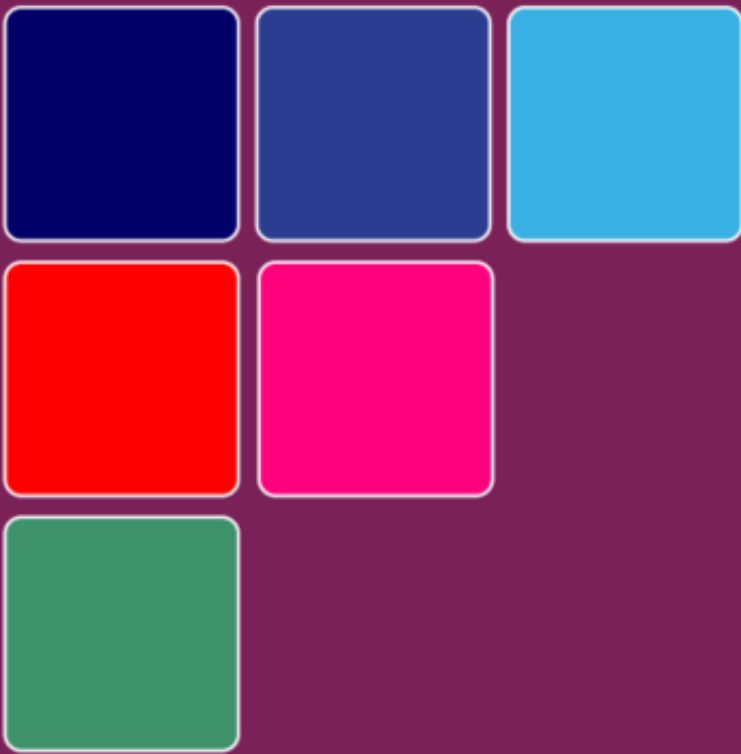


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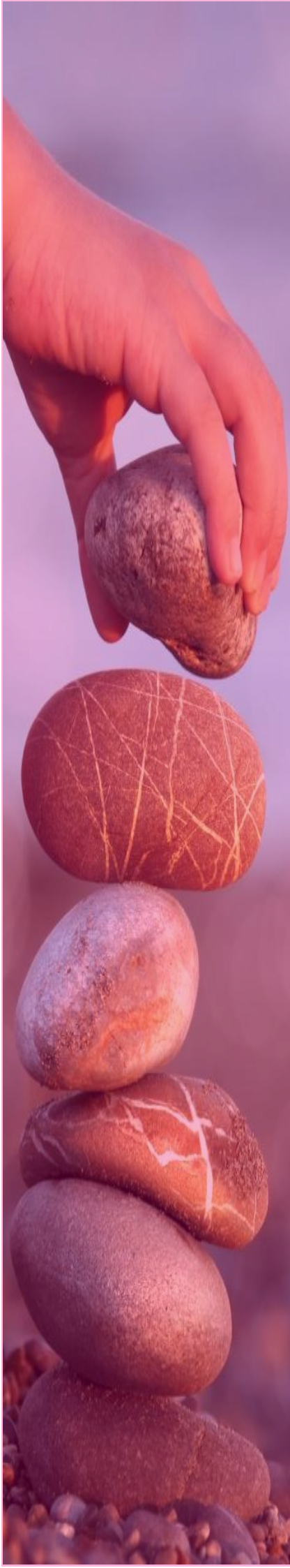
Attendance Policy



Working as One Council in
the historic capital of the Black Country



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1. Annual Leave

The Council offer an enhanced annual leave offer above the Statutory 28 days. This increases with up to 5 years continuous service, as detailed in your contract of employment.

Where you are employed all year round you will be notified locally of School arrangements for annual leave. Where applicable, holidays are required to be taken during periods of School closure and/or as directed by your Head Teacher.

Leave entitlement varies according to salary scale and length of service, and this will be reflected in your salary accordingly. Annual leave entitlements are available from the School.

2. Compassionate Leave

We know the last thing you need when a close family member has a serious illness or dies is to be worried about taking time off work, so here's our commitment to you. Where a close relative has a serious illness, you will be allowed up to 3 days paid compassionate leave, but not exceeding 7 days within a 12-month period. There is no automatic entitlement to the maximum of 3 days leave in any single instance or 7 in any 12-month rolling period. The School/Academy should allow a period, which seems reasonable in the circumstances.

Who is classed as a close family member?

This may be a:

- spouse, civil partner, partner (including same sex partner)
- child, including where you are the adoptive parent, legal guardian or carer
- parent, including stepparents
- grand-parent or grand-child
- sibling
- father or mother-in-law
- person who lives in your household (not tenants, lodgers, or employees)
- person for whom you have responsibility for personal and financial affairs

Where a close family member has a serious illness, you should speak with your line manager to discuss and agree what time you need to support and care for your family. This time could be a combination of up to 3 days compassionate leave, or other leave options including time off for dependents, or unpaid Leave.

The basics which your line manager will follow are:

Paid Dependency Leave

Paid dependency leave may be considered for emergency and unforeseen situations, where you are unable to take annual leave. Examples where paid dependency leave may be granted are for example the sudden accident, illness or severe injury to a child or adult and not other carer is able to look after them.

The decision to award paid dependency leave is the decision of the nominated officer and will not exceed 7 days (including compassionate leave) in a rolling 12-month period.

Please note that the 7 days is not an entitlement and is only there so support you in unforeseen and exceptional circumstances and not for routine appointments. The taking of this type of leave is monitored by the school during the year to ensure there are not patterns of requests for paid time away from school.

Parental Bereavement Leave

We recognise that dealing with any bereavement is difficult. The death of a child is among the most devastating event that an employee can ever face.

Parents have the right to take 2 weeks' Statutory Parental Bereavement Leave for each child who has died (under the age of 18) or who was still born after 24 weeks of pregnancy in addition to the 7 days bereavement leave. These 2 weeks' parental bereavement leave may be taken as 2 weeks together or 2 separate weeks of leave and can be taken in any period up to 56 weeks from the date of the death.

Special leave

It is recognised that there will be other times when you face life events, and we wish to help you balance them whilst meeting the needs of the School.

With this in mind, there are different types of leave which are available to you, some having clear criteria whilst others rely on managerial discretion. Your line manager will help you navigate the range of leave options available to support you in such situations and agree next steps.

Dependency Leave (Unpaid)

This is usually taken at short notice to deal with a sudden crisis related to a dependent when other avenues of paid dependency leave within this policy have been exhausted.

For example, where an accident has occurred to a parent or child and emergency hospital treatment is required or where elder/childcare arrangements unexpectedly breakdown.

Pre-arranged hospital appointments or a need for longer term care will not attract the right to time off for dependents. Under normal circumstances either paid or unpaid dependency leave would not last, in terms of duration more than 1 day in order to make alternative arrangements for dependent care. If more than 1 day is required, you must contact the nominated officer on the 1st day of dependency leave for a discussion/agreement. The amount granted to you will be determined by the individual circumstances however, the number of days for compassionate leave and dependency leave combined would not be expected to exceed 7 days in any academic year.

Health appointments

Medical Appointments

All medical appointments including hospital appointments, routine GP appointments, Opticians and Dental appointments must be made by you outside of working hours. Where this is not possible, any time taken should be reasonable and authorised by your line manager.

Where you work fixed hours, any time taken to attend appointments during your working hours must be authorised by the nominated officer with agreement reached that enables you to make up any such time lost or to take unpaid time.

In the case of a medical or dental emergency you may be allowed sufficient paid leave to receive initial appropriate treatment. In all such cases you should contact the nominated officer as soon as possible so that appropriate support and guidance can be provided and cover arranged. If you attend an emergency medical or dentist's appointment this will not be recorded as being on sickness absence leave for the period of time that you need to be absent in order to attend an appointment.

If following the emergency appointment, you are unable to attend work the whole period, including the treatment time will be recorded as sickness absence and normal procedures apply.

Cancer Screening

Where you need to attend an appointment for the purpose of cancer screening including a national screening programme such as for breast, prostate or cervical cancer, this time will be paid. You should provide evidence of your appointment if requested by your line manager.

Disabilities

Where you have a pre-existing medical condition which has been identified as falling under the equality act this needs to be discussed with your line manager. Reasonable time off may be required to ensure you remain healthy and well whilst at work and this may include needing to attend routine hospital appointments for a medical condition.

Fertility Treatment

If you require time off work to receive/participate in fertility treatment this will be treated with sensitivity and in the strictest confidence by your line manager.

You may take up to 10 days leave each year with pay to support you with your fertility treatment. If you need further time off, you should discuss this with your line manager and make arrangements to use unpaid leave.

If you wish to accompany your spouse/partner at fertility treatment you must request unpaid leave in the normal way.

Time off Work for Cosmetic Surgery/Treatment

Any time taken off for cosmetic surgery/treatment may be taken as unpaid. If you suffer any complications or fall sick and are unable to attend work as a consequence of your cosmetic surgery/treatment, your absence will be treated as sickness absence.

Blood Donations

We encourage everyone to give blood, and you may attend a Community-based session. You should discuss this with your line manager and make arrangements to take time off as appropriate.

Work related time off / leave

Study Leave and Examinations

Where you are attending School sponsored further education you are entitled to agree the following paid time off with your manager:

- 1 day for each examination; and
- 1 day study leave for each examination up to a maximum of 3 days per academic year.

Election Duties

You are able to request time off to carry out election duties on the run up to polling day and within polling stations within the Borough on local and national election days. Time off with pay will normally be granted for the time required. A request for time off can be refused if the needs of the school genuinely cannot be met.

Trade Union Activities

Time off for Trade Union Activities is covered separately in the Trade Union Facilities Agreement. Schools/Academies who have not elected to adopt the traded services facilities agreement must ensure they have their own trade union facilities agreement which has been consulted upon with the relevant trade unions.

Public duties

You have a statutory right for reasonable time off work if you are a;

- Magistrate (also known as a justice of the peace)
- Local councillor
- School governor
- Member of a statutory tribunal e.g. an employment tribunal
- Member of the managing or governing body of an educational establishment
- Member of a health authority
- Member of a school council or board in Scotland
- Member of the General Teaching Councils for England and Wales
- Member of the Environment Agency or the Scottish Environment Protection Agency
- Member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- Member of Scottish Water or a Water Customer Consultation Panel
- Trade Union Member (for trade union duties)

You may apply for a reasonable amount of paid time off to attend relevant meetings or participate in other approved activities. The maximum amount of paid time off in any one year, regardless of the number of differing roles you may hold, is 24 full days or 48 half days (pro rata for part time employees).

You should provide as much notice as possible to your line manager supported by details of the duty being performed and the specific activity for which the time off is considered necessary.

There is no automatic right to time off. In determining if you are eligible for time off and how much time off from work is reasonable, your Manager will take account of the school requirements and the effect of your absence upon the school; and or other time off already permitted for other public duties

Any time taken for travelling to and carrying out Public Duties outside of normal working hours will be unpaid.

Where you wish to stand for Parliament, and are elected, you will be required to resign from the school's employment. You should inform your line manager at a very early stage that you are considering standing for Parliament or playing a public part in Parliamentary elections and assure the School that these activities can be exercised without conflict with your normal duties as an employee.

Attendance at court

Jury Service

If you are called for Jury Service, you are obliged to attend.

You will normally be granted time off to attend jury service. However, if your line manager feels that the releasing of you will result in major staffing or organisational problems, they will support you in making an appeal to the Court and to re-arrange the dates for you to attend.

When asked to attend for Jury Service you should notify your line manager immediately.

During attendance at Court, you should claim from the Court for any travel expenses both to and from the Court.

While on Jury Service you will receive normal average contractual earnings from the school you will be provided with a form that must be sent to Payroll via your line manager.

When the Jury Service is complete you will receive a statement from the Court detailing what you have been paid. This must be sent to Payroll via your line manager. Payroll will then deduct any fee (not the expenses) paid to you from the Court.

If during your Jury Service you are informed of a short-term break in your call for duty of half a day or more, you should return to work for each of the half days off.

Witness

In circumstances where the court case is connected to the Council/School, employees will be granted time off with pay where you are required to attend Court as a witness. You must

notify your line manager of the request as soon as possible and provide written evidence of the requirement to attend.

During attendance at Court, you should claim from the Court for any travelling expenses both to and from the Court, together with compensation for any loss of earnings, whenever possible.

Following attendance at Court, you will receive a statement from the Court detailing what you have been paid. This must be sent to Payroll via your line manager. Payroll will then deduct any fee (not the expenses) paid to you from the Court.

Where you are attending as a witness of your own volition you will be allowed time off, but this will be unpaid. This also applies if you are acting as a hostile witness in a case involving the Council.

Volunteer reserve forces

There is no statutory right for you to have time off to undertake Territorial or Reserve Force duties. However, the School has made arrangements for time off and payments if you volunteer for either the Army Reserve (TA), Royal Navy Reserve or Air Force Reserve.

You will be granted a maximum of 2 working weeks leave of absence with full pay to attend your annual camp. In exceptional circumstances a further 2 weeks may be granted.

Should you be placed on a long-term assignment, you need to provide evidence that you have no alternative other than to take up the assignment. In such circumstances, you will be granted excused unpaid leave of absence which will guarantee continuous service. You should also make arrangements to maintain your pension contributions if you wish to do so.

3. Sickness Absence Management

We understand that from time to time we all get ill, and you may need time off work. This policy aims to ensure that absence is managed in a consistent, supportive and effective way.

The basics which you need to follow are:

- If you are unable to attend work, you should contact your line manager by phone in line with the absence reporting in place within school;
- You should explain to your line manager the nature of your illness and likely return date;
- If your absence continues for 4 calendar days, you must contact your line manager at this point in time to update them; and
- Where your absence continues beyond 7 days, you should provide a fit note from your GP and continue to maintain contact with your line manager. You should continue to provide further fit notes, if applicable.

In return, your line manager will:

- Treat you sensitively, fairly and consistently and use all the support mechanisms available. This includes other policies and procedures that may be appropriate i.e. family and carers leave;
- Discuss with you early on any health issues that may have an impact on your attendance and put in place proportionate, supportive and reasonable adjustments to maintain good attendance;
- Agree and maintain contact with you during any periods of absence, taking into account the nature of your illness and what support you may need; and
- Agree return to work plans to support and enable you to return to work when you are able to do so. This may include a phased return of up to 4 weeks usually recommended by your GP or Occupational health and, if needed, implement and/or maintain reasonable adjustments where they are appropriate to the needs of the school;
- To send you a stress risk assessment if required and then discuss the outcome and agree an action plan where appropriate;
- Make a referral to Occupational Health as appropriate.

Returning to work

Your manager will hold a return to work meeting with you on your return to work. The purpose of this is to:

- Check your fitness to return to work and to consider whether there are any reasonable adjustments which need to be made;
- Discuss with you any health issues and offer appropriate support including signposting to health and wellbeing opportunities to maintain good attendance in the future;
- Update you on anything that may have happened whilst you were away from work; and
- To review your amount of days absence and make you aware of any potential steps which may be taken if you trigger a more formal meeting.

Absence triggers

The short term 'trigger' points which we apply to ensure absence is dealt with appropriately and managed consistently within the School are:

- 3 periods of absence in a 6 Month period
- 10 days or more in a rolling 12-month period and
- Any pattern or trend identified by your line manager.

The trigger points are based on the number of times and the number of days you are absent in a rolling 12-month period.

What happens if you reach a trigger point

Your line manager will review your sickness absence record to ensure the record of your absence is correct. Your manager will consider the nature of the absence and where any exemption applies to discount the trigger. Your line manager may make a request to the Headteacher to agree that your absence is discounted for the following reasons:

- Where your absence is related to a disability, unless all reasonable adjustments have been made that takes away any detrimental effect for you to carry out your duties.
- Where your absence is related to a work-related injury and confirmed by your line manager
- Where your absence relates to a critical, physical or mental illness (broadly defined as a life-limiting and/or life-threatening condition diagnosed by a GP and/or professional health specialist).

You should note that any absence related to pregnancy is automatically discounted by your manager.

Your manager may invite you to an absence trigger meeting to discuss the concerns they have; you have the right to be accompanied at the meeting by a current recognised trade union representative, trade union official or a fellow worker.

The outcome of the meeting may be:

- Implement an employee Improvement Action plan, usually for a period of 12 working weeks, for improvement as well as considering what support you need to maintain future good attendance; and/or
- Referral to Occupational Health where required; and/or
- Implementation of reasonable adjustments if appropriate; and/or
- Signposting to Counselling or any other ongoing support that may be required.
- If you have had an accident at work or suffered an industrial injury, this will need to be considered independently as to whether or not you have hit the trigger point.

High levels of absences are unacceptable and detrimental to the school. In some cases your period of monitoring and support within the improvement plan may be extended to ensure you are maintaining a regular attendance in school. Where your absence remains a concern following discussions, support and monitoring within the employee improvement action plan or if there is continuous failure to sustain improved attendance, action may continue under the School's Disciplinary

Procedure and could ultimately result in dismissal. The matter will be dealt with in line with the schools disciplinary procedure as you would be failing to meet the requirement of your contract of employment.

If there is continuous failure to sustain improved attendance, action may continue under the School's Disciplinary Policy and could ultimately result in dismissal.

Long Term Absence

Whilst we remain sympathetic when employees are ill, persistent periods of absence through ill-health or long-term injury cannot continue indefinitely.

If, following an Occupational Health referral, they advise that you are unable to carry out the duties of your post due to ill-health capability and there are no reasonable adjustments that can be put in place to enable you to continue in that post, we may need to review your employment. This review may lead to the termination of your contract at an Ill Health Capability hearing. Please refer to the ill health staff dismissal procedure (appendix 1) Should you be dismissed at the hearing you will have 10 working days to appeal the decision to the Staff Appeals Committee. Your appeal must be in writing and send to the Clerk to the Staff Dismissal (Appeals) Committee and must also include your grounds for the appeal.

- Prior to any hearing the following steps will be taken by your line manager:
- Invite you to a meeting so that a full welfare review can take place to discuss your absence. You will have the right to be accompanied by a trade union representative or a work colleague;
- Ensure all medical investigations have been completed and an appropriate report received from Occupational Health;
- Investigate if an application for ill-health retirement can be made and awarded; and
- Consider if there are any alternative employment options available.

Payments for sickness absence

Payment for sickness absence will be in line with statutory provisions (statutory sick pay), your relevant terms and conditions of employment and length of service. These are outlined in your contract.

Payment for Sickness Absence Leave for Non-Teaching Staff (Green Book)

For those employed on non-teaching basis you are entitled to 5 years continuous service, the period of full pay during sickness absence leave is 6 months. Where you have less than 5 years continuous service, the payment of occupational sick pay is staggered. The amount of sickness absence pay entitlement is calculated by looking back 12 months from the first day of any period of sickness absence. Any sickness payment during the 12 months will be deducted from the overall entitlement.

During the 1 st year of Service	1 month's full pay and (after completing 4 months service) 2 months half pay
During the 2 nd year of Service	2 months full pay and 2 months half pay
During the 3 rd year of Service	4 months full pay and 4 months half pay
During the 4 th and 5 th year of Service	5 months full pay and 5 months half pay
After 5 years' Service	6 months full pay and 6 months half pay

Payment for Sickness Absence Leave for Teaching Staff (Burgundy Book)

Provided the appropriate conditions are met, a teacher absent from duty because of illness (which includes injury or other disability) shall be entitled to receive in anyone-year sick pay as follows:

During the 1 st year of Service	Full pay for 25 working days and after completing 4 calendar months' service, half pay for 50 working days
During the 2 nd year of Service	Full pay for 50 working days and then half pay for 50 working days
During the 3 rd year of Service	Full pay for 75 working days and then half pay for 75 working days
During the 4 th and subsequent years	Full pay for 100 working days and half pay for 100 working days

For the purpose of the sick pay scheme for teaching staff only, "service" includes all aggregated teaching service with one or more local education authorities.

For the purpose of this scheme, "working days" means teaching and non-teaching days "directed time", as specified in the School Teachers' Pay and Conditions Document.

The school reserves the right not to pay you for any unauthorised absence or to suspend occupational sick pay for any failure to comply with this policy. The matter may need to be addressed with you through the Disciplinary process.

If you receive compensation for lost earnings from a third party for an accident or injury that occurred outside of work, that required you to take a period of sickness absence for which you received sick pay, the school will recover from the third party any sick pay paid to you during this period.

Payment during a phased return to work

Salary during a phased return to work will be based on the pay being received immediately prior to returning to work. If you are in receipt of full pay then any phased return, where the contracted hours have been reduced, will result in no reduction of your pay. If you are in receipt of half pay, then you will continue to receive half pay or be paid for the actual hours worked whichever is the greater during your phased return. If you are in receipt of nil pay, then you will be paid for the actual hours worked during your phased return.

Occupational health

The Governing Body have a statutory obligation to ensure that school staff have the health, mental and physical capacity to carry out their duties. Where you are referred to Occupational Health it is to find out what impact work has on your health and make sure that you are fit to undertake your role. A referral to Occupational Health is a reasonable management request and should you refuse you are preventing the school from ascertaining your health and assisting you in the workplace. Please discuss any issues you may have with the referring officer so that these may be explored or clarified for you. Should you refuse to engage in this process then your case may be considered without important health information and/or this may be dealt with in line with the disciplinary policy.

Medical Suspension

Medical suspension is very rare and only applied where the school believe there is a risk to health and safety. Where this situation arises, and suspension occurs an urgent referral to Occupational Health should take place.

The power of suspension lies with the full Governing Body of the school unless they have formally delegated such powers to one or more individual Governors or the Headteacher.

In this school the power of suspension lies with Headteacher

For Community and Voluntary Controlled Schools, before exercising the power of suspension, the Governing Body (or Governor(s) or Headteacher with delegated powers), must first seek the advice of the Local Authority through an HR professional employment advisor.

On ending ~~an~~ suspension, immediately inform the Governor(s)/Headteacher with delegated powers of suspension. The Governing Body must also confirm this decision in writing to the employee within 5 working days of the decision.

Appendix 1: Ill Health Capability Dismissal Procedure

The Governing Body has the statutory authority to decide to dismiss staff. However, it may delegate that authority to:

- The Headteacher (if agreed by the Headteacher) in its entirety ;
- The Headteacher (if agreed by the Headteacher) for Ill health capability dismissals only;
- One or more Governors (the Staff Dismissal Committee); or
- One or more Governors and the Headteacher (if agreed by the Headteacher)

In this School the power of dismissal lies with the Governing Body

The Governing Body will decide to delegate their authority to any of the above and this must be recorded in writing in the minutes of a full governor meeting and staff must be advised.

Where the Headteacher has delegated powers and has not been involved in managing the case, they may Chair the Ill health capability hearing and decide the outcome, including a decision to dismiss.

Where the Headteacher does not have delegated powers, the arrangements are for the Staff Dismissal Committee with delegated authority to hear the ill health capability hearing and decide the outcome of the hearing, including a decision to dismiss.

Where the Headteacher is not presenting the case, they may attend such a hearing for the purposes of offering advice, in front of all parties, which the Governors must consider before making a decision.

It is assumed that before dismissal proceedings are instigated options including redeployment have been considered and that there is medical evidence to support the employee's inability to return to work in the foreseeable future.

In preparation for the proceedings, the appropriate designated officer will have prepared a full report on the employee's circumstances, including documents such as medical certificates, Occupational Health reports and any other documents relevant to the employee's absence. Information should be factual and represent all alternatives explored.

If the Headteacher has Delegated Powers to Dismiss

The employee will be invited in writing by the Headteacher to a hearing where the issue can be decided upon. The Panel will comprise of:

- Headteacher (Chair of the panel);
- Supported by a note taker/Clerk to the Governing Body.

For Community and Voluntary Controlled Schools, the Local Authority must be informed and may attend the hearing in an advisory capacity.

For Voluntary Aided, Foundation and Academy Schools, support will be sought from appropriate professional employment advisors.

If the Headteacher does not have Delegated Powers to Dismiss

For Voluntary Aided, Foundation and Academy Schools it is strongly recommended to seek the above support at the hearing. The Headteacher will notify the employee that they will be referring the case to the Staff Dismissal Committee with the recommendation that the employee be dismissed. The employee will be invited in writing to a hearing where the issue can be decided upon.

The Panel will comprise of:

- The Staff Dismissal Committee, one of whom will Chair the panel;
- Supported by a note taker/Clerk to the Governing Body.

For Community and Voluntary Controlled Schools, the Local Authority must be informed and may attend the hearing in an advisory capacity.

For Voluntary Aided, Foundation and Academy Schools, support will be sought from appropriate professional employment advisors.

The School recognise that the Local Authority is then required to ratify the dismissal within 14 days as set out in the School Staffing (England) Regulations 2009. If notification is not received by the Local Authority in time to allow 14 days for the ratification of the dismissal, then the School accept that any liability for extended employment costs will pass to the School. Where the teacher works in more than one School, the letter from the Local Authority will explain that they are required to cease work at the School from which they have been dismissed.

The Appeals Process

The appeal will be heard by the Staff Appeals Committee, the Panel will comprise of:

- The Staff Dismissal (Appeals) Committee one of which will Chair the panel;
- Supported by a note taker / Clerk to the Governing Body.

For Community and Voluntary Controlled Schools, the Local Authority must be informed and may attend the hearing in an advisory capacity.

For Voluntary Aided, Foundation and Academy School it is strongly recommended to seek the above support at the hearing.

The decision of the appeals committee will be one of the following;

- Appeal not upheld – confirm the original outcome;

- Appeal upheld. The employee will be reinstated into their former post.

The Appeals Committee decision is final. There will be no further appeal allowed under this procedure. The decision letter will be sent to the employee within 5 working days of the hearing decision.

Re-Hearing Process

When a request for a re-hearing is received, the Chair of the Staff Dismissal (Appeals) Committee should take advice from HR or any other professional employment advisors.

For the avoidance of doubt, any new evidence must be significant and has become available or known subsequent to the dismissal hearing.

There is no further right of appeal following a re-hearing.

Appendix 2 – Ill health retirement – Support staff

We understand there may be circumstances where you may have been absent for a considerable length of time due to illness or injury with little prospect of you being able to return to work. In such circumstances it may be appropriate to seek a referral to obtain a medical opinion on your eligibility to access ill-health retirement benefits.

Definitions

Here are some definitions to help you navigate this policy:

Tier 1 Benefits	Where the person is permanently incapable of discharging efficiently the duties of employment and there is no reasonable prospect of being capable of obtaining gainful employment before age 65. The pension benefits are based on accrued membership plus 100% of prospective membership between date of receiving benefits and normal pension age.
Tier 2 Benefits	Where the person is permanently incapable of discharging efficiently the duties of employment and it is unlikely they will obtain gainful employment within the next 3 years but is likely to be able to do so at some point thereafter and before normal pension age. The pension benefits are based on accrued membership plus 25% of prospective membership between date of receiving benefits and normal pension age.
Tier 3 Benefits	Where the person is permanently incapable of discharging efficiently the duties of employment and it is likely that they will be capable of obtaining gainful employment within a reasonable period (3 years). The pension benefits are based on accrued membership only. Payments may cease after 18 months if their health has improved. Payments will cease if they obtain gainful employment. Payments will cease after 3 years even if no employment has been obtained.
Gainful employment	Paid employment for not less than 30 hours per week for a period of not less than 12 months
Deferred Member	A person who is no longer employed in Local Government, or have previously opted out of the scheme, and they are not receiving pension benefits. The member has their pension frozen until they are eligible to receive pension payments.

M1 Form	This is available from HR. The M1 Form is a formal recording of the medical opinion of eligibility to ill health retirement benefits
Independent Registered Medical Practitioner (IRMP)	The Council currently has a contract with an IRMP who deals with referrals from managers and HR Officers. When the IRMP is asked for an opinion on ill health retirement, s/he must not have given a previous medical opinion on the employee and must work within the ALAMA (Association of Local Authority Medical Advisors) guidelines.
Administering Authority	The West Midlands Local Government Pension Scheme is administered by Wolverhampton City Council.

Eligibility

All employees, who are members of the LGPS and have more than two years membership, are able to be referred for a medical opinion on eligibility to ill-health retirement benefits if they:

- Have been absent for a considerable length of time following illness or injury and, following discussion, there appears to be little prospect of the employee returning to work; or
- Have been seriously injured or have a serious illness and will not be able to return to work; or
- Have explored prospect of redeployment into an alternative post but this has not been possible due to the nature of the illness or injury.

There is no relationship between the length of time an employee receives Occupational Sick Pay and the commencement of this procedure.

Teacher Ill Health Retirement

A Teacher has the right to apply for ill health retirement. The Teacher may be granted partial incapacity or permanent incapacity. It is in the Teacher's interest to seek an up-to-date medical opinion from the Authorities Occupational Health Physician/Adviser, who will report on whether they believe the Teacher to be incapacitated. However, it is the decision of Teachers Pensions Medical Advisors as to whether the application for Ill Health Retirement is granted. Upon confirmation that a Teacher has been granted Ill Health Retirement Benefits, the Local Authority will work with the School and employee to agree a termination date.

Teachers should contact Teacher Pensions Scheme for advice.

Making a referral

Where your sickness absence continues, there is no indication when you may return to work, and the Occupational Health Advisor has recommended that you should be considered for ill-health retirement benefits, your line manager will discuss with you and make a further referral to an Independent Registered Medical Practitioner to obtain the completion of an M1 Form through HR. This will confirm whether you are eligible to receive ill health retirement benefits and, if so, under which tier.

Eligible to receive ill-health retirement benefits

Once you have received the medical report you should contact your line manager to arrange a meeting. You should be open to discussing the contents of the report and your desired next steps. You have the right to be accompanied at the meeting by a trade union representative or a work colleague.

Where the report states that you are eligible to receive ill-health retirement benefits, we will discuss the steps to allow you to start to receive your pension, which will include the need for us to agree a termination date in order to end your employment with the School.

If you do not have any entitlement to outstanding sick pay, your line manager has the ability to allow your employment to terminate without notice in order that you may access your pension sooner. However, if you choose not to resign from your position, despite being advised you are eligible to receive ill-health benefits, your line manager will terminate your employment on the grounds of ill-health capability.

Where it is determined, based on all the information available, that your contract should be terminated, this will be confirmed to you during the meeting and subsequently in writing.

Where your contract is terminated you will have the right to appeal to the Clerk of the Appeals Committee against the decision to terminate your contract on the grounds of ill-health capability (not the level of benefits awarded).

No Eligibility to receive ill-health retirement benefits

Once you have received the medical report the school will arrange an Options meeting with your line manager. You should be open to discussing the contents of the report and your desired next steps. You have the right to be accompanied at the meeting by either a trade union representative or a work colleague.

Where the report states that you are not eligible to receive ill-health retirement benefits but determines that, based on all the information available, your employment status needs to be

reviewed on ill-health capability grounds and that redeployment as an option has been considered, a capability hearing will be convened.

Where you feel that you should be eligible for ill-health retirement benefits you may obtain further medical evidence to support your case. If, upon receipt, this evidence conflicts with the advice already provided by the Independent Reviewing Manager Pensions (IRMP) then you are able to forward the new information to the IRMP who completed the original referral. Depending on the subsequent advice received, this could lead to one of the following outcomes:

- The additional information still does not render you eligible for ill-health retirement benefits; or
- That in their opinion, and based on the new information available, you are eligible for ill-health retirement benefits and at which tier; or
- It may be that a period of time has passed and the IRMP is unable to give an opinion without seeing you again. In this case a referral to another IRMP will be made. The original report, along with the new supporting information, will be submitted to the new IRMP.

The School recognise that the Local Authority is then required to ratify the dismissal within 14 days as set out in the School Staffing (England) Regulations 2009. If notification is not received by the Local Authority in time to allow 14 days for the ratification of the dismissal, then the School accept that any liability for extended employment costs will pass to the School. Where the teacher works in more than one School, the letter from the Local Authority will explain that they are required to cease work at the School from which they have been dismissed.

Delete for Voluntary Aided/Foundation/Academies

Appeal

You have the right to appeal against either the decision to dismiss you or against the level of pension awarded.

Appeal against the decision to dismiss you

Where you wish to appeal against the decision to dismiss you, you should state the grounds of your appeal which should be one of the following:

- The procedure was not used correctly, stating how; and
- The medical opinion of the IRMP is incorrect. You must provide supporting evidence of any counter or independent medical evidence with your letter of appeal.

The invite to attend the Appeal Hearing will be sent at least 10 Working days prior to the hearing date together with the letter, 2 copies of the appropriate designated officers report including relevant documents will be issued. One copy is for the employee and the other is for their representative.

The appeal will not be a re-hearing but will be concerned with the grounds of appeal stated the employee’s letter.

The appeal is the final stage of internal proceedings.

Appeal against the level of pension awarded

Where you wish to appeal against the level of pension awarded or if no pension benefits have been awarded, you should submit your appeal in writing to the Pension Adjudicator explaining why you feel that the award was incorrect. This appeal process cannot commence until employment has ceased and must be received within six months of the statutory letter notifying you of being made a pension leaver.

The Adjudicator will review the process (not the basis of the medical decision) that took place and will consider if the process by the School and/or IRMP has been correctly followed or is presented with evidence that your medical circumstances have changed. Where new medical evidence from the time of the dismissal is provided then the Adjudicator may seek a further opinion by another IRMP.

The Adjudicator shall use all of the evidence and information available to communicate the decision of the IRMP and inform you and the Pensions Team of the outcome of the appeal.

If after the Adjudicator has made a decision, you are still unhappy with their decision, you can then apply to the Administering Authority for reconsideration of the matter. This further application should be made within 6 months of the date of the notice of the decision made by the adjudicator.

Timescales of Capability hearing

You make a referral to an IRMP for a medical opinion on eligibility to ill-health retirement benefits	When appropriate and without delay
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You will liaise with your line manager to convene a meeting to discuss medical report and next steps	Within 5 working days of receipt of IRMP medical opinion
Designated Officer to convene capability hearing, if applicable	When appropriate and without delay of the follow-up meeting where the medical report was initially discussed
Designated officer to confirm decision in writing following capability hearing with you	Within 5 working days of the meeting
Employee can appeal against the decision if appropriate	Within 10 working days of receipt of the outcome letter
Designated officer to issue report including relevant documents	When appropriate and without delay of receipt of appeal
Employee to provide evidence or names of witnesses to be submitted to the Clerk of Appeals Dismissal Committee if appropriate	No less than 3 working days prior to the day of the appeal hearing
The appeals committee considers and makes decision in respect to the appeal	Ideally within 15 working days of receipt of the appeal or as soon as possible
Appeals committee to confirm decision in writing following appeal meeting with you	Within 5 working days of the meeting
Employee can appeal against the level of retirement benefits if appropriate	Within 6 calendar months following the date of termination
Adjudicator considers and makes decision in respect to the appeal and confirm the decision in writing	Within 2 calendar months of receipt of the appeal

This policy was agreed at the Full Governors meeting on 13 October 2025



Attendance Policy



**Purpose of Policy:**

How, as a school, you can expect to manage attendance in school

**Policy Author:**

YourHR

**Policy Date:**

April 2025

**Policy applies to:**

All employees of the school

**Unions:**

GMB, Unison, NASUWT, NEU, NAHT & ASCL have all been consulted on the policy updates & changes

**Review Date:**

April 2028

People & Inclusion

Telephone Extension: 1300 or email:

YourHR@dudley.gov.uk

HR.Transactions_Schools@dudley.gov.uk

Agreed at Hurst Green Primary School Full Governors meeting 07/07/2025

YourHR

