence.
- If a particular pattern of absences seems to be developing e.g. every Monday, before Trust closures etc.

3 SHORT TERM ABSENCE MANAGEMENT

3.1 Using Trigger/Absence Review Points

The trigger / absence review points in the policy should not be used as an automatic mechanism for taking action. Any further action should be determined by the reasons for the absence/s, and any mitigating circumstances. All individual circumstances should be carefully considered in order to treat all employees fairly and consistently. Advice should be taken from your allocated PACT HRBP prior to instigating any short-term absence procedures.

3.2 Short Term Absence Procedure

This procedure is for managing persistent, short-term, sickness absence.

3.2.1 Stage 1 Absence Hearing

If an employee's sickness absence levels have not improved, despite being discussed in their Return-to-Work Meetings, and the employee has reached one or more trigger points, the Headteacher or nominated person may invite the employee to a Stage 1 Absence Hearing providing **5 days' notice** in writing.

In the Stage 1 Absence Hearing the Headteacher or nominated person must: -

- Provide any evident to be relied on by school management, as part of the hearing, including any medical evidence, absence history and return to work notes to the employee
- Explain the concern about the level of absence and why it is of concern to the Trust.
- Review the return-to-work documents and discuss reasons for absence
- Consider whether there are factors inside or outside of work that may be causing the absence
- Listen to the member of staff and respond appropriately
- Review what support, if necessary, has been provided so far
- Consider whether to refer the case to the EH&WU, if this has not already been done.
- Identify any support required to assist the employee in addressing their level of absence

Potential Outcomes at Stage 1

- No further action is required at this stage.
- Set/extend a period of informal monitoring.

- Give the employee a Stage 1 warning, to remain on file for 6 months, set a monitoring period. The employee must be advised that failure to meet the target set may result in a Stage 2 Absence Hearing being arranged.
- The outcome will be confirmed verbally following a short adjournment and will be confirmed in writing within **five working days** and will be advised of their Right of Appeal.

3.2.2 Stage 2 Absence Hearing

If no improvement has been made and a further trigger has been reached or the targets set have been exceeded, the Headteacher or nominated person will invite the employee to attend a Stage 2 Absence Hearing providing **five working days'** notice.

In the Stage 2 Absence Hearing the Headteacher or nominated person must: -

- Provide any evidence to be relied on by school management, as part of the hearing, including any medical evidence, absence history and return to work notes to the employee
- Explain their concern about the continued level of absence and why it is of concern.
- Explore the reasons for absence and whether there are factors inside or outside of work that may be causing the absence.
- Listen to the employee's case and respond appropriately.
- Consider whether to refer/ re-refer the case to the EH&WU.
- Advise that sustained improvement in attendance is expected and set an appropriate monitoring period and targets for improvement.
- Identify any support required to assist the employee in addressing their level of absence.

Potential Outcomes at Stage 2:

- No further action is required at this stage.
- An extension of monitoring and support within Stage 1 of the formal process.
- Give the employee a Stage 2 warning, to remain on file for 9 months, set a monitoring period. The employee must be advised that failure to meet the target set may result in a Stage 3 Absence Hearing being arranged.
- The outcome will be confirmed verbally following a short adjournment and will be confirmed in writing within **five working days** and will be advised of their Right of Appeal.
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3.2.3 Stage 3 Absence Hearing

If there has been no improvement by the end of the set monitoring period or the targets set have been exceeded at any point during the set monitoring period, the Headteacher must arrange a Stage 3 Absence Hearing which could result in the member of staff being dismissed. This Hearing will be heard by a Panel of Governors of the School or Board of Trustees (usually three members) or nominated persons as appropriate.

The employee must receive at least **10 working days'** notice in writing of:

- the reason for the hearing and the date, time and venue;
- the stage reached in the procedure and who will be attending, including witnesses to be called;
- any evidence to be relied on by Trust management, as part of the hearing, including any medical evidence, absence history and return to work notes
- the right to be accompanied by a trade union/professional association representative or work colleague not involved in the case. Or where appropriate the employee may nominate to be accompanied by a family member for support.
- the requirement for confidentiality and details of the possible outcomes of the hearing;

- the requirement for the employee to provide, at least 3 working days before the hearing, all documents that he/she intends to present at the hearing. The documents must be supplied to the Governance Professional for circulation to all parties involved prior to the hearing

The Stage 3 Absence Hearing will be conducted by a member of the school's Governing body or Board of Trustees (or nominated persons in line with the Terms of Reference / Delegation of Powers Matrix for staffing matters).

The purpose of the Stage 3 Absence Hearing is to consider whether the employee is capable of continuing employment with the Trust taking into account their health and level of attendance and the impact this has had on their ability to perform their role effectively.

Account will also be taken in relation to the Trust's ability to sustain the employee's level of attendance.

Potential Outcomes at Stage 3:

- If the case for dismissal is not established, an extension of monitoring and support with Stage 2 of the formal process may be issued
- If the Hearing Officer / Panel decide that the employee's attendance is not acceptable and is unlikely to improve, the employee may be dismissed with notice on the grounds of capability due to being unable to sustain the required levels of attendance at work due to sickness
- If the Hearing Officer / Panel decide to dismiss the employee on the above grounds, the employee will be informed verbally of that decision and in writing within **five working days** by the Chair of the panel / Hearing Officer and will be advised of their right of appeal.

In a Community, Voluntary Controlled, Community Special or Maintained Nursery School (whose staff are employed by the Local Authority), the employee will also receive a letter from the Director of Children's Services who will confirm dismissal from the Local Authority.

In a Voluntary Aided, Trust or Foundation Trust or in an Academy (whose staff are employed by the Governing Body), the letter to the employee from the Chair of the Committee formally confirms

3.2.4 Hearing Adjournment (Stages 1,2 and 3)

The employee may request an adjournment of up to five working days for Stage 1,2 and 3 Absence Hearing should their representative be unable to attend on the scheduled date. However, it is important to note that only one such adjournment may be accommodated. Alternatively, the re-arranged hearing may go ahead whether or not the member of staff or their representative is in attend once. The employee will be notified of any decisions made in relation to the management of their absence.

3.2.5 Levels of Warnings

Stage 1 Formal Warning

Will stay on the employee's record for 6 months not including school holidays

Stage 2 Formal Final Warning

Will stay on the employee's record for 9 months not including school holidays

If the employee fails to meet set targets in the specified review period, this may result in the moving to the next stage in the procedure before the previous warning period expires.

3.2.6 Procedural Discretion

Where there is a history of formal absence warnings that result in a successful monitoring period which is then immediately followed by further absences, the Trust may not re-commence the information attendance monitoring process but move instead to the next stage in the formal procedure.

In extenuating circumstances, it may be deemed necessary to commence the absence management process at a later stage. This may be where the level of absence continues to be a serious concern, has a serious impact on the school and is unsustainable and upon gaining advice from allocated PACT HRBP

3.2.7 The Right of Appeal

Employees have a right of appeal and any appeal arising as a result of a warning or dismissal must be made in writing to the Governance Professional within **10 working days** of receiving written notice of the outcome of the hearing.

If the employee submits an appeal, they will be invited to an Appeal Hearing where their case will be heard by a further Committee of the Governing Body/Board of Trustees in line with the Trust Terms of Reference / Delegation of Powers Matrix for staffing matters.

The school should consider at this stage whether it is necessary to re-refer the Employee to EH&WB Unit.

The outcome of the Appeal Hearing will be confirmed in writing to the employee within **10 working days**. There is no further right to appeal.

The employee may request an adjournment of up to **five working days** if their representative is not able to attend on that particular date. However, it is important to note that only one such adjournment may be accommodated. Alternatively, the re-arranged hearing may go ahead whether or not the member of staff or their representative is in attendance. The employee will be notified of any decisions made in relation to the management of their absence.

It should also be noted that if the member of staff fails to offer an alternative date for a hearing within the required timeframes, then a date will be set by school management (either the Headteacher or Chair of the panel). This is the case for hearings of any nature, whether Headteacher or Governors / Board of Trustees. Unnecessary delays to any hearing are not acceptable and not in the interest of either the Trust or the member of staff.

3.3 Managing Headteacher / Executive Headteacher / CEO Sickness Absence

In the case of Headteacher sickness absence, The Absence Management Procedure will be managed by the CEO. The CEO is advised to contact their HR Advisor in these circumstances.

For Executive Headteacher or CEO sickness absence the procedure will be managed by the person / body who has direct line management responsibility in accordance with the Trust terms of reference for staffing matters.

Advice should be sought from the Trust HR Business Partner in these circumstances.

4. LONG TERM SICKNESS ABSENCE MANAGEMENT

4.1 Long Term Sickness

Where an employee is absent from work for 4 weeks or more, they will fall within the scope of the long-term sickness absence management procedure.

4.2 Employee Health and Wellbeing Unit

It is recommended by the EH&WB Unit that employees experiencing stress, anxiety or depression or a complaint such as a neck/shoulder/back condition, have an immediate referral made, and a stress risk assessment is undertaken.

4.3 Regular Contact

The Trust will maintain regular and supportive contact with the employee, which may include regular review meetings to discuss their continuing absence, a timeframe for their return to work and any reasonable adjustments that the Trust may be able to consider assisting them in a prompt return to work. Consideration will be given to how regular contact is maintained for absences related to stress and anxiety. A PACT HRBP may attend review meetings. Where this occurs, employees will receive appropriate notice and may be accompanied by a trade union representative or work colleague.

4.4 Alternative Venues

In some circumstances it may be appropriate for management to arrange a venue other than the school for meetings. Where an employee voluntarily agrees to a home visit, all school leaders should be accompanied by a representative of the Trust or a PACT HRBP.

4.5 Medical Capability Process

If, following advice from EH&WU, it appears that the employee is unlikely to be able to return to their role within a reasonable period of time and it appears that the employee is unlikely to be able to provide regular and efficient service after all reasonable adjustments have been considered then a Medical Capability Hearing may be arranged.

4.5.1 Pre-Medical Capability Meeting

Prior to a Medical Capability Hearing a preliminary meeting should take place in order to discuss the following:

- The history of the employee's absence.
- Any reasonable adjustments that have been made or considered.
- If and when the employee may be able to return to work or start providing regular and efficient service.
- Any redeployment options that have been considered within the Trust.
- The up-to-date medical advice.

The employee has the right to be accompanied at the pre-medical capability meeting by a trade union representative or work colleague. It is important to note that this is a formal meeting to advise the employee that the situation has become serious and that consideration is being given to the viability of their ongoing employment with the Trust.

If, following this meeting, the employee is not able to return to work within a reasonable period of time and that their absence cannot be sustained or that they will not be able to fulfil the requirements of their contract of employment and as per advice from EH&WU, the employee should be asked to attend a Medical Capability Hearing.

4.5.2 Medical Capability Hearing

The Medical Capability Hearing will be conducted by a committee of the school's Governing Body/Board of Trustees.

The purpose of the Hearing is to consider the viability of the employee's continuing employment with the Trust. The employee must receive **10 working days' notice** in writing of the hearing including any evidence to be discussed, including any medical evidence to be relied on by school management.

The Hearing Panel will consider dismissal on the grounds of medical capability where:

- EH&WU have stated that the employee is permanently unfit to work, or
- EH&WU are unable to provide evidence of when the employee will be able to return to work, or
- EH&WU cannot confirm that the employee is likely to be able to provide a reliable and efficient service.

In the event that an employee has failed to either attend appointments with EH&WU or give permission to release medical reports to the school, meaning that there is no medical evidence to consider, the Committee will consider their decision based on the information presented at the Hearing.

The employee has the usual right to be accompanied or represented at the Medical Capability Hearing. Any documents/information that the employee wishes the Committee to consider should be submitted at least 3 working days prior to the Hearing to the Clerk to Governors of the school.

The employee has the usual right to be accompanied or represented at the Medical Capability Hearing. This right is extended to include support by a family member during Medical Capability Hearings. Any documents / information that the employee wishes the committee to consider should be submitted at least **three working days** prior to the Hearing to the governance Professional.

The employee may request an adjournment of up to **5 working days** if their representative is not able to attend on that particular date. However, it is important to note that only one such adjournment may be accommodated. Alternatively, the re-arranged hearing may go ahead whether or not the member of staff or their representative is in attendance. The employee will be notified of any decisions made in relation to the management of their absence.

Where an employee fails to confirm their attendance at the Medical Capability Hearing, the Committee may decide that the hearing can go ahead in their absence.

If the Hearing Panel Members decides to terminate the employee's employment on the grounds of Medical Capability, the employee will be informed, in writing **within five working days** of the decision to dismiss them outline their right of appeal and the appropriate amount of notice to be paid.

In a Community, Voluntary Controlled, Community Special or Maintained Nursery School (whose staff are employed by the Local Authority), the employee will also receive a letter from the Director of Children's Services who will confirm dismissal from the Local Authority.

In a Voluntary Aided, Trust or Foundation school or in an Academy (whose staff are employed by the Governing Body/Board of Trustees), the letter to the employees from the Chair of the Hearing Panel / Hearing Officer formally confirmed dismissal.

4.5.3 Appeals

Any appeal arising as a result of a Medical Capability Dismissal must be made in writing to the Governance Professional within **10 working days** of receiving a letter from the Chair of the panel of the outcome of the hearing.

If the employee submits an appeal, he/she will be invited to an Appeal Hearing where their case will be heard by a different Governing Body/Trustee Panel. Both the employee and the school may provide additional medical information for consideration at the Appeal Hearing.

The employee may request an adjournment of up to **5 working days** if their representative is not able to attend on that particular date. However, it is important to note that only one such adjournment may be accommodated. Alternatively, the re-arranged hearing may go ahead whether or not the member of staff or their representative is in attendance. The employee will be notified of any decisions made in relation to the management of their absence.

The outcome of the Appeal Hearing will be confirmed in writing to the employee.

There is no further level of appeal.

4.6 Conflicting Medical Advice

Where there is conflicting medical advice, the matter will be submitted to an independent medical referee that has been agreed by both parties. Any associated cost will be the responsibility of the employer.

4.7 Redeployment

There may be some instances where an employee is fit to return to work but not necessarily to the role they were originally employed to undertake. Redeployment to a different role can then be considered. Senior Leaders are advised to look at any existing and possible future vacancies in the Trust in the first instance and discuss these with the employee in terms of their eligibility (including consideration of reasonable adjustments and training, as appropriate).

4.8 Ill-Health Retirement

The EH&WU may advise that an employee who is contributing to the West Yorkshire Pension Fund (WYPF) or Teachers' Pensions (TP), could be considered for Ill-Health Retirement.

If an employee seeks advice with regard to ill-health retirement, he or she should be referred to EH&WU. The Trust should seek support with this process from your HR Advisor and employees must be directed to their Trade Union Representative.

Support Staff

If appropriate, the EH&WU Advisor will advise the Trust that they will support Ill-Health Retirement and will complete the relevant medical documentation. This will be sent to the WYPF alongside other relevant documents. In order to terminate the individual's employment, the school will need to hold a Governors hearing to dismiss the employee on the grounds of medical capability.

Teachers

If appropriate, the EH&WU Adviser will advise the Trust that they will support Ill-Health Retirement but the process is significantly different to that of support staff. EH&WU can only recommend Ill-Health Retirement, the final decision is made by Teachers Pensions (TP). Under these circumstances the employee will be required to apply for ill-health benefits, completing an application form and a medical evidence form. A teacher may be granted ill-health retirement by TP either where they have resigned on grounds of ill health or been dismissed on grounds of medical capability. However, there is no guarantee of being granted Ill-Health Retirement as the decision is made by TP.

4.9 Accrual of Annual Leave during Sick Leave

Employees have the right to accrue annual leave during sickness and to take this upon their return or carry it forward into the next leave year. The time an employee takes leave will be agreed by management in line with the needs of the Trust. All full-time employees are entitled to 28 days (5.6 weeks) of statutory annual leave under the Working Time Regulations 1998. However, in Trusts, this entitlement to statutory annual leave can be offset by any periods of Trust closure, whether they occur before or after any period of sickness. Where there is insufficient Trust closure time to allow the statutory annual leave to be taken, employers should allow the member of staff to carry forward the leave, to be taken in future Trust closure periods.

When a member of Trust staff commences sick leave, the amount of 'leave' they have taken in the current leave year will be established by the number of Trust closure days that have already occurred during the leave year. If this exceeds the entitlement to the statutory annual leave (28 days for a full-time employee) there will be no further entitlement to leave. For more information advice will be sought from your nominated PACT HR Business Partner.

4.10 Headteacher / Executive Headteacher / CEO Long Term Sickness Absence

The attendance management procedure will be managed by the Chair of Governors / CEO or Board of Trustees in accordance with the Trust terms of reference for staffing matters.

Where the Headteacher is employed by a Local Authority School (being either a Community, Voluntary controlled, Community Special or Maintained Nursery School), the Chair of the Governing Body will need to inform the Director of Children's Services of the long-term absence of the Headteacher.

For Executive Headteacher or CEO sickness absence, the procedure will be managed by the person/body who has direct line management responsibility for in accordance with the Trust terms of reference for staffing matters.

Advice should be sought from the Trust HR Business Partner in these circumstances.

The policy is reviewed on an annual basis by the Trustees; any changes made to this policy will be communicated to the relevant members of staff

Declaration of Responsibility

This Attendance Management Policy was reviewed and formally adopted by Bronte Academy Trust on

.....12 May 2027.....Date



.....Signed Chair of Trustees



.....Signed Chief Executive Officer