

MODEL WHOLE SCHOOL ATTENDANCE POLICY

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INFORMATION AND GUIDANCE NOTES

1.1 Introduction

These guidelines have been developed by the Local Authority in consultation with recognised Trade Unions. This policy has been developed to promote a positive attendance culture, manage sickness absence effectively and provide for the fair and consistent treatment of staff. This policy is recommended to schools for adoption immediately however should schools decide to develop their own procedure, they will need to reopen Trade Union consultation on an individual basis.

It is the Headteacher's responsibility to monitor sickness levels and actively manage attendance. The Health and Safety at Work Act requires Governors and Headteachers to ensure, so far as it is reasonably practicable, the health, safety and welfare at work of all their employees.

Headteachers and Governors should ensure that Occupational Health has been involved in the sickness absence case of an employee before considering dismissal on the grounds of lack of capability due to ill health as an option. Following a referral of the employee to Occupational Health, Headteachers and Governors should also explore possible options for redeployment which would accommodate the employee's condition of health and would facilitate his/her return to work. If there are no suitable alternative employment opportunities or whilst continuing to actively look for suitable redeployment opportunities, dismissal on the grounds of lack of capability due to ill health will be an option available to the school or employing department.

The Headteacher and Governors have an on-going responsibility to provide help and support to members of staff and to ensure the quality of education provided to children in their school. The Headteacher and Governors have a duty of care for the welfare and health of their staff and must seek to balance these different responsibilities in a sensitive, supportive and reasonable manner.

When considering the absence of an individual the Headteacher and Governors must be sensitive to the reasons behind the absence. In order to consider the absence properly it is essential that appropriate medical advice has been sought. It is recommended that Occupational Health (OH) is involved through a referral by the school of the individual.

Contact with the individual is therefore essential if the school is to have a reasonable understanding of the individual's absence. This communication channel, whilst being essential, can be effected in a number of different ways, for example the most appropriate person to keep in touch with the person may not be the Headteacher; it may be more appropriate for a Deputy Head or Head of Department or the local Trade Union representative, or a close work place colleague to act as the contact between the individual and the school. The purpose of this contact is not only to inform the school but also to offer support

and assistance to the member of staff. However, in broad terms it is the employer's right to be kept informed of an individual's absence, consequently an employee cannot refuse to keep the school informed concerning their absence. It is important to recognise that individuals must be allowed time to recover from their illnesses, but it is also important that the Governors are kept involved with the individual's progress.

Arising from the regular contact between the school and the individual there are likely to be medical questions on which the Governors will need professional medical advice from OH in order to understand the individual's circumstances. It is important that the contact and communication are undertaken in a cooperative and supportive manner. Therefore, it is important to involve OH during the individual's absence. The initial OH involvement and the on going frequency will depend upon the medical condition. For example, if the individual is absent due to an operation which is covered by a Doctor's certificate, it would not be reasonable to refer the person to OH until after the individual has left hospital and has had some time to recover; however, if the person is absent due to work related stress, according to the Doctor's certificate, it is important to involve OH at an early stage. Subsequent OH appointments will be arranged by OH at intervals they believe are sensible.

Headteachers and Governors are at liberty to contact OH to ask for specific information of a non-confidential nature, or to give relevant background information that they feel may be helpful. This is not only reasonable but is welcomed by OH as it enables them to build a rounded picture of the school and the individual's place within it. Clearly OH will observe medical ethics and patient confidentiality, at all times.

1.2 Procedure

Having monitored the individual's absence, the Headteacher and Governors may, at a point in time, need to consider what line of action they should take next. The decision the Governors take will be based upon the individual circumstances of the case and will include the medical reports and especially any guidance on the long-term prognosis, the individual's overall attendance record and the operational impact of the absence on the school. It is therefore very important to involve OH. Advice from OH can be sought on an individual case by referring the employee to OH. This process is undertaken by completing an OH Referral Form (see Appendix 2) which is available on-line via School Messenger. If as a result of the OH reports the prognosis concerning the foreseeable return to work looks unlikely, the Headteacher and Governors may decide to look at the situation in more detail. In these cases it would be appropriate for the Headteacher and Governors to request OH to see the individual specifically to ask for guidance regarding a return to work and in an appropriate time frame. Appendix 4 is a model letter that Headteachers and Governors can use.

Following the report from OH, the Headteacher and Governors will need to decide upon their next course of action. The Headteacher should contact the Schools' Employee Relations Team who will write to the Governors setting out the options (see Appendix 13).

In light of the medical reports, Governors should consider possible options for redeployment which would accommodate the individual's condition of health and would facilitate a return to work.

- 1 Do nothing but continue to maintain contact and to offer support as the individual is progressing satisfactorily and is likely to return to work in the near future.
- 2 Explore possible options for reasonable adjustments to working arrangements (either temporary or permanent) to accommodate the employee's condition of health and that would facilitate a return to work.
- 3 Explore possible options for redeployment which would accommodate the employee's condition of health and would facilitate his/her return to work.
- 4 *In the case of teachers*, do nothing as the individual has applied to Teachers' Pensions for Ill Health Retirement. This is a medical decision and the Governors play no part in that decision.

In the case of non teaching staff, if the employee has not returned to work as expected, Governors could write to Occupational Health at Fowey Building, New County Hall, Truro, TR1 3AY to ask whether, in the circumstances, the OH Physician would recommend ill health retirement. Governors could await the outcome of this request before considering further options. This option is only likely to be of benefit if the employee contributes to the Local Government Pension Scheme.

- 5 Governors may consider offering the individual Early Retirement on the Grounds of Efficiency of the Service. This has a cost attached to it for the school and a significant cost to the Local Authority (LA). The LA is only supporting these cases in **very limited and specific circumstances**. If the Governors are considering this option they must contact the School's Employee Relations team for advice.
- 5 If none of the above options are appropriate in the considered view of the Headteacher and Governors, then they may consider dismissing the individual on the grounds of lack of capability due to ill health. This option should be seen as the last resort but in some cases where the individual's on going absence is causing adverse operational difficulties to the school, then it may be appropriate. The process to follow is set out in the letter to be sent to the individual by the Schools' Employee Relations Team is set out in Appendix 13. Clearly, the letter to the individual is quite blunt as it does refer to dismissal as a possible outcome of the meeting; this is unavoidable as the law requires that the individual is aware of this potential outcome. However, wherever possible the individual's Trade Union representative should be advised that this course of action is being pursued by the Governing Body before the letter at Appendix 13 is sent. This will allow the Trade Union representative the opportunity to speak to the individual prior to the letter being sent. If the Governors are considering this option they must contact the Schools' Employee Relations Team for advice.

2 Managing Sickness Absence Levels

Attendance problems need to be handled fairly and sensitively and call for a supportive approach (eg phased return to work, see paragraph 5.6). Headteachers and Governing Bodies are seeking to promote a positive attendance culture amongst all members of staff.

High sickness absence levels, both short and long term, can add substantially to school costs and may also affect the morale, motivation and performance of other members of staff. It may also have an adverse affect on pupils' education.

The day-to-day management of attendance is the Headteacher's responsibility but specialist advice from the Schools' Employee Relations Team and/or Occupational Health may be called upon at any stage. Governors also have responsibilities for whole school attendance and make certain decisions in relation to dismissal. Employee sickness absence should be monitored by the school (see Appendix 1 for example template)

3 Considerations in Managing Attendance

Attendance management should not be approached in isolation from other general management issues in schools. The following should also be considered:

3.1 The Equality Act 2010

Schools will need to comply with the provisions of the Equality Act 2010, which makes it unlawful to discriminate against people with disabilities in employment. Under the Act, a person is disabled if they have a physical or mental impairment that has a substantial and long term adverse affect on their ability to carry out normal day to day activities. A long term effect of an impairment is one which a) has lasted at least 12 months; or b) where the total period for which it lasts, from the first time of the first onset, is likely to be 12 months; or c) which is likely to last for the rest of the life of the person affected. The person must have an impairment that is physical or mental.

There is a requirement on schools to make "reasonable adjustments" to accommodate the needs of staff, including making adjustments to premises and altering hours of work with the member of staff's agreement.

There are many organisations providing information and advice on disability issues to disabled people, to their families, their carers and to employers. For example the Commission for Equality and Human Rights provides a central source of information and advice to disabled people and employers.

Further advice on the scope and application of the Equality Act 2010 can be obtained from the Schools' Employee Relations Team or the Disability Employment Adviser at the job centre (DEA). The DEA will also be able to give you details of how to apply for Access to Work to help with the practicalities of employing a disabled person(s).

3.2 Health and Safety

The Health and Safety at Work Act 1974 imposes a general obligation that “it shall be the duty of every employer to ensure, as far as is reasonably practicable, the health, safety and welfare of all his employees”.

The Management of Health and Safety at Work Regulations 1992 require effective systems and action to be taken to identify, prevent and reduce risks to the health and safety of staff. Many of these employer responsibilities can only be implemented effectively with the active support of the Headteacher and the Management Team. There are requirements to undertake risk assessments in the workplace for members of staff. Further information can be found on the Council’s Health, Safety & Wellbeing website via the Schools Messenger website.

3.2.1 Accidents at Work

Cornwall Council reports and records work related accidents using an electronic, on-line form. Please note that access will be restricted to authorised users. To register yourself and receive guidance on how to use the on-line system type in the following web address <http://forms.cornwall.gov.uk/riddor>.

The following types of incident must be reported: -

- minor injuries
- violent incidents
- over 3 day injuries
- major injuries
- death
- specified dangerous occurrences
- specified occupational diseases

Any accident requiring any first aid treatment should be recorded in the First Aid Log.

3.2.2 Work Related Stress

The effective management of stress requires employers to recognise that stress exists, putting in place adequate measures to prevent it happening and where able, to successfully prevent it utilising measures to control it.

Headteachers and Governors need to ensure that their staff have appropriate workloads, and support of a reasonable work/life balance, having regard to their health and welfare. The prevention of ill health due to stress and the maintenance of employee health and wellbeing through recognising and managing work related stress should be promoted and employees themselves have an important part in this.

Cornwall Council has produced a Stress Management Toolkit and Guidance. This information is available to schools via the Schools Messenger website under Health, Safety and Wellbeing and may be useful to consider in the management

of work-related stress cases. This guidance has been produced in line with published best practice guidance from the Employers Organisation Stress Guide and the Health and Safety Management Standards.

3.3 Return to Work Meetings

Return to Work Meetings are considered to be a significant tool for managing sickness as they give the opportunity for the Headteacher/Manager and the employee to meet on an informal basis to discuss the reason for the absence and agree any supportive measures to improve things in the future. A template for return to work meetings is provided in Appendix 24.

4 Occupational Sick Pay (OSP)

4.1 Non Teaching Staff

All staff are required to be medically screened before appointment so that they may be admitted to the appropriate sick pay scheme on commencement of service. Provided that a satisfactory report has been received from Occupational Health and sickness reporting procedures are followed, the school will pay salary (subject to paragraph 4.3) during sickness in accordance with the scale of entitlement shown below:

During the first year of service	1 month's full pay and (after completing 4 months' service) 2 months' half pay
During the second year of service	2 months' full pay and 2 months' half pay
During the third year of service	4 months' full pay and 4 months' half pay
During the fourth and fifth years of service	5 months' full pay and 5 months' half pay
After five years' service	6 months' full pay and 6 months' half pay

The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

4.2 Teaching Staff

Under the Teachers' Regulations a teacher cannot be appointed or continue in employment unless s/he has the necessary health and physical capacity to do so. All teachers will be medically screened before appointment. Provided that a satisfactory report has been received from Occupational Health and sickness

reporting procedures are followed, the school will pay salary (subject to paragraph 4.3 of notification of full pay) during sickness in accordance with the scale of entitlement shown below:

During the first year of service	full pay for 25 working days and after completing four calendar months' service, half pay for 50 working days
During the second year of service	full pay for 50 working days and half pay for 50 working days
During the third year of service	full pay for 75 working days and half pay for 75 working days
During the fourth and subsequent years	full pay for 100 working days and half pay for 100 working days

Two half school days shall be deemed to be equivalent to one working day.

For the purposes of calculating the allowance payable, the year shall be deemed to begin on April 1 of each year and end on March 31 of the following year.

Whilst sickness during school holidays will not affect the period of a teacher's entitlement to sick pay allowance, it will be relevant so far as deduction of benefit is concerned.

4.3 Notification of Full Pay and/or Half Pay Ceasing

Schools must notify the Children, Schools and Families (CSF) Employment Support team on form FP10/the sickness absence spreadsheet whenever a member of staff is absent on sick leave and the reason for the absence. This will ensure that accurate sickness records are maintained and that staff receive the correct amount of pay when on sick leave. The CSF Employment Support team will notify staff when sick pay is to reduce to half pay or ceases.

5 Statement of Fitness for Work – 'Fit Notes'

Many people with health conditions can, with some basic support from their employer, work as they recover from their condition. This helps the individual because for many people work can aid recovery and also benefits the employer by reducing sickness absence.

To help more people get the support they need to get back to work the fit note system means that doctors can advise that an employee is either 'unfit for work' or 'may be fit for work'. A doctor will give a 'may be fit for work' statement if they think that their patient's health condition may allow them to work taking into account certain recommended adjustments at work where these can be accommodated by the employer. If an employee is too ill to work the doctor will sign the employee as 'unfit for work'.

If the doctor advises that an employee is unfit for work, this advice will normally be accepted as a basis for legitimate absence from work and the statutory and contractual sick pay entitlements will apply.

Where the doctor states that the employee "may be fit for work", s/he may suggest suitable support to help the employee's return to work. Recommendations may include temporarily changing their hours, amending their duties and/or workplace adaptations. The doctor's recommendations as provided on a fit note where the prognosis is that an employee 'may be fit for work' are subject to the employer's ability to reasonably accommodate them.

Headteachers/Governors are required to consider and discuss the advice provided on the fit note with the employee with a view to agreeing a return to work and, where practicable, implementing the recommendations of the GP.

If the doctor issues an "unfit for work" statement, Headteachers' and Governors' responsibilities under the Whole School Attendance Policy and Procedure continue to apply.

In most cases when an employee is fit to return to work they will do so either upon the expiry of a 'not fit for work' statement, or where adjustments have been agreed where a 'may be fit for work' statement has been issued.

However, some employees may feel able to return to work before the expiry of a 'not fit for work' statement. This could be because the employee has recovered faster than the GP expected, or the GP did not know of ways in which the employee could be supported to return. There is no longer the need to request a fit for work declaration from the GP before allowing the employee to return to work.

Whilst an employee may legitimately return to work prior to the expiry of the fit note, the Headteacher/Governors are required to ensure the employees' fitness for work by seeking advice from Occupational Health where necessary and by completion of any risk assessment that may be appropriate. In these circumstances it is recommended that a meeting takes place with the employee with a view to confirming with the employee that they feel they are fit enough to return to work and reviewing the prognosis from Occupational Health including any recommendations regarding arrangements for the employee's return to work. Please see Appendices 21, 22 and 23, which apply in these circumstances.

The new fit note system will give more information on how a staff member's condition will affect what they do. Headteachers and Governors will need to review "may be fit for work" statements and consider the doctor's advice about the suggested ways of helping a staff member to get back to work. This might mean discussions with a staff member about temporary changes such as: a phased return to work; altered hours; amended duties and/or workplace adaptations. This provides the information needed to begin a discussion with an employee on whether they can return to work despite their illness or injury. If the suggestions are reasonable and practical the headteacher/Governor should:

- agree a return to work date;
- agree any temporary work place adaptation including any changes to hours (and pay), job content and support and for how long;
- agree a date for review;
- monitor and review as agreed

There is no legal obligation on employers to comply with any suggested adaptations or adjustments specified by the GP on the Fit Note where it is not reasonably practicable to do so (NB: the obligations under the Equality Act 2010 for disability require employers to make reasonable adjustments at work to accommodate an employee's disability where one exists). Therefore if you cannot make the adaptations or adjustments to help a return to work, you should explain the reasons for this to your employee and then use the statement as if the doctor had advised "not fit for work".

The Schools' Employee Relations Team can be contacted for further advice on the Fit Note system.

6 Occupational Health

Occupational Health works with Headteachers/Governors and employees to promote good health with Occupational Health staff offering alternative and impartial advice aimed at maintaining and improving employees' physical and mental well-being. When a Headteacher is concerned about the effect of a possible health problem, (with due regard to the levels of absence indicated in Paragraph 8 of the model Whole School Attendance Policy or a potential period of lengthy absence, or a member of staff's performance at work), the individual may be referred to Occupational Health for an assessment (see Appendix 2).

Occupational Health will offer the individual an appointment to obtain appropriate information about the condition, and advise the Headteacher (or designated manager) and the individual on any significance it may have for work. The purpose is to obtain a clear medical view of the whole situation which can then inform management decisions and enable appropriate support to be offered to the individual. The need for further action can be ascertained, such as liaison with the individual's GP or other health care workers to arrange further treatment or recommend a change in work patterns.

6.1 Occupational Health Contacts

For all Occupational Health enquiries please contact the Occupational Health Enquiry Line:

- Telephone: (01872) 323138
- Fax: (01872) 323827
- Email: occupationalhealth@cornwall.gov.uk
- Address: Occupational Health, Cornwall Council, Fowey Building, New County Hall, Truro, TR1 3AY.

6.2 Occupational Health Referrals

A member of staff whose health is causing concern may be referred to Occupational Health by the headteacher at any time by completing the Occupational Health Assessment referral form (OH1), accessible via School Messenger (see Appendix 2) or alternatively the individual may self-refer for confidential advice. They do not have to be off work at the time. Should a member of staff be off work with an unclear diagnosis or continuing fit notes for more than one month an early referral to Occupational Health is more likely to contribute to an earlier return to work. However, should a member of staff's level of absence reach the levels identified in paragraph 7 of the model whole school attendance policy, the Headteacher (or designated manager) should contact the Schools' Employee Relations team for advice to ensure that a prompt referral takes place.

When a decision is made to refer a member of staff to Occupational Health, the Headteacher (or designated manager) should speak with/write to the member of staff (or their representative where appropriate) explaining the reason for the referral and the role of Occupational Health (see Appendices 3 and 4). To avoid unnecessary stress for the employee, the Headteacher should explain that this is normal procedure and emphasise the supportive role of Occupational Health. To avoid unnecessary stress for the employee, the individual should also be informed that s/he will be contacted by Occupational Health by telephone to assess their state of health and may also be asked to attend an appointment with Occupational Health at County Hall.

6.3 Suspension from Duty on Medical Grounds

A teacher who has been absent from duty for more than three months on account of a psychiatric disorder (sometimes described as nervous illness, depression, anxiety) must be referred to Occupational Health. In accordance with the Education (Teachers' Qualifications & Health Standards) (England) Regulations 1999, a teacher who has been absent from duty on account of a psychiatric disorder may be suspended after three months of absence and will be required to provide a certificate as to their fitness to resume duty. In such circumstances, the teacher should be notified of their position in writing (see Appendix 7). If it is known that a teacher is a member of a trade union, efforts will be made to ensure that the union is given advance notice of this letter.

The Headteacher (designated manager) should complete an OH1 form (see Appendix 2). The Occupational Health Consultant will require:

- details of the individual's sickness absence over the past year, or longer if appropriate;
- any relevant wider issues, including any management or work related problems;
- job requirements/job description.

This form should be returned to Occupational Health, New County Hall, Truro, TR1 3AY.

6.4 Medical Reports

The purpose of medical reports provided by Occupational Health Advisers are to advise managers on how an employee's health condition may impact on their work. Occupational Health Advisers are required to observe full medical confidentiality and therefore no clinical or personal details about the individual are imparted to the Headteacher (manager). Occupational Health obtain the member of staff's consent before an approach is made to her/his GP or consultant for further medical information. Under the Access to Medical Reports Act 1988, where it is necessary to obtain a report from the individual's GP or hospital, the member of staff can see this report before it is sent to the Occupational Health Unit. Where a member of staff refuses to give written permission to approach her/his doctor/specialist it may become necessary to make a decision without the benefit of medical opinion.

Following the initial referral, a provisional report will be made to the Headteacher (with a copy to the individual member of staff) pending any further reports from specialists if necessary.

In most cases those members of staff should be referred to Occupational Health within 4 weeks of the commencement of their absence. In some instances of absence it is important that an early referral should be made to Occupational Health. This is particularly important when members of staff are absent due to a stress related illness. It should also be noted that members of staff have the right to self-refer themselves to Occupational Health.

In certain cases, especially of long term sickness, further reviews will take place following the initial management referral and medical reports will be provided regularly to monitor progress. Headteachers are encouraged to notify the Schools' Employee Relations Team of any further concerns as they arise.

6.5 Medical Examinations

All members of staff should, if required by the Headteacher (or designated manager), attend a medical examination with Occupational Health. If a member of staff refuses to attend a medical examination the individual will risk losing his or her sick pay. The cost of medical reports obtained from GP's or Consultants will be borne by the school.

6.6 Further Action following Occupational Health Unit Reports

Following receipt of an advisory report from Occupational Health, further action could include:

- return to work at an agreed date with no further action
- reduction in hours on a permanent or temporary basis (and adjustment of pay accordingly)
- phased return to work
- liaison with the GP or other health care workers to arrange further treatment
- liaison with trade union/professional association

- adaptation to job or working environment
- counselling
- change of employment
- Application to the Teachers Pension Scheme / Local Government Pension Scheme for Ill Health Retirement
- dismissal on the grounds of lack of capability due to ill health.

6.7 Phased Return to Work

In some circumstances Occupational Health may recommend a phased return to work following a serious illness or injury. Such a return, by mutual agreement may take a variety of forms including; working at school only on certain days of the week, a temporary reduction in contact hours or undertaking restricted duties for a period of time. Generally a phased return to work will not be for a period of more than four weeks. It would be unlikely for a phased return to work to be appropriate for more than four weeks except in unusual circumstances and in those instances where a reduction in hours is necessary for more than four weeks then pay should be adjusted accordingly. **Headteachers should make every effort to ensure that the phased return to work is successful.**

6.8 Return to Work following a period of absence due to psychiatric disorder/epilepsy

Regardless of the length of absence, a teacher who has been absent on account of a psychiatric disorder or epilepsy must, before returning to work, be referred to a consultant psychiatrist or GP to submit a report to the LA on whether or not the teacher is sufficiently recovered and fit to teach children in accordance with the legal provisions concerning fitness to teach (see paragraph 6.3). The teacher will be notified by the LA that they have been suspended on normal pay and should not be permitted to return until s/he has produced satisfactory evidence that s/he is fit to do so.

6.9 Alcohol and Drug Problems

It may become apparent from a change in behaviour and/or deterioration in performance that there is an underlying problem. Whilst it is important not to jump to conclusions, behaviour and performance can be indicators of alcohol or drug use. Headteachers/Governors should note apparent changes with the individual. Should the individual's work performance suffer, it would be appropriate to discuss a referral to Occupational Health who can provide a range of support including referral to specialist services. Guidance on the management and support of staff affected by alcohol or drug problems is set out in the School's Substance Misuse Policy.

6.10 Terminal Illness

Any member of staff who has a terminal illness is exempt from the normal procedures for dealing with long term or frequent short term sickness. Instead Headteachers/managers are advised to contact the Schools' Employee Relations team at the earliest available opportunity, who will arrange for Occupational Health to write to the GP/Consultant to establish the exact medical position and

life expectancy. This is extremely important in establishing the most beneficial course of action for the individual. Every care should be taken about the individual's well being in these circumstances.

7 Dismissal on the grounds of Efficiency of the Service

Where an individual is suffering from ill health which is not sufficiently incapacitating to render him/her permanently incapable of working, it is unlikely that early retirement on the grounds of ill health will be granted by Teachers' Pensions or the Council in the case of non-teaching staff. Eligible staff over the age of 50 may ask Governors to consider granting retirement in the interests of the efficiency of the service. However such arrangements are discretionary and ***only applied in exceptional circumstances.***