

# Forest Way School

## Staff Attendance, Discipline, Conduct & Grievance Policy

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Signature:



Title: CHAIR OF TRUSTEES

Date: OCTOBER 2022

Next Review Date: OCTOBER 2023



Statutory

Non-Statutory

Filed in procedural order

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# **Staff Induction Policy**

Reviewed: September 2022



## **Staff Induction Policy**

To be read in conjunction with the Performance Management Policy

### **1 Introduction**

- 1.1 In line with the Forest Way School's aims statement, we seek to ensure that all our pupils have the opportunity to achieve to their highest potential. We have a learning culture of continuous improvement. Our primary purpose is learning – for both pupils and adults. Through the continuous professional development of all our staff, we support on-going school improvement and maximise the impact of our practice on pupils learning. Induction for new staff is the beginning of their continuing professional development in our school. It begins before an employee joins our school and continues throughout their first year and beyond.
- 1.2 We want all our staff to feel that they are full members of our team and that they are able to fully contribute to the life of the school. We want them to share the school's ethos, aims and values and experience a rich sense of belonging to our school community. A high level of well-being and job satisfaction among the staff will help them to be effective in their respective roles. A thorough induction programme is a crucial part of their entitlement which will help to secure these outcomes. It increases the effectiveness of all staff and Trustees both as individuals and as team members, by ensuring they understand the policies and expectations of our school. The induction process will ensure mutual benefit for both the individual and for our school.
- 1.3 For all staff covered in Sections 4 – 7 of this policy, the following areas of school policy and practice will be of primary importance, immediately upon taking up their posts in our school:
- safeguarding and child protection
  - health, safety and welfare
  - emergency planning
  - fire procedures

All new staff will be given these policies on arrival and asked to familiarise themselves with them as a priority.

As soon as possible staff will have Safeguarding, EDR and Behaviour training.

Staff will attend an interim Safeguarding Training session before they have any contact with the children.

## **2 Aims and objectives**

2.1 Through our staff induction process we aim to:

- improve and develop the overall effectiveness of the school by raising pupil achievement
- meet the needs of all pupils, parents and the wider community
- ensure job satisfaction, personal and emotional well-being through individual and team effort
- ensure that all new staff understand what is expected of them at the school and gain support to meet those expectations
- ensure that members of staff new to a career in education have the best possible start and are professionally supported in their jobs
- ensure that all staff are valued and recognised as the school's most important asset
- be consistent with our school's aims, values and ethos
- allocate sufficient resources to support the induction process



### **3 Roles and responsibilities**

- 3.1 The Headteacher has overall responsibility for ensuring the effective induction of new staff. Where the Headteacher is not the direct line manager of the member of staff they will delegate responsibility for the induction of an individual member of staff to their line manager. The Deputy Headteachers, are responsible for continuous professional development (CPD) and will be expected to ensure, in consultation with the respective line manager, that the on-going training needs of the new member of staff is addressed through the school's CPD programme.
- 3.2 In the case of Early Career Teachers (ECTs) and apprentice teachers, the teacher's induction mentor will oversee their professional development and professional entitlements in their first two years of teaching.
- 3.3 In the case of students on School Direct, their link mentor will oversee their professional development and professional entitlements in their first two years of teaching.

### **4 Early Career Teachers (ECTs)**

- 4.1 The induction programme for ECTs in our school consists of personalised support, monitoring and assessment, and follows the national requirements for supporting ECTs. The FWTSA ECT programme supports Forest Way School ECTs.
- 4.2 All ECTs are allocated an induction mentor/tutor, who will be a member of the school leadership team.
- 4.3 All new teachers are encouraged to visit the school before they take up their post.
- 4.4 All new teachers are provided with copies of school policies and the school's procedures and be expected to develop their understanding of the school's values, ethos and practices.
- 4.5 The induction tutor is responsible for the day to day management of the ECTs induction and will meet with them regularly. The induction programme will include meeting with staff with key areas of responsibility, in order to understand those areas of school practice and attending any specific induction training sessions arranged for them, for example, in relation to child protection and safeguarding, in line with the induction of all new staff. The induction tutor reviews progress, a lesson observation takes place every half term to enable targets to be set and

- identifies support strategies with the ECT, who will always be given feedback on their strengths and areas for development. ECTs use the Career Entry and Development profile as a basis of planning the initial stages of their induction. Each ECT develops, with their induction tutor, a personalised induction and support plan.
- 4.6 Each ECT is expected to maintain a professional record of their induction and professional development and start to construct a professional development portfolio. The induction tutor maintains a record of the ECT's induction, including plans, notes of meetings, records of monitoring and assessment activities including classroom observations, feedback comments and professional development activities undertaken.
  - 4.7 All Early Career teachers are observed teaching during their statutory induction period and this is undertaken by the induction tutor, a senior member of staff or another experienced teacher as appropriate (see the ECT induction programme for details).
  - 4.8 At least three formal assessments will be undertaken during the ECT induction period. These will be documented on forms that are sent to an appropriate qualifying body and must be signed by the ECT, induction tutor and Headteacher.
  - 4.9 Each ECT has 10% professional development time during their statutory induction period. This is in addition to the 10% PPA (planning, preparation and assessment) time allocated to all teachers in the school. An ECT has a planned programme to ensure that the 10% professional development is used to the maximum effect. It may include learning alongside other teachers, visiting other local schools or attending training.
  - 4.10 If an ECT is not meeting the induction standards or making satisfactory progress towards them, a detailed support and action plan will be drawn up by the induction tutor and the school. The school will increase the support necessary to implement the action plan, with additional reasonable resource allocation, as available. An appropriate qualifying body will be involved if necessary, to ensure the action plan can be implemented.

## **5 Apprentice Teachers**

- 5.1 The Apprenticeship Programme consists of 80% on the job training and 20% off the job training in partnership with Derby University. On completion of this apprenticeship, the individual will be confirmed to be a competent and qualified teacher, having already achieved QTS and entered the teaching profession.



- 5.2 Forest Way are running two types of apprenticeship – Level 6 Teacher with QTS Apprenticeship and Level 6 Teacher with QTS Assessment Only Route.

## **6 Induction for new staff other than ECTs**

- 6.1 All new staff will be invited to visit the school before they take up post. Line management arrangements will be clearly explained to them.
- 6.2 All new staff will be allocated a mentor, who, if resources allow, will usually be their classteacher or head of department that they are working in. They will be provided with electronic copies of school policies and the school's procedures and be expected to develop their understanding of the school's values, ethos and practices. All new staff will be expected to contribute to the life of the school community and to play their part in ensuring a positive learning environment for all, both children and adults.
- 6.3 An induction programme will be provided for new staff, in which they will be expected to fully participate. This will involve meeting with staff with key areas of responsibility, in order to understand those areas of school practice and attending any specific induction training sessions arranged for them, for example, in relation to child protection and safeguarding. All new staff will have a review of their induction after one month and then half-termly for their first year, with their line manager.
- 6.4 All new staff will participate in the school's performance management arrangements (see the school's Performance Management Policy).

## **7 Induction of Support Staff new to the role**

- 7.1 All new support staff will be invited to the school prior to taking up the post. They will have a line manager who will discuss their job description with them and explain their responsibilities. On their first day, they will be met and welcomed by their line manager.
- 7.2 An induction programme will be designed for each new member of the support staff. This will include training in child protection and safeguarding.
- 7.3 All new staff will have a review of their induction after six weeks and then half-termly for their first year, with their line manager. If the probationary period is not completed successfully it may be

extended (see Probation Policy). Following their induction period all support staff will participate in the school's performance management arrangements.

## **Induction of a new Headteacher**

### **8**

- The governing board will encourage and expect a new
- 8.1 Headteacher to engage fully in National Induction programmes for new Headteachers.
  - 8.2 In the case of Headteachers taking up their first headship, the governing board will encourage them to enrol on the national and/or local induction programmes and to take up their entitlement to a mentor, an accredited serving Headteacher in another school, who fulfils the role of mentor to the new Headteacher. The governing board will expect and encourage a new Headteacher to take the time required to meet with their mentor, in order to access professional advice and support for their new leadership role.

### **9 Induction of new Trustees**

- 9.1 All new trustees at our school will be expected to visit the school, upon becoming a trustee. They will be given a guided tour of the school by the Headteacher or another member of the senior leadership team and be expected to familiarise themselves with the school and its key policies.

### **10 Monitoring and review**

- 10.1 The governing board is responsible for reviewing the effectiveness of this Staff Induction Policy and will receive reports from the Headteacher on its implementation.
- 10.2 The Headteacher has operational responsibility for staff induction and will monitor arrangements for new staff throughout the year.
- 10.3 This policy will be reviewed by the governing board every two years or sooner if necessary.



**Forest Way School**  
**Learning Support Assistant Grade 5/Teaching Assistant Grade 6/Senior Teaching Assistant Grade 8 Induction Plan**

**Name** .....

.....

**Date**

**Co-ordinated by** .....

.....

**Mentor**

<b>Stage</b>	<b>Information</b>	<b>Date</b>
Before you start	Receive electronic copies of: <ul style="list-style-type: none"> <li>• Staff Code of Conduct</li> <li>• Keeping Children Safe in Education</li> <li>• Guidance for Safer Working Practice</li> <li>• Safeguarding in Education Induction Guidance</li> <li>• Child Sexual Exploitation</li> <li>• Channel &amp; FGM Leaflets</li> <li>• Email address details</li> </ul>	
On your first day	Receive these documents from Senior Staff on site: <ul style="list-style-type: none"> <li>• Staff absence arrangements</li> <li>• Talking in the presence of pupils</li> <li>• Care of pupils documents</li> <li>• Staff meetings/training days</li> <li>• Be issued with keys, fobs &amp; staff badge</li> <li>• Computer and photocopier logins</li> </ul>	
By the end of your first week	Your class teacher will arrange to provide the following information and support: <ul style="list-style-type: none"> <li>• Key stage/class timetable</li> <li>• Classroom responsibilities</li> <li>• A tour of the school</li> <li>• Outline of pupils needs and abilities, including I.E.P.s</li> <li>• Fire drill procedure in relation to the group</li> <li>• Expectations of behaviour and work practice</li> <li>• A buddy for support and guidance in your class</li> </ul>	
Induction Programme	<ul style="list-style-type: none"> <li>• Share arrangements</li> </ul>	
Performance Review	Classteachers <ul style="list-style-type: none"> <li>• 6 weeks</li> <li>• 5 months</li> </ul>	

Once you have completed all the induction training please arrange a date for your six week and five month probationary review with your Line Manager.

Importance of satisfactory probation – the probationary period will be extended if there are any concerns about your attendance or performance.

<b>Stage</b>	<b>Induction Information Procedures</b>	<b>Date</b>
Induction Day	Headteacher/Deputy Headteachers Safe Guarding/Child Protection School Policies School Improvement Plan Meeting times/Attendance at meetings Relationships with parents First Aid arrangements Procedures for educational visits out of school Line management Behaviour management Minibus drivers Valid Certificates Whole school responsibilities Information re support within school Communication within school – emails, pigeon hole, bulletin, diary etc Aims, attitudes and values Performance management and appraisal Continuing professional development file Procedures relating to confidentiality Support groups e.g. Union Membership Expectations for pupils' personal care Toileting	
Communication	Specialist Teacher for Communication Total communication environment Makaton AAC Body signs Objects of reference PECS	
Working with pupils with Autism	Teaching and learning styles Triad of Impairment Communication Systems	
Positive Handling	Team Teach Trainer Duty of Care Team Teach Positive behaviour reinforcement	
Curriculum and Assessment	Headteacher/Deputy Headteachers National Curriculum Documents you may need to complete Statements, Reports and EHCP Reviews	
Personal Care	Break times and lunch times Coming into school and going home Moving around school Working hand over hand	
Medical needs/Moving and Handling	School Nurse/Moving and handling trainer Hoist Training Moving and handling of pupils Epilepsy and medication Administration of medication Gastro feeds	

## Forest Way School

### Class Teachers Induction Plan

**Name** .....

**Date**

**Co-ordinated by** .....

**Mentor**

Stage	Information	Date
On your first day	Receive these documents from a Deputy Headteacher/Senior Staff on site: <ul style="list-style-type: none"> <li>• Staff absence arrangements</li> <li>• Safeguarding Children Policy</li> <li>• Staff Procedures</li> <li>• Talking in the presence of pupils</li> <li>• Care of pupils documents</li> <li>• Staff meetings/training days</li> <li>• Be issued with keys, fobs &amp; staff badge</li> <li>• Set a date for your induction with the Deputy Headteacher</li> </ul>	
By the end of your first week	Your head of department will arrange to provide the following information and support: <ul style="list-style-type: none"> <li>• Key stage/class timetable</li> <li>• Classroom responsibilities</li> <li>• A tour of the school</li> <li>• Outline of pupils needs and abilities, including I.E.P.s and I.B.P.s</li> <li>• Fire drill procedure in relation to the group</li> <li>• Expectations of behaviour and work practice</li> <li>• A buddy for support and guidance in your class</li> </ul>	
Induction Programme	Share arrangements	
Performance Review	Head of Department/Deputy Headteacher <ul style="list-style-type: none"> <li>• During the Autumn Term before 31 October</li> <li>• Mid-year review during the Spring Term</li> </ul>	

<b>Stage</b>	<b>Induction Information Procedures</b>	<b>Date</b>
Induction Day	<p>Headteacher/Deputy Headteacher  Safe Guarding/Child Protection  School Policies  School Improvement Plan  Meeting times/Attendance at meetings  Relationships with parents  First Aid arrangements  Procedures for educational visits out of school  Line management  Behaviour management  Minibus drivers  Valid Certificates e.g. First Aid, Food Hygiene etc  Information re support within school  Communication within school – pigeon hole, bulletin, diary etc  Aims, attitudes and values  Performance management and appraisal  Continuing professional development file  Procedures relating to confidentiality  Support groups e.g. Union Membership  Expectations for pupils personal care  Toileting</p> <p><b>Teaching and Learning</b>  Non-contact time  Performance Management  Cost Centre manager and budget bidding (class and subject)  Development Plan  Monitoring and Evaluation  Discussion with Deputy Headteacher – staff development etc  Visits to other schools  National Curriculum  Documents you may need to complete  Statement, Reports and Annual Reviews</p>	
Communication	<p>Specialist Teacher for Communication  Total communication environment  Makaton  AAC  Body signs  Objects of reference</p>	



	PECS	
Working with pupils with Autism	Teaching and learning styles Triad of Impairment Communication Systems	
<b>Stage</b>	<b>Induction Information Procedures</b>	<b>Date</b>
Positive Handling	EDR Trainers Duty of Care Positive Reinforcement	
Personal Care	Break times and lunch times Coming into school and going home Moving around school Working hand over hand	
Medical needs/Moving and Handling	School Nurse/Moving and handling trainer Hoist Training Moving and handling of pupils Epilepsy and medication Administration of medication Gastro feeds	
Computers and school based software	ICT technician Laptops for teachers and encrypted memory sticks VLE Intranet EMBC and email Progress Files	

# Support Staff Probation Policy

Reviewed: September 2022

**This policy applies to all newly appointed temporary and permanent support staff. This policy is not applicable to teachers, casual workers or volunteers.**

**For Academies: This policy will be implemented in accordance with the Trust's Scheme of Delegation and Articles of Association. The constitution of formal panels will be determined by the Trust's Scheme of Delegation.**

**This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Trust/Governing Body.**

**For the purposes of this guidance Head Teachers/Principals/Manager will be referred to as Head Teacher and School/Academy will be referred to as school.**

## 1. Purpose

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1.1 The purpose of this policy is to allow both the employee and the school to assess objectively whether or not the employee is suitable for the post. This is a supportive process in order to help an employee reach the required level of performance to pass their probation period but also provides a process to follow when a newly appointed employee may be experiencing difficulties and failing to meet the required standard in their new roles.

1.2 The policy also recognises the importance of:

- providing all new employees with the opportunity to become familiar with the main duties and tasks of their post,
- providing any relevant support and assistance to an employee during their initial first months of employment,
- providing an opportunity for the employee to demonstrate that they meet the appropriate standards of performance, conduct and attendance required.

### 1.3 Application of the Policy

During an employee's probation period, their performance, conduct and attendance will be monitored and assessed by either the Head Teacher or the employee's line manager. It is important for the employee to be fully engaged with the process and be capable of demonstrating (providing evidence, where appropriate) that they are competent in aspects of their role.

### 1.4 Delegation of Authority

Where an employee has failed to demonstrate satisfactory performance, conduct or attendance during their probation period, the matter will be referred to a probation hearing where an employee's continued employment will be considered. The person or panel responsible for hearing the case will depend on who has been given the delegated authority. This will either be:

- the Governing body (e.g. a panel of Governors), or
- the Head Teacher (supported by another member of the Senior Leadership Team or another Governor if appropriate). It would not be appropriate for the Head Teacher to make the decision if they have managed the case.

## 2. Length of the Probationary Period

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2.1 All new employees who are appointed to a permanent or fixed term contract will be required to satisfactorily complete a probationary period before they are confirmed in post.

2.2 The probation period will usually consist of an initial "Induction period", of between 1 to 3 months, after which the First Probation Meeting will take place. After a further period of time, but before the end of the 6 months' probation period the Final Probation Meeting will take place to review the employees' overall performance.

2.3 It is important that the length of the induction element of the probationary period and the level of support given at this stage is considered carefully for each appointment to ensure it is proportionate to the seniority and complexity of the role.

- 2.4 A comprehensive Induction programme should be created for each newly appointed post prior to the employee commencing their employment.

### **3. Serious Concerns**

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- 3.1 If at any point during the employee's probation period, the line manager considers that there are serious concerns regarding an employee's performance, conduct or attendance then it may be necessary to refer the employee immediately to a [Probation Hearing](#) to consider termination of employment. This may be done at any point during the probation period provided there is sufficient evidence to demonstrate the manager's concerns.

### **4. The Induction Period (up to 3 months)**

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- 4.1 A thorough and effective induction programme is essential for all new starters and should commence from day one of employment. The length of an induction period should be proportional to the complexity of the job and be sufficient to allow the employee to become familiar with their new role and the organisation.
- 4.2 Regular 1 to 1 supervision sessions should take place during the induction period to ensure that the employee remains fully supported during and to allow any issues that arise to be dealt with promptly and effectively.
- 4.3 The induction programme should cover:
- All aspects of the role, including relevant policies, procedures and working practices within the School,
  - The performance, behaviour and attendance expectations and standards required from the employee within their role,
  - Full details regarding the probation period, including the length of the induction period and probation period, dates of relevant meetings that will take place,
  - Details of how any issues regarding poor performance, conduct or attendance will be dealt with during the probation period.

### **5. First Probation Meeting (end of Induction Period)**

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- 5.1 The Line Manager will meet with the employee upon completion of their initial induction period to discuss their performance to date. During the meeting the manager will:
- a) Ask the employee to provide a view on how they have performed during the induction period, what went well, what didn't go well and so on,
  - b) Provide feedback on the employee's performance, conduct and attendance, providing evidence to demonstrate any concerns the manager may have,
  - c) Discuss any situations that arose during the induction period that were beyond the employee's control, but which may have affected their performance in any way,
  - d) Re-affirm the expectations of performance, conduct and attendance for the remaining part of the probationary period.



## 5.2 Possible Outcomes of the First Probation Meeting

Where the performance, conduct and attendance is satisfactory:

- This will be confirmed to the employee,
- A date for the Final Probation Meeting will be arranged just before completion of 6 months employment i.e. before the end of the employees probation period.

5.3 It is important that during the remainder of the probation period, regular 1 to 1 supervision sessions continue to take place to ensure that the employee remains fully supported and to allow any issues that may arise to be dealt with promptly and effectively. Where performance falls below satisfactory levels managers should refer to the section below and draw up an improvement plan.

5.4 Where the performance, conduct and/or attendance is **not satisfactory**:

- The required standards will be re-affirmed to the employee,
- An improvement plan will be drawn up which will set targets for improvement that are reasonable and achievable,
- Both the manager and employee may identify any training or support required,
- The length of the improvement plan should be proportionate to the amount of training and support required, however, it is advisable that this should be for no longer than 6 weeks,
- The date for the Final Probation Meeting will be confirmed.

## 6. Final Probation Meeting (End of Probation)

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6.1 Shortly before the end of the probationary period (i.e. before 6 months of employment has been completed), the line manager should hold a Final Probation Meeting with the employee to discuss their performance, conduct, attendance and overall suitability for the job. The purpose of the meeting is to allow the employee and their line manager to discuss all aspects their performance and attendance throughout the period of probation.

### 6.2 Possible Outcomes of the Final Probation meeting

Where the performance, conduct and attendance is satisfactory:

- This will be confirmed to the employee,
- A letter advising the employee that they have successfully passed their probation period should be sent to the employee.

6.3 Where the performance, conduct and/or attendance is **not satisfactory**:

If the employee has not met the standards required or performance has deteriorated during the course of the probationary period, the line manager must decide:

- whether an extension to the probationary period would enable the employee to demonstrate an improvement. E.g. where it is considered that the employee just falls short of the required standards and an extension would be beneficial to the employee (see section 7 below). Where



the line manager is not the Head Teacher, they should discuss this with the Head Teacher before confirming this with the employee.

- to refer the matter to a Probation Hearing which may lead to the employee's dismissal.

## **7. Extending the Probation Period**

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- 7.1 In exceptional circumstances the Manager may grant an extension to the probation period.
- 7.2 Extensions will normally be limited to 1 instance and the entire probation period will not normally exceed 8 months.
- 7.3 An extension may be granted in circumstances where the employee's performance, conduct or attendance during probation has not been entirely satisfactory but it is thought likely that an extension may lead to an improvement. Where this is considered appropriate, the extension to the probationary period must be confirmed in writing to the employee and must specify the date on which the extension will end, along with the reasons for the extension.
- 7.4 An improvement plan will then be drawn up which will set targets for improvement that are reasonable and achievable and will also identify any training and/or support required.
- 7.5 At the end of the extension period the Line Manager will meet with the employee to review the employee's performance in line with the Improvement plan.
- 7.6 If following the extension period the employee's progress is acceptable, the employee will be advised in writing that they have passed their probation period.
- 7.7 If the employee's progress is not acceptable, the matter will be referred to a Probation Hearing.
- 7.8 Examples of circumstances where an extension may be appropriate can be found in the Probation Guidance document, further advice may also be sought from HR.

## **8. Probation Hearing**

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- 8.1 At least 5 working days' notice will be given to an employee to attend a formal hearing. The letter inviting the employee to the hearing will detail:
- the reasons for the hearing,
  - the employees right to be accompanied by a work colleague or Trade Union representative,
  - that a potential outcome of the hearing is dismissal.
- 8.2 Employees also receive copies of any relevant documentation that will be used as evidence at the hearing. Employees will be given an opportunity to provide evidence.
- 8.3 The following outcomes are available to the panel or delegated person:

- a) The employee has passed their probation period. The employee should receive written confirmation of this,
- b) A formal extension of up to 8 weeks may be granted in exceptional circumstances (if this option has not already been exhausted previously) and where it is considered that the required standards may be attained in the very near future following this extension there will be a Formal Review Hearing with the same panel, where possible,
- c) The employee's performance, behaviour, and attendance is of an unacceptable level. The employee should be dismissed.

## **9. Dismissal**

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- 9.1 If the decision is made that the employee should be dismissed, the panel or delegated person will dismiss the employee with notice in accordance with their contract of employment.
- 9.2 The employee will be notified in writing of the outcome of the hearing, including the reason for the decision to dismiss and the date of termination of their employment. The letter will also include details of the employee's right to appeal.

## **10. Right of Appeal**

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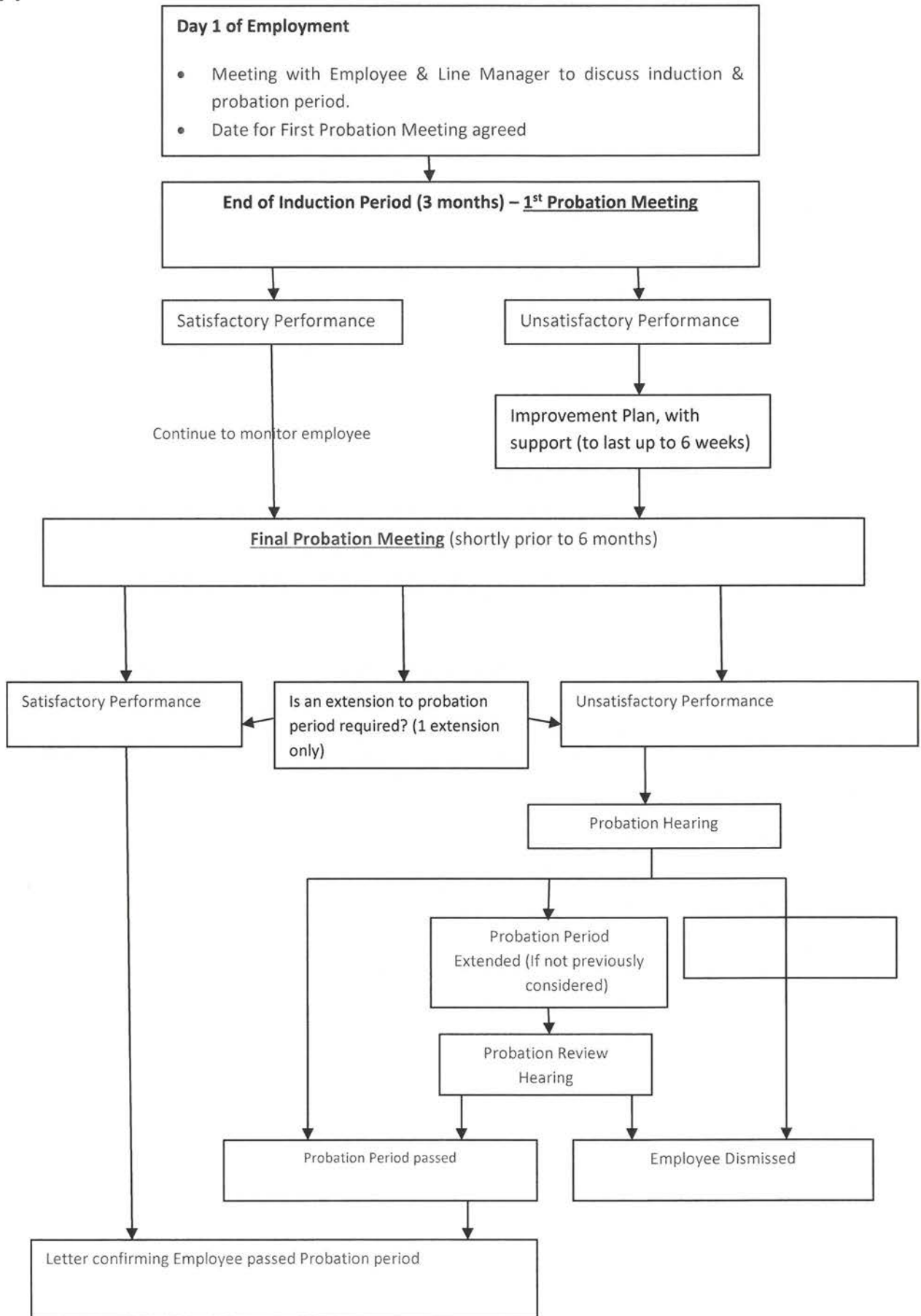
- 10.1 An employee has the right to appeal against dismissal. A request for an appeal must be submitted in writing by the employee and sent to the Chair of the dismissal panel within 5 working days of receiving their letter of confirmation for the decision from the School.
- 10.2 The appeal will be held in line with the school's Appeal Policy.

## **11. Employees with a Disability**

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- 11.1 Consideration should be given as to whether an employee's behaviour, capability or poor attendance is due to a disability and if so, what reasonable adjustments may be needed to assist the employee in being able to reach the required standards. Further advice may be sought from Occupational Health and HR services in these circumstances.

## Appendix A - Probation Flowchart



# Staff Leave of Absence Policy

Reviewed: September 2022

To be read in conjunction with the latest Code of Conduct Information for Forest Way School

This policy sets out the school's approach to dealing with requests for leave of absence. It does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the Governing Board.

Leave of absence will normally be granted on the basis of a twelve-month 1 April to 31 March period for teachers, as specified in the Burgundy Book. For support staff this is a twelve-month rolling period.

Leave granted for Part Time Staff will be pro rata.



## **Purpose**

The Governing Body recognizes the diverse workforce it employs which includes a high percentage of people with caring responsibilities, as well as those with other personal commitments, interests and beliefs and who, at some point within their working lives, may require leave of absence to deal with matters that fall outside of the Attendance Management Policy.

This policy sets out the school's approach for dealing with requests for leave of absence and employee's entitlements to paid or unpaid leave. It does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Governing Body.

The Governing Body will, wherever possible, seek to achieve for its employees a balance between home and work/life and whilst every effort will be made to grant leave in line with this policy, it is recognized that due to the structured nature of the school timetable some requests for leave may not be approved. Any decisions on the granting of leave must be made in a fair and consistent way and also take into consideration the impact of the request on the delivery of teaching and learning within the school.

These leave arrangements have been discussed with the recognized Trade Unions and Professional Association.

## **The Law**

Under the Employment Rights Act 1996, as amended, employees are entitled by Law to take reasonable unpaid time off work to deal with unexpected or sudden emergencies involving dependents and to make any longer-term arrangements. This right to time off arises in circumstances such as death, sudden illness/hospitalization, injury or assault of a dependent or the unexpected disruption of a dependents care arrangements.

Other types of leave requested by employees may include statutory leave which the school must adhere to, unless the necessary exemptions can be obtained by the employee and the school.

In the interests of equality, fairness and consistency the granting of leave of absence in this school will be made within the framework of this policy which adheres to specific legislation and relevant conditions of service. For teachers these can be found in the Conditions of Service for School Teachers in England and Wales (Burgundy Book) and for support staff in the National Joint Council (NJC) for Local Government Services (Green Book).



From 1<sup>st</sup> July 2022 the following medical professionals, who have received the relevant training to do so, will be able to certify and issue fit notes to individuals who have been absent from work due to illness for more than 7 days:

- registered nurses,
- occupational therapists,
- pharmacists, and
- physiotherapists

Fit notes will only be issued following an assessment of an individual's fitness for work and will not be issued on request or via over-the-counter services. This update will enable patients to see the most relevant healthcare professional and have better conversations about work and health.

These healthcare professionals should be treating an employee under NHS services.

For more information on fit notes please see: <https://www.gov.uk/government/publications/the-fit-note-a-guide-for-patients-and-employees/the-fit-note-guidance-for-patients-and-employees>

## Leave of Absence Table

The table below reflects the school's position in relations to all aspects of leave. It has been produced to ensure that the school adopts a consistent approach to dealing with all requests for leave and in addition the decisions on pay.

### **ABSENCE DUE TO REASONS OTHER THAN PERSONAL ILLNESS (including pre-arranged absence)**

REASON FOR PAID/UNPAID LEAVE	SIMS REPORTING	
	Type/Reason	Illness Category
*Funeral of close relative ( <i>Grandparents, parents, brother, sister or children</i> )	<b>Emergency and Compassionate</b>	<i>Not required (add details in Notes)</i>
*Funeral ( <i>Other, In-laws, friends</i> )	<b>Unpaid, authorised absence</b>	<b>Other Unpaid Leave</b>
Bereavement/Serious illness of close relative	<b>Emergency and Compassionate</b>	<i>Not required (add details in Notes)</i>
Exam study leave – job related	<b>Paid leave</b>	<b>Approved</b>
Interview	<b>Unpaid, authorised absence</b>	<b>Other Unpaid Leave (add details in Notes)</b>
Childcare	<b>Unpaid, authorised absence</b>	<b>Other Unpaid Leave (add details in Notes)</b>
Child's/Carers medical appointment Time taken before 9 am or after 3pm can be made up	<b>Unpaid, authorised absence</b>	<b>Other Unpaid Leave (add details in Notes)</b>
Jury or witness duty	<b>Paid leave</b>	<b>Jury Service / Witness Duty</b>
*Moving house	<b>Unpaid, authorised absence</b>	<b>Other Unpaid Leave (add details in Notes)</b>
Staff medical appointment ( <i>less than half day</i> ) Time taken before 9am or after 3pm can be made up	<b>Unpaid, authorised absence</b>	<b>Other Unpaid Leave (add details in Notes)</b>
Maternity related medical appointment	<b>Paid leave</b>	<b>Medical Appointment</b>
Other maternity related leave	<b>Paid Leave</b>	<b>Pregnancy Related</b>
Trade Union duties	<b>Paid Leave</b>	<b>Approved (add details in Notes)</b>
*Other unpaid leave ( <i>weddings, religious ceremonies, etc.</i> )	<b>Unpaid, authorised absence</b>	<b>Other Unpaid Leave (add details in Notes)</b>
*Other paid leave ( <i>pre-operation app, graduations, etc.</i> )	<b>Paid Leave</b>	<b>Approved (add details in Notes)</b>

*\*Subject to Headteacher's approval 5 days at the discretion of the headteacher, further 5 days at discretion of FGB*

## Procedure

- The Trustees have delegated the authority to grant leave of absence to the Headteacher.
- Employees requesting leave for planned absence must: -
- E-mail your request in advance of the proposed absence dates, giving as much notice as possible to: [absence@forestway.leics.sch.uk](mailto:absence@forestway.leics.sch.uk). Please ensure the following information is detailed:
  - Date of absence (from and to if it is not an appointment)
  - Time of absence
  - Reason (please do not include sensitive information)
- Where it is not possible to submit the request in advance due its urgent nature the employee must follow the normal reporting procedures by contacting the Headteacher/Deputy Headteachers with immediate effect, the Absence Form must then be submitted for consideration retrospectively.
- There is no appeal against the Headteacher's decision.
- If following the refusal of a request for leave of absence an employee is subsequently absent (for whatever reason) the absence will be investigated and may result in disciplinary action being taken if appropriate.

### **a) Emergency & Compassionate Leave**

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Employees are entitled by law to take reasonable time off work to deal with unexpected or sudden emergencies involving dependents, and arise in circumstances such as death, sudden illness, injury or assault of a dependent, or the sudden disruption of dependents care arrangements.

Paid leave to deal with the immediate demands of the emergency will be granted. This will normally be 1, and no more than 2 days. Situations that qualify for additional leave will be considered as compassionate leave.

The Headteacher may grant up to a further 3 days as compassionate leave (making a maximum of 5 days leave in total). Such additional leave will normally be confined to cases of bereavement or extreme dependent care situations that require the employee's personal attention.



A maximum of up to 5 days emergency and compassionate leave will be paid leave at the discretion of the headteacher, and a further 5 days Compassionate Leave is at the discretion of the Full Governing Body.

## **b) Domestic Reasons for Leave of Absence**

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Employees should normally make arrangements for domestic matters outside normal working days. Where this is not practicable, unpaid leave of absence of up to 1 day may be granted for domestic reasons (urgent or otherwise). Examples of leave under this provision may be illness of children, special events such as a sibling's degree graduation. If the graduation is for your own degree, this will be granted with pay.

There is an expectation that staff will normally make their own wedding/civil partnership arrangements outside normal working days and therefore either paid or unpaid leave of absence will not be agreed.

Interviews – staff will be allowed to attend for interview without pay unless it is for an internal promotion or Forest Way Teaching School, School Direct Programme when it will be granted with pay.

Where possible staff are to be asked to arrange moving days at the weekend or during school holidays. The Trustees have delegated to the Headteacher the ability to grant a maximum of 1 days leave without pay on one occasion within the academic year for a house move.

Holiday Leave – at interview you will be asked if you have any holidays booked during term time, leave will be granted if this is mentioned at this time, but it will be without pay.

Car problems/punctures – staff will not be paid in these instances.

Vets – unpaid leave will be granted for any urgent situations.

If staff have to take time off to look after their own children due to the closure of their child's school due to strike action, you will be allowed to take the time off, but this will be without pay.

In the event of snow, if a decision is made to close the school to pupils and staff, then it will be with pay. If the school is closed to pupils but open to staff, failure to get into school will be without pay. If we are closed to our pupils but staff are expected to come in and staff can't get childcare elsewhere because their children's schools are closed, then this will be without pay.

Under no circumstances will time be allowed off for holidays/early flights etc. during contracted hours.

### **Leave of Absence for Training & Study**

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Where an employee undertakes study which directly relates to their role in the school, furthers their professional development, and/or is funded by the school, paid leave of absence may be granted for attendance at an examination(s). This will be agreed by the Headteacher before the course is undertaken, if the course is to be funded by the school.

### **Medical & Welfare Appointments**

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It is expected medical appointments and dependents' medical appointments will be arranged outside of working hours where practicable. For example, visits to a doctor, dentist, optician, clinic and hospital. Where it is not possible to obtain appointments outside of working hours, unpaid leave of absence may be granted. Proof of the appointment will be required. If an appointment cannot be made at any other time and a member of staff is returning to work before 9.00am or leaving after 3.00pm there is the facility to make the time up, in consultation with your line manager. Appointments for Pre-Op Assessments will be with pay, these should be booked at the beginning or end of the day if possible. Maternity appointments will be with pay but it is expected that it is booked at the beginning or end of the day wherever possible.

If staff are attending counselling, psychotherapy etc. appointments, these will be made outside school time wherever possible. However, if this is not possible, they will be with pay.



No payment will be made for staff wishing to attend sessions to stop smoking or to attend blood donations during school time.

## **Statutory Leave**

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This Section identifies circumstances where there is a requirement to grant leave to an employee, unless otherwise stated whether the leave is paid or unpaid is at the discretion of the Governing Board.

### **Redundancy – Support for Job Seeking**

Employees who are selected for compulsory redundancy will be granted reasonable time off work with pay during their notice period to look for new employment or to make arrangements for training for future employment. (See Redundancy Policy for details)

### **Jury Service/Formal Attendance at a Court Hearing**

Paid leave will be granted to employees undertaking jury service or required to attend court, or a Tribunal, as a witness on behalf of the Crown, Police or Defence, or for either side in a civil case. Employees may be asked to claim the attendance allowance for loss of earnings paid by the Court and inform the school of the amount received which will be deducted from the employee's full pay.

### **Public Service Duties**

Employees undertaking a combination of public service duties can get reasonable unpaid leave of absence for those duties. The amount of time will be at the discretion of the Headteacher based on how long the duties might take, the amount of time the employee may already have had for public service duties, and how the time off might affect the school.

### **Magisterial Duties (Justice of the Peace)**

Employees who undertake magisterial duties will be granted unpaid leave of absence up to a maximum of 13 days, or 26 half days a year.

### **Trade Union Duties**

Leave in connection with recognised union duties is covered by ACAS guidance and the school's Trade Union and Recognition Facilities Agreement.

### **Reserve Forces**

It is recognised that some employees will wish to volunteer to serve in Britain's Reserve Forces. The school will consider Leave of Absence for the reserve forces with reference to the Leicestershire County Council guidance.

### **Religious Observance and Beliefs**

Any requests for annual leave or working additional hours during the school day or school closure periods, or unpaid leave for the purpose of religious observance will be granted, unless there are exceptional circumstances which make it impossible for the employee to be released. If the event is at the weekend, then no other day will be granted in lieu.

### **c) Other Leave**

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Any other requests for leave, which are not referred to in this policy should be referred to the Headteacher, in the first instance. Where applicable these will be considered with reference to the relevant conditions of service for teaching or support staff.

*'Data will be processed in line with the requirements and protections set out in the General Data Protection Regulation'*

# Attendance Management Policy

Reviewed: September 2022

**This policy applies to all staff including the Head Teacher and should be read in conjunction with the associated Attendance Guidance.**

**For Academies: This policy will be implemented in accordance with the Trust's Scheme of Delegation and Articles of Association. The constitution of formal panels will be determined by the Trust's Scheme of Delegation.**

**This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Trust/Governing Body.**

## **1. Purpose**

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- 1.1 The purpose of this policy is to provide a supportive framework to assist employees to improve and maintain the required level of attendance expected where a shortfall in attendance has been identified. Where a satisfactory level of attendance is not achieved this document outlines the process that will be followed to ensure that employees continue to be supported to make the necessary improvements before dismissal is considered.
- 1.2 The school recognises the importance of managing attendance in a fair and consistent manner.
- 1.3 All absences will be consistently reported, recorded, monitored and analysed on an ongoing basis across the school in order to identify problems, review individual cases and decide upon any appropriate action.

## **2. Application of the Policy**

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- 2.1 The attendance of all staff will be managed by either the Head Teacher or another person in a management role/with management responsibility within the school.
- 2.2 If the Head Teacher's attendance is being managed in line with this policy, the Chair of Trustees will be responsible for overseeing the application of this policy.
- 2.3 Where an employee makes satisfactory improvement in their attendance, they will be expected to maintain this improvement. Where the improvement is not sustained, the attendance process will recommence at the stage where the employee was being managed previously, e.g., an employee, who was advised at the Review meeting that they had achieved a satisfactory level of attendance, who subsequently goes off sick again within the following 12 months would return to the Review Meeting stage.

## **3. Employees Obligations**

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- 3.1 Employees are expected to:
  - Comply with the school's sickness notification procedure (at Section 4.1),
  - Maintain regular communication with the school: a mutually convenient time for contact between the school and employee will be agreed from the outset of the absence,
  - Keep the school informed of any significant developments affecting their condition/situation,
  - Attend medical appointments and ensure that medical advice is followed,
  - Engage with the schools Occupational Health Service, where requested, to allow the school to consider any necessary support required to facilitate a return to work.

## **4. Reporting Sickness Absence**

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- 4.1 It is essential that employees follow the correct procedure for reporting absences:



- **Planned absence:**

E-mail your request to: [absence@forestway.leics.sch.uk](mailto:absence@forestway.leics.sch.uk)

Please ensure the following information is detailed:

- Date of absence (from and to if it is not an appointment)
- Time of absence
- Reason (please do not include sensitive information).

- **Unplanned absence:**

**BEFORE 7.30 a.m. TEXT ONLY to the absence line: 0786 095 4540 (save this number in your phone). Texts received after 7.30 a.m. will mean you will not be covered, and it is unacceptable to leave the school in a position where we cannot safely staff classes.**

Include the following information:

- Full name
  - The class you are in
  - The reason for your absence
  - The date you will return. (Sickness and Diarrhoea still required a 48-hour absence from the time of the last bout.)
- 
- At the end of the first day please ring the absence number to let us know whether or not you are returning the next day, so we can retain the supply cover if required.
  - You should not come to school under any circumstances if you feel considerably unwell. If we have to send you home, you will again compromise pupil safety as we will be unable to provide cover. You have a duty of care outlined in this document which must be strictly adhered to.
  - If you are away for from school for any reason or absent from school for any time during the working day a completed Self-Certification Form/Return to Work Form will be emailed to you. For absences of more than seven days you will need a doctor's certificate which must be completed on the back and sent to school **immediately** otherwise your absence will be counted as unpaid leave. Please note, although not working days Saturday and Sunday are counted within the seven days.
  - Staff who are on sick leave are not allowed to come into school without obtaining the Headteacher's permission.

4.2 Once an employee has notified the school of their absence, arrangements to ensure regular contact is maintained between the employee and Manager should be put in place. **It is essential that arrangements regarding contact are made to ensure the employee is supported during their absence.**

4.3 Employees who are absent for:



- Less than 7 calendar days must complete a self-certification for their absence,
- 7 calendar days or more must provide a valid Fit Note from their GP/Consultant, or other relevant Health Care Professional (N.B From 1st July 2022 the following medical professionals, who have received the relevant training to do so, will be able to certify and issue fit notes to individuals who have been absent from work due to illness for more than 7 days:
  - registered nurses,
  - occupational therapists,
  - pharmacists, and
  - physiotherapists

Fit notes will only be issued following an assessment of an individual's fitness for work and will not be issued on request or via over-the-counter services. This update will enable patients to see the most relevant healthcare professional and have better conversations about work and health.

These healthcare professionals should be treating an employee under NHS services.

For more information on fit notes please see:

<https://www.gov.uk/government/publications/the-fit-note-a-guide-for-patients-and-employees/the-fit-note-guidance-for-patients-and-employees>

## **5. Employees with Additional Considerations**

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- 5.1 Consideration will be given as to whether an employee's level of attendance is due to a physical or mental disability or is pregnancy related and if so, what reasonable adjustments may be needed to assist the employee to reach the required level of attendance. If an underlying disability is suspected, an Occupational Health referral is usually required, and advice sought regarding reasonable adjustments. The Manager may seek further advice from the school's HR Adviser in such circumstances.
- 5.2 Absences relating to pregnancy will be kept separate from sickness absence records.

## **6. Return to Work Meetings**

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- 6.1 Where possible, return to work meetings will take place on the employee's first day back to work, regardless of the length of the absence. In many cases the meeting may be as brief as a quick chat to ensure that the employee is fit to return to work, to welcome them back to work and update them on any school news/new developments in school.
- 6.2 If the employee's manager is absent at this time, responsibility for carrying out the return-to-work meeting will be passed to another manager.
- 6.3 The self-certification form/return to work form should be completed as soon as possible on an employee's return to work.

- 6.4 Where concerns regarding an employee's attendance continue, discussions should take place as to how the employee may be supported to reduce their level of absence.
- 6.5 As the return-to-work meeting is part of day-to-day management, the employee does not have the right to be accompanied.

## **7. Support Mechanisms**

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- 7.1 At any appropriate time when attendance issues have been identified, it may be appropriate to explore some, or all, of the support options below with the employee (this list is not exhaustive):
- a) Referral to Occupational Health to seek medical advice and opinion,
  - b) Fit for Work Scheme, providing resources and information for employees & employers (available on [www.fitforwork.org/](http://www.fitforwork.org/) or via 0800 032 6235),
  - c) Therapeutic Return to Work to assist the employee to return to work on a planned and phased basis, usually following a medical recommendation,
  - d) Reduction in Hours on a temporary or permanent basis to assist the employee to return to work. Such arrangements must be mutually accommodated and agreed. The employee's contract of employment will then be changed accordingly,
  - e) Ill Health Retirement may be an option but in the first instance requires an Occupational Health referral.

## **8. Short and Long-Term Absence**

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- 8.1 Frequent short-term absence may be attributable to minor ailments and in many cases are unconnected however exploration of whether they are linked to an underlying illness is important.
- 8.2 Long-term absence, usually identified as period of absence of 4 weeks or more, can normally be distinguished from short term absence in that it tends to be continuous and can usually be traced to an underlying medical condition.

## **9. Day to Day Management**

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- 9.1 An effective absence management strategy requires consistent day to day line management and support of employees who are absent from work or whose attendance levels fall below the expectations of the school.

### **Trigger Points**

Absences which may require further attention/investigation, may include, but will not be limited to the following:

- Three periods of absence in 6 months.

- A pattern of absence e.g., regular Friday/Monday absences or linked to school holidays.
- Two long periods of absence (which is over 1 week but less than 4 weeks) in a 6-month period.
- A long-term absence of 4 weeks or more.
- A stress related absence or reoccurrence of a stress related absence.
- Regular repetition of the same/similar type of illness.

Authorised absence (e.g., unpaid leave) should not be counted towards the 'triggers' shown above.

9.2 Where there are concerns regarding an employee's attendance, the manager will hold welfare meeting(s) with the individual to:

- Raise their concerns with the employee,
- Agree a course of action and a reasonable period of review with the employee (suggest between 4 to 8 weeks),
- Ensure regular contact is maintained with the employee to address any issues that arise and ensure that any agreed actions remain relevant and up to date,
- Retain a record of all discussions held and support offered,
- Advise the employee that failure to achieve the necessary levels in attendance by the end of the review period may lead to formal processes being adopted,
- Encourage the employee to seek advice and guidance from their Trade Union Representative.

9.3 At the end of the review period the Manager will discuss with the employee whether the targets for improvement have been achieved. Where progress is made, no further action will be required, however, employees will be informed that failure to maintain the level of attendance may result in the employee being managed under the formal stages of this policy.

9.4 Where a satisfactory improvement in attendance is not achieved, it may be necessary to manage the employee under the formal stages of this policy, see section 12

## **10. Fast Track to Attendance Hearing – Long Term Absence**

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10.1 There will be occasions where medical reports indicate that a return to work is not possible within a reasonable timescale or, an employee has a terminal illness. In these circumstances the school will ensure that all avenues of support, including ill health retirement and redeployment have been exhausted. If this can be demonstrated, the formal procedures will commence at the Attendance Hearing stage.

## **11. Attendance Management Meeting**

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11.1 Where there are continuing concerns regarding an employee's attendance, a formal meeting will be arranged. A minimum of 5 working days' notice will be given for this meeting.



- 11.2 As this is a formal meeting, the employee has the right to be accompanied by a work colleague or trade union representative.
- 11.3 At this meeting, the Manager, employee and their representative will:
- a. Discuss the employees on going absence and reasons for this,
  - b. Discuss what support has been put in place to date and whether additional support is required,
  - c. Agree a formal improvement plan outlining the level of improvement required and a reasonable timescale for achievement (this is the review period),
  - d. The Manager will advise that failure to improve their level of attendance within the agreed timescale could result in a final warning being issued at the end of the review period.
- 11.4 A date for the Review Meeting should be agreed which will be held at the end of the agreed review period.
- 11.5 The employee will receive written confirmation of the outcome of the meeting.

## 12. Review Meeting

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- 12.1 At the end of the review period the employee will be invited to a Review Meeting. A minimum of 5 working days' notice will be given for this meeting. The employee will have the right to be accompanied by a work colleague or trade union representative. Both the person conducting the meeting and the employee will have an opportunity to present evidence to support their position.
- 12.2 The potential outcomes of the meeting are:
- a) The employee has made sufficient improvement; the attendance procedure may cease and day to day management/monitoring will recommence. Employees should be informed that if the improvement is not sustained for a period of 12 months the process may recommence at the Review Meeting stage of this policy,
  - b) If some progress has been made and it is considered that targets for improvement are achievable within a short timeframe, it may be appropriate to extend the review period. For most cases, it will be appropriate to extend the review period just once after which a further Review meeting will take place to review the employee's progress,
  - c) If no, or insufficient, improvement has been made, the employee will:
    - Receive a **final written warning** which will remain on their file for 12 months,
    - Be informed in writing of the details of the Final Written Warning,
    - Be advised of their right to appeal against the warning,
    - Be informed that failure to achieve the required level of attendance by the next review may lead to an attendance hearing where the employee may be dismissed,
    - Receive the revised formal improvement plan with the outcome letter, detailing the level of improvement required, timescale for improvement and additional support mechanisms identified to assist the employee to return to work.
- 12.3 A date for a Final Review Meeting should be agreed. This will be held at the end of the agreed review



period.

### **13. Final Review Meeting**

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13.1 At the end of the review period, the employee will be invited to a Final Review Meeting. A minimum of 5 working days' notice will be given for this meeting and the employee will be informed of their right to be accompanied. Both the person conducting the meeting and the employee will have an opportunity to present evidence to support their position.

13.2 The potential outcomes of the meeting are:

- a) The employee has made sufficient improvement and the attendance procedure may cease and the day-to-day management of their attendance will recommence. However, if the improvement is not sustained for a period of 12 months the process may recommence at the Final Review Meeting stage of this policy,
- b) If some progress has been made and it is considered that targets for improvement are achievable within a short timeframe, it may be appropriate to extend the review period. In most cases, it will be appropriate to extend the review period just once,
- c) If no, or insufficient, improvement has been made, the employee will be advised that a hearing will be convened to consider the case and that a potential outcome is dismissal. This will be confirmed in writing to the employee.

### **14. Attendance Hearing**

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14.1 A minimum of 5 working days' written notice will be given to attend a formal hearing in which the employee will be informed of the reasons for the hearing and their right to be accompanied by a work colleague or trade union representative. The letter must state that a potential outcome of the hearing is dismissal and enclose copies of relevant documentation intended to be referred to at the hearing. The employee will also be given an opportunity to present their case and provide evidence.

14.2 The potential outcomes of the hearing are:

- a) No further action is required,
- b) There is insufficient information available, on which to base a decision, or it is considered that all the support available has not been explored fully. Therefore, an extension will be agreed to the final review stage, with a further improvement plan being implemented,
- c) If no, or insufficient, improvement has been made, the employee will be dismissed.

### **15. Dismissal**

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15.1 Dismissal will be with notice. The employee will be notified in writing of the outcome of the hearing, including the reason for the dismissal and date of termination of their employment. The letter will also include details of their right of appeal.

## **16. Appeal**

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16.1 All appeals will be held in line with the school's Appeal Policy.

# **Stress Management in Schools**

Reviewed: September 2022

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## 1.0 Introduction

- 1.1 Forest Way School is committed to protecting the health, safety and wellbeing of employees. Forest Way School recognise that workplace stress is a health and safety issue and acknowledge the importance of identifying and reducing workplace stress.
- 1.2 The Health and Safety Executive define stress as “the adverse reaction people have to excessive pressure or other types of demand placed on them”. This makes an important distinction between pressure, which can be a positive state if managed correctly, and stress which can be detrimental to health.
- 1.3 Employers have legal responsibility under the Health and Safety at Work Act 1974 and Management of Health and Safety at Work Regulations 1999 to ensure the health safety and wellbeing at work of their employees. This includes minimising the risk of stress-related illness or injury to employees. Forest Way School has a legal duty to identify and assess risks to an employee’s health, safety and wellbeing. Where risks are identified, appropriate preventative and protective measures must be taken to remove or reduce the risks.
- 1.4 Further Human Resources (HR) advice may need to be sought regarding employee absence due to work related stress.

## 2.0 Symptoms of stress and the effects in the workplace

- 2.1 Stress can cause changes in those experiencing it. In some cases there are clear signs that people are experiencing stress at work and if these can be identified early, action can be taken before the pressure becomes a problem. This may make it easier to reduce and eliminate the causes. Stress can show itself in many different ways - a stress reaction can affect a person’s physical health, emotional wellbeing and behaviour. The list below identifies some of the key symptoms:

<b>Physical</b>	<b>Emotional</b>	<b>Behavioural</b>
High blood pressure	Anxiety	Over eating and under eating
Insomnia	Depression	Excessive use of alcohol and cigarettes
Fatigue/Dizziness	Lack of a sense of humour	Drug abuse
Headaches	Mood swings	Poor time keeping
Digestive disorders	Excessively angry/aggressiveness	Obsessive erratic behaviour
Slouched posture	Poor concentration	Forgetfulness
Bloodshot eyes	Apathy	Indecisiveness
Sweating	Being tearful	Neglect of appearance
Chest pain/Sensation of heart racing	Loss of confidence	Withdrawing from social contact and support networks
Shallow breathing	Negative thoughts	Not taking breaks at work
Nervous		Not participating in hobbies

sensations/tense muscles		and pastimes
Loss of appetite		Loss of motivation

**2.2** Failing to manage stress can have adverse effects on a school. It can lead to underperformance in individuals and within teams. The effects can include:

- Errors in work
- Poor decision making
- Lack of creativity
- Job dissatisfaction
- Reduced productivity
- Poor quality of work
- Absenteeism

As well as sickness absence costs, other financial costs can be significant. Possible costs can include:

- Loss of customers
- Ill health retirements
- Litigation
- Employment tribunals

## **3.0 Managing stress in the workplace**

### **3.1 Assisting employees who are experiencing stress**

3.1.1 Knowing when to assist an employee isn't always obvious. Everybody has different thresholds for pressure and stress. What is stressful to one person may not be the same for another. A stress reaction is often triggered by the perception of fear, threat or pressure. An individual's perception will vary from one person to the next.

3.1.2 There are some common situations which can arise in the workplace, which may indicate that support is required. Such circumstances are:

- An employee may inform their line manager that they are feeling stressed.
- An employee may have uncharacteristic sickness absences that state or implies a stress reaction.
- An employee may be signed off work by their GP and their fit note identifies stress as the cause. (A fit note could also state anxiety and depression, which can be the effect of experiencing stress over a significant period of time).

3.1.3 In some circumstances, an employee may not recognise how stressed they are. It is their colleagues who spot uncharacteristic behaviour or signs and symptoms. In these situations, line managers may wish to talk to the employee to see if support is required. Initiating a discussion may be difficult, if the employee is anxious or distressed. This can be overcome by explaining the purpose of the meeting. Inform the employee that you would like to discuss their wellbeing. Be supportive and empathetic so that the

problems can be tackled in a positive way. Ask about possible causes and explore together some options for addressing the issues. Make notes of your meeting together and ensure that you both agree with the accuracy of the account. If the employee is unable to discuss how they feel, or they are unable to identify the cause, suggest other people to talk to. This could include a sympathetic family member, a colleague, their trade union representative, their doctor, or the Employee Wellbeing and Counselling Service.

3.1.4 If there are concerns about the employees' level of attendance, capability to perform their role, or professional conduct, it is recommended that the school seek HR advice.

## 3.2 Conducting a stress risk assessment

3.2.1 When an employee feels that work is the cause of stress a head teacher / line manager must act. A stress risk assessment is a tool that is used to identify the causes of stress and reduce the risk to the individual.

3.2.2 A model stress risk assessment has been developed and can be found in Appendix 2, it is important that this document is made specific to address the needs of the individual. The model risk assessment is based on the HSE Management Standards which cover the primary sources of stress at work. These are:

- **Demands** – this includes issues such as workload, work patterns and the work environment.
- **Control** – how much say the person has in the way they do their work.
- **Support** – this includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues.
- **Relationships** – this includes promoting positive working to avoid conflict and dealing with unacceptable behaviour.
- **Role** – whether people understand their role within the organisation and whether the organisation ensures that they do not have conflicting roles.
- **Change** – how organisational change (large or small) is managed and communicated in the organisation.

3.2.3 If the head teacher/ line manager and employee are struggling to pin point what is causing the stress, the HSE Management Standards Indicator Tool can be used to help identify the stressors. See Appendix 1. Following this, the risk assessment can then be developed to identify how the risk to the individual will be reduced.

3.2.4 The head teacher / line manager and employee should work through a stress risk assessment together. Being able to work together on the issues will help to sustain a good working relationship and good levels of understanding and communication.

3.2.5 If the head teacher / line manager is contributing to the employees stress or if there is a poor working relationship between the head teacher / line manager and the employee it may not be appropriate for them to conduct the risk assessment. In these situations, an alternative member of the management team could conduct the risk assessment, alternatively a Health, Safety and Wellbeing Advisor can be contacted for support. An

employee may request that a colleague or trade union representative attends the stress risk assessment meetings for support.

- 3.2.6 As the cause of a stress reaction will vary according to individuals, it is important to address the cause rather than evaluating whether the reason is justified. For example, an employee may have the same workload as other team members. However, recovery from recent surgery or a breakdown in a personal relationship, may temporarily affect their ability to manage their normal job role. Working with their concerns and finding positive solutions to address the matter will encourage a successful recovery from stress. Being judgemental may exacerbate their stress reaction and is likely to cause deterioration in relationships with line management. If you have concerns that the matter may not be temporary, you may wish to take advice from HR.
- 3.2.7 It is often a misconception that all of the action points will be the responsibility of the head teacher / line manager to facilitate. Whilst this may be the case for some of the risk assessment, the employee needs to engage in the process of managing their stress reaction too. Examples of action points for an employee may include counselling, attending training and learning new skills. The person responsible for each action point should be identified on the risk assessment.
- 3.2.8 It is important that the risk assessment is reviewed regularly to ensure it is kept current and relevant to the employee's needs. It may be beneficial to review the risk assessment during supervision meetings and involve the employee.
- 3.2.9 In all instances, employees experiencing stress should be made aware of the [Employee Wellbeing Service](#). This is a confidential counselling and wellbeing support service. To contact the service telephone 0116 3057386, or email [counsellingandwellbeing@leics.gov.uk](mailto:counsellingandwellbeing@leics.gov.uk).

### **3.3 When an employee is absent from work due to stress**

- 3.3.1 If the employee's attendance or performance is affected due to their stress then HR advice should be consulted.

### **3.4 Risk assessing teams using stress surveys**

- 3.4.1 If several employees within the school are experiencing work place stress this may indicate a wider issue that needs to be addressed proactively. It would be recommended that a stress survey is conducted by all staff to help identify a pattern or common stressors.



3.4.2 When Identifying stress in teams, factors that may indicate stress is present include:

- Arguments
- Higher staff turnover
- More reports of stress
- More sickness absence
- Decreased performance
- More complaints and grievances

3.4.3 The Health, Safety and Wellbeing Service recommend that the head teacher / business manager distribute the [HSE Management Standards Indicator Tool](#) to all employees in their team. The survey consists of 35 items that ask about 'working conditions' known to be potential causes of work related stress. (See Appendix 1). These working conditions correspond to the six stressors of the HSE Management Standards. The employee answers according to how they feel about these aspects of their work. All responses can then be compiled into an [Excel-based analysis tool, on the HSE website](#). The HSE provide information on how to proceed, if the results reveal that work related stress exists.

3.4.4 A Stress Risk Assessment should then be conducted to identify general stressors experienced by the team. Suitable and sufficient control measures must then be selected to reduce the likelihood and consequences of the identified stressors.

### **3.5 Traumatic incidents involving employees**

3.5.1 If an employee is involved in a serious incident at work, or is witness to such an event, it is important that this is recognised and acted upon at an early stage. Stress reactions are very common in these circumstances.

3.5.2 Providing debriefing opportunities are a good course of action. Often these are arranged informally. Employees may gather as a staff group to reflect and discuss what has happened. It is good practice for a head teacher / line manager to arrange a group meeting to provide accurate, up to date information on what has occurred. It is also an opportunity to assess the wellbeing of the staff, and to notify them of sources of support. There are occasions when you may not be permitted to share information with your staff team. In these circumstances, take advice from Human Resources and other professional on how to address your staff team.

3.5.3 There may be some employees whose experience of the incident is more profound than that of others. In these instances, a more formal type of support may be required.

3.5.4 As well as individual counselling, the Employee Wellbeing Service can provide group debriefing sessions to employees who have been involved in a traumatic incident.

### **3.6 When the matter is not work related**

3.6.1 It is not always possible to stop pressures in our personal lives from affecting our work. A stress reaction, anxiety and depression present physical, emotional and behavioural

changes that are not always easy to control. There may be occasions when the symptoms of stress caused by pressure in our personal lives, manifest themselves in the workplace.

- 3.6.2 Head teachers / line managers have no direct responsibility to make improvements to an employee's personal situation.
- 3.6.3 However, it is good practice to provide a supporting role to employees who are distressed or finding work difficult to manage. Examples could include:
- Allowing them to adjust their working hours work where reasonable.
  - Giving them some time to talk and be listened to
  - Providing them with details of the Employee Wellbeing Service
- 3.6.4 If their circumstances are affecting their ability to work, a stress risk assessment around the job role may be appropriate. See section 3.2.
- 3.6.5 A manager must act, regardless of whether the origin of stress is work or personal when;
- The behaviour of an employee creates a risk to the safety of colleagues and service users
  - The employee's ability to operate machinery or drive a vehicle is impaired
  - If the behaviour of an employee's family member creates a risk to colleagues, service users and the employee
  - The employee suggests that they will commit suicide or an act of serious self-harm that could endanger their life and that of others
- 3.6.6 In all of these circumstances, seek support from Human Resources, the Employee Wellbeing Service and/or your Health, Safety and Wellbeing Advisor.

## 4.0 Further Information and Contacts

**4.1 Employee Wellbeing Service** - a counselling and wellbeing support service for employees of Leicestershire County Council. LCC's Employee Wellbeing Advisers are:

Oonagh Martin  
Telephone: 0116 305 7504  
Email: [Oonagh.Martin@leics.gov.uk](mailto:Oonagh.Martin@leics.gov.uk)

Alison Earl  
Telephone: 0116 305 6178  
Email: [alison.earl@leics.gov.uk](mailto:alison.earl@leics.gov.uk)

Linda Williams  
Telephone: 0116 305 6078  
Email: [linda.p.williams@leics.gov.uk](mailto:linda.p.williams@leics.gov.uk)

Amy Bell  
Telephone: 0116 305 5178  
Email: [Amy.Bell@leics.gov.uk](mailto:Amy.Bell@leics.gov.uk)

Employee Wellbeing Service  
Email: [counsellingandwellbeing@leics.gov.uk](mailto:counsellingandwellbeing@leics.gov.uk)

## 4.2 Unions

Unison  
Telephone: 0116 305 6153  
Email: [unison@leics.gov.uk](mailto:unison@leics.gov.uk)

NASUWT  
Telephone: 0115 976 7180  
Email: [rc-eastmids@mail.nasuwt.org.uk](mailto:rc-eastmids@mail.nasuwt.org.uk)

NAHT  
Telephone: 0300 30 30333  
Email: [info@naht.org.uk](mailto:info@naht.org.uk)

NUT  
Telephone: 0116 275 6658  
Email: [secretary@leicestershire.nut.org.uk](mailto:secretary@leicestershire.nut.org.uk)

GMB  
Telephone: 0116 251 0922

**4.3 Health and Safety Executive - HSE: Stress**

**4.4 The Samaritans** - Telephone: 116 123

**4.5 MIND** - Promotes the views and needs of people with mental health problems –  
Telephone : 0300 123 3393

## Appendix 1

<http://www.hse.gov.uk/stress/standards/pdfs/indicatortool.pdf>

**STRESS RISK ASSESSMENT TEMPLATE and ACTION SHEET**

**Name of employee**..... **Job/Role**.....

**Date of Assessment**.....

**Persons involved in the Assessment** .....

The questions are based on the HSE Management Standards and look at the key areas of work that contribute to and can help reduce work related stress. The questions are part of supportive process to assist managers in the: Identification of hazards, deciding who might be affected; evaluating the risks and frequency and recording your findings and proposed actions. This process can also be used to assist in the identification of individual stress management measures.

**Employee Overview**

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Question	Yes	No	Possible Actions	Agreed Action/s
<p><b>1. Role Definition:</b></p> <ul style="list-style-type: none"> <li>Is role clearly defined?</li> <li>Are duties and responsibilities clear?</li> <li>Is it clear how to perform role?</li> </ul> <p>Is role clearly linked to goals and objectives for the department?</p>			<ul style="list-style-type: none"> <li>Ensure expected duties and responsibilities are not excessive and demands not unreasonable</li> <li>Clarify goals, objectives and success criteria for the job/role - ensuring no ambiguity</li> <li>Give regular clear feedback on performance</li> </ul>	
<p><b>2. Control:</b></p> <ul style="list-style-type: none"> <li>Do individuals have a say in how to do and plan their work?</li> <li>Can employee set own work speed?</li> <li>Can employee decide when to take a break?</li> </ul>			<ul style="list-style-type: none"> <li>Where practicable, enable staff to exert autonomy within role</li> <li>Encourage delegation and empowerment of others</li> <li>Encourage training to support delegation (to individual and team)</li> </ul>	
<p><b>3. Work Pressures – High:</b></p> <ul style="list-style-type: none"> <li>Are unrealistic deadlines set?</li> <li>Is employee required to work long hours?</li> <li>Is employee given work from different commissioning groups with conflicting priorities?</li> </ul>			<ul style="list-style-type: none"> <li>Offer support in prioritising tasks and cut out unnecessary work and bureaucracy</li> <li>Try to give warning of urgent jobs</li> <li>Assist in the scheduling of work to ensure adequate and appropriate resources</li> <li>Ensure job demands are matched in terms of quantity, complexity and intensity to individuals skills and abilities</li> <li>Support staff when undertaking new and unfamiliar tasks</li> <li>Meet regularly to review workload</li> <li>Avoid encouraging staff to work long hours, take work home or build excessive flexi.</li> <li>Encourage staff to take annual leave allowance</li> </ul>	
<p><b>4 Work Pressures – Low:</b></p> <ul style="list-style-type: none"> <li>Is the work boring, monotonous or unchallenging?</li> </ul>			<ul style="list-style-type: none"> <li>Where reasonably practicable, rotate boring and repetitive jobs</li> <li>Where possible increase the variety of tasks – through projects, shadowing etc</li> </ul>	



<p><b>5 Relationships at Work:</b></p> <ul style="list-style-type: none"> <li>• Is employee subject to personal harassment – verbal and/or behaviour?</li> <li>• Are relationships at work strained?</li> <li>• Is there a high probability of friction and anger between colleagues?</li> <li>• Is bullying an issue?</li> </ul>			<ul style="list-style-type: none"> <li>• Encourage team working</li> <li>• Encourage team members to give open and honest feedback to each other</li> <li>• Demonstrate and encourage appreciation of others</li> <li>• Promote an atmosphere of mutual respect</li> <li>• Ensure all staff are aware that inappropriate behaviour at work will not be tolerated.</li> <li>• Refer to the Dignity at Work Policy and attend the training to support this policy</li> <li>• Seek the support of HR if an allegation of harassment or bullying is made</li> </ul>
<p><b>6 Support:</b></p> <ul style="list-style-type: none"> <li>• If work demands increase or are outside an individuals' ability to cope are colleagues/manager available to help and support?</li> <li>• Is employee given the opportunity of supportive feedback on the work they do?</li> </ul>		<ul style="list-style-type: none"> <li>• Explain how to raise concerns and call on support</li> <li>• Attend a Stress Management Workshop</li> <li>• Encourage/enhance team working /support.</li> <li>• Discuss workflow and support mechanisms at regular team meetings</li> <li>• Encourage open communication with colleagues and line management.</li> </ul>	
<p><b>7 Change:</b></p> <ul style="list-style-type: none"> <li>• Are employees consulted / updated about changes at work that affect them?</li> <li>• Are employees clear about how change will affect them in practice?</li> <li>• Is there adequate consultation about workplace issues / changes?</li> </ul>		<ul style="list-style-type: none"> <li>• Ensure clear and appropriate communication on proposed changes</li> <li>• Ensure individuals understand the reasons for change and the likely timescales</li> <li>• Ensure adequate consultation wherever possible and provide opportunities for comment and input.</li> <li>• Give support to individuals during the change process</li> </ul>	
<p><b>8 Training:</b></p> <ul style="list-style-type: none"> <li>• Is additional training required to support individuals in undertaking job/role?</li> </ul>		<ul style="list-style-type: none"> <li>• Provide training as required</li> <li>• Ensure PDRs are properly conducted and followed up.</li> <li>• Ensure changes to role are supported with relevant training as necessary.</li> </ul>	

<p><b>9 Physical Demands and Work Environment</b></p> <ul style="list-style-type: none"> <li>Does role involve excessive physical demands such as heavy lifting, standing for long periods of time, repetitive movements, hand held vibration tools etc?</li> <li>Is the work environment adequate / comfortable – Temp/humidity, lighting, noise, welfare facilities etc?</li> <li>Is there a risk to physical safety and emotional/mental wellbeing from service users, members of the public etc?</li> <li>Is there a risk to physical safety and emotional/mental wellbeing due to lone working?</li> </ul>		<ul style="list-style-type: none"> <li>Undertake a H&amp;S Risk Assessment</li> <li>Remove excessive and unreasonable demands</li> <li>Check what Health Surveillance support can be provided by Occupational Health</li> <li>Encourage suggestions on how to improve work environment – and give these due consideration.</li> <li>Undertake an H and S risk assessment to manage potential risk from service users and/or public.</li> <li>Undertake an H and S risk assessment if employee is a lone worker.</li> </ul>	
<p><b>10 Other Issues:</b></p> <ul style="list-style-type: none"> <li>Are there any other issues / stressors that need to be taken account of – e.g. difficulties at home, unexpected life changes, traumatic incidents, etc?</li> <li>Are there any on-going/long term physical or mental health conditions that may be a contributing factor?</li> <li>Has GP/Occupational Health identified any issues for consideration ?</li> </ul>		<ul style="list-style-type: none"> <li>Support individuals where possible</li> <li>Offer to support them through referring to Wellbeing Adviser/Counsellor.</li> <li>Seek advice from HR on supporting employees with long term health conditions</li> <li>Seek advice from Occupational Health on any identified medical issues for consideration</li> </ul>	

\*The Possible Action/s column details some suggestions for consideration / action. This list is not exhaustive.  
\*The Action/s column should include details of what the issues are, what measures are currently in place, what improvements can be made and what actions will be taken to make the improvements.

**Date for review**.....

# Therapeutic Return to Work

Reviewed: October 2022

This guidance document is intended to support Head teachers and Line Managers when managing any member of staff employed by the School who may benefit from a therapeutic return to work following long term absence.

This document serves as a guide to support managers only and does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Trust/Governing Body.

For the purposes of this policy the Head Teacher/Principal will be referred to as 'Head Teacher' and school/academy will be referred to as 'school'.



## 1. Overview

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- 1.1 Where an employee has had a prolonged period of absence, their General Practitioner (GP) and/or other appropriate medical professional may set out recommendations regarding a therapeutic or phased return to work. In such cases a fit note or medical report will be issued which states that the employee is fit to return to work on a *therapeutic or phased basis*.
- 1.2 A phased or therapeutic return involves a gradual return to the workplace and is often considered as a way to support the employee to ensure that the return is a success. This will involve an employee working less than their contracted hours initially, and gradually increasing their hours of work over an agreed period of time (usually up to 6 weeks), until they are back to working their full contractual hours.
- 1.3 During a therapeutic return to work any time that the employee is not in work must be supported by a medical fit note. Any such time will be classed as sickness absence.
- 1.4 It is important to note that each therapeutic return to work will be determined on a case by case basis and dependent on the particular circumstances of the individual employee and medical advice obtained.
- 1.5 During any therapeutic/phased return to work it is also important that consideration is given to and employee's duties and responsibilities as well as their hours of work.

## 2. Roles & Responsibilities

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- 2.1 The attendance of all staff will be managed by either the Head Teacher or another person in a management role or with line management responsibilities within the school.
- 2.2 If the Head Teacher's attendance is being managed in line with this policy, the Chair of Governors will be responsible for overseeing this process.

## 3. Considering Medical Advice

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- 3.1 A therapeutic return to work will usually be one part of a more detailed programme of support e.g. the Support Plan that is put together as part of the strategy to support an individual to make the necessary improvements in their attendance (as set out in the Attendance Management Policy). A therapeutic return to work is usually only considered after a long period of absence.
- 3.2 A therapeutic return to work may be recommended by either the employee's GP or other relevant medical profession including Occupational Health where a referral has been made to seek further information on an employee's current health status.

- 3.3 Following receipt of medical advice the manager and employee should meet to agree a suitable support plan and timetable which outlines the arrangements for the therapeutic return.
- 3.4 Any support plan, including the therapeutic return to work schedule should be kept under regular review to ensure it remains fit for purpose.
- 3.5 Regular weekly meetings should take place throughout the therapeutic return period to ensure that all reasonable steps have been considered and appropriate support implemented to ensure a successful return to full hours and duties. Such meetings will usually take place towards the end of each week to check the employee is able to increase in their hours the following week.
- 3.6 Where an employee is struggling to increase their hours week on week they may require further adjustments to their support plan, therefore regular communication is important. Where an employee is not able to demonstrate some progress towards resuming their contractual hours within a 6-week period, further advice should be sought from HR.
- 3.7 During a therapeutic return to work an employee should be issued with a medical certificate by their GP or other relevant medical professional. All time where an employee is not at work will be considered as sickness absence.

## 4. Where Attendance Issues Continue

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- 4.1 Where the employee is unable to return to their normal hours of work and/or duties by the end of the therapeutic return period, then consideration could be given to an alternative course of action, this may include, but not limited to:
  - Proceeding to the next stages of the attendance management process.
  - A further referral to occupational health to obtain additional information on support/adjustments that can be considered to support the employee,
  - Obtaining further advice from the employee's GP or other relevant medical professional (this will require the employee consent),
  - A temporary reduction in contractual hours to ascertain if this would be beneficial to the employee and enable them to meet their contractual obligations (employee's consent required).
  - A permanent reduction in contract hours (employee's consent required).
  - Redeployment to an alternative position (with the agreement of the employee).

## 5. Other Arrangements to Consider

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### 5.1 Annual Leave:

Employees should be encouraged not to take annual leave during a period of therapeutic working since it would defeat the purpose of a return to work and may lead to an extension of the plan. Therefore:

- a) School closure periods should not be considered as part of a therapeutic return period for teachers or support staff employed during term time only.
- b) Annual leave which has been booked and cannot be changed should not form part of a period of therapeutic return.

- c) Head Teachers/Principals will need to have regard for the above when considering a therapeutic return during the weeks immediately before a) or b) above.

## 5.2 Sickness Record:

The school must notify their payroll provider that an employee is returning to work on a therapeutic basis with details of hours to be worked. A Phased Return Plan is available for schools to complete for this purpose (see Appendix A).

For the purposes of the sickness record (and calculating future sick pay entitlements), hours not worked by the employee should be recorded as sick leave on weekly and monthly sickness returns.

During the the Therapeutic Return any periods of sickness will be deemed to be continuous for the purpose of sickness absence recording.

## 5.3 Funding:

Where a school has been claiming funding in respect of the sickness absence of an employee who returns to work on a therapeutic basis, the school will be able to continue to claim that portion of the special payment which covers hours which are not being worked.

NB. Schools may need to speak to their insurance provider for further advice and guidance regarding the terms of their cover).

## 5.4 Payment:

A return to work will result in the forfeiture of SSP or sickness benefit. To remove this potential deterrent, the following pay arrangements apply:

Sick pay entitlement at time of return.	Payment for balance of entitlement period*
<b>Full Pay</b>	Full pay
<b>Half Pay</b>	Full pay for contractual hours of the week actually worked. Half pay + (if entitled) SSP/sickness benefit lost for the remaining contractual hours of the week recorded as sickness absence. (The combination of full pay for hours worked and half pay + SSP/benefit for hours not worked will not exceed full weekly pay).
<b>No Pay</b>	Payment for hours worked only and, if entitled, SSP/sickness benefit lost.

\*If the employee's entitlement moves from full to half pay or from half pay to no pay during the period of therapeutic working, payment will change accordingly.

### Example 1:

Sick pay entitlement at point of return to work: Half Pay (50%)			
Normal working hours: 32½ hours over 5 days (100%)			
		Contractual % Actually Worked	Pay Entitlement (% of weekly contractual hours)
<b>Week 1</b>			
Actual hours worked	13 hours		40% at full pay

Sickness absence	19.5 hours	40%	60% at half pay
<b>Week 2</b>			
Actual hours worked	19.5 hours	60%	60% at full pay
Sickness absence	13 hours		40% at half pay

### Example 2:

<b>Sick pay entitlement at point of return to work: Half Pay (50%), and reduces to no pay by week 2 of therapeutic return to work</b>			
Normal working hours: 32½ hours over 5 days (100%)			
		<b>Contractual % Actually Worked</b>	<b>Pay Entitlement (% of weekly contractual hours)</b>
<b>Week 1</b>			
Actual hours worked	6.5 hours	20%	20% at full pay
Sickness absence	26 hours		80% at half pay
<b>Week 2 (pay entitlement reduced to no pay)</b>			
Actual hours worked	13 hours	40%	40% at full pay only
Sickness absence	19.5 hours		



## Appendix A: Phased Return to Work Plan

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Phased Return Plan for Schools		
Required for Teaching and Support Staff		
School:		
Name of employee:		
Employee No:		

	Date		Date
Start date of sickness absence:		End date of sickness absence:	
Start date of phased plan:		End date of phased plan:	

Date	Normal daily contracted hours	Actual daily hours worked	For EMSS Calculation use only
<b>Total</b>	0	0	



# Menopause Guidance

Adopted: September 2022

## Purpose

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This school is committed to ensuring the health and wellbeing of all its employees, and recognises that for those who are experiencing menopausal symptoms this may have a significant impact on their physical and mental wellbeing as well as their ability to undertake everyday activities.

Menopausal symptoms vary greatly with some individuals experiencing more severe or debilitating symptoms than others. Symptoms may also impact on an employee's attendance, performance and working relationships. It is therefore essential for managers to understand what the menopause is, how it may affect individuals and how to support those experiencing menopausal symptoms to minimise the impact this has on their working lives.

The purpose of this guidance document is to:

- outline the main symptoms of the menopause (including the perimenopause),
- increase awareness of the menopause and its impact on individuals so that employees feel confident to seek advice, guidance and support from their line manager,
- increase understanding of all elements of the menopause so that all can discuss the subject confidently and appropriately, and
- provide advice to managers on supportive measures that can be considered for those who are experiencing menopausal related symptoms, to help reduce the effect of these symptoms at work.

It is important for managers to recognise that matters involving the menopause should be treated sensitively and effectively to ensure an employee is fully supported during this time of change.

## 1. What is the Menopause?

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- 1.1 The menopause, a natural part of the ageing process, is usually defined by the point at which someone has not had a period for 12 consecutive months. It usually occurs between 45 and 55 years of age; the average age for someone to reach the menopause is 51. The menopause may also occur earlier or later than this due to several factors.
- 1.2 The menopause can affect:
  - Women, although it is recognised that there is also a male menopause (see section 8).
  - Trans people, i.e. those whose gender is different to the one assigned at birth.
  - Intersex people.
- 1.3 Prior to the menopause, an individual may experience menopausal symptoms as their bodies gradually begin to produce less oestrogen. This is known as the "Perimenopause" which can begin 4 to 10 years before the menopause.
- 1.4 Individuals may have very different experiences and symptoms may vary greatly, and with one in three people experiencing severe symptoms. It is therefore important to ensure that all employees who are experiencing symptoms of the menopause are supported appropriately and are able to remain in work during this time of change.

- 1.5 A small number of individuals (around 1%) may experience “early” menopause before the age of 40, this may be related to genetics, an underlying medical condition, or a result of certain cancer treatments.
- 1.6 Woman may also experience “surgical” menopause following a surgical procedure to remove their ovaries. Menopause symptoms will start immediately after surgery where both ovaries are removed. Where one ovary is removed symptoms may start within five years of the surgery.
- 1.7 Menopause can also increase a woman’s risk of developing long term health risks, such as weak bones (osteoporosis), raised cholesterol and heart disease.

## 2. Menopause and the Law

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- 2.1 Menopause and perimenopause are not specifically protected under the Equality Act 2010. However, where an employee is treated less favourably because of their menopausal symptoms this may amount to:

**Sex discrimination** i.e. where an employer treats an individual’s menopausal symptoms less seriously than it would a male worker’s health condition, for example when considering performance or sickness issues. Similarly, unwelcomed comments regarding menopausal symptoms could amount to sexual harassment.

**Disability discrimination:** menopausal symptoms could potentially be regarded as a disability. In such circumstances, reasonable adjustments should be considered to support the employee within the workplace, e.g. agreeing to record menopause related absence separately from other sickness absences.

**Age discrimination:** This may include unfair treatment of those employees who are going through the perimenopause or menopause, who are usually in their mid-forties to early fifties.

- 2.2 In addition, the Health & Safety at Work Act 1974 outlines that an employer must ensure the health and safety of their employees. Therefore, health and safety checks and risk assessments should be in place and reviewed regularly to ensure any risk are minimised, reduced or where possible removed.

## 3. Symptoms

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- 3.1 The menopause may be relatively problem free for some individuals; however, others may experience more severe symptoms or difficulties which have a significant impact on their everyday lives. It is therefore important for managers to understand that each individual will have very different experiences during this time.
- 3.2 Some symptoms of perimenopause and menopause may be the same and include, for example:
  - hot flushes (short, sudden feelings of heat, usually in the face, neck and chest. Skin may appear flushed and sweaty)
  - difficulty sleeping and night sweats (hot flushes that occur at night),



- feeling tired and lacking energy
- feeling irritable or short tempered
- changes in mood, such as low mood or anxiety
- feeling anxious and/or experiencing panic attacks
- problems with concentration and memory
- irregular periods which can be more frequent, become heavier/lighter
- aches and pains including muscle and joint stiffness
- urinary problems and recurrent urinary tract infections (UTIs)
- headaches including migraines
- putting on weight
- palpitations (where heartbeats suddenly become more noticeable)
- skin irritation
- dry eyes

The list above is not exhaustive.

- 3.3 Employees may find it helpful to keep a record of their symptoms including the relevant dates, frequency, and the impact they are having. Advice can also be sought from the employee's GP.

## 4. How the Female Menopause is Diagnosed

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- 4.1 Menopause can be diagnosed as the point at which an individual has had 12 months without a period.
- 4.2 A GP will also usually be able to confirm whether an individual is menopausal based on their symptoms. Where an individual is under the age of 45, a blood test to measure hormone levels may also be required.

## 5. Treatment for Menopausal Symptoms

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- 5.1 An employees' GP may be able to prescribe a number of treatments to help relieve symptoms of the menopause, these include:
- **Hormone Replacement Therapy (HRT):** to replace the declining levels of oestrogen to alleviate menopausal symptoms (in particular hot flushes). HRT is available in tablets, skin patches, gels and implants.
    - There are risks and benefits of HRT, which should be discussed with a GP. If HRT isn't suitable, other medications may be prescribed.

Where treatment does not alleviate symptoms or where an individual is unable to take HRT a GP may refer an individual to a menopause specialist.

- **Cognitive Behavioural Therapy (CBT):** talking therapy that can help with low mood and anxiety.
- **Lifestyle changes:** may assist with managing symptoms, e.g.

- eating a healthy, balanced diet,
  - regular exercise,
  - getting plenty of rest,
  - stopping smoking,
  - reducing alcohol and caffeine consumption,
  - managing stress,
  - having sufficient calcium and vitamin D.
- **Alternative therapies:** such as acupuncture, aromatherapy, reflexology and practising relaxation techniques such as yoga, tai chi or mindfulness. Advice should be taken prior to any medicinal herbal remedies are considered.

## 6. Supporting an Employee During the Menopause

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- 6.1 Line managers are best placed to support their employees and should listen openly and non-judgementally (if an individual wishes to discuss their current situation and their symptoms and/or experiences) to fully understand how the menopause may be impacting on them and their work. Line managers should take concerns raised seriously and keep discussions confidential.
- 6.2 Line managers should have regular conversations with their employees to enable them to understand the individual's needs, and make sure support is in place to enable the employee to continue to work effectively. Line managers and employees in collaboration may wish to consider:
- how symptoms are impacting on the individual employee,
  - a workplace risk assessment to identify any potential support measures to ensure that menopausal symptoms are not made worse by the workplace and to help employees manage their symptoms whilst at work,
  - any possible reasonable adjustments that could be considered, either on a temporary or permanent basis. See appendix A for further information,
  - whether any other members of the team should be informed and by whom,
  - undertaking a stress risk assessment,
  - a referral to Occupational Health,
  - signposting to other sources of support. See appendix B.
- 6.3 Changes to working practices, may include:
- Supporting flexible working options, such as undertaking non-contact times at home, reducing hours or changing hours on a temporary basis.
  - Recording menopause-related absences separately and/or adjusting absence-monitoring arrangements.
  - Adjustments to the appraisal process or appraisal objectives to take account of menopause-related absence or where menopause symptoms may have impacted on performance.
- 6.4 Changes to the working environment/facilities may include:
- Allowing individual employees to control their immediate working environments such as temperature and ventilation,
  - Providing areas for individuals to rest, if required,



- Allowing employees to work from home, where appropriate and service needs allow this,
- An adjustment to the employee's role, if operationally feasible,
- Providing access to cold water, toilets and washing facilities,
- Improving awareness of menopause for those with line management responsibilities and across the school generally,
- Nurturing a menopause-aware workplace to enable individuals to disclose their condition, to seek advice, support and any appropriate adjustments.
- Consider having a menopause or wellbeing champion who can provide advice, support and assistance to individuals.
- Encouraging individual's to seek the support from their GP, Counsellor, Trade Union etc. for counselling and/or emotional support.

## **7. Barriers to Assisting Employees during the Menopause**

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7.1 Individuals may feel uncomfortable discussing their menopause symptoms at work because:

- they consider it to be a private or personal matter or because they feel their symptoms are embarrassing to share with others,
- they do not know their line manager well or do not feel that their manager will be sympathetic of workplace stigma.
- they may consider that disclosing they are menopausal will mean that managers will consider them less able to do their job,
- they are worried that job security or promotion opportunities might be taken away

7.2 Line managers should be mindful that the menopause may affect different people in different ways throughout their lives.

## **8. Male Menopause**

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8.1 Men can also experience the male menopause' which occurs as a result of an age-related decline in the male hormone testosterone. Changes are usually experienced by men in their late 40s to 50s. Unlike female menopause, where hormone production stops completely, testosterone decline in men is a slower process.

8.2 The male menopause can cause physical and psychological symptoms which typically worsen with age. They can include:

- Fatigue/weakness;
- Depression;
- Decreased motivation;
- Lowered self-confidence;
- Difficulty concentrating;
- Insomnia or difficulty sleeping;
- Increased body fat;
- Decreased bone density;
- Physical bodily changes
- Infertility.

8.3 The duration and severity of these symptoms will vary however some men may experience these uncomfortable effects for many years.

## **9. How the Male Menopause is Diagnosed**

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9.1 A GP may be able to diagnose the male menopause by:

- Performing a physical exam,
- Asking about symptoms
- undertaking a blood test, e.g. to measure testosterone levels.

9.2 The most common types of treatment for symptoms of the male menopause are:

- Hormone replacement therapy (HRT) - tablets, skin patches, gels, implants and injections that relieve menopausal symptoms by replacing testosterone.
- Lifestyle changes such as eating a healthy diet, exercising regularly, managing stress and having enough sleep;

## **10. Transgender, Non-Binary and Intersex Employees and the Menopause**

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10.1 This school recognises that the menopausal symptoms identified within this guidance can also be experienced by transgender, non-binary and intersex employees. Transgender employees may be affected due to the natural menopause or as a result of the treatment and/or surgery they are undergoing.

10.2 Some trans employees may choose not to associate their symptoms to the menopause as this will disclose their trans status. Managers are therefore reminded of the importance of responding promptly to requests for support from all employees.

## Appendix A - Examples of potential reasonable adjustments

Below are examples of adjustments that may be considered to assist employees to manage their symptoms at work:

Symptom	Potential Adjustments
Daytime sweats and hot flushes	<ul style="list-style-type: none"> <li>• Ensure easy access to drinking water.</li> <li>• Ensure access to washroom/changing facilities.</li> <li>• Allow for more frequent breaks to manage symptoms, change clothes, etc.</li> <li>• Look at ways of cooling the work environment (e.g. desk fan, moving to a desk near a window that opens, adjusting the air conditioning).</li> </ul>
Night-time sweats and hot flushes	<ul style="list-style-type: none"> <li>• Allow for flexible working (e.g. working at home, temporary adjustment to start time, alternative shift pattern).</li> </ul>
Insomnia or sleep difficulties	
Irregular and/or heavy periods	<ul style="list-style-type: none"> <li>• Ensure easy access to toilet facilities/allow for more frequent breaks to go to toilet.</li> <li>• Temporary adjustment to duties, if required.</li> </ul>
Poor concentration / loss of confidence	<ul style="list-style-type: none"> <li>• If concentration is better or worse at particular times of the day, adjust working pattern/work tasks accordingly.</li> <li>• Review task allocation and workload.</li> <li>• Have regular one-to-one meetings so that any issues can be discussed.</li> <li>• Provide notebooks /other memory-assisting equipment/techniques.</li> <li>• Identify and address any potential work-related stress through risk assessment.</li> </ul>
Low mood / anxiety / panic attacks	<ul style="list-style-type: none"> <li>• Contact the Wellbeing Service for advice and support.</li> <li>• Encourage the employee to undertake mindfulness activities such as breathing exercises or going for a walk.</li> <li>• Identify a 'buddy' for the individual to talk to (this could be within or outside of their team).</li> <li>• Allow for more frequent breaks to undertake relaxation techniques or to have time out from others.</li> </ul>
Headaches	<ul style="list-style-type: none"> <li>• Ensure easy access to drinking water.</li> </ul>
Urinary problems	<ul style="list-style-type: none"> <li>• Ensure easy access to drinking water.</li> <li>• Ensure easy access to toilet facilities/allow for more frequent breaks to go to toilet.</li> </ul>
Joint stiffness, aches and pains	<ul style="list-style-type: none"> <li>• For desk-based employees, undertake a workstation risk assessment.</li> <li>• Allow for more frequent breaks so that the employee can stretch.</li> </ul>



## Appendix B – Further Support & Information

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British Menopause Society	<a href="https://thebms.org.uk">https://thebms.org.uk</a>
Cognitive Behavioural Therapy (CBT) for Menopausal Symptoms	<a href="http://www.womens-health-concern.org/help-and-advice/factsheets/cognitive-behaviour-therapy-cbt-menopausal-symptoms">www.womens-health-concern.org/help-and-advice/factsheets/cognitive-behaviour-therapy-cbt-menopausal-symptoms</a>
Education Support Partnership:	<a href="http://www.educationsupportpartnership.org.uk">www.educationsupportpartnership.org.uk</a>
Faculty of Occupational Medicine	<a href="http://www.fom.ac.uk/health-at-work-2/information-foremployers/dealing-with-health-problems-in-the-workplace/advice-on-the-menopause">www.fom.ac.uk/health-at-work-2/information-foremployers/dealing-with-health-problems-in-the-workplace/advice-on-the-menopause</a>
Henpicked menopause	<a href="https://henpicked.net/menopause/">https://henpicked.net/menopause/</a>
LCC's Employee Wellbeing Service (Monday to Friday, 9am to 5pm)	Telephone: (0116) 3055515 Email: <a href="mailto:counsellingandwellbeing@leics.gov.uk">counsellingandwellbeing@leics.gov.uk</a>
Menopause Charity	<a href="https://www.themenopausecharity.org/">https://www.themenopausecharity.org/</a>
Menopause Matters	<a href="https://menopausematters.co.uk/index.php">https://menopausematters.co.uk/index.php</a>
NICE guidelines	<a href="https://www.nice.org.uk/guidance/ng23/ifp/chapter/Menopause">https://www.nice.org.uk/guidance/ng23/ifp/chapter/Menopause</a>
NHS Guidance on Menopause	<a href="https://www.nhs.uk/conditions/menopause/">https://www.nhs.uk/conditions/menopause/</a> <a href="https://www.nhs.uk/video/Pages/early-menopause.aspx">https://www.nhs.uk/video/Pages/early-menopause.aspx</a> <a href="https://www.nhs.uk/Livewell/menopause/Pages/Menopausehome.aspx">https://www.nhs.uk/Livewell/menopause/Pages/Menopausehome.aspx</a>
NHS Choices - provides information on symptoms of the male menopause	<a href="https://www.nhs.uk/conditions/male-menopause/">https://www.nhs.uk/conditions/male-menopause/</a>
The Daisy Network - support for premature menopause	<a href="https://www.daisynetwork.org.uk/">https://www.daisynetwork.org.uk/</a>
Talking Menopause	<a href="http://www.talkingmenopause.co.uk">www.talkingmenopause.co.uk</a>

# Trans Equality Policy

Adopted: September 2022



## 1. Commitment to Trans Equality

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- 1.1 The school is committed to promoting equality, diversity and good relations in everything it does. The school is committed to equality of opportunity for trans people throughout recruitment and employment, including supporting trans employees through any transitioning process.
- 1.2 The school will not tolerate discrimination, victimisation or harassment on the basis of a person's gender identity, gender expression or trans status.
- 1.3 The school seeks to provide a supportive environment for trans employees and to create a culture and environment where trans employees are able to thrive and are well supported during any process of transition.
- 1.4 The term 'trans' is used throughout this policy to acknowledge that there are a wide range of transgender, non-binary or non-conforming gender identities. These are described in the glossary (see Appendix A).

## 2. Purpose

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- 2.1 This policy outlines the school's commitment to ensuring that trans employees are treated with dignity and respect and are not disadvantaged in the workplace.
- 2.2 The aims of this policy are to ensure the Public Sector Equality Duty (which came into force on 5th April 2011) is being complied with (the Equality Act 2010 states that public bodies and others carrying out public functions must comply with the said public equality duty) and that the Gender Recognition Act (2004), is adhered to. Gender Reassignment is one of the protected characteristics covered by the Equalities Act.
- 2.3 The purpose of this policy is to assist managers and trans employees in school with practical information on workplace support for trans employees who are transitioning and prevent discrimination in line with the Equality Act 2010. The policy provides information on recruitment processes and specific steps schools should take to support employees who are transitioning.

## 3. Definitions

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- 3.1 Definitions and terminology regarding trans people are evolving. **Appendix A** provides a glossary on some of the most commonly used terms. Individuals will self identify and how they choose to describe themselves should be respected by their managers and colleagues. Rather than assume, it is best to ask someone how they wish to be addressed.
- 3.2 'Trans' or 'transgender' describes people whose gender identity differs from their sex assigned at birth. They are umbrella terms covering people who:
  - are intending to undergo, are undergoing, or have undergone gender reassignment at any

stage;

- identify as having a gender different from that which they were assigned at birth and are planning or have had medical interventions such as hormones or surgery;
- identify as having a gender different from that which they were assigned at birth, but who are not planning any medical intervention; and/or,
- are non-binary – that is, they are not solely male or female. They may define themselves as both, neither or something entirely different. They may or not have medical interventions to align their body with their non-binary gender identity.

These are not mutually exclusive alternatives.

- 3.3 'Transitioning' is the process undertaken by a trans person in order to bring their gender presentation into alignment with their gender identity. This often involves dressing differently, using a different name and pronoun (e.g. she, he or they) and changing official documentation. It may involve various types of medical or surgical treatment, although this is not the case for all trans people.
- 3.4 The school recognises there is no right or wrong way to transition and is committed to supporting each individual in their decisions.
- 3.5 Using inappropriate language and terminology can cause offence and distress and undermines the school's efforts to create an inclusive workplace for trans people.
- 3.6 The school recognises that gender identity and sexual orientation are not interchangeable terms. Trans people can be bisexual, gay, heterosexual or lesbian and therefore employees should not assume that a trans colleague has a particular sexual orientation.

## 4. Recruitment

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- 4.1 Individuals who have already transitioned have no obligation to disclose their gender history. Job applicants and interviewees will not be asked their gender identity during the recruitment process – it is not a relevant criterion in selection. Neither is there any obligation for a transgender person to disclose this as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment, and non-disclosure or subsequent disclosure is not grounds for dismissal. Appointing officers who become aware that an applicant is trans will maintain full confidentiality in relation to this.

### 4.2 References

Where a reference request is received for an existing employee who has transitioned, the school will respect the employee's privacy and only respond using the employee's correct name and gender in the reference.

Disclosure on sickness absence will not include time taken off for medical appointments related to transition. This information is strictly confidential.

When the school requests a reference, the school will make the request using the prospective employee's correct name and gender since transitioning. The school will not

mention previous names or gender identity, unless specifically asked to do so (in writing) by the trans person.

#### 4.3 **Disclosure and Barring Service checks**

The school will be responsible for initiating and completing these checks in conjunction with the individual. There is a confidential application process for trans individuals, advice can be obtained from DBS (<https://www.gov.uk/guidance/transgender-applications>).

#### 4.4 **Safer recruitment documents**

Where an employee is required to provide evidence of an essential qualification certificate or other documents e.g a right to work document as part of the school's safer recruitment checks and it is in their former name, a copy of the certificate or document will be stored securely on the employee's personal file and access restricted to authorised individuals. The school will always ensure that an applicant is made aware of the full range of permissible identification documents and that the process of checking is handled sensitively and with respect for privacy of the individual.

#### 4.5 **Professional registration**

If the employee's job involves professional registration, the school will check whether the registration body has a specific, confidential process for gender transition.

#### 4.6 **Pensions and national insurance**

Where pensions, national insurance contributions or other benefits are dependent on legal sex, trans individuals will be advised of any implications. Advice can be obtained from gov.uk ([www.gov.uk/government/publications/gender-recognition-how-pensions-and-benefits-may-be-affected](http://www.gov.uk/government/publications/gender-recognition-how-pensions-and-benefits-may-be-affected)).

## 5. **Supporting an individual transitioning**

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5.1 The school recognises that trans job applicants and employees are not required to inform the school of their gender status or gender history. The gender in which an individual chooses to present will always be acknowledged and respected. This extends to individuals who identify as non-binary, i.e. they do not regard their gender identity as exclusively male or female.

5.2 The Gender Recognition Act enables people over eighteen to gain full legal recognition for the gender in which they live. Applications are considered by the Gender Recognition Panel. Once a person receives a Gender Recognition Certificate (GRC), they are legally of that gender for every purpose and have all the rights and responsibilities associated with that gender.

If a person has a gender recognition certificate they can obtain a new birth certificate showing their acquired gender. An employer should be able to use the birth certificate for most administrative requirements relating to employment, in the same way that they would for other employees. It is unlawful to request the gender recognition certificate.



Indeed, if someone has reassigned their gender before joining you, you will have no need to know that they have a gender recognition certificate and have changed their gender.

Many transgender people will not obtain a gender recognition certificate to permanently change their gender but will want to live with a different name to the one they were given at birth. A name can be changed using a statutory declaration or deed poll.

5.3 Once the school has been made aware by an employee that they will be starting, or have started, the process of transitioning, an appropriate point of contact will be agreed with the employee. That person will work with the employee to develop a confidential action plan to manage the individual's transition at work (see **Appendix B** for template action plan). The plan will consider what steps to take before, during and after the employee's transition. No action will be taken without the employee's consent.

5.4 It can be an extremely difficult step for someone to approach their manager about transitioning. They are likely to worry about the response. The transition process will be led by the individual concerned. However, schools should ensure that the individual is supported and respected throughout the process.

#### 5.5 **Telling colleagues**

The manager and employee will discuss the individual's preferences in relation to informing others, including other managers, colleagues, and other relevant contacts. They will agree whether the employee will do this, whether they would prefer the manager or a work colleague to do this, or a mixture of these options. They will also get express written agreement from the employee about when and how this will happen, including the details of the message and who it will be shared with. Levels of disclosure may vary in detail for different types of contacts and will be agreed in advance.

#### 5.6 **Uniforms and dress codes**

If a uniform is in place for the role, managers will ensure that the trans employee has access to the uniform that is most appropriate at all times. Some trans employees may need access to both the male and female uniforms. Managers will be flexible, and will support the preferences of the trans person wherever possible. Trans employees have the right to comply with any dress codes in a way that reflects their gender identity and gender expression.

#### 5.7 **Changing facilities, toilets and other single sex facilities**

Trans employees are entitled to use single gender facilities in accordance with their affirmed gender. For non-binary people, this might mean using gender-neutral or accessible facilities, or using a combination of different facilities. However, trans employees will never be required to use accessible toilets unless they wish to do so.

#### 5.8 **Updating records**

Electronic records will be updated in a timely manner, to coincide with the date on which the workplace transition begins. Care will be taken to ensure that records do not link back to the former name – this may entail creating a whole new email address rather than simply changing the name on the existing one, for instance. The manager and employee will work together to ensure that nothing is missed.

New security/ID passes with the correct name and a new photograph will be issued. Where it is not possible to update a record, for example, pre-employment checks undertaken when the employee started at the school, it will be stored in a secure place and access will be restricted to authorised individuals.

#### **5.9 Customer facing roles**

There is no reason why an employee who is transitioning should not continue in a customer facing role. However, some people might prefer a period of redeployment during transition, or as a permanent change. Managers and HR will work with the trans employee to find a solution that meets the needs of both the employee and the school.

#### **5.10 Attendance at appointments and time needed for treatment and surgery**

Time off to attend transition-related appointments and treatment will be granted in line with the provisions of the school's Leave of Absence policy. Employees may wish to consider a temporary change to their working arrangements during this process and managers will accommodate such requests where possible.

#### **5.11 Other support available**

For further support employees can contact the Local Authority's Employee Counselling and Wellbeing Service (provided the school buys into Leicestershire Traded Services Health & Safety Service). This is a confidential counselling service that can be accessed by all employees. The service may also sign post employees to other organisations for support where appropriate.

## **6. Reporting unacceptable behaviour**

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6.1 The school has a zero-tolerance approach towards discrimination and harassment based on gender identity, gender expression or gender history. Inappropriate behaviour or language may constitute discrimination, harassment, bullying or victimisation. Discrimination including harassment, third party harassment and victimisation are covered by the Equality Act 2010. Managers are responsible for taking timely action where misconduct occurs on the grounds of an employee's gender identity, in line with the school's Grievance Policy.

## **7. Support for employees with a family member who is transitioning**

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7.1 If an employee is supporting a family member who is transitioning, they may need to take time off to support them during the process. Where possible managers should try to support employees to manage such requests using the provisions of the Leave of Absence Policy.



## **Appendix A: Glossary.** This is not a definitive list.

- Cis/Cisgender (pronounced sis):** Someone who identifies exclusively with their gender assigned at birth. Non-transgender is also used by some people.
- Transgender:** An adjective not a noun (someone is not 'a transgender').
- Sex change/pre-op/postop:** Inaccurately implies that someone should have surgery to transition.
- Biologically/genetically male/female or born male/female:** Overly-simplifies a very complex subject. A person's sex is determined by a number of factors; a person's biology does not define a person's gender identity. Assigned/designated at birth is preferable term.
- Gender dysphoria:** describes when a person experiences distress because of a mismatch between their sex assigned at birth and their gender identity. (also a clinical diagnosis).
- Gender reassignment:** to undergo this can mean medical intervention but it can also mean changing names, pronouns, dressing differently and living in their gender not the one assigned.
- Gender stereotypes:** way people are expected to behave based on their perceived gender.
- Gender variant:** someone who doesn't conform to gender stereotypes.
- Gender binary:** relates to the view that gender is male or female; however many people do not relate to being distinctly male or female.
- Non-binary:** umbrella term for someone who does not feel that they are either male or female.
- Gender-queer:** person who does not subscribe to conventional gender distinctions but identifies with neither, both or a combination of male and female genders.
- Gender fluid:** a person who does not have a fixed gender.
- Mix (pronounced miks):** an honorific title before a person's surname or full name used to avoid specifying gender or by those who prefer not to identify themselves as male or female.
- Pronoun:** refers to a person's gender in conversation. Some people may prefer to be referred to in gender neutral language (they/their or zi/zir) If you aren't sure it is far better to ask than just guess.

## Appendix B - Action Plan Template

This type of template is a useful starting point to develop a plan. Questions and points to consider:

Who needs to know?

	Who will tell them?	When?	Date completed
Headteacher			
HR/Office Manager			
Line Manager			
Others (please specify)			

Planning the future

<b>Your new name: (in full, if known)</b>	
<b>Your role:</b>	
<b>Name of line manager:</b>	

Telling colleagues/friends and people you work with/external customers

- Who will tell colleagues/external customers?
- Will you be there?
- When will this take place?
- Where will this take place?
- What information will be provided?

Getting ready for your first day back

- When will this be?
- Change of role?
- Are you ready?
- Are colleagues ready?
- Additional support for you and/or family?
- Any media concerns?

Changing everything into your new identity

	Who will do this?	When?	Date completed
Name badge			
School Website / Name Board			
IT systems			
Voicemail			
Email / Intranet address entry			
Work-based social media e.g Twitter			
Union membership			
Pensions scheme			
Certificates/awards			

Medical appointments and absences

Appointment	Dates





# Performance Management Policy

Reviewed : September 2022

This policy applies to all employees based at this school, with the exception of those individuals who are:

- employed on a contract of less than one term,
- a teacher currently undergoing their induction (i.e. NQTs), or
- subject to the school's capability policy.

Throughout this policy, unless indicated otherwise, all references to 'Employee' includes:

- the Head Teacher (when they are the individual being appraised).
- teaching staff.
- classroom based support staff.
- non-classroom based support staff, including premises staff, midday supervisors and office staff.

## 1. Purpose

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- 1.1 Performance management should focus on continuous development and performance improvement. It should ensure that all staff have the opportunity to, and are encouraged to discuss their performance and development needs in relation to their job role on a regular basis with their line manager.
- 1.2 This policy sets out the framework for a clear and consistent assessment of the overall performance of employees. In addition it focuses on the support and continual professional development of each and every individual, in order to assist them to develop their professional practice on a personal level and to ensure their contribution to improving educational provision and performance of the school.
- 1.3 The performance management policy will also be used to address any concerns that are raised about an employee's performance. If concerns cannot be resolved through the performance management process, an individual may proceed to be managed via the Capability Policy.

## 2. Timescales

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- 2.1 Performance management is an ongoing cycle, with key activities taking place at particular times of the academic year:

**Summer Term:** Preparation and self-evaluation against the relevant standards.

**Autumn Term:** School and individual objectives will be set and performance during the previous academic year formally appraised during the Appraisal Meeting.

**Spring Term:** Mid Term review of objectives and targets, which may be reviewed where circumstances have changed since targets were set in the Autumn.

*For Teachers, in order to comply with 'The Education (School Teachers' Appraisal) Regulations 2012, the appraisal period in relation to a teacher employed at the school is such period of twelve months as the Governing Body determines.*

- 2.2 Those employed on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. However the length of the period will be determined by the duration of the contract.
- 2.3 Where an individual commences employment at the school part way through the performance management cycle, the Head Teacher, shall determine the length of the first cycle for that individual with a view to bringing their performance management cycle into line with that of the other employees as soon as possible.
- 2.4 Where an individual is appointed to a new post within the school part way through the performance management cycle, the Head Teacher must give consideration as to how this will affect the individual's performance management. Where necessary, an interim performance management meeting should take place, at the earliest opportunity, in order to review current targets and objectives to ensure they are relevant to the new role. Any new targets and objectives should be set to allow the individual to achieve their new targets by the Autumn review.
- 2.5 The above principles will also apply where an individual staff member has had a period of leave, i.e. maternity leave, sickness absence or where they have had a career break.
- 2.6 The appraiser will ensure that all written appraisal records are retained in a secure place for six years after which they can be destroyed.

### **3. Appointment of Appraisers**

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- 3.1 The Head Teacher will be appraised by a sub-group of the Governing Board/Trustees, who must be supported by a suitably skilled and experienced external educational adviser appointed by the Governing Board/Trustees.
- 3.2 The Head Teacher and Senior Leadership Team will decide who will undertake appraisals of the teaching and support staff. This will normally be the member of staff with a clear line management overview of the work of the member of staff being appraised.
- 3.3 Appraisers of teaching staff must have Qualified Teacher Status.

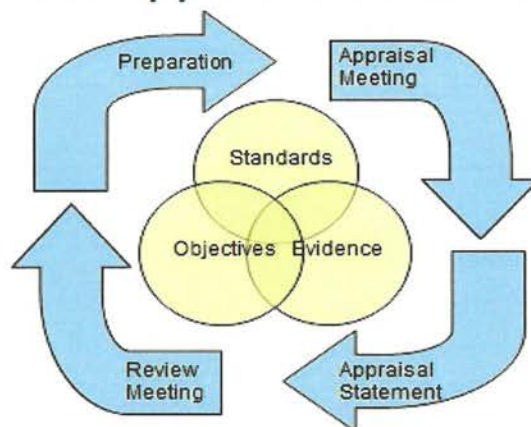
## 4. Performance Management Process

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The appraisal period will run for twelve months from September to September.

Performance Management Process:

### The Appraisal Process



#### 4.1 Preparation & Self Evaluation

During the summer term, the Appraiser will determine the standards against which employees will be assessed.

For the Head Teacher, the sub-group of the Governing Board/Trustees, with the support of an external adviser, will determine the standards against which the Head Teacher will be evaluated. The Head Teacher will then formulate the targets for the remaining employees in school.

#### 4.2 Appraisal Meeting – Reviewing Performance

During the Autumn term appraisers and employees will meet to undertake a formal Appraisal Meeting to:

- Review and discuss previously set objectives and targets;
- Assess evidence on whether the objectives and targets have been met;
- Set objectives for the forthcoming appraisal cycle;
- Record the outcome on an appraisal statement form (see below).

Objectives should contribute to the wider school's aim of improving the educational provision and performance.

The targets and objectives set for all employees must be SMART (Specific, Measurable, Achievable, Realistic and Time-bound) and must be appropriate to the employee's role and level of experience. In addition, the success criteria of achieving the objectives and the relevant level of the standards the employee should be achieving and demonstrating should also be agreed.

Both the appraiser and employee should agree the objectives where possible. However, if this is not possible, the appraiser will determine the objectives.



For further advice on setting targets and objectives to ensure that they are reasonable and appropriate to the career stage of the individual concerned, please see guidance document.

#### **4.3 Completion of the Appraisal Statement**

Within a reasonable time after the Appraisal Meeting (or school to set a specific timescale):

- The appraiser will complete the Appraisal Statement;
- The Appraiser will forward the completed statement to the employee for comment/approval;
- The employee will review the statement and include any comments they wish to make in the relevant section of the form.

Once the Appraisal Statement is completed, both appraiser and employee should sign and retain copies.

The Appraisal Statement form will include the following:

- Details of the objectives for the appraisal period being assessed;
- An assessment of the individual's performance of their role and responsibilities during the appraisal period, measured against their objectives and the relevant standards;
- A review of the individual's training and development needs and identification of any action that should be taken to address these needs;
- A recommendation on pay progression (where applicable, for Teachers only);
- Any additional support or training required for the forthcoming appraisal period.

For Teachers, the Appraiser should make a recommendation regarding pay progression. For Head Teachers the person making the recommendations must be the individual who carried out the appraisal process. Where there is to be a recommendation for no pay progression, individuals should already have been made aware that this was a possible outcome, either at the Mid Year review in the spring term, or at the earliest opportunity. All recommendations on pay progression will then be referred to the Governing Board/Trustees to make a final decision.

#### **4.4 Ongoing Review of Performance**

The level and nature of ongoing assessment required will be confirmed within the appraisal meeting and statement. It should be carried out in a supportive way and reflect the performance and development needs of the individual. Any feedback on performance will be given promptly, highlighting particular areas of strength as well as any areas that need attention and where appropriate action is required. On-going review may include:

##### **Observations (for Teaching)**

Teachers' performance will be regularly observed but the amount and type of classroom observation will depend on the individual circumstances of the teacher and the overall needs of the school.

Classroom observations will be carried out on all teachers. In addition to formal observation, Head Teachers or other leaders with responsibility for teaching standards may 'drop in' on lessons on other occasions in order to evaluate the standards of teaching and to check that high standards of

professional performance are established and maintained. The length and frequency of 'drop in' observations will vary depending on specific circumstances. Teachers (including the Head Teacher) who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

**Other means of assessing performance may include:**

- Planning and work scrutiny;
- Termly meeting with appraiser;
- Mid-cycle review meeting with appraiser;
- Observation / scrutiny of leadership and management activities where appropriate;
- Other feedback obtained during the cycle relevant to the teacher's overall performance;
- Focused and moderated APP work with specific groups;
- Learning walks;
- Pupil behaviour and their management;
- Quality of learning environment;
- Pupil attitude survey;
- Specific internal as well as external tests;
- Lesson plans and showcase innovative approaches;
- Pupil conferences.

### **Feedback**

Teachers and support staff will receive constructive feedback on their performance throughout the year, and for teachers, as soon as practicable after an observation has taken place, or other evidence has come to light which may suggest there are areas of their performance that may require further support.

Where there are concerns about any aspects of an employee's performance the appraiser will meet the employee as soon as possible to advise them of their concerns and consider whether additional support may be required. Regular follow up meetings should then take place, via day to day management to check on the employee's progress. If, following these reviews the appraiser is satisfied that the employee has made, or is making, sufficient improvement, the performance management process will continue as normal. Where an employee continues to fall short of the expected targets and standards, then the appraiser should refer to the Transition to Capability Section below.

## **4.5 Mid –Year Review**

The purpose of this review is:

- To check on progress against the agreed objectives and ensure objectives are still relevant;
- To check overall performance against the role and relevant professional standards;
- To ensure that development and support opportunities necessary to meet the performance/success criteria are being provided/accessed;
- To evaluate the effectiveness of any training/development already undertaken;
- To discuss any issues arising during the year;
- To consider any other development and support that may be required;

- To collect evidence in support of the final annual assessment/review which may form part of a professional development portfolio.

Appraisers should also consider whether it is necessary to review what was agreed in the appraisal statement during the cycle. For example:

- if the employee's post and/or responsibilities have changed;
- there have been difficulties in accessing agreed support;
- where the employee has been on long term absence.

## **5. Pay Progression (for Teaching Staff)**

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- 5.1 Where teachers are eligible for pay progression, the recommendation made by the appraiser will be based on the assessment of their performance against the agreed objectives. The decision made by the relevant decision-making body will be based on the statutory criteria and guidance set out in the pay policy, STPCD and the relevant Teacher Standards.
- 5.2 Where there are concerns that a teacher may not meet their objectives by the end of the performance management cycle, the appraiser must make this explicitly clear to the individual and advise them that this may impact the recommendations made to the Pay Committee. If the appraiser makes a recommendation that no pay progression is to be applied then this should not come as a surprise to the individual.

## **6. Transition to Capability**

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- 6.1 Where performance concerns remain, additional support should be considered and offered as soon as possible, without waiting for the formal annual assessment. Under these circumstances, the appraiser will, as part of the appraisal process meet the individual to:
- Give clear written feedback to the individual about the nature and seriousness of the concerns;
  - Give the employee the opportunity to comment on these concerns and put forward their views (the employee may be represented by a Trade Union representative or work colleague);
  - Set targets for improvement and agree an improvement plan which includes appropriate supportive measures such as coaching, training, in-class support (where relevant), structured observations or mentoring that will help to address those specific concerns;
  - Make clear how progress will be monitored and when it will be reviewed;
  - Explain that if the individual does not make the required improvement then it may be necessary to refer to the capability procedure.
- 6.3 The individual's progress will continue to be monitored as part of the performance management process and a reasonable time given for the individual's performance to improve, timescales will be considered on a case by case basis. During this monitoring period the individual will be given regular feedback on progress and arrangements will be made to modify the support programme if appropriate.

- 6.4 If the required improvement has been made and there is no longer a possibility that capability procedures will be invoked the individual must be informed of this as soon as possible.
- 6.5 Alternatively if it is concluded that it is appropriate to progress to the capability procedure, the appraiser will meet with the individual to inform them of this. The employee will then receive a written invite to a Formal Capability Meeting.

## **7. Confidentiality & Quality Assurance**

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- 7.1 The performance management and capability processes will be treated with confidentiality.
- 7.2 The Head Teacher may moderate all or a sample of objectives/targets that have been set to ensure that these:
- Are consistent between those who have similar experience and similar levels of responsibility;
  - Comply with the school's performance management policy, any relevant regulations and equality legislation.
- 7.3 In relation to the Head Teacher, the Governing Body/Trustees may nominate the Chair of Governors or a number of governors/trustees to quality assure the planning statement for the Head Teacher.

## **8. Monitoring and Evaluation**

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- 8.1 The Governing Body/Trustees will monitor the operation and outcomes of performance management arrangements.



# Capability Policy

Reviewed October 2022

**This policy applies to all staff including the Head Teacher/Principal.**

**For Academies: This policy will be implemented in accordance with the Trust's Scheme of Delegation and Articles of Association. The constitution of formal panels will be determined by the Trust's Scheme of Delegation.**

**This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Trust/Governing Body.**

**For the purposes of this policy the Head Teacher/Principal will be referred to as 'Head Teacher' and school/academy will be referred to as 'school'.**

**Data will be processed to be in line with the requirements of protections set out in the UK General Data Protection Regulation**

## 1. Purpose

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- 1.1 The School will ensure that they have effectively undertaken performance management and provided sufficient opportunities for additional training and/or support to be put in place, via day-to-day management, to enable an employee to reach the required standard of performance. Managers will ensure they have advised an employee of the potential to be managed under this policy, **prior** to its implementation, at the **Transition to Capability** stages of the Performance Management policy,
- 1.2 This policy outlines the formal process to be followed when an employee continues to fall short of the expected performance for their role. The process is designed to be fair and consistent, focusing on continued support to assist an employee to improve to a satisfactory level of performance. However, where insufficient improvement is seen formal action may be considered.

## 2. Application of the Policy

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### 2.1. Roles & Responsibilities

Where there are concerns regarding the Head Teacher's performance, the Chair of Trustees' will be responsible for overseeing this process. The school's External Educational Adviser should be involved in managing this process if they have assisted previously with the performance management process.

For all other staff, the process will be undertaken by either the Head Teacher or another manager.

### 2.2 Right to Be Accompanied

At all formal meetings, and at any subsequent hearing, the employee will be advised of their right to be accompanied by either a work colleague or a Trade Union representative.

Notes will be taken during all formal meetings and copies sent to the employee together with any relevant documents (e.g., a formal improvement plan).

### 2.3 Right of Appeal

Individuals will have the right to appeal against formal sanctions. Appeals are to be made in accordance with the School's Appeal Policy.

## 2.4 Pay Progression

For teaching staff, where the capability policy has been invoked the employee will not receive pay progression whilst being managed under this policy.

## 3. Capability Meeting

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- 3.1 This is a formal process. The purpose of the meeting is to present the facts, allow the employee to respond to concerns about their performance and for the manager to decide how to proceed with the case.
- 3.2 Five working days' written notification of this meeting will be given and will outline management's concerns about the employee's performance. A copy of all evidence to be presented at the meeting will also be included with this letter.
- 3.3 The person conducting the meeting will:
- Identify which standards are not being met and give clear guidance on the standard of improved performance required,
  - Explain any supportive actions that have previously been put in place and what other additional support may be available to help the employee improve their performance,
  - Specify the monitoring and review period for improvement (which will vary in individual cases),
  - Ask the employee to respond to the concerns being presented.
- 3.4 The employee will then:
- Provide evidence to support their position,
  - Explain reasons for the shortfall in performance.
- 3.5 At this point, management will consider the employees response before deciding how to proceed. A decision will then be taken, based on all the information presented at the meeting that either:
- a) There are insufficient grounds for pursuing the capability issue(s). The capability procedure will cease, and the remaining concerns may be addressed through the performance management process, **OR**
  - b) An adjournment is necessary (e.g., for further investigation or to consider any additional information), **OR**
  - c) There are capability issues to be addressed, which may warrant a final warning if the required improvements are not made following the review period. In these circumstances, a further improvement plan will be put in place, or the original plan reviewed to assist the employee. Timescales for



review should also be agreed at this point (usually no longer than 4 to 8 weeks), along with a date for the Review Meeting.

- 3.6 The employee will receive written outcome of the meeting, along with a copy of the improvement plan and the notes from the meeting.

#### **4. Review Meeting**

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- 4.1 Five working days' notice will be given of the formal review meeting, which will be held at the end of the review period.
- 4.2 Both the person conducting the meeting and the employee will have an opportunity to present evidence to support their position.
- 4.3 The potential outcomes of the meeting are:
- a) If the employee has made sufficient improvement, the capability procedure may cease, and the performance management process will restart, **OR**
  - b) If some progress has been made and more is likely, it may be appropriate to extend the review period. In most cases it will be appropriate to extend the review period just once, **OR**
  - c) If no, or insufficient, improvement has been made, the employee will receive a final written warning which will remain on their file for 12 months. A further review period will then be set (which may be the same or less than the previous review period. The employee will be informed in writing of the specific matters covered, the timing and their right to appeal against the warning. They will also be informed that failure to achieve an acceptable level of performance in the next review period may lead to dismissal.
- 4.4 Where the process is to be continued a further improvement plan will be put in place, outlining expectations and timescales to be achieved by the review date. A date for the Final Review Meeting (see Section 5) should be agreed at this point.
- 4.5 The employee will receive a written outcome of the meeting, along with a copy of the improvement plan and the notes from the meeting.

#### **5. Final Review Meeting**

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- 5.1 Five working days' notice will be given of the final review meeting.
- 5.2 Both the person conducting the meeting and the employee will have an



opportunity to present evidence to support their position.

5.3 The potential outcomes of the meeting are:

- a) If the employee has made sufficient improvement, the capability procedure may cease, and the performance management process will continue, **OR**
- b) If some progress has been made and more is likely, it may be appropriate to extend the review period. In some cases it will be appropriate to extend the review period just once, **OR**
- c) If no, or insufficient, improvement has been made, the employee will be advised that a hearing will be convened to consider the case and that a potential outcome is dismissal. This will be confirmed in writing to the employee.

## 6. Capability Hearing

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6.1 Five working days written notice will be given to the employee to attend a Formal Capability Hearing. This notification should clearly detail:

- The reason(s) for the hearing,
- The employee's right to be accompanied at the hearing by a work colleague or Trade Union representative,
- That a potential outcome of the hearing is dismissal,
- A request for the employee to submit any evidence to support their case.

6.2 Employees will also receive copies of relevant documentation (e.g., formal improvement plan(s), notes of meetings, etc.). Employees will be given an opportunity to provide evidence.

### 6.3 Composition of the Panel

The case will be heard by either an independent person or a Panel of Trustees who have not had any previous involvement with original process.

Where the Head Teacher is the decision maker they may wish to be accompanied by a Trustee.

6.4 The potential outcomes of the hearing are:

- Where the employee has made sufficient improvement, the capability procedure may cease and the performance management process will restart, **OR**
- Where no, or insufficient, improvement has been made, the employee will be dismissed with notice.

## **7. Dismissal**

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- 7.1 Dismissals will be with notice. The school will have the option for employees to work their notice, or, be paid in lieu of notice if this is deemed to be appropriate. This should be discussed and agreed with the employee and their representative.
- 7.2 The employee will be notified in writing of the outcome of the hearing within 3 working days of the hearing. The letter will outline the reason(s) for the dismissal and date of termination of their employment. The letter will also include details of the right to appeal.

## **8. Extreme Circumstances**

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- 8.1 If the lack of capability jeopardises the education and/or health, safety and wellbeing of pupils, the process/timescale of review periods may be shortened. If after this shortened review period an acceptable level of progress has not been made or it is concluded that the lack of capability continues to jeopardise the education and/or health, safety and wellbeing of pupils then it may be appropriate to proceed directly to a hearing. In these extreme circumstances, it may be appropriate to suspend the employee on full pay pending a formal hearing.

# Disciplinary Policy

Reviewed: September 2022

**This policy applies to all staff including the Headteacher/Principal.**

**For Academies: This policy will be implemented in accordance with the Trust's Scheme of Delegation and Articles of Association. The constitution of formal panels will be determined by the Trust's Scheme of Delegation.**

**This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Governing Body/Trust.**

**For the purposes of this policy the Head Teacher/Principal will be referred to as 'Head Teacher' and school/academy will be referred to as 'school'.**

## **1. Purpose**

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- 1.1 The school requires all employees to achieve and maintain appropriate standards of conduct and behaviour. This policy provides a fair and consistent method of dealing with matters where disciplinary action is considered necessary.

## **2. Safeguarding**

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- 2.1 Any allegations of misconduct that involve potential safeguarding issues will be dealt with in accordance with 'Keeping Children Safe in Education – statutory guidance for Schools and Colleges' and the school's safeguarding policy. If an allegation is connected to the safeguarding of children then the LADO will be contacted.
- 2.2 A referral will be made to the Disclosure & Barring Service (DBS) at the appropriate point in the process and to the Teaching Regulation Agency (TRA) (for Teaching staff) where necessary. Information provided by the Police or other agencies (e.g. investigation outcome, statements) will be shared with the employee where possible, unless specifically advised otherwise, particularly if this information will form part of the management case at a subsequent disciplinary hearing.

## **3. Investigating Officer**

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- 3.1 An independent investigating officer will be appointed to carry out a thorough investigation into the alleged misconduct to establish the facts of the case and collate appropriate information.
- 3.2 An 'Investigating Officer', will either be:
- The employee's Line Manager,
  - A member of the SLT,
  - An independent/competent manager, Governor or Trustee, or
  - An externally commissioned Investigating Officer
- 3.3 The Headteacher/Governor will only be the Investigating Officer in circumstances where they will not be responsible for making any decisions about the sanction.

## **4. Initial Discussion**

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- 4.1 The purpose of this discussion is to ascertain the employee's immediate response to the concern(s) raised against them and to establish the initial facts to determine whether any further action (e.g. further investigation or suspension) is required. It is important to note that this meeting forms part of a manager's day to day responsibilities to manage their employees and as such is not a formal meeting.
- 4.2 Whilst it is not necessary to take notes at this point, any notes which are taken by the person conducting the initial discussion and which may be referred to at a later date, must be brief. The employee must also have sight of these notes prior to the end of the discussion and receive a copy.



4.3 The potential outcomes of the conversation are:

- a) No further action is necessary,
- b) Deal with the matter informally, e.g. via a good practice discussion/expectation letter, mediation, training,
- c) Refer the matter to a Formal Investigation Meeting (possibly including suspension of the employee).

4.4 In cases where gross misconduct (see Appendix B) is alleged, the manager may bypass the initial discussion meeting and progress directly to a Formal Investigation Meeting.

## **5. Suspension**

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5.1 Suspension is not a disciplinary penalty. It will not pre-determine in any way the outcome of any investigation. Employees may be suspended at any stage during the investigation process.

5.2 Suspension will only be considered if where there are genuine and serious concerns about the employee remaining in the work place. Any suspension will be kept under regular review and the duration will be kept to a minimum. The reason for the suspension will be made clear to the employee and confirmed in writing.

## **6. Formal Investigation Meeting**

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6.1 No formal disciplinary action will be taken until the matter has been fully investigated which may include the employee attending a Formal Investigation Meeting. The organisation reserves the right to dispense with an investigation meeting and to proceed directly to a disciplinary hearing.

6.2 At least 5 working days' written notice will be given for a formal investigation meeting at which the employee has the right to be accompanied by a work colleague or Trade Union representative. The letter inviting the employee to the meeting will outline the nature of the concerns. Notes will be taken at this meeting and a copy sent to the employee for agreement.

6.3 At the meeting the Investigating Officer will:

- Make clear to the employee what concerns have been raised,
- Ask the employee to respond to the concern(s) against them,
- Advise the employee that the matter may result in a formal disciplinary hearing at which they will have the right to be accompanied by a work colleague or Trade Union representative

The employee will:

- Respond to the investigating officer's questions,
- Produce evidence that supports their position,
- Provide the names of any witnesses (if applicable) to support their case.

## **7. Completing the Investigation**

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- 7.1 Following the formal investigation meeting, the Investigating Officer will collect further evidence relevant to the case to ensure the matter has been thoroughly considered. This may include the collation of documentary evidence and/or witness statements (including evidence which may be in support of the employee) in order to establish whether there is an issue that needs to be addressed.
- 7.2 Once the investigation is complete, the investigating officer will consider, based on all available information, whether there is a case to answer. The potential outcomes of the investigation are:
- a) No further action is necessary,
  - b) Deal with the matter informally, e.g. via a good practice discussion/expectation letter, mediation, training,
  - c) Refer the matter to a formal disciplinary hearing (possibly including suspension of the employee).
- 7.3 Where the investigating Officer has been commissioned externally or does not have the authority to make such decisions on the outcome of the investigation, they will present their report back to the Commissioning/Decision Making Manager who will then decide how the case will proceed.

## **8. Disciplinary Hearing**

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- 8.1 At least 5 working days' notice will be given to attend a formal hearing. The invite letter will state:
- the reasons for the hearing,
  - the specific allegations to be considered at the hearing,
  - the names of any witnesses to be called by the management side,
  - the employee's right to be accompanied by a work colleague or Trade Union representative,
  - that a potential outcome of the hearing is dismissal.
- 8.2 The employee will also receive copies of any relevant documentation that will be used as evidence during the hearing, including the management's statement of case.
- 8.3 It is the employee's responsibility to give advance notice that they intend to invite relevant witnesses (if required) to support their case at the hearing. Management will ensure that such witnesses are released from their duties to enable them to attend the hearing
- 8.4 During the hearing the employee will be given an opportunity to state their case, providing any relevant evidence and will be allowed to question both management and any witnesses.
- 8.5 Notes will be taken at the hearing and a copy sent to the employee. For the format of the hearing refer to the Appendix C.
- 8.6 The following outcomes are available to the panel or delegated person dependent on the seriousness of the offence and taking in to account any mitigation:
- a) No further formal action is necessary,
  - b) First written warning (which will remain on file for 6 months),
  - c) Final written warning (which will remain on file for 12 months).

d) Dismissal (with or without notice).

8.7 Employees will be dismissed with notice except in the case of gross misconduct. In the case of gross misconduct, the employee will be summarily dismissed with no notice.

8.8 The employee will be notified in writing of the outcome of the hearing. If the outcome is dismissal, the letter will include the reason for the dismissal and the date this is effective from. The letter will also include details of the employee's right to appeal.

## **9. Dismissal**

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### **9.1 Local Authority Schools**

The school will also notify the Local Authority of the decision and the reasons for it. The Local Authority will then write to the employee to dismiss them within 14 days of the date of the notification.

### **9.2 Academies, Voluntary Aided, Foundation and Trust Schools**

The panel's decision will be confirmed in writing to the employee including the date that their employment will be terminated.

## **10. Right of Appeal**

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10.1 Individuals will have the right to appeal the decision. Appeals are to be made in accordance with the school's Appeal Policy.

## **11. Case Referral**

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11.1 Where a teacher/Headteacher is dismissed for misconduct or resigns prior to the completion of the disciplinary process, the Investigating Officer or panel/delegated person may consider making the appropriate referral to the Teaching Regulation Agency in accordance with the TRA's "Teachers Misconduct: Disciplinary procedures for the teaching profession" document (updated 20<sup>th</sup> May 2020) which sets out the procedures for the regulatory systems relating to teacher misconduct. Information regarding how to make a referral can be found: <https://www.gov.uk/government/publications/teacher-misconduct-referral-form>.

## **12. The Disclosure & Barring Service (DBS)**

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12.1 If the allegation against any member of staff (both Teaching and Support staff) is in any way connected to the safeguarding of children, a referral will be made to the Disclosure & Barring Service (DBS) by the Designated Safeguarding Lead in conjunction with the Investigating Officer.

12.2 If misconduct and safeguarding are both involved, a referral will be made to both the DBS and the TRA.



## Examples of Misconduct – Appendix A

The following list is not exhaustive but gives examples of offences which may amount to misconduct:

- Persistent bad timekeeping;
- Unauthorised absence from work;
- Failure to follow reporting procedures;
- Damage to school property;
- Failure to follow policies and procedures;
- Abusive or disruptive behaviour;
- Minor breaches of Health and Safety regulations;
- Misuse of school facilities;
- Insubordination;
- Failure to exercise proper control or supervision of students;
- Undertaking unauthorised employment;
- Failure to comply with the procedure for the notification of sickness absence;
- Improper behaviour or conduct towards colleagues, parents or members of the public;
- Unreasonable refusal to follow a management instruction;
- Showing inappropriate information/footage to students which is outside of the curriculum;
- Complaints from parents that have been upheld on balance of probabilities;
- Inappropriate use of social media which may affect your role in the school.
- Smoking and/or Vaping on school premises (including vehicles);

Serious examples of any of the above may amount to gross misconduct.



## Examples of Gross Misconduct – Appendix B

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The following list is not intended to be exhaustive and gives only an indication of the types of offences which could be considered as gross misconduct:

- Serious incapability as a result of being intoxicated by reason of alcohol, non-prescribed drugs, illegal drugs or prescribed drugs which may have an adverse effect on performance and safety;
- Deliberate falsification of documentation and/or records
- Theft, removal or unauthorised possession or deliberately aiding another person to remove or failure to properly account for any property or facilities belonging to the school or to another employee or student;
- Repeated and/or refusal to carry out duties or reasonable instructions
- Failure to comply with the school's policies and procedures;
- Serious damage deliberately sustained to school property or to the property of another employee or pupil;
- Repeatedly leaving school premises during normal working hours without obtaining the permission of the line manager;
- Any indecent act (which is defined as any act of a lewd, suggestive or indecent nature which could cause any person to be offended or feel threatened);
- Serious acts of insubordination;
- Serious breach of the school's policies and procedures concerning health and safety at work;
- Acts of bullying, harassment or discrimination;
- Any tampering with the school's computer systems which results in loss or damage to hardware or software or unauthorized exposure of confidential information including the accidental installation of virus programs. This also includes any contravention of the General Data Protection Regulations and the disclosure of any password or key to unauthorized persons or to install, run, load or download any pornography, unauthorised software or to copy, run, transfer or load software such as public domain programs or games of any description or to disregard any operating protocol;
- Serious negligence/incompetence which causes unacceptable loss, damage or injury;
- Personal behaviour which is likely to bring the School into serious disrepute and/or have an adverse effect on students;
- A criminal offence, which may (whether it is committed during or outside of the employee's hours of work) adversely affect the school's reputation, the employee's suitability for the type of work they are employed to perform, or their acceptability to other employees or students;
- Violent or threatening behaviour;
- Breach of the Safe Guarding Vulnerable Groups Act 2006;
- Inappropriate use of social media which may affect your role in the school;
- Maladministration.

1 - In certain cases drugs prescribed by a doctor or purchased from a chemist can induce drowsiness and will include the advice not to operate machinery. Employees must inform their line manager if they have taken such medicine and would normally be required to operate machinery or drive a vehicle during the course of their work.

## Appendix C: Procedure for Formal Hearings

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- The presenting officer, the employee and their representative will be invited into the room together.
- The chair of the panel will introduce all parties present and run through the procedure for the hearing.
- An employee who is not accompanied will be reminded of their right to representation by a work colleague or Trade Union representative.
- The presenting officer will present the evidence to the panel in the presence of the employee and representative. Witnesses may be called individually by the presenting officer in support of the case.
- The witnesses may be asked questions by the presenting officer.
- The presenting officer and any witnesses called may then be asked questions by the employee or their representative on the evidence presented.
- Members of the panel may ask questions of the presenting officer and witnesses on the evidence submitted.
- The employee or representative will state their case in the presence of the presenting officer. Witnesses may be called by the employee in support of their case.
- The employee and any witnesses called may then be asked questions by the employee or their representative.
- The witnesses may then be asked further questions by management.
- The panel may ask questions of the employee and their representative and any witnesses called.

**Note:** After completion of the above stages the witnesses will be:

- *instructed not to discuss the case outside of this process until after the hearing has been determined*
- *asked to retire. Unless otherwise determined by the parties to the hearing, the witnesses may be subject to recall*

- The presenting officer will then have the opportunity to sum up the case. No new evidence can be included at this point.
- The employee or their representative will have the opportunity to sum up on their behalf. No new evidence can be included at this point.
- The employee, representative and presenting officer shall then withdraw from the hearing.
- The Panel will then deliberate in private, only recalling the employee (and their representative) and the presenting officer to clarify points of uncertainty on evidence already given. If recall is necessary, both parties must return.
- After deliberating, the Panel will invite all parties back into the room to deliver the decision.
- The right of appeal against the decision will also be explained. The Panel will then formally write to the employee within 3 working days confirming the decision and any right of appeal.

# **Grievance Policy (including Dignity at Work)**

Reviewed: September 2022

**This policy applies to all staff including the Head Teacher/Principal.**

**For Academies: This policy will be implemented in accordance with the Trust's Scheme of Delegation and Articles of Association. The constitution of formal panels will be determined by the Trust's Scheme of Delegation.**

**For the purposes of this policy the Head Teacher/Principal will be referred to as 'Head Teacher' and school/academy will be referred to as 'school'.**

**This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Governing Body/Trust.**



## 1. Purpose

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- 1.1 The purpose of the policy is to provide a framework within which employees can raise individual grievances and managers can deal with those grievances in an appropriate manner.
- 1.2 All complaints relating to the following will be fully considered and investigated by the school:
  - **Dignity at Work:** includes complaints regarding unacceptable behaviour such as bullying, harassment and victimisation.
  - **Grievance:** includes concerns, problems or complaints raised by an employee regarding their working conditions or relationship with colleagues.

## 2. Mediation

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- 2.1 Mediation can play an important role in resolving problems between employees. Mediation is an informal, voluntary process, which can be used to resolve disagreements in the workplace. Employees are encouraged to consider using mediation at both the informal stages of a grievance, or if necessary, following the formal stages being invoked.

## 3. Day to Day Management

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- 3.1 Employees are encouraged to and will be supported to resolve the problem informally in the first instance. The individual raising the grievance should attempt to discuss the issue directly with their line manager, either verbally or in writing. If the grievance relates to the individual's line manager, it should be referred to the line manager's manager.
- 3.2 Discussions should take place which seek to achieve a full and satisfactory resolution to the matter. Where this is not possible or does not conclude matter, further investigation in to the complaint may be required. See sections 4 and 5.

Whilst the grievance is being considered the status quo will apply.

## 4. Investigating Officer

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- 4.1 An independent investigating officer may need to be appointed to carry out a thorough investigation and collation of appropriate information to establish the facts of the case.
- 4.2 The role of the investigator will be to investigate the issues raised, interview witnesses as appropriate, establish the facts and make any recommendations for resolution. The school will ensure that the investigating officer is impartial.
- 4.3 Investigations will vary in the level of detail required, this must be proportionate to the matter in question.

## **5. Investigation Process**

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- 5.1 Where the employee feels that their grievance has not been resolved via day to day management or where the complaint is deemed to be sufficiently serious, the grievance should be put in writing to a manager who is not the subject of the grievance. The letter should specify the exact nature of the complaint and the resolution that the employee wishes to see whilst attaching any relevant evidence.
- 5.2 Following the receipt of the grievance, a letter of acknowledgement will be sent to the employee and a meeting arranged without unreasonable delay.
- 5.3 Individuals have the statutory right to be accompanied at formal meetings by either a work colleague or trade union representative. The meeting will allow the individual to elaborate on the points raised in their written grievance and will inform the next steps of the investigation.
- 5.4 The purpose of the investigation is to establish the facts of the case and collate appropriate and relevant evidence in order to establish whether there is an issue that needs to be addressed. All parties will be given an opportunity to respond to the points raised and may direct the investigating officer to any relevant witnesses to support their case.
- 5.5 The Investigating Officer will produce a report outlining their findings, summary and recommendations for the Decision-Making Manager.
- 5.6 Based on the outcome of the investigation the manager will give one of the following conclusions :
  - a) The grievance is upheld,
  - b) The grievance is partially upheld,
  - c) The grievance is not upheld.
- 5.7 A summary of the findings should be provided to the complainant. The outcome to the process must be confirmed to the complainant in writing outlining their right of appeal against the decision.
- 5.8 The respondent should also be informed of the outcome, e.g whether the matter will be dealt with via day to day management (see Section 8) or if the matter will move to a formal disciplinary process.
- 5.9 Consideration will be given as to how the parties are going to work together moving forward.

## **6. Withdrawing the Grievance**

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- 6.1 If at any point the employee who has instigated the grievance procedure wishes to withdraw their grievance, they should confirm this in writing and submit this to the same individual they originally submitted the grievance letter to.

## 7. Appeal

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- 7.1 Where an individual is not satisfied with the outcome of their grievances following the investigation process, they will have the right of appeal this outcome. The appeal will be held in line with the school's Appeal Policy.

## 8. Re-establishing Working Relationships

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- 8.1 Regardless of the outcome, the alleged perpetrator and the recipient **must** attend a mandatory joint meeting to discuss what support or action is required to assist them to re-establish their working relationship. The Decision-Making Manager should ensure that this meeting is scheduled to take place as soon as possible after the parties have been advised of the investigation outcome. A third party (e.g. manager, HR representative) may be involved in this meeting to help facilitate a solution.
- 8.2 The purpose of the meeting is to agree strategies to assist the parties to resume and repair their working relationship. A potential outline of the meeting might include:
- Explaining the purpose of the meeting (e.g. it is not to revisit the complaint previously investigated, it is about moving forward),
  - Identifying potential areas of concern and explore these with the parties,
  - Encouraging open and honest communication,
  - Confirming the key points agreed to help move forward,
  - Re-affirming that both parties have a responsibility to ensure good working relations are maintained and that failure to do so could lead to disciplinary action being considered.

## 9. Collective Grievances

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- 9.1 In cases where more than two employees have an identical grievance, they may wish for the matter to be addressed as a collective grievance. All employees must agree to being party of such action without any pressure being placed on them by other employees to join the collective complaint.
- 9.2 Depending on the nature of the complaint, attempts may be made to resolve the matter informally as per section 3 above. However, where the employees are not satisfied with the outcome the matter will be dealt with via the formal stages of this policy.
- 9.3 A group of employees raising a collective grievance must decide to either:
- a. nominate a spokesperson from the group of employees to act on the group's behalf throughout the grievance process, or
  - b. request that a TU union representative raise the grievance on behalf of the employees (where the employees are all members of the same Trade Union), or
  - c. where there is no agreement on a single nominated representative, or the complaints are not identical, employees will be entitled to raise an individual grievance.
- 9.4. The collective complaint should be headed "Formal collective grievance" and submitted to the Head Teacher/Chair of Governors. The complaint should:

- be signed by all individual wishing to raise the grievance,
- identify any nominated trade union representative or colleague to represent the group, and
- confirm that all those involved understand that the grievance will only have one collective outcome and one appeal outcome.

The process for dealing with collective grievances will follow the same process as outlined in this document above for individual grievances.



# Appeal Policy

Reviewed: September 2022

This policy applies to all staff including the Head Teacher.

**For Academies:** This policy will be implemented in accordance with the Trust's Scheme of Delegation and Articles of Association. The constitution of formal panels will be determined by the Trust's Scheme of Delegation.

This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Trust/Governing Body.

For the purposes of this policy the Head Teacher/Principal will be referred to as 'Head Teacher' and school/academy will be referred to as 'school'.

## 1. Purpose

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- 1.1 This procedure will be followed where an employee indicates that they wish to appeal against a decision to implement a sanction resulting from a formal HR process.

## 2. Appeal Process – Registering an Appeal

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- 2.1 An employee wishing to appeal against a decision to impose a sanction must do so within 5 working days of receiving their outcome letter.
- 2.2 In cases where a final written warning was issued, for example, during the formal stages of the Attendance Management process, appeals will be submitted to the Head Teacher or the member of the SLT who managed the case.
- 2.3 Where a panel of Governors made the decision to implement a warning or dismiss an employee at a formal hearing, appeals will be submitted to the Chair of the hearing panel.
- 2.4 In order to register an appeal the employee must complete the Appeal Registration Form (Appendix A). Once this has been received by the relevant person arrangements will be made for an appeal hearing to take place.
- 2.5 Appeals submitted outside of this timeframe will only be accepted in exceptional circumstances.

## 3. Appeal Process – Grounds for an Appeal

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- 3.1 When completing the Appeal Registration Form the employee must clearly specify the grounds for their appeal and outline the reasons for example, where they believe:
- the disciplinary/grievance **outcome** was too severe, or was wrong,
  - any disciplinary or grievance **procedure** was wrong or unfair, or
  - the employee has new evidence which was not available previously, but which may alter the original decision.

## **4. Appeal Process – Management Response**

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- 4.1 The Presenting Officer from the original hearing and/or Chair of the original panel will compile the management response to the employee's points of appeal.
- 4.2 A copy of the management's response will be made available to the employee/panel members prior to the hearing.
- 4.3 The school will determine the format of the hearing, based on the employee's appeal submission, e.g. a full/partial re-hearing.
- 4.4 Where new information comes to light that may significantly affect the decision of the original panel, a new process should be undertaken and a new hearing convened. In such circumstances the school will seek advice from their relevant HR Adviser.

## **5. Appeal Process – Convening an Appeal Hearing**

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- 5.1 Management will arrange for the appeal hearing to take place without undue delay, and where possible, it will be scheduled to take place during the employee's normal working hours.
- 5.2 Written notification of the date, time and location of the appeal hearing will be sent to the employee allowing a minimum of 5 working days' notice. This letter will detail the employee's right to be accompanied at the hearing by a work colleague or Trade Union representative and confirm the potential outcomes.
- 5.3 The employee will receive a copy of all the documentation being submitted for consideration, which should include:
  - Appeal Registration Form,
  - Any new evidence or supporting documents submitted by either party,
  - The statement from management in response to the points raised in the appeal,
  - All documents used at the original hearing/meeting,
  - Notes from the original hearing/meeting,
  - The letter confirming the outcome of the original hearing/meeting,
  - The names of any witnesses that management intend to call.
- 5.4 A copy of the documentation will also be provided to each panel member in advance of the hearing.
- 5.5 The names of any witnesses that the employee wishes to call should be submitted no later than 5 working days prior to the appeal hearing.
- 5.6 A note-taker will also be arranged to take notes at the hearing.

## **6. Composition of an Appeal Panel**

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- 6.1 The appeal will be heard by either an individual/panel who have not had any previous involvement with the process.
- 6.2 Where the Head Teacher is the decision maker they may wish to be accompanied by a Governor/trustee.
- 6.3 The format for the hearing can be found at Appendix B.

## **7. Witnesses**

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- 7.1 Both parties are responsible for ensuring that they invite their own witnesses to support their case at the hearing.
- 7.2 Where an employee wishes to invite a work colleague to attend the hearing as a witness in support of their case, they must inform the school at the earliest possible opportunity. The school will then make the necessary arrangements to allow the employee to be released from duty and ensure appropriate cover`.
- 7.3 Witnesses will only be required in the room whilst questions are being asked of them by the employee, their representative, manager and panel members.

## **8. Failure to Attend**

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- 8.1 If an employee fails to attend the appeal hearing without providing an acceptable reason, the hearing may proceed in their absence.
- 8.2 Where an employee or their representative is unable to attend with good reason or due to an unforeseen event, a new hearing date should be arranged within 5 working days of the original hearing date, subject to panel availability.
- 8.3 If the employee fails to attend the rearranged hearing the appeal will go ahead in their absence, unless there are exceptional circumstances.

## **9. Possible Outcomes**

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- 9.1 Possible outcomes of an appeal hearing are:
  - a. The panel uphold the original decision and maintain the sanction;
  - b. The panel overturn the original decision and implement a new decision with an alternative sanction.



- 9.2 The panel may also wish to make additional recommendations, e.g. training, guidance, for either the employee, the manager or both.
- 9.3 The appeal panel may **NOT** determine that the sanction of the original panel is increased. Where new information comes to light that may significantly alter the decision of the original panel, a new process should be undertaken and a new hearing convened. In such circumstances the school will seek advice from their relevant HR Adviser.

## **10. Notification of Outcome**

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- 10.1 The employee will be notified in writing of the outcome of the appeal hearing within 3 working days. A copy of the notes from the hearing will also be provided at the earliest opportunity.
- 10.2 The decision of the panel will be final and the employee will have no further right of appeal.

## Appendix A – Appeal Registration Form

### Appeal Registration Form

To be completed and returned to the Head Teacher/Chair of the original panel within 5 working days of receiving written notification of the outcome of the formal meeting/hearing. Please include any relevant supporting information you wish to be considered in support of this appeal.

#### Employee Details

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Job Title: \_\_\_\_\_

#### Outcome of the Hearing/Meeting

Policy Hearing/Meeting/Decision was Held Under:

- |                              |                          |
|------------------------------|--------------------------|
| Attendance Management        | <input type="checkbox"/> |
| Capability                   | <input type="checkbox"/> |
| Disciplinary                 | <input type="checkbox"/> |
| Grievance                    | <input type="checkbox"/> |
| Probation                    | <input type="checkbox"/> |
| Organisational Change        | <input type="checkbox"/> |
| Request for Flexible Working | <input type="checkbox"/> |
| Pay Policy                   | <input type="checkbox"/> |

Other: \_\_\_\_\_

Date of Hearing/Meeting: \_\_\_\_\_

Date Outcome Letter received: \_\_\_\_\_

Panel: \_\_\_\_\_

Outcome of Hearing/Meeting/Decision:

- |                          |                          |
|--------------------------|--------------------------|
| First Written Warning    | <input type="checkbox"/> |
| Final Written Warning    | <input type="checkbox"/> |
| Dismissal with Notice    | <input type="checkbox"/> |
| Dismissal without Notice | <input type="checkbox"/> |
| Not Upheld               | <input type="checkbox"/> |

Other: \_\_\_\_\_

**Details of your Appeal (please state clearly your points for appeal):**

(Please continue on a separate sheet of paper if necessary)

**Name and Contact Details of Representative:** \_\_\_\_\_

\_\_\_\_\_

**Names of any Witnesses to be called (if known):** \_\_\_\_\_

\_\_\_\_\_

**Dates Unavailable:** \_\_\_\_\_

\_\_\_\_\_

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

## Appendix B: Conducting an Appeal Hearing

The appeal hearing will follow the format below:

1. The Chair of the panel will introduce those present and outline the procedure to be followed. An employee who is not accompanied will be reminded of their right to representation.
2. The employee and/or their representative will present the reason for their appeal, including any new evidence.
3. The employee and/or their representative may call witnesses to support their case and may put questions to the witness.
4. The management representative may question the witnesses.
5. The panel may question the witnesses.
6. The witness leaves the room. (*Steps 3-6 will continue until all of the employee's witnesses have been heard and questioned*).
7. The management representative may question the employee and their representative on their case presentation.
8. The panel may question the employee and their representative on their case presentation.
9. The management representative will present their response to the appeal, including any new evidence.
10. The management representative may call witnesses to support their case and may put questions to the witness.
11. The employee and/or their representative may question the witnesses.
12. The panel may question the witnesses. (*Steps 10-12 will continue until all the management representative's witnesses have been heard and questioned*).
13. The witness leaves the room. (*Steps 10-13 will continue until all the management's witnesses have been heard and questioned*).
14. The employee and/or their representative may question the management representative on their case presentation.



15. The panel may question the management representative on their case presentation.
16. The employee and/or their representative will have the opportunity to sum up their case. At this point no new evidence is presented.
17. The management representative will have the opportunity to sum up their case. At this point no new evidence is presented.
18. The management representative, the employee and their representative will adjourn so that the panel can deliberate. Having deliberated on the matters placed before them, the panel will set out their decision and then recall and advise those attending the hearing of the outcome. In circumstances where this is not possible the individual will be informed that they will receive the outcome of the hearing in writing.

# Organisational Change Policy

Reviewed: September 2022

**This policy applies to all staff including the Head Teacher/Principal.**

**For Academies: This policy will be implemented in accordance with the Trust's Scheme of Delegation and Articles of Association. The constitution of formal panels will be determined by the Trust's Scheme of Delegation.**

**This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the Trustees/Governing Body.**

**For the purposes of this policy the Head Teacher/Principal will be referred to as 'Head Teacher' and school/academy will be referred to as 'school'.**

## 1. Purpose

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- 1.1 The purpose of this policy is to set out the approach to managing restructuring and redundancy procedures within the school. This policy establishes a fair, transparent and effective process for dealing with such situations.
- 1.2 The school's overall objective is to avoid redundancies wherever possible, however, the needs of the school may from time to time require:
  - a reduction in the overall number of staff employed,
  - role or responsibility changes, or
  - cessation of work/reduction in the need to carry out work of a particular kind.
- 1.3 Where this is necessary, the school will ensure that:
  - the total number of compulsory redundancies made is kept to a minimum,
  - employees and their representatives are fully consulted on any proposals and their implementation. Consultation with employees and the Recognised Trade Unions regarding any proposals will be meaningful,
  - selection for redundancy is based on clear criteria that will be objectively and fairly applied, and
  - support is provided to employees selected for redundancy to help them find suitable work when their employment has come to an end.
- 1.4 The school will not need to follow this policy when carrying out minor changes such as those changes which form part of day to day management, for example:
  - change of job title,
  - change of line manager/reporting lines.

However, the school will ensure that employees are informed of such changes and be able to put forward their views regarding these changes.

## 2. Governors'/Trustees' Decision to Implement Restructuring/Redundancy

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- 2.1 The Governing Body/Trustees will retain a view/control of all organisational change processes that are undertaken throughout the school to ensure consistency of application of processes and to allow the consideration of alternative employment options.
- 2.2 The Governing Body will make the formal decision and establish the remit for the organisational change process and will appoint a Lead Person(s) to manage the process on behalf of Governors.

- 2.3 Once the [Local] Governing Body have delegated the management of the process to the Lead Person it is important that, from this point forward, the Governors are not involved in the restructuring/redundancy process. This is to ensure that they remain independent from the process until a point when they may be required to be part of a selection process/redundancy hearing or appeal hearing.
- 2.4 In some cases, it is recognised that a Governor may work alongside the Headteacher on day to day matters regarding the restructure. In these circumstances Governors must ensure that they remain independent from the redundancy/appeal panel.

### **3. Avoiding or Minimising Redundancies**

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- 3.1 The school is committed to minimising the number of compulsory redundancies and therefore the following measures/alternatives will be fully explored and used when appropriate:
- Deletion of vacant posts,
  - Restriction or suspension of recruitment,
  - Recruiting to fixed term contracts,
  - Cessation or reduction of overtime,
  - Cessation or reduction of casual contracts,
  - Voluntary reduction in hours (individually or collectively),
  - Voluntary redundancy,
  - Redeployment opportunities within the school/across the Trust. (see Section 10).

This list is not exhaustive and all measures will be considered.

### **4. Consultation & Communication**

---

- 4.1 Where the school is proposing to make fewer than 20 employees redundant, the lead person(s) will communicate with the affected employees and the representatives of the recognised Teacher Trade Unions/Professional Associations and Support Staff Trade Unions at the earliest opportunity - this may initially take place prior to formal consultation regarding staffing restructurings/reductions. .
- 4.2 Consultation will include all employees who are not in school during the consultation period, including those on periods of absence, including maternity, adoption, shared parental leave or other long-term absence or those who are on a career break.
- 4.3 There is no specified statutory minimum period for consultation where it is proposed to dismiss 1-19 employees; however, the school will seek to agree with affected employees and the representatives of the recognised Trade Unions/Professional Associations a consultation period appropriate to the changes being proposed.
- 4.4 For proposals to make 20 – 99 employees redundant, a consultation period of at least 30 calendar days (including weekends but excluding school closures) will be provided.
- 4.5 For proposals to make 100 or more employees redundant, over a period of 90 days or less, at least



45 days consultation will be required.

- 4.6 The school must notify the Redundancy Payments Service (RPS) before a consultation starts, using the HR1 Form, when they are proposing to make the following redundancies:

<b>Number of proposed redundancies</b>	<b>When notification to RPS must be given</b>
20 to 99	30 days before the first redundancy
100 or more	45 days before the first redundancy

- 4.7 An action plan will outline the details of all proposals which will be subject to consultation.

## **5. Action Plan**

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- 5.1 The action plan will outline the following:

- a) the reasons for the proposal (including budget figures and projected budget figures),
- b) the number and details of employees affected by the proposals (e.g. teachers or support staff),
- c) the number of employees it is proposed to dismiss on grounds of redundancy,
- d) the proposed method of selecting the employees to be dismissed,
- e) the proposed method of carrying out the dismissals, including the period over which they are to take effect,
- f) the proposed method of calculating redundancy payments (see Appendix A).

- 5.2 The formal consultation period will commence once the draft Action Plan is shared with employees.

- 5.3 At the end of the consultation period, all comments, suggestions and where appropriate voluntary options will be thoroughly considered and responded to. Following this, the Action Plan will be finalised by the Lead Person(s), and distributed.

- 5.4 Copies of the final Action Plan, which highlights all the changes made, will then be sent to the employees affected and the Trade Unions.

## **6. Voluntary Redundancy/Reduction of Hours**

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- 6.1 In order to minimise the need for compulsory redundancies, the school may consider voluntary requests for redundancy from employees. The decision to grant redundancy is discretionary and will be based on criteria which are clear, fair, non-discriminatory and easily evidenced. These may include:

- whether there will be sufficient knowledge, capacity and skill base left within the school should the request be approved,
- the extent to which agreeing the request will help facilitate the service redesign and required savings,
- the cost of agreeing the request.

## **7. Selection**

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- 7.1 The criteria and process used in selecting employees for redundancy, loss of hours or for deployment to new or changed posts will depend on the existing circumstances and the particular needs of the school at the time and will be detailed in the action plan. Criteria will be fair, consistent and measurable.
- 7.2 The lead person will meet with Individuals to make them aware of the outcome of the selection process. This meeting is an opportunity to explore and discuss the reasons for the outcome.
- 7.3 Following these meetings, arrangements will be made for those employees selected for compulsory redundancy or loss of hours to attend a redundancy hearing.

## **8. Compulsory Redundancy/Loss of Hours Hearing**

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- 8.1 A hearing will be convened to consider compulsory redundancies or loss of hours.
- 8.2 The employee will be given written notification of the hearing and provided with at least 10 working days' notice and advised of their right to be accompanied at the hearing.
- 8.3 Outcomes of the hearing will be confirmed to employee(s) in writing within three working days of the hearing. Individuals will have the right to appeal decisions. All appeals are to be made in accordance with the school's Appeal Policy.
- 8.4 Depending on the circumstances, the school may provide payment in lieu of notice.

## **9. Implementing Other Outcomes**

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- 9.1 Voluntary requests and all other changes to posts (e.g. grades, hours, new posts) which have been accepted will be confirmed in writing and where appropriate new contracts or variations to contracts issued.
- 9.2 In all cases, employees will also be afforded the right of appeal, except where an application for a voluntary option has been declined.

## **10. Redeployment**

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- 10.1 Efforts will be made within the school/Trust to redeploy staff selected for redundancy into suitable alternative posts within the school, for which they are suitably qualified/experienced, following an appropriate selection process. Whether a job is suitable depends on:
  - how similar the work is to the current job
  - the terms of the job being offered
  - the skills, abilities and circumstances in relation to the job
  - the pay (including benefits), status, hours and location

Priority for vacant posts will be given, wherever possible, to employees under threat of redundancy.

10.2 There is no requirement for a school to create a job specifically for the purpose outlined above. However, employees will be considered for any appropriate vacancy where it is felt their skills and experience may be transferable, whilst they are working their notice period.

**10.3 Withholding a redundancy payment**

No redundancy payment will be made if, in the view of the Governors, an employee unreasonably refuses an offer of suitable alternative employment, including declining confirmation in post or unreasonably terminating a trial period following redeployment.

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## **11. Time Off to Arrange Training or Seek Alternative Employment**

11.1 Employees who are selected for compulsory redundancy will be granted reasonable time off work with pay during their notice period to look for new employment or to make arrangements for training for future employment.

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## **12. Other Considerations**

**12.1 Maternity, adoption, shared parental leave**

Employees on Maternity, adoption, shared parental leave will have some preferential treatment and protection from redundancy.

12.2 If a redundancy situation arises while an employee is on maternity, adoption or shared parental leave, they will be offered any suitable alternative vacancy if one is available, and will be given priority over and above any another employee who is also at risk of redundancy but not on such leave. This preferential treatment **only** applies where the employee on maternity/adoption/shared parental leave has been issued with their formal redundancy notice, **or** where the employee's post is proposed to be deleted the individual will be entitled to preferential treatment from the outset.

**12.3 Job Evaluation - New Posts (Support Staff Only)**

Employees who have issues or concerns regarding the grade of a new post will need to raise their concerns with the Lead Person(s) part of the formal consultation process.

**12.4 Secondments/Acting Up**

Employees, who are on secondment/acting up, will be considered in their substantive post, irrespective of the period of time on secondment/acting up.

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## **13. Compensation Payments, Pensions & Safeguarding**

The Restriction of Public Sector Exit Payments Regulations 2020 apply to all exit payments, including payments made in respect of redundancy. Therefore, any payments made as a result of the school undergoing an organisational change process will be subject to the £95,000 cap and must not exceed this amount, unless there are extremely exceptional circumstances.

13.1 Employees may be entitled to redundancy compensation if they have been continuously employed



for at least 2 years and calculations will be based on age, length of service and salary at the point of redundancy.

- 13.2 In accordance with The Redundancy Payments (Local Government) (Continuity of Employment in Local Government, etc.) (Modification) Order 1999, an employee who accepts any employment with organisation that falls under the Redundancy Modification Order (including other Local Authorities and other schools/Academies within Leicestershire) before the date of redundancy, with the new job starting within 4 weeks of the date of redundancy, will have their **continuity of service preserved and as a result will lose the right to receive a redundancy payment.**

**Teaching Staff:**

Calculation of redundancy pay is based on actual salary.

***Voluntary Redundancy***

Under 55 – Redundancy Payment

Over 55 – Redundancy Payment, Lump Sum, Early Pension Release (without actuarial reduction to benefits)

***Compulsory Redundancy***

Under 55 – Redundancy Payment

Over 55 – Redundancy Payment Lump Sum, Early Pension Release (without actuarial reduction to benefits)



## Support Staff

13.3 Voluntary and compulsory redundancy for all support staff warrants the same level of redundancy compensation.

13.4 Employees in the Local Government Pension Scheme aged under 55 with at least 2 years pension membership will have their pension benefits deferred/frozen in the pension fund.

13.5 Employees in the Local Government Pension Scheme aged 55 and over will receive immediate payment of pension benefits with no further reduction (e.g. they will receive monies equivalent to their pension payments made up to the point of redundancy) (subject to a minimum of three months' scheme membership).

**13.6 Pay protection (Support Staff only)**

If an employee is redeployed into a job one grade below their current grade, salary will be protected on a red-circled basis (e.g. frozen – no incremental progression or pay awards) for one year\* or until the maximum salary for the new job becomes higher than the frozen salary, whichever is the earlier. Where the new job is more than one grade below the employee's current grade, the employee's salary will reduce to the maximum of the grade one grade above that of the new job and be red-circled as above.

*\* three years for Academies established prior to 1st May 2012.*

**13.7 Deletion in hours: Compensation payment**

Where an employee has their working hours compulsorily reduced, they will receive a compensation payment on the basis of a redundancy payment pro rata to the number of hours lost - the payment will be subject to tax and National Insurance contributions.

13.8 Where, during a restructuring, an employee is appointed to a post in the new structure at a lower grade and their hours of work have also been compulsorily reduced, they will be entitled to receive pay protection based on their new hours of work and a compensation payment for the reduction in hours based on the higher graded post salary.

13.9 Where, during a restructuring, an employee chooses to apply for a post in the new structure, which comprises of fewer hours or is a lower grade than their previous post, there will be no entitlement to a compensation payment or pay protection.

**13.10 Voluntary reduction in hours by an employee or a number of employees: Compensation payment**

An employee, or a number of employees, may agree to reduce their hours, in order to avoid a redundancy or to avoid a need to compulsorily delete hours. When considering requests, the lead person(s) will ensure that the proposal avoids the need for one or more redundancies or avoids the need to compulsorily delete hours and that the request is in line with the needs of the school, which includes the retention of key skills.

13.11 If the request is agreed the employee(s) concerned will receive compensation on the basis of a redundancy payment pro rata to the number of hours lost (provided they have at least 2 years continuous Local Government service). As the employee(s) is not redundant the payment will be

taxable.

**13.11 Flexible Retirement (Support Staff only)**

Employees who receive a compensation payment will not be granted Flexible Retirement in relation to the reduction in hours. Pay protection will not apply where Flexible Retirement has been agreed.

13.12 A member of the Local Government Pension Scheme aged 55 and over who is redeployed to a lower graded job, may request release of their pension (Please refer to the terms of the Local Government Pension Scheme). It is important to note that if there is a cost to the school, then the request may be declined.

## Appendix A: READY RECKONER FOR CALCULATING REDUNDANCY PAY

The length of service refers to complete years of continuous service. Only continuous service in the academy, local government and certain related bodies counts for the calculation of redundancy payments.

The table shows how many **WEEKS PAY** the employee is entitled to.

Age	Service (Years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
17*	1																			
18	1	1½																		
19	1	1½	2																	
20	1	1½	2	2½	-															
21	1	1½	2	2½	3	-														
22	1	1½	2	2½	3	3½	-													
23	1½	2	2½	3	3½	4	4½	-												
24	2	2½	3	3½	4	4½	5	5½	-											
25	2	3	3½	4	4½	5	5½	6	6½	-										
26	2	3	4	4½	5	5½	6	6½	7	7½	-									
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-								
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-							
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-						
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-					
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-				
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-			
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-		
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-	
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
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53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	
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56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29	
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	

# **Changing Terms and Conditions of Employment**

Reviewed: September 2022



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## Purpose

This guidance should be considered by Academies at the point that they are considering making any changes to either employees' contractual terms and conditions of employment OR other changes in working arrangements (non-contractual).

It is important to note that this guidance provides only general advice for those wishing to make changes to terms and conditions of employment in the future. It is important to note that varying the contractual terms of employment is a complex area and therefore Academies are encouraged to seek HR advice at the earliest opportunity.

## Background

During the TUPE Transfer process when a Local Authority maintained school converted to become an Academy, Academies made a commitment to continue to comply with the following that were in place at the point of the TUPE transfer:

- Nationally agreed terms and conditions of service for teachers (incl. School Teachers Pay and Conditions Document – STPCD and the Burgundy Book)
- Nationally agreed terms and conditions of service for support staff (the Green Book)
- Locally agreed policies and procedures.

Therefore staff are protected on the terms and conditions of employment that were in place at the point of transfer.

During the TUPE consultation period, many Academies made an even greater commitment; specifically, that it was their intention to continue to adhere to any future amendments made to the nationally agreed documents such as the STPCD and Green Book, on a dynamic basis.

This meant that post transfer, Academies are obliged to continue to work to these documents along with any subsequent changes made to them following conversion to Academy status. Any Academy wishing to alter any aspect of the terms and conditions must engage in meaningful consultation / negotiation with relevant Trade Unions and affected employees before any changes can be made.

This guidance outlines the points for Academies to consider and actions that are required prior to all changes being made to contractual terms of employment. HR Advice should be sought early on in the process.

## Preparatory work

It is important for each Academy to have a clear understanding of what the Academy agreed to as part of the TUPE transfer. Academies should refer to their TUPE documentation to clarify their current position, such documents include:

- Measures letters,
- Minutes of TUPE consultation meetings with Unions,
- Transfer agreements,
- Funding agreements and
- Articles of association.
- Contracts of employment of affected employees to establish if there are any flexibility clauses contained within them that give the Academy, as the employers, the right to change particular conditions of employment, eg relocation /shift patterns and so on.

Employers can only use flexibility clauses to make reasonable changes. Advice should be sought from HR regarding this. In such cases **Appendix 2** may be used.

## What is a contract of employment?

A Principal Statement, often referred to as a contract of employment is the agreement between an Employer and Employee which sets out the basis of the employment relationship along with the rights and obligations which bind the employer and employee to the contract.



The terms of a contract can be:

- express (those which are explicitly agreed between the employer and employee, either in writing or orally)
- implied (those which have not been spelled out but which would be taken by the people involved to form part of the contract) or
- statutory (those implied or imposed by an Act of Parliament or Statutory Instrument, e.g. the entitlement to be paid the national minimum wage or given a minimum period of notice. Agreements to contract out of statutory terms are normally void under the law).

## Why vary Terms & Conditions of Employment?

As an employer an Academy may wish to vary the terms of the contract because of a change in circumstances, whether these changes are due to Economic, Technical or Organisational reasons. Such reasons may include reduced funding or deficit budget or a reorganisation of the establishment and so on. Other possible changes could affect rates of pay, changes in working hours, changes in duties and so on.

The updated TUPE regulations state that an organisation cannot rely on these ETO reasons alone, and that the organisation must gain agreement from employees and unions before changes can be made.

Below are some options for Academies to consider for varying terms and conditions for employees:

1. Develop a new set of agreed Terms and Conditions that will be applicable to all newly appointed employees. Such individuals, as employees of an Academy, will not be bound by the National Pay and conditions Framework or any agreements negotiated locally with the Local Authority.

Consideration would need to be given to the fact that this option would lead to a 2-tiered workforce, with employees being employed on different terms and conditions. Academies would also need to consider carefully the new terms and conditions of employment and seek both HR and Legal perspectives on this.

2. Alternatively Academies may wish create new terms and conditions for all staff. Academies would need to ensure that thorough consideration had been given to the proposed changes and that any action can be fully justified. A process of negotiation would then be required with Trade unions in order to try and come to an agreement on the proposed

changes. It would also be good practice to consult with employees regarding the proposed changes.

## How can contracts be varied?

Changes to an existing contract of employment or terms and conditions may be made:

- Following receipt of a request for a change to contractual / non-contractual working arrangements from an employee.
- By agreement with an employee / group of employees following meaningful consultation where a change is non-contractual. It would be advisable to include Trade Unions during this process.
- Through a collective agreement / negotiation with Trade Unions where a change is being proposed to terms and conditions or is contractual. The purpose of the negotiation is to try and agree the changes or to come to a compromise on the changes to allow them to be implemented with the mutual agreement of all parties.

When undertaking negotiation with Trade Unions, this will usually be done through the Academy's Joint Consultative Group (JCG). In addition it is considered best practice to involve Employees at the earliest opportunity. This may also assist in cases where Trade Unions oppose proposed changes but where staff are in agreement. Employees affected by the proposals should fully understand the reasons behind them and have an opportunity to express their views.

Variations to the contract can be agreed verbally or in writing. However, it is considered preferable for any variations to the contract to be recorded in writing, as evidence of the agreed changes may need to be produced if the variation to the contract is verbal.

Where a variation to the contract has been agreed the Academy should give written notification of the change to the employee, within a month of the change taking effect. It is important that this written notification is signed by the affected employee(s) and returned to the Academy for inclusion on an employee's personal file.

Where negotiation takes place with Trade Unions, if an agreement cannot be reached, the Academy can serve notice to terminate the existing contract with notice and offer the employee re-engagement on the new terms. **This should be considered only after full and thorough consultation with employees and their representatives and treated as a last resort. Speak to your HR Adviser if you anticipate you may need to consider this option.**



By undertaking this process the Academy will be dismissing the employee and therefore it is important that a fair dismissal process is followed and that the employee is offered the right of appeal against their dismissal. Employees may make a claim to an Employment Tribunal for unfair dismissal who would decide whether or not the dismissal was fair or unfair.

It is important to note that an employee may make a claim for unfair dismissal even if they choose to sign up to a new contract of employment (i.e. where there has been a dismissal and an immediate re-engagement on less favourable terms and conditions) with the employer. Advice should be sought from HR early if this process is required.

Note: To impose a new contract unilaterally would result in a breach of contract by Academies and could lead to the following challenges being raised by your employees:

- legal claims against the Academy for constructive dismissal if the breach is fundamental and significant
- claim damages for breach of contract.
- claim at an employment tribunal for unlawful deduction from wages if the change affects their pay.

## When can changes be made?

### **Where changes proposed affect non-contractual terms or policies and procedures:**

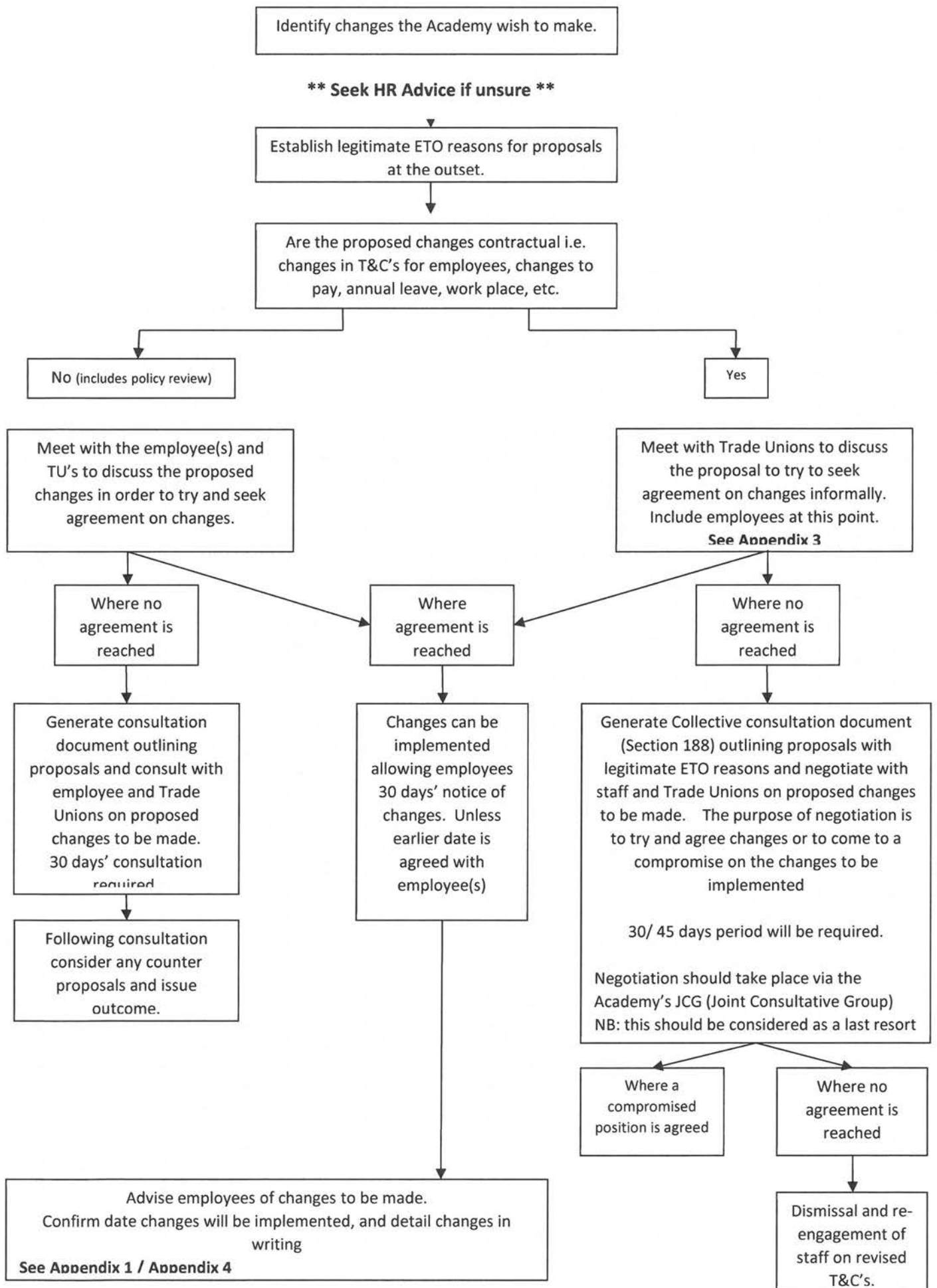
Changes to non-contractual working arrangements or changes to locally agreed policies and procedures can be made either on request from an individual employee or, where the proposals affect a large number of employees, following meaningful consultation with employees and their Trade Unions. It is important to note that consultation does not require agreement and changes can be implemented following consultation.

### **Where changes proposed affect contractual terms:**

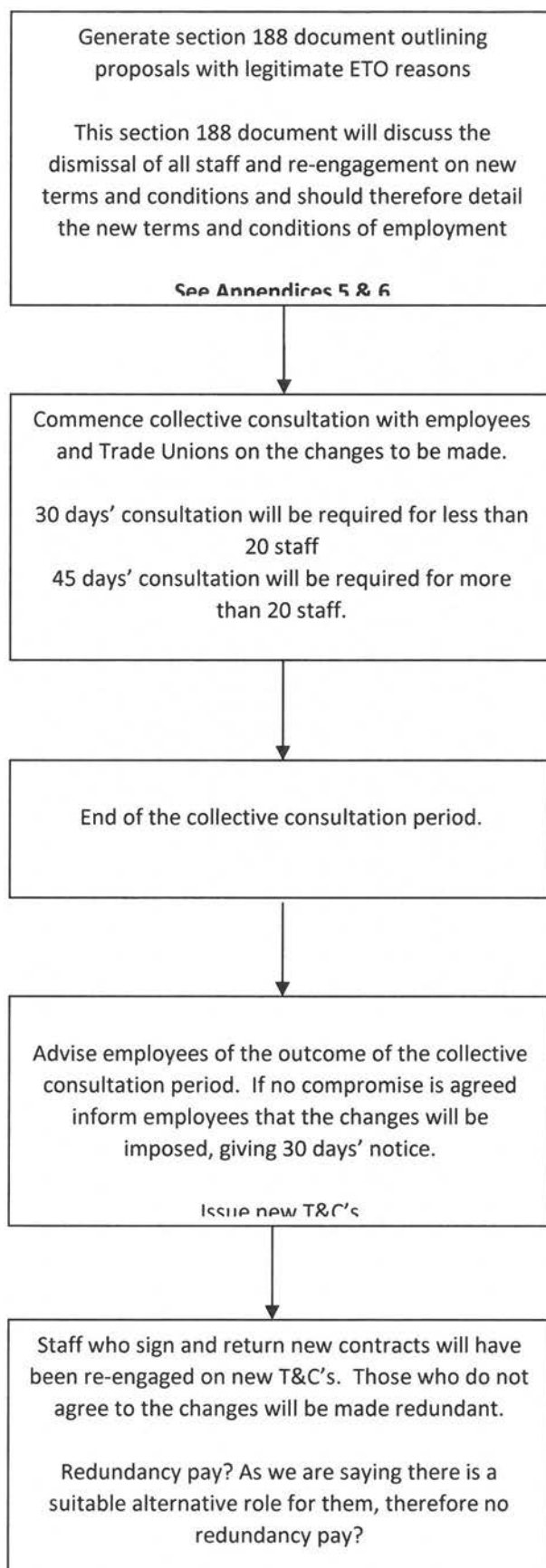
Although the amended TUPE regulations (January 2014) state that an Academy can alter the terms and conditions of its employees following a TUPE transfer, this needs a cautious approach. The TUPE regulations state that changes can only be made **providing that the changes in the conditions are no less favourable to the employees**. In addition, the TUPE regulations state that it is also important that the Academy establishes clear and robust ETO reasons for the changes and seek to gain agreement from employees and TU's on these changes prior to implementation. The flow chart on the following pages details the

points Academies will need to consider when proposing changes to terms and conditions for its employees:

*'Data will be processed in line with the requirements and protections set out in the General Data Protection Regulation'*



## Process of dismissal and re-engagement of staff





## Appendix 1: Letter confirming agreement to variation of contract:

Dear

I refer to our meeting on (date), at which we discussed the organisation's proposals to make changes to your terms and conditions of employment.

As you are aware, the organisation sought your agreement to change (insert details of the particular terms and conditions that will be changed).


I understand from our discussions that you agree to the organisation making these changes. I therefore confirm that *this change / these changes* will take effect from (date).

I enclose two copies of your revised terms and conditions of employment. Please sign and return one copy to me by no later than (date) to confirm your acceptance of these terms.

Should you have any further queries or require any further information please do not hesitate to contact me.

Yours sincerely

Name of Adviser  
Position



## Appendix 2: Letter explaining a variation of contract where a contractual right to vary terms and conditions exists:

(Use this letter to confirm changes to the terms and conditions of an employee's contract. Modify this template to include the relevant clause in the contract)

Dear

As you are aware from our discussion on (date), the organisation intends to make changes to your terms and conditions of employment. In particular, the organisation intends to change (*insert details of the particular terms and conditions that may be changed*).

The reasons for this are (*insert reasons*).

The organisation has the right to make this change in accordance with your contract of employment. I refer to (*insert relevant clause*) in your contract of employment which provides (*insert details*).

I therefore confirm that this change will come into effect on (date).

Should you have any further queries or require any further information please do not hesitate to contact me.

Yours sincerely

Name of Adviser  
Position



### Appendix 3: Letter inviting an employee to a consultation meeting to discuss a proposal to vary terms and conditions of employment

(Use this template letter to invite an employee to discuss varying terms and conditions of their employment and the reasons why this is happening)

Dear

Following our discussion on (date), I confirm that the organisation is proposing to make changes to your terms and conditions of employment.

We are proposing to change *(insert details of the particular terms and conditions that may be changed)*. The reasons for this are *(insert reasons)*.

I now write to invite you to a meeting at (time) on (date) at (venue) to discuss this matter further.

Should you have any further queries or require any further information please do not hesitate to contact me.

Yours sincerely

Name of Adviser  
Position

## Appendix 4: Letter to vary contract of employment (following consultation)

(Use this letter to send to employee following consultation when changes result in variation of the contract of employment)

Dear

As you know for (time period) we have been discussing proposed changes to (*give details*). I am very pleased that we have now reached agreement, and the purpose of this letter is to confirm the changes that have been agreed.

The changes are as follows: (*insert full details of the changes, including any changes to hours, pay, place of work, nature of work etc.*).

The reasons for these changes are as we discussed, namely (*insert reasons*).

The changes will take effect from (give date).

As these changes result in a change to your contract of employment I would request that you sign the enclosed copy of this letter and return it to me. This will signify your acceptance of the changes to your contract of employment.

If you have any questions relating to these changes please do not hesitate to contact me.

Yours sincerely

Name of Adviser

Position

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I have read, understood and agree to the changes to my contract of employment as set out in this letter.



Signed: .....

Date:

.....

## **Appendix 5: Collective Consultation – letter to affected employees inviting them to meeting for collective consultation purposes:**

(Use this letter to write to employees affected by the collective consultation, inviting them to a meeting to indicate the start of the consultation meeting)

Dear

Following our (*meeting / discussion / communication*) on (*date*), you will be aware that the organisation has identified a need to implement some changes within our organisation. As a result, we are proposing to make changes to the terms and conditions of your employment.

We are proposing to change (*insert full details of the particular terms and conditions that may be changed*). The reasons for these changes are (*insert reasons*).

We are hopeful that we can reach agreement with affected employees in relation to our proposals. However, in the event that we are unable to obtain agreement and the organisation considers it necessary to proceed with implementing these changes, we may decide to terminate existing contracts of employment and offer re-engagement to those employees on these new terms and conditions.

In view of this, we have identified that the organisation may need to dismiss and offer re-engagement to (*insert number*) employees within a period of 90 days or less.

In accordance with our obligation under Section 188 of the Trade Union and Labour Relations (consolidation) Act 1992, as we are proposing to dismiss (*20 or more / 100 or more*) employees within a period of 90 days, we are required to consult for at least (*30 / 45*) days prior to the first dismissal taking effect.

I now write to invite you to a meeting where the proposals will be outlined in more detail. This meeting will indicate the start of the formal consultation process on the proposed changes to be made. This meeting will take place on (*date*) at (*time*) in (*venue*). If you are unable to attend please contact (*contact details*) to discuss and to ensure that you receive copies of all consultation documentation.

If you have any questions or require any further information please do not hesitate to contact me.

Yours sincerely

Name of Adviser  
Position

## **Appendix 6: Collective Consultation – letter to affected employees inviting them to meeting for collective consultation purposes:**

(Use this letter to write to TU's of affected employees to the collective consultation, inviting them to a meeting to indicate the start of the consultation meeting)

Dear

Following our (*meeting / discussion / communication*) on (*date*), you will be aware that the organisation is proposing to make changes to our terms and confirmation of your employment.

We are proposing to change (*insert full details of the particular terms and conditions that may be changed*). The reasons for these changes are (*insert reasons*).

We are hopeful that we can reach agreement with affected employees in relation to our proposals. However, in the event that we are unable to reach agreement and the organisation considers it necessary to proceed with implementing these changes, we may decide to terminate existing contracts of employment and offer re-engagement to employees on these new terms and conditions.

In view of this, we have identified that the organisation may need to dismiss and offer re-engagement to (*insert number*) employees within a period of 90 days or less.

In accordance with our obligation under Section 188 of the Trade Union and Labour Relations (consolidation) Act 1992, as we are proposing to dismiss (*20 or more / 100 or more*) employees within a period of 90 days, we are required to consult for at least (*30 / 45*) days prior to the first dismissal taking effect.

As a representative of the affected employees, we now intend to begin consultation with you and affected staff. In the course of this consultation we will fully discuss the details and reasons for our proposals, the numbers and descriptions of those employees who are affected, the process that will be followed and any other alternatives to our proposals.

You are invited to a consultation meeting on (*date*) at (*time*) in (*venue*). If you are unable to attend please contact (*contact details*) to discuss and to ensure that you receive copies of all consultation documentation.

In the meantime if you have any questions or require any further information please do not hesitate to contact me.

Yours sincerely

Name of Adviser  
Position

# **Arrangements for Short Term Cover & PPA Provision for Teachers & Support Staff**

Adopted: September 2022

This guidance applies to all teaching and classroom support staff employed in Schools and Academies.



## 1. Purpose

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- 1.1 The purpose of this document is to provide advice and guidance on the cover arrangements for:
- absent teaching staff, i.e. due to sickness absence or a planned absence; or
  - teachers undertaking Planning, Preparation & Assessment (PPA) time as part of their contractual duties.
- 1.2 Schools must recognise the difference between implementing cover arrangements for circumstances where teachers are undertaking their contractual PPA time and when arranging cover for non-regular, short term teacher absences.

## 2. Introduction

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- 2.1 When considering the most appropriate way to cover a teacher's absence, the school must consider:
- Whether cover needs to be undertaken by a qualified teacher or by a suitably experienced member of support staff;
  - Where support staff will be used to provide cover, what is the best way to deploy them to maximise the benefits they can bring to the school;
  - What level of skills, knowledge, experience and status is required to undertake the cover work and /or is any training is required;
  - Fair and equitable contractual and pay arrangements are put in place for employees providing cover.
- 2.2 Schools should also consider factors other than just the duration of an absence when arranging cover, for example, where a teacher has had a number of short term absences, or there have been a series of absences in a particular department or key stage, schools may feel that it is more appropriate to arrange for a qualified teacher (e.g. a supply or floating teacher) to teach the class.
- 2.3 It is recognised that strategies for covering absent teaching colleagues will vary between primary and secondary schools. This is because it is recognised that where cover supervision takes place in a primary school, this quickly becomes "specified work" due to the nature of the teaching day. Therefore schools will need to carefully consider how and when they deploy staff to cover absent teaching colleagues.

## 3. Definition of Terms

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- 3.1 **Cover 'Only Rarely':**  
the STPCD states that teachers should be required to provide cover for absent colleagues "**only rarely, and only in circumstances that are not foreseeable**". Where cover is required, a teacher will supervise and, so far as practicable, teach the pupils.

This does not apply to teachers who are employed wholly or mainly for the purpose of providing such cover.

- 3.2 **PPA time:**

The STPCD (para 53.5) states:

- All teachers involved in the teaching of pupils are entitled to reasonable periods of Planning Preparation & Assessment (PPA) time as part of their 1265 hours (or pro-rata equivalent for part time teachers).
- PPA time is guaranteed time out of the classroom to enable teachers to discharge their professional responsibilities.
- During PPA time a teacher is **not timetabled to teach**.

As PPA time is a regular occurrence schools should ordinarily put additional employees into their timetable to ensure that delivery of the curriculum continues. Employees timetabled to cover will be usually be actively delivering a lesson or undertaking elements of '**specified work**' (see below). In primary settings, suitably qualified members of support staff may be utilised, to teach other subjects such as foreign languages or music during a teacher's PPA time.

### 3.3 '**Specified Work**':

Specified work is the legal definition of the **core teaching duties** of a teacher, and consists of:

- planning and preparing lessons and courses for pupils;
- delivering lessons to pupils;
- assessing the development, progress and attainment of pupils; and
- reporting on the development, progress and attainment of pupils.

### 3.4 **Cover Supervision**:

Cover Supervision occurs when no active teaching is taking place and involves the supervision of pre-set learning activities in the absence of the class teacher when they would normally have been timetabled to teach a class. Cover Supervision should not be used to cover a teachers PPA time (unless the employee timetabled to provide PPA cover is also absent from work).

Cover supervision **does not** involve carrying out 'specified work'.

Cover supervision **does** include:

- supervising work that has been set in accordance with school policy and by qualified teaching staff. Work should be of a nature that would allow the class to progress without the intervention of the supervisor.
- managing the behaviour of pupils whilst they are undertaking this work to ensure a constructive learning environment
- responding to any questions from pupils about process and procedures
- dealing with any immediate problems or emergencies according to the school's policies and procedures
- collecting any completed work after the lesson and returning it to the appropriate teacher
- reporting back as appropriate using the school's agreed referral procedures on the behaviour of pupils during the class, and any issues arising.

Where schools use Cover Supervisors to cover a teacher's PPA time, the employee must be paid at the appropriate rate. Head teachers must also be satisfied that an employee utilised in this way has the relevant skills and qualifications to do so.

## 4. Teachers Providing Cover

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### 4.1 Teachers should be required to provide cover for absent colleagues

*“only rarely, and only in circumstances that are not foreseeable”.*

- 4.2 Where such cover is required, a teacher will supervise and, so far as practicable, teach the pupils. This does not apply to teachers who are employed wholly or mainly for the purpose of providing such cover.
- 4.3 However, circumstances may arise, particularly in schools which have vacancies (or difficulties in recruiting supply staff), where it may be necessary to request a teacher provide cover beyond that as defined in the Leicestershire Amplification Policy and STPCD. When this occurs schools should consider:
- the impact it would have on the cover teacher’s workload
  - the teacher’s specialism, i.e. where a teacher does not have the knowledge and skill set required for covering the particular class, they may not be the most appropriate solution to provide cover
- 4.4 Where an individual teacher has provided cover beyond that set out in the Leicestershire Amplification Policy, the additional time worked should be recorded. Teachers must then be offered compensatory time off (within a defined timescale, and normally within a period of six weeks) by either:
- a) reducing their teaching timetable where supply teachers are available, although the use of internal cover in such circumstances would merely exacerbate workload problems; and/or
  - b) reducing the time they spend on other duties, including providing cover, supervision of examinations or management duties
  - c) where a) or b) above is not possible, consideration could be given to offering teachers payment for the additional cover provided
  - d) If it is impossible to recruit a supply teacher immediately after their initial period of cover, the school may wish to consider employing a suitably qualified member of support staff as an unqualified teacher. In such circumstances it is essential that a teacher is identified as a point of contact for the member of support staff.
- 4.5 Where it is not possible to offer any of the above, the Head teacher may need to consider changes to the pupil day. This should only be used as a last resort and only after the appropriate consultation with the LA or Trustees (for an Academy).

## **5. Support Staff Providing Cover**

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- 5.1 Support staff are considered invaluable by colleagues, pupils and parents and when deployed effectively can be a rich source of support for learning and an important part of improving outcomes for pupils. As a result schools may use non-teaching staff, particularly classroom



support staff, to provide cover for short term absence of teachers (known as Cover Supervision) and/or as a part of their strategies for covering a teachers PPA time.

## 5.2 Deploying Non-Teaching Staff to Undertake ‘Specified Work’?

The Education (Specified Work and Registration) (England) Regulations 2003 (made under section 133 of the Education Act 2002, more commonly referred to as “The Section 133 Regulations”) set out how adults, other than teachers can support learning in schools by carrying out particular tasks relating to pupil’s education and specifically the core teaching tasks known as “Specified Work”. This allows greater flexibility in the range of adults who may play a part in pupil’s education, whilst also ensuring that standards of education are not adversely affected.

If an adult other than a teacher is required to regularly to take a class, for example to cover a Teachers PPA time (rather than providing cover as a Cover Supervisor) then:

- this must be scheduled into the school timetable;
- they must be delivering “specified work”;
- it must be “in order to assist or support the work of a teacher in the school”;
- they must be working under the direction and supervision of a teacher;
- the Head teacher must be satisfied that the person has the appropriate skills, expertise, and experience to carry out the “specified work”;
- the Head teacher must have undertaken a risk assessment and feel confident that the individual has the confidence and competence to effectively deliver the specified work in question. Similarly the employee providing cover must be in agreement to do so; and
- the class must still have an “assigned teacher”, with whom accountability for the overall learning outcomes will rest.

Delivery of “specified work” to whole classes (by a non-teacher) may be undertaken as a routine part of their job by:

- **A Higher Level Teaching Assistant (HLTA)**; or Staff with HLTA status or QTS employed in a post evaluated at Grade 8 or higher, providing the delivery of learning activities to whole classes without a teacher being present is a responsibility within their job description (e.g. Senior HLTA).
- **Instructors** with specific qualifications relating to the curriculum area of the “specified work”. Any support staff taken on as an unqualified teacher should be paid the equivalent rate on the support staff pay structure, i.e. at Instructor level.
- Other support staff employed in a post other than an HLTA, provided all of the above conditions are met and they are doing so as a part of their personal development to enable them to achieve HLTA status. Where this is the case they should be paid at the appropriate grade.

Where a member of support staff is to undertake “specified work”, there must be a discussion of those areas of the curriculum they can most effectively support and, ideally, a whole school discussion about areas of the curriculum where enrichment is most needed. It would not be appropriate for a member of support staff to deliver “specified work” in curriculum areas where they are neither confident nor have the necessary knowledge and skills.

It is the responsibility of the Head teacher to determine whether an adult, who is not a qualified teacher, has the necessary knowledge and skills to undertake “specified work”. In making their determination, schools must consider:



- Which support staff can undertake “specified work” based on their skills and expertise.
- The level of supervision needed for each person undertaking any “specified work”.

### 5.3 Deploying Support Staff to Undertake Cover Supervision:

There may be other occasions when a teacher who is normally responsible for teaching a class is absent from the classroom during the time they are **timetabled to teach** pupils i.e. **not during PPA time**. This may be due to the teacher being absent due to a planned or unplanned absence. Such cover is known as “Cover Supervision”. Where Cover Supervision is required, it is important that the following factors are recognised:

- The purpose of the cover supervision is to supervise and ensure an orderly classroom environment.
- Cover Supervision is a short term measure whilst other arrangements are being put in place to cover a teachers absence.
- The work undertaken by a class to be supervised must be provided by qualified teaching staff and should be of a nature that would allow the class to progress without the intervention of the supervisor.
- Cover Supervision will not be appropriate if the class is to be engaged in practical activities such as sport, PE or other activities involving specialist equipment. The **ONLY** exception to this is where the Cover Supervisors is suitably qualified in the relevant area.

Cover supervision may be undertaken as a routine part of their job by:

- Cover Supervisors;
- Support Staff employed in another post evaluated at the same grade as a Cover Supervisor or above, provided cover supervision is identified as a responsibility within their job description (e.g. Senior TA, HLTA) and they have the necessary skills, competence and confidence.

Cover supervision may also be undertaken by other classroom support staff, but only subject to the following conditions:

- The Head teacher must be confident that the employee providing cover has the necessary skills and competence to undertake cover supervision;
- The employee is confident that they have the skills and ability to undertake cover supervision;
- The employee agrees to undertake cover supervision - they should not be pressurised to do so;
- Where a teacher is normally supported in the classroom by a LSA or TA during the lesson to be covered, then equivalent support should be provided for the cover supervisor.
- If the employee’s substantive post is paid at less than Grade 7, then they should be paid at Grade 7 for half day units (to reflect the normal AM/PM unit of the school) for any half day in which they undertake cover supervision, regardless of the actual hours spent undertaking cover supervision within that half day.

All staff employed as Cover Supervisors or those who undertake cover supervision, regardless of their substantive post, must have received adequate training to ensure they are competent to manage and control a class or group of pupils.

### 5.4 What is Short Term Cover?

National Workforce Agreement Monitoring Group (WAMG) guidance states that cover supervision should be for short term absence cover only, up to a maximum period of 3 consecutive days when covering the same teacher. The guidance also states that cover supervision (especially within a primary school) would quickly become “specified work” where a class is predominantly led by one teacher for the majority of the day and in such circumstances it would be inappropriate for such a class to be “supervised” for more than 3 consecutive days. It should be noted that this 3 day limit applies to cover of an individual teacher. A Cover Supervisor can provide cover for different teachers every day of the year, provided they do not breach the 3-day rule.

Short term absences may be known in advance or may be unexpected e.g. due to illness. Schools should also consider the following when determining whether an absence is suitable for cover supervision:

- the extent to which continuity of learning can be maintained;
- the length of time a particular group of pupils would be working without a teacher;
- the proportion of the total curriculum time affected in a specific subject over the course of the term.

Where a teacher absence continues after this initial period (i.e. for longer for 3 days), schools should consider bringing in a qualified teacher to take over the duties of the absent teacher.

Cover Supervision will not be appropriate if the class is to be engaged in practical activities such as sport, PE or other activities involving specialist equipment. The only exception to this will be if the cover supervisor is suitably qualified in the relevant discipline. See **Baalpe** regulations below.

## **6. Cover arrangements for Physical Education**

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- 6.1 Where a school is considering deploying an adult other than a teacher to deliver “specified work” or provide cover supervision, in subjects such as sport and Physical Education the individual providing cover must be competent to do so. They must have the relevant skills, knowledge and expertise to ensure that pupils are working within a safe environment. The BAALPE principles regarding suitable qualification must be applied. Adhering to the BAALPE principles will ensure the lessons are being taken by individuals qualified in the relevant subject for which they are providing cover.
- 6.2 It is also recommended that the Baalpe principles regarding suitable qualification be applied to other practical lessons e.g. Design & Technology.

## **7. Contractual Issues for Support Staff**

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- 7.1 Schools must ensure that support staff who undertake cover supervision are contracted appropriately. For example, the use of split contracts (where several support staff work predominantly as an LSA/TA but work as an HLTA for a small amount of PPA provision) is not normally appropriate. Delivery of specified work to whole classes is just one element of thirty-three HLTA standards, all of which must be met before HLTA status can be awarded. Schools

should be mindful of not utilising HLTA's to cover whole classes for the majority of their time, but rather make the most of their skills and abilities to undertake a variety of learning activities with pupils.

- 7.2 While HLTAs do not have any statutory entitlement to PPA time, they will need to have reasonable time within their contractual hours in which to undertake any preparation required to fulfil their duties, including liaison time with the assigned teacher.

## **8. Supervision for Support Staff Providing Cover.**

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- 8.1 Schools must adopt processes to ensure that any non-teacher carrying out "specified work" is properly supervised to do so. Such supervision of their work should form part of the joint working with the class teacher, and the individual may also be included in the schools existing monitoring and evaluation procedures. Each individual should have a system of supervision which includes:

- Which elements of the "specified work", and to what level of challenge may be carried out by that individual;
- Which qualified teacher is responsible for supervising that work
- How that work will be supervised.

In addition, all staff employed as Cover Supervisors or those who undertake cover supervision, regardless of their substantive post, must have received adequate training to ensure they are competent to manage and control a class or group of pupils. Such training should include the opportunity to observe good teacher practice and to work alongside teachers as well as more formal input. Schools will need to consider how they might best meet these training needs, particularly if they plan to recruit a number of cover supervisors at one time.

Consideration as to the level of supervision required for each individual must be made by the Head teacher and relevant qualified teacher(s) to ensure high standards of teaching and learning are maintained during any time when lessons are covered by staff other than teachers. The substantive class teacher may wish to liaise with individual covering their class to ensure that they continue to support the teachers learning objectives for the pupils in their class.

# Whistleblowing Policy

Reviewed: October 2022



**This policy applies to all employees and workers, including Head Teachers/Principals, Teachers and all Support Staff regardless of whether they are permanent, fixed term, casual, agency or volunteers, this includes Governors/Trustees, consultants and contractors.**

**For Academies: This policy will be implemented in accordance with the Trust's Scheme of Delegation and Articles of Association. The constitution of formal panels will be determined by the Trust's Scheme of Delegation.**

**This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Trust/Governing Body.**

**For the purposes of this policy Head Teachers/Principals will be referred to as Head Teacher and School/Academy will be referred to as school.**

## **1. Purpose**

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- 1.1 This policy encourages and enables workers to promptly raise ("disclose") any serious concerns ("wrongdoings") they may have about the activities of employees, Governors/Trustees, or external organisations in relation to their dealings with the school, without worrying about the repercussions of doing so.
- 1.2 This document sets out the procedure for those wishing to raise a whistleblowing concern and:
  - Outlines how individuals can raise their concerns in respect of any wrongdoings at work.
  - Outlines who an individual can escalate their concerns to, if, following the completion of any internal processes, their concerns remain, and
  - Outlines the protection from reprisals or victimisation afforded to individuals who blow the whistle where the matter raised is in the public interest.
- 1.3 Concerns relating to a worker's own contract of employment or concerns in relation to an allegation of bullying or harassment should be raised using the school's grievance procedure in the first instance.

## 2. What is Whistleblowing?

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2.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoings or dangers at work. Such disclosures are referred to as "Protected Disclosures".

2.2 To qualify as a Protected Disclosure, an individual raising the concern must reasonably believe that one of the following specific categories is either already happening, has happened, or is likely to happen in the future **and** that the disclosure being made is in the public interest:

- A criminal offence, for example fraud
  - an act creating a risk to health and safety of others,
  - an act causing damage (or risk of damage) to the environment,
  - A miscarriage of justice,
  - Is potentially unlawful or a breach of, or failure to comply with any other legal obligation,
- Or**
- Is a deliberate attempt by an individual or group of people to conceal the any of the above.

A full list of disclosures qualifying for protection can be found in the Public Interest Disclosure Act 1998.

2.3 An individual who raises a whistleblowing concern has the right not to be subjected to any detrimental treatment (including being unfairly penalised, disciplined or dismissed) as a result of raising the concern.

2.4 Where an individual believes they have been subjected to detrimental treatment as a result of raising a whistleblowing concern, they should report the matter to the Headteacher. Any such behaviour will not be tolerated and may be treated as a disciplinary offence.

2.5 Where an individual has knowingly raised false concerns under this policy, this may also be treated as a disciplinary offence and will be considered under the school's disciplinary procedure.

## 3. Confidentiality

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3.1 The identity of those who raise concerns will be protected as far as practically possible. However, the investigation may out of necessity, reveal the source of the information and statements made by those who raised the issue may be used as

part of any formal process, for example if a formal process/hearing is required, thus revealing the source of the concern.

3.2 Individuals' are encouraged to put their name to any allegations made, however, the school will consider concerns expressed anonymously. Any action taken in respect of anonymous concerns will be considered at the discretion of the school, taking into account:

- The seriousness of the issues raised,
- The credibility of the concern,
- The likelihood of the allegation being substantiated, and
- Whether it is considered that the allegations are untrue/false.

3.3 Individuals who make a Protected Disclosure under this policy are protected by the Public Interest Disclosure Act 1998 from any repercussions on their present position or future career. The Act does not protect anyone who is acting maliciously or making false allegations. The school does not tolerate any form of harassment or victimisation against an individual raising a concern.

## **4. Raising a Concern**

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### **4.1 Who can raise a concern?**

Any individual who currently works for or who has previously worked for the school and who has a genuine concern relating to any wrongdoing (where it is considered to be in the public interest) may raise a complaint. In addition, a concern may also be raised under the policy by an individual who works for an organisation that provides a service to the school such as agency workers, volunteers and Governors/Trustees.

### **4.2 How to raise a concern:**

Concerns can be raised verbally or in writing. It is important that the individual provides as much detail as possible, including:

- Details of the suspected wrongdoing, including times, dates and places etc.



- The specific names of individuals involved,
- What actions the individual is seeking by raising the concern.

#### 4.3 **Who to raise your complaint with:**

Individuals should normally raise their concerns with their Line Manager in the first instance. However, this may not always be appropriate depending on the nature of the concern, the seriousness and sensitivity of the issue, and who is allegedly involved. Alternatively, individuals may contact:

- the Head Teacher if the concern is regarding their line manager, or where the individual feels unable to approach their immediate line manager.
- a member of the Governing Body/Board of Trustees where the concerns being raised relate to the Head Teacher, or member of the Senior Leadership Team, or
- their Trade Union representative for advice and support on raising an issue.

Where an individual is concerned that the Governing Body is acting or proposing to act unreasonably or has failed to discharge its duties, they may in the first instance raise this with the school directly. Alternatively, they can contact the Director of Children and Family Services at Leicestershire County Council or the Secretary of State for Education via the DfE and/or Ofsted (Tel: 0300 123 3155 or via email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)).

Where concerns are of a serious nature and criminal activity is suspected, individuals have the right to raise issues directly with the Police or other relevant agency as they see fit.

#### 4.4 **Support:**

It is acknowledged that raising a concern can be difficult therefore where a worker raises a concern, consideration should be given on how best to support them. Advice on how to support individuals can be sought from the schools HR Adviser.



## **5. Action Following Receipt of a Whistleblowing Concern**

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- 5.1 Within 10 working days: the person with whom the concern is raised will write to the individual who submitted the complaint to:
- Acknowledge that the concern has been raised;
  - Indicate how it is proposed to deal with the matter;
  - Advise whether further investigations will take place and, if not, why not; and
  - Confirm, where possible, an estimate of how long it will take to provide a final response.
- 5.2 The action taken will depend on the nature of the concern being raised. For example, the matter may:
- Be investigated internally,
  - Be investigated by a third party (such as HR),
  - Be referred to the School External Auditor,
  - Be referred to the Police, or
  - Form the subject of an independent inquiry.
- 5.3 To protect individuals and the school, initial enquiries may be made to determine whether an investigation is appropriate and what form it should take. Allegations which fall within the scope of specific procedures (e.g. child protection or unlawful discrimination issues) will be dealt with under relevant policies where appropriate.
- 5.4 The purpose of the investigation is to establish the facts and collate appropriate and relevant information in relation to the concern(s) being raised. Further enquiries may also be necessary in order to gather evidence relevant to the situation and to ensure the matter has been thoroughly considered. This may include the collation of documentary evidence and/or witness.
- 5.5 Some concerns may be resolved by agreed action without the need for investigation.
- 5.6 The individual will have the right to be accompanied at any meetings by a Trade Union representative or work colleague.

## **6. Outcome of the Investigation**

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- 6.1 If an investigation is warranted, the individual will be informed of the outcome in writing and any next steps or action that will be taken. However, the individual will not be informed of the detail of the investigation or any action taken against another employee (e.g. disciplinary action) or where there are sensitive issues that need to remain confidential.
- 6.2 The individual who raised the concern has no right of appeal against the outcome of the investigation, however, if the individual is not satisfied with the outcome of the investigation and wishes to take the matter outside the school, they may contact:
- For safeguarding issues only, Leicestershire County Council's Allegations Manager (LADO) (Tel: 0116 3054141),
  - Their local Councillor (for those who live in the area of the school),
  - Relevant professional bodies or regulatory organisations; (Department for Education, EFA, Ofsted, HM Revenue and Customs),
  - The Police,
  - The whistleblowing charity, Protect (Tel: 020 3117 2520),
  - The National Audit Office (Tel: 020 7798 7999).
- 6.3 When taking the matter outside of the school, the individual must ensure that they do not disclose any confidential information about the school or its employees and pupils which is not relevant to the issue.

## **7. Responsible Officer**

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- 7.1 The Chair of Governors/Trustees has overall responsibility for the maintenance and operation of this policy. The Chair of Governors/Trustees must maintain a record of concerns raised and their outcomes and will report, as necessary, to the Governing Body.

# **Strike Action Guidance for Schools**

Adopted: September 2022

## Purpose

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This guidance has been produced with the aim to inform schools/ colleges/ academies, and provide relevant guidance to Governors, Head teachers, and Principal on dealing with matters within their particular establishment.

## Background

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The NUT have announced their plans for strike action to take place on Tuesday 5<sup>th</sup> July 2016 in relation to the on-going disputes over Teachers' pay and working conditions.

The purpose of this document is to provide general guidance to schools in dealing with strike action situations.

For further advice, please contact your nominated HR Adviser or alternatively contact the service via the helpdesk on [hrservices@leics.gov.uk](mailto:hrservices@leics.gov.uk) or 0116 305 0700.

## Who is eligible to strike?

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Only members of the trade unions who have given notice of strike action are eligible to go on strike.

This current Strike Action does not apply to support staff employed within schools. It is unusual for non-union members or members of other unions to go on strike, but this cannot be ruled out, particularly if there are picket lines.

We have been informed by the NUT Regional Adviser that Academies were balloted along with maintained schools and therefore are covered by the ballot and resulting strike action.

## Service Provision

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It is legitimate for an employer to ask employees if they intend to be at work on the strike day, and schools / colleges / academies are advised to do so to enable them to assess the likely impact on educational provision and make contingency plans. The employee, however is not obliged to co-operate in giving this information and it is important that the school is not seen as pressuring employees not to strike.

It is essential for the school to consider the health and safety consequences of the strike action and risk assessments should be reviewed and if necessary, revised.

Governors are advised to act sensitively when considering re-allocation of work normally carried out by an employee on strike. Re-allocating any **essential duties** of employees on strike to those attending work would normally be considered as reasonable, especially if the work is necessary to prevent a breach of statutory duty or is vital to service provision. Employees should not however be asked to perform additional duties that are unreasonable or which they are not competent to perform.



The fact that the duties are normally carried out by an employee on strike does not in itself make a request to cover unreasonable, but careful consideration should be given to the effect on the goodwill of employees not taking strike action, the risks of escalating the dispute and the impact on staff relations.

Trade unions would usually advise their members not to carry out duties normally undertaken by those on strike. Governing bodies are therefore advised that while employees attending work can be asked to undertake any duties that are within the terms of their contracts, if individuals decline, the issue should not be forced.

Cover arrangements should be made for Headteachers / Principals who are not in school on the strike day, and depending on staffing arrangements, it may be necessary for a member of the governing body to be available for decision-making.

Employment agencies are restricted from providing workers to cover work normally done by employees in dispute or to replace employees who are covering others who are on strike. Therefore it is not advised that governing bodies seek to engage the services of employment agencies for this purpose.

If a governing body decides that it will be necessary to close or partially close their school to pupils on day of the strike action, it is important to inform parents / carers and others at the earliest opportunity. The Local Authority should also be notified by contacting Debbie Clarke, Business Support Manager, at County Hall on 0116 3055985.

The school should remain open for employees to attend work.

## Teachers Pay & Pensions

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Employees who are on strike or who decline to cross a picket line will be subject to a deduction to their pay. For a strike lasting one day, teachers who take strike action and work full time or work the same hours each day will lose 1/365<sup>th</sup> of a year's pay. For part-time teachers, the deduction from their salaries should be in accordance with the hours they would have worked that day.

Absence due to strike is not considered to be pensionable service and so individuals will lose the pension that they would normally accrue for the day, if they are on strike. (Under the Teachers' Pension Scheme, there are separate provisions for the purchase of additional pension, subject to a set maximum, which members may enquire into if they wish).

All employees who attend for work should be paid normally.

## Support staff pay & pension

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None of the trade unions representing support staff have yet balloted on industrial action and therefore support staff are expected to attend work as usual. However it is possible that individuals may decide to withdraw from their duties or decline to cross a picket line, in which case they should be treated as being on strike and subject to loss of pay as appropriate.

For a strike lasting one day, support staff who take strike action and work full time or the same hours each day will lose 1/260<sup>th</sup> of a year's pay. Support staff who work part time or whose daily hours vary will lose pay for the hours that they were due to work on that day.

Absence due to strike is not considered to be pensionable service and so individuals who are members of the Local Government Pension Scheme will lose the pension that they would normally accrue for the day, if they are on strike. Employees have the option to re-pay pension contributions (by paying both employer's and employee's contributions) if they wish.

All employees who attend for work should be paid normally.

### Notification of employees who take strike action

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A record of who is on strike will need to be kept by the Headteacher / Principal (or in their absence another nominated person).

The East Midlands Shared Service (EMSS) should be notified via the schools normal absence return on "Anycomms" which employees were on strike. The name of the employee and the reason for absence recorded as "strike", together with the number of hours that the employee would normally have worked on the day in question. This is so that the appropriate deduction in salary can be made.

Ordinarily employees on strike would not be given the opportunity to work additional hours at a later date to recover lost pay.

### Leave of absence

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It is normal practice for any leave requests (where applicable) which were approved before the date of the announcement of strike action, to be honoured.

If requests for leave on the day of the strike (including periods longer than one day) are received after the announcement, the school may wish to consider delaying a decision until the likely impact of the strike is known.

Normal considerations should then apply, in terms of whether requests can be agreed, in accordance with the Schools / Colleges / Academies Model Leave of Absence Policy.

### Sickness absence

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If an employee who has stated their intention to strike goes on sick leave before or on the strike day, they should be treated as being on strike on that day and therefore not eligible to receive sick pay.

If an employee who has not stated their intention to strike goes on sick leave before or on the strike day, all circumstances (e.g. reason given, length of absence, etc) should be carefully considered in order to determine whether the employee would have been on strike, if they had not been sick.

Unless there is clear evidence to the contrary, such as the employee concerned being seen on a picket line, they should be treated as being sick and therefore eligible to receive sick pay. Normal sickness certification requirements will apply.

If an employee fails to report sick leave in accordance to the conditions of the relevant sick pay scheme, appropriate action should be taken in the normal way (under the Burgundy Book Section 4: Sick Pay Scheme 11.2 for teachers; and under the Green Book, Parts 2 and 3 – Sickness Scheme, for support staff).

## Maternity Leave, Adoption Leave, Maternity / Adoption Support Leave

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If an employee who is on maternity leave, adoption leave, maternity / adoption support leave, is seen on a picket line, they should still be regarded as being on leave and no action therefore needs to be taken.

## Suspension from duty

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If an employee who is suspended from duty fails to observe the conditions of their suspension during the strike action, appropriate action should be taken in the normal way. You may wish to contact your HR Adviser for advice in such circumstances.

## Picketing

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Picketing is only lawful if it is undertaken by an employee involved in the dispute and is at or near the entrance to / exit from the premises where they work or from where their work is administered. Union officials can picket at or near the workplace of any member they represent.

Picketing must consist of members only peacefully obtaining or communicating information or peacefully persuading others to work or not to work. Pickets may approach people and vehicles entering the premises to explain why they are on strike and ask them not to cross the picket line, but should not threaten or obstruct them.

There is no legal limit on the number of pickets at any location but the Department for Business, Innovation and Skills Code of Practice suggests that in general the number should not exceed six.

Partner organisations (e.g. those which share a common site with a school, those where outstationed school based employees work etc) as well as contractors, should be alerted in advance to the possibility of picketing.

Pickets do not have the right to picket inside any part of premises which are private property.

Where picketing takes place, employees who are not directly involved in the dispute may refuse to cross picket lines and such employees should normally be regarded as being on strike. Occasionally however an employee may be willing to cross a picket line, but reluctant to do so for fear of their safety: in these circumstances, the governing body should try to ensure that the employee is given every protection to

cross the picket line. If the governing body considers that the employee has made every effort to cross the picket line, but was unable to do so, the governing body may decide not to treat their absence as strike action.



# **Staff undertaking secondary employment (Special Schools)**

Reviewed: September 2022

## **Introduction**

This document provides the conditions of Forest Way staff seeking and undertaking secondary employment which is not contracted by the school.

The term 'secondary employment' has been used to define any remunerated activity that is unrelated to an employee's contract of employment at the school.

Employees may take up additional employment, paid or unpaid, providing it will not create a conflict of interest, cause the school reputational harm or adversely affect an employee's ability to carry out their duties and responsibilities for the school effectively and efficiently.

Prior permission must be sought from the Headteacher before taking up any additional employment. Carrying out public duties (e.g. Jury Service) does not count as additional employment.

The school reserves the right to reconsider previously granted permission to allow the employee to take up secondary employment at any time.

## **Conflict of Interest**

In order to ensure that there is no likelihood of a conflict of interest arising the following activities should not be undertaken by any member of staff without prior approval by the Headteacher:

- Taking up employment with any employer on any type of contractual arrangement:
- Running your own business
- Private tutoring
- Holding directorships or trusteeships
- Participating or having any other interest in organisations that may be a competitor or supplier to the school.

## **Canvassing**

The employee will not in any way use their employment at the school to canvass parents or other interested parties with a view to seeking secondary employment.

Any attempt by an employee to promote their services, where there may be a potential conflict with their substantive role, may lead to disciplinary action. Further clarification on potential conflict of interest can be sought from your Headteacher.

<b>Name</b>	
<b>Current position held at Forest Way</b>	
<b>Details of Secondary Employment you wish to undertake</b>	
<b>If Direct Payment for a pupil at Forest Way please give pupils' name</b>	
<b>Hours of work</b>	
<b>Signed:</b>	
<b>Date:</b>	

**Permission granted by Headteacher**

<b>Signed:</b>	
<b>Date:</b>	

# Career Break Policy

Adopted: September 2022



This policy applies to all teaching and support staff employed within schools and academies, regardless of whether they are employed on a full time or part time basis, who are considering taking a period of extended time off from their current employment. It does not apply to:

- agency workers;
- casual workers;
- consultants or self-employed contractors;
- apprentices.

All requests for time off will be fully and objectively considered to ensure all staff are treated consistently and equitably.

For the purposes of this document, all periods of leave will be referred to as “career breaks”.

## **1. Purpose**

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1.1 The school recognises the importance of supporting its employees to achieve and maintain a healthy work-life balance. Career breaks or sabbaticals can provide employees with the opportunity to take an extended period of time away from work, for example:

- to pursue further full time education
- to pursue a personal interest or undertake a personal project
- for a period of extended overseas travel
- to undertake voluntary service abroad
- or to fulfil personal or domestic commitments.

1.2 This policy does not form part of any employee's contract of employment and may be amended at any time.

## **2. Eligibility Criteria**

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2.1 There is no statutory right for employees to be granted a career break. It is therefore the responsibility of the school and the employee to agree the terms of any period of leave.

2.2 To be eligible to apply for a career break, employees must:

- Have at least one years' continuous service with Forest Way School. The School may consider applications from employees with less service where there are exceptional circumstances.
- Agree to maintain regular communication with the school during the period of leave. This should be agreed before the employee commences their career break.
- Have committed to an agreement to return to work on a specified date at the end of the period of leave.
- Not have taken a career break previously within this school

- 2.3 The granting of any period of leave and the length of the break will be entirely at the school's discretion and will depend up on the needs of the school at the time the request is received. As there is no guarantee that a request will be agreed, employees must not commit themselves to any plans until they have received confirmation that their career break has been approved.
- 2.4 The school will guarantee an employee the opportunity to return to the role they occupied prior the career break, however, this will be wholly dependent on any organisational restructures that will be necessary to carry out during the period of the career break – please see section 10 for more details.  
**OR** if that job is no longer part of the schools organisational structure, a return to another job on terms and condition no less favourable.

### **3. Duration of Career Breaks**

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- 3.1 Career breaks will be granted for a minimum period at the discretion of the Headteacher and Governing Body for a maximum period of 1 year.
- 3.2 For fixed-term employees, the duration of the career break cannot exceed the length of their current contract.

### **4. Application Procedure**

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- 4.1 Employees wishing to apply for a career break must firstly discuss their intentions informally with the Head Teacher to outline the reasons for their request, the proposed length of absence and how the workload may be managed during the absence.
- 4.2 Following this the employee must submit their formal request, in writing using the Form at Appendix A, to the Head Teacher at least 1 term before the proposed start date of the period of leave.
- 4.3 The employee's request must include:
- The purpose of the career break;
  - The proposed start date
  - The duration of leave being requested;
  - Whether they have had any previous career breaks, and if so the dates between this was taken;
  - Any benefits to the schools, if any, of the proposed career break;
  - Details of how the work would be covered during the absence;
  - Any relevant supporting documentation to accompany the request.

### **5. Decision Makers**

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- 5.1 All requests for time off should be sent to the Head Teacher in the first instance along with any supporting documentation.

5.2 Each application will be considered on a case by case basis and a response will be provided within 10 days of receipt of the formal application.

## **6. Declining a Request for Leave**

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6.1 The following are examples of the circumstances in which an employee's request may be **refused**:

- If the employee is taking up alternative employment or starting up a personal business venture;
- If, during the break, the employee will be involved in activities which conflict with the interests of the school;
- It is not possible to cover the employee's post either by recruiting an additional person or reorganising the work amongst existing employees;
- The employee is subject to formal disciplinary or capability proceedings or has a live warning on their file;
- The employee has been formally advised in writing that their post is at risk of redundancy;
- It would result in a substantial negative impact on the school and/or its pupils.

6.2 Where a request is refused, the employee's manager will confirm, in writing, the reasons for declining the request. There will be no employee right of appeal against a decision to refuse a request for leave.

## **7. Contractual Position During Period of Leave**

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7.1 The following contractual arrangements will apply during the career break period:

- All career breaks will be unpaid;
- Where possible the employee's substantive post will be held open for the employee their return;
- Employees will not be obliged to do any work or attend any events during a career break unless this has been explicitly agreed prior to the start of the career break. Such work may include attending training or other events.
- Annual leave will not accrue during the period of the leave.
- Employees will retain their continuity of service for the duration of the period of leave;
- Incremental progression will not apply during the break, therefore all pay decisions will be suspended until the next pay review following the employees return to work.
- In the event of sickness, there is no entitlement to sick pay and the period of leave will not be extended;

- Any existing salary sacrifice arrangements will be suspended during the period of leave. Employees are responsible for ensuring that they are aware of the implications of this.
- Periods of unpaid leave can affect an employee's entitlement to maternity, adoption and paternity pay.
- Career breaks can result in a shortfall in an employee's pension benefits. Employees who are members of the Local Government Pension Scheme can replace this shortfall by paying increased contributions when they return to work:

**LGPS Members:**

Employees should contact the LGPS Team at County Hall on 0116 3057886 for further advice.

**Teacher Pensions Scheme Members:**

Employees should contact the Teacher's Pension scheme for information on how the career break may impact their pension benefits;

## **8. Additional Points**

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- 8.1 During the period of leave, Schools are responsible for making the employee aware of any advertised vacancies that become available at the school/within the Multi Academy Trust. An employee who applies for, and is successfully appointed to a role will commence the role in line with the advertised start date. Their leave arrangement will automatically come to an end.
- 8.2 Where it is necessary for the school to undertake an organisational change process, every effort will be made to consult with the absent employee. If an employee's post becomes "at risk" due to a redundancy process whilst they are on a career break, every effort should be made to keep the employee informed of proposed changes and any developments that may affect them. The employee is also responsible for ensuring that they engage in the process and attend any necessary selection processes that are required.
- 8.3 The School reserves the right, in exceptional circumstances, to recall the employee to work prior to the agreed period of leave end date. Notice will be given in line with the employee's contract of employment.
- 8.4 The School's Code of Conduct regarding secondary employment remains in force during the leave period. Employees must therefore obtain permission if they wish to undertake any paid work during their career break.



## **9. Maintaining Contact During a Period of Leave**

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- 9.1 Both the employee and the Head Teacher are responsible for ensuring that regular contact is maintained during the career break. This will ensure that the employee is kept informed of any changes and/or developments within their team and/or the School/MAT.
- 9.2 Employees must inform the school as soon as practically possible if there is a change in personal information/circumstances during the career break, such as change of name or address.
- 9.3 It may be appropriate for the employee to attend training during the career break, this should have been agreed with the employee in advance. Any time spent on training should be compensated by the equivalent paid time off when the employee returns to work/ will be paid at the equivalent rate of pay in force prior to the career break being taken.

## **10. Returning To Work**

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- 10.1 When approving the request for a career break a date by which the employee must contact the school to confirm arrangements for their return.
- 10.2 Employees wishing to return to work earlier than previous agreed are required to give notice in line with their contract of employment; it may not always be possible to accommodate this request.
- 10.3 On their return to work, the Head Teacher will ensure that the employee is suitably inducted back into the workplace and brought up to speed with developments and changes that may have occurred during the period of absence.
- 10.4 Employees unable to return to work due to ill health must advise the school as soon as possible in line with the Schools Sickness reporting procedures.
- 10.5 Employees wishing to terminate their employment whilst on a career break must provide notice to the school in line with their contract of employment.

## Appendix A – Career Break Application form

Name:	
Job Title:	

### **Note to Applicant:**

To qualify to apply for a career break, at the time the application is made, you must:

- Have been continuously employed for one year

**Employees have no statutory right to request a career break/sabbatical**

Dates leave is being requested (to and from): \_\_\_\_\_

Have you taken any previous career breaks? If yes, please give details of dates and duration:-

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Please give details of how your period of leave will benefit the school and its pupils:**

(Please continue on a separate sheet of paper if necessary)

**Please provide details of how your work will be covered during your absence:**

**I understand that, if agreed, this request will result in a temporary change to my terms and conditions of employment as discussed with my line manager.**

Signed:	
Date:	

# Long Service Award Guidance

Adopted: September 2022

## **Purpose**

The County Council's Local Conditions of Service includes a Long Service Award on the completion of 25 years' aggregated service.

The purpose of this guidance is to outline the long service award initiative, the application of it, eligibility criteria and to identify the available options for Schools, Colleges and Academies for issuing the award to eligible employees.

## **Scope**

The award generally applies to all employees, regardless of whether they work full-time, part-time, term-time only, annualised hours or, on a fixed term contract. It does not apply to casual staff.

The section below further explains the eligibility criteria for employees.

## **Employees Entitlement to Long Service Award – Eligibility Criteria**

Employees who are permanent or fixed-term (temporary) at the time that they achieve 25 years' aggregate service are eligible to receive the award.

All Leicestershire County Council (LCC) service counts, whether continuous or aggregate. Service with another local authority or another school employer, e.g. an independent school, academy trust, free school, etc. does not count.

For employees who were affected by local government re-organisation in Leicestershire at 1<sup>st</sup> April 1974 and/or at 1 April 1997, only service when their employer was the County Council counts. Service with Leicester City Council or Rutland County Council before 1<sup>st</sup> April 1974 or after 1<sup>st</sup> April 1997 does not count.

For employees who have transferred into the County Council from another employer on their existing terms and conditions under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and retained those conditions of service, the provisions governing any long service award (e.g. length of service required, type/amount of the award, etc.) will be those applicable at their previous employer as at the date of their transfer.

For employees who have transferred under TUPE from the County Council to another employer and then returned to County Council employment as a result of a further TUPE transfer of the same function (i.e. the same service or the same school), all their service in the function that transferred will count.

Whilst this entitlement is a LCC initiative, it also applies to Maintained School employees who have TUPE transferred over to an Academy and any new employees who have joined the Academy unless this has been negotiated and agreed otherwise with unions.



## Long Service Award Options and Procedure

In recognition of achieving 25 years' service, an employee is entitled to receive an award for this in the form of either:

- A high street retail vouchers of their choice to the value of £250 which the school/ college/academy is responsible for purchasing.
- A gift up to the value of £250 if they wish, which the school/ college/academy is responsible for purchasing. If this option is chosen by the employee then they should be made aware that a gift should equal no more than this amount exactly and no compensation shall be given where the item is less than £250. N.B. If agreed between the employee and the school/college/academy, the employee may wish to make an additional contribution to enable a specific gift of a value greater than £250 to be purchased by the school/college/academy.

Employees may choose which one of the above they wish to receive; the School/College/Academy is responsible for initiating the award.

It may be necessary to verify employment service records, e.g. to confirm service in cases where the employee has moved between different schools in Leicestershire. Where the School/College/Academy buys into HR Services, they may contact the ESC Service Desk to arrange for the Council's electronic and manual records to be checked.

The School/College/Academy may also wish to issue the employee a Long Service Certificate in addition to one of the above entitlements; certificates may be ordered from Central Print at the County Council. The charge is currently £11.00 but is subject to review on 1<sup>st</sup> April each year. The Long Service Certificate Order Form (attached at Appendix B) should be completed and sent to Central Print, Corporate Resources Department, Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8RA. The completed certificate will be posted directly to the school/college and the cost will be debited to the school/college's budget.

The Headteacher/ Principal or the Chair of Governors should present the award and certificate (where purchased) to the employee on the date which they achieve 25 years' service. However, some employees may prefer not to have a formal presentation or to receive a certificate. In these circumstances, it is good practice for the Headteacher/ Principal to write a personal letter to the employee acknowledging their service and then arrange to issue them with their chosen award, which is then given to the employee by their line manager.

## Appendix A – Template Letter to Employee

Dear

My records show that on .....you will have achieved 25 years' service with Leicestershire County Council.

In recognition of this achievement you are entitled to a receive either:

- a gift voucher of £250 for a high street retailer of choice

OR

- a specific gift up to the value of £250. [Alternatively, you may prefer to make an additional contribution towards the purchase of a specific gift of a greater value.] (delete as appropriate).

Please could you confirm which of the above options you wish to receive and I will make the necessary arrangements.

Finally, may I take this opportunity to offer you my congratulations on this achievement and to say how grateful I am for your commitment to this School/College/Academy and to Leicestershire County Council.

Yours sincerely,

Head Teacher/Principal

## Appendix B – Employee Achieving 25 years' Service – Certificate Request Form

If you wish to present the employee with a certificate, please complete and return this form to **Central Print, Corporate Resources Department, Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8TG**. The cost of the certificate is £11.00 which will be charged directly to cost code provided.

**The certificate when produced will be returned to the School/College/Academy via Schools Post.**

DATE CERTIFICATE IS REQUIRED:	
NAME OF EMPLOYEE TO BE SHOWN ON THE CERTIFICATE (PLEASE USE BLOCK CAPITALS):	
NAME OF SCHOOL/COLLEGE/ ACADEMY:	
DATE OF 25 YEARS ACHIEVED:	
SCHOOL/COLLEGE/ ACADEMY COST CODE:	
Authorised on behalf of School/College/Academy:	
Designation:	
Date Requested:	

# **New and Expectant Mothers**

Reviewed: September 2022



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## 1.0 Introduction

- 1.1 Forest Way School is committed to protecting the health, safety and wellbeing of its employees. Forest Way recognises that new and expectant mothers may face additional risks to their health, safety and wellbeing as a result of their condition and Forest Way will do all that is reasonably practicable to protect these employees. This guidance document sets out the arrangements in place within Forest Way to minimise workplace health risks to pregnant and breastfeeding workers.
- 1.2 Pregnancy should not be equated with ill health. It should be regarded as part of everyday life and its health and safety implications can be adequately addressed by normal good practice health and safety management procedures. Many women work whilst they are pregnant, and many return to work while they are still breastfeeding, however some hazards in the workplace may affect the health and safety of new and expectant mothers and of their unborn child. This guidance has been developed to address these issues.
- 1.3 The law requires every employer to assess workplace risks for all their employees, and take practical action to control the risks. The Management of Health and Safety at Work Regulations 1999 extends this requirement for employers to take particular account of risks to new and expectant mothers. The definition of a new or expectant mother is someone who is pregnant, has given birth within the previous six months, or is breastfeeding. For the purposes of the Regulations, women who miscarry after 24 weeks are to be treated as new mothers.

## 2.0 Aspects of pregnancy that may affect work

- 2.1 The expectant mother must inform her employer in writing that she is pregnant as early as possible. Doctors are required to record advice given to patients about their ability to perform their own or usual type of occupation on a statement of fitness to work (fit note). Where the doctor considers work adjustments are required during pregnancy or breastfeeding the doctor should record this advice to the employee (and employer) within the fit note. Employers must consult with the new or expectant mother whilst undertaking the risk assessment (discussed below), to take into account of any medical advice she has received.
- 2.2 There are some other aspects of pregnancy which may affect the ability to work normally. Many of these factors will vary as the pregnancy progresses and will therefore need to be reviewed.

<b>Aspects of Pregnancy</b>	<b>Associated Factors in Work</b>
Morning sickness	Early shifts/nauseating smells
Backache	Manual handling/standing/posture
Varicose veins	Standing/sitting
Hemorrhoids	Working in hot conditions
Frequent visits to toilet	Difficulty in leaving job/site of Work
Tiredness	Overtime, walking long distances, standing for long periods of time

Feeling hot	Working in warm conditions
Balance	Problems of working near slippery or wet surfaces
Increasing size	Use of protective clothing, work in confined spaces, manual handling, dexterity, agility, co-ordination, speed of movement and reach

### 3.0 Risk Assessment

- 3.1 The Management of Health and Safety Regulations 1999 expect managers to take account of significant hazards that exist in the workplace or result from work activities and to assess the risk that these hazards present. When such hazards are identified as part of the risk assessment process, consideration must be given to the effect they may have on women of child bearing age, in particular those who are pregnant, new and nursing mothers or those attempting to conceive.
- 3.2 A specific risk assessment should be completed as soon as possible after receiving notification of pregnancy. The risk assessment should be completed by the manager in conjunction with the expectant mother following Forest Way's Risk Assessment Procedure. In addition it is recommended that Managers attend appropriate risk assessment training.
- 3.3 The first stage of the risk assessment process is to identify the hazards which an expectant mother encounters whilst undertaking work activities. A hazard is described as *"anything with the potential to cause harm."* There are many workplace hazards that can affect the health and safety of a new or expectant mother or her child. The hazards that must be considered may be physical, environmental, biological or chemical. Within Forest Way, chemicals/processes presenting some of the most serious hazards to pregnant women and nursing mothers are not used. However, we must not be complacent. There are still some very real risks to these women and their unborn child. Some of the main risks for consideration include:

<b>Physical</b>	<b>Environmental</b>
<ul style="list-style-type: none"> <li>• Awkward spaces and workstations</li> <li>• Vibration</li> <li>• Noise</li> <li>• Radiation</li> <li>• Work at height</li> <li>• Manual handling</li> </ul>	<ul style="list-style-type: none"> <li>• High or low temperatures</li> <li>• Awkward spaces and workstations</li> <li>• Inadequate facilities (including rest rooms)</li> </ul>
<b>Biological</b>	<b>Other</b>
<ul style="list-style-type: none"> <li>• Hepatitis B, HIV,</li> <li>• Herpes, TB,</li> <li>• Chicken Pox,</li> <li>• Rubella,</li> <li>• Typhoid</li> <li>• Shingles.</li> </ul>	<ul style="list-style-type: none"> <li>• Excessive hours (night work etc.)</li> <li>• Usually stressful work</li> <li>• Lone working</li> <li>• Exposure to violence</li> <li>• Exposure to cigarette smoke</li> </ul>



<ul style="list-style-type: none"> <li>• Infections associated with sheep during the lambing season (January to April)</li> <li>• Toxoplasmosis – from cat waste.</li> </ul>	<ul style="list-style-type: none"> <li>• Driving long distances</li> </ul>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------

Once the hazards associated with an activity have been identified, they should be recorded in the left hand column (one hazard per row.) of the [Risk Assessment Form](#). An assessment of each hazard should occur. When determining which hazards to include, it is important to focus only on those which may present a *significant risk* of harm.

3.4 Where risk ratings portray that an activity is a Medium or High risk, efforts need to be made to reduce the risk rating to as low a level as *reasonably practicable*. This entails implementing further control measures as follows.

- a. Remove the hazard where possible.
- b. Where this is not possible, adequately control the risk so as to ensure the health and safety of the mother and unborn child concerned.
- c. Where this is not possible, temporarily adjust the duties or, where necessary, the working hours, removing those duties and responsibilities that give rise to the risk.
- d. If this is not possible, remove the new or expectant mother from the risk by offering her suitable alternative work or an alternative workplace where no foreseeable risk exists. The work however must be suitable and appropriate for her to do in the circumstances and on terms and conditions no less favorable than her normal terms and conditions.
- e. If all of the above prove fruitless, suspend the new or expectant mother from normal duties for as long as necessary to protect the health and safety of her and her unborn child. This must be on full pay unless she has unreasonably refused an offer of suitable alternative work, in which case no remuneration is payable during the period during which the offer applies.
- f. Inform the new or expectant mother about the risks you have identified and what you are doing to manage the risks. Also, ensure that the assessment is properly recorded on the [Risk Assessment form](#).

3.5 The risk assessment should not be a one-off process, instead it should remain as a live document which is continuously reviewed as pregnancy progresses, and for at least six months after the birth.

## 4.0 Other Considerations

4.1 Many pregnant women feel tired and need to rest. Breast feeding mothers need a clean, private place to express and store their milk. Expectant and breastfeeding mothers must have suitable facilities to rest at work, and although not a legal requirement, employers should provide a healthy and safe environment for nursing mothers to express and store milk. Toilets are unsuitable for this purpose. For further information on providing suitable



rest facilities and expressing/storing breast milk at work please view the Corporate Breast Feeding Policy.

- 4.2 A new or expectant mother who works at night may present a medical certificate stating that night work could affect her health. If this occurs her manager must either:
- Offer her suitable alternative daytime work if any is available or if not,
  - Suspend her from work (paid leave) for as long as necessary to protect her health and safety.

It is only necessary to take this action if the risk arises directly from work. In such an instance you are advised to discuss the issues with HR and your Health and Safety Advisor.

- 4.3 The pregnant worker may make a complaint to an Employment Tribunal:
- Where there is suitable alternative work but the employer fails to offer it to the pregnant worker or
  - Where an employer fails to pay the worker all of the remuneration due for any day of maternity suspension.

## **5.0 Associated Policies**

[Risk Assessment Procedure](#)

[Risk Assessment Form](#)

[Breast Feeding Policy](#)

[Maternity Leave and Pay Policy](#)

[www.hse.gov.uk/mothers/](http://www.hse.gov.uk/mothers/)

## Appendix 1: Model Risk Assessment

<b>Activities covered by this assessment:</b>	<b>New and Expectant Mothers</b>	
<b>Site Address/Location:</b>	<b>Department/Service/Team:</b>	
<b>Note:</b> A person specific assessment must be carried out for young persons, disabled staff and new and expectant mothers conducting this activity.		

Hazard (Something with a potential to cause harm)	Who Might be Harmed & How?	Existing Controls	Initial Risk Rating (SxL)			Further Controls Possible (What reasonably practicable control measures could be considered to further reduce the risk rating?)	Residual Risk Rating (SxL)			Action Required			
			Severity	Likelihood	Risk rating		Severity	Likelihood	Risk rating	Who: (Initial)	Date By: (-/-/--)	Done? ✓/x	
<b>Slips and Trips</b>	Injuries may include bumps, blows lacerations, fractures and potentially an injury to the unborn child.	<ul style="list-style-type: none"> <li>New and expectant mothers are advised to wear suitable footwear.</li> <li>Staff reminded of the need to maintain good housekeeping.</li> <li>Staff reminded of the need to report any faults/defects with flooring</li> </ul>	H	M	H								
<b>Working at Height</b>	This may potentially result in broken limbs or potentially an injury to the unborn child	<ul style="list-style-type: none"> <li>New and expectant mothers are reminded of the dangers of working at height and are relieved of these duties</li> </ul>	H	H	H								
<b>Manual Handling</b>	Pregnant workers are especially at risk from manual handling injury	<ul style="list-style-type: none"> <li>Manual Handling Operations Regulations 1992 apply to all employees required to undertake manual handling duties</li> <li>Restrictions on manual handling as the pregnancy progresses may be required</li> <li>Colleagues to support if any risk involved</li> <li>Where vibration equipment is in use, avoid extended periods of use.</li> <li>Shorten the time used, but organising shorter periods of use, followed by a different duty, followed by a shorter period of use and so on.</li> </ul>	M	M	M								
<b>Vibration</b>	Regular exposure from electrical cleaning equipment may affect the pregnancy		M	M	M								

<p><b>Extremes of Cold &amp; Heat</b></p>	<p>Heat and cold tolerance reduces with pregnancy.</p>	<ul style="list-style-type: none"> <li>Rest facilities and access to refreshments should be available.</li> <li>Avoid prolonged exposure to excessive heat</li> <li>Avoid dehydration</li> </ul>	<p>L</p>	<p>M</p>	<p>L</p>					
<p><b>Psychological Wellbeing</b></p>	<p>Excessive physical or mental pressure may lead to stress which may affect the pregnancy by resulting in raised blood pressure and interfere with breast feeding</p>	<ul style="list-style-type: none"> <li>Discuss working hours with employee</li> <li>Pregnant workers should be allowed greater control over their working day</li> <li>Consideration should be given to workload and work demands</li> <li>Avoid excessive working hours</li> <li>Encourage good time management</li> <li>Encourage natural breaks</li> </ul>	<p>H</p>	<p>M</p>	<p>H</p>					
<p><b>Noise</b></p>	<p>Prolonged exposure to loud noise can lead to increased blood pressure and stress</p>	<ul style="list-style-type: none"> <li>The Control of Noise at Work Regulations 2005 should be applied to all workers exposed to loud noise where there is a risk to hearing.</li> <li>Noise is likely to be too loud if you are unable to hold a conversation 1m apart without shouting</li> <li>Negotiation of time and space for those workers with maintenance obligations should discuss beforehand access to areas where expectant mum may be working to avoid unnecessary levels of noise.</li> </ul>	<p>H</p>	<p>L</p>	<p>M</p>					
<p><b>Chemicals</b></p>	<p>Certain chemicals are potentially harmful to a pregnancy or may affect breastfeeding</p>	<ul style="list-style-type: none"> <li>Review COSHH assessments.</li> <li>Avoid exposure to chemicals, with the following risk phrases: R40: risk of irreversible effects R45: may cause cancer R46: may cause heritable genetic harm R47: may cause birth defects R61: may cause harm to the unborn child R63: possible risk of harm to the unborn child R64: may cause harm to breast fed babies</li> </ul>	<p>H</p>	<p>M</p>	<p>H</p>					



<p align="center"><b>Biological Agents</b></p>	<p>Rubella, Chickenpox and Cytomegalovirus have the potential to harm the foetus if the mother has not developed resistance previously. Listeria bacteria and the Toxoplasma parasite can also harm the foetus</p>	<ul style="list-style-type: none"> <li>• Review exposure and advise of increase in risk</li> <li>• Check if expectant mum is a first aider and is aware of good practice for first aiders</li> <li>• Avoid contact with chickenpox between weeks 13-20 of pregnancy</li> <li>• Ensure good working practices</li> <li>• Ensure good hygiene and infection control</li> <li>• Contact GP/Midwife if there are any concerns</li> <li>• Where exposure is likely as a direct result of their work, restrictions should be imposed to prevent the exposure</li> </ul>	<p align="center">H</p>	<p align="center">H</p>	<p align="center">H</p>						
<p align="center"><b>Display Screen Equipment</b></p>	<p>Pregnant women are likely to experience backache and if poor posture is adopted, then discomfort is increased. This may lead to strain or sprain injuries. Sitting at a computer on an unsuitable chair will have a detrimental and could lead to discomfort, muscle strains and sprains and injury.</p>	<ul style="list-style-type: none"> <li>• Specific DSE risk assessments must be carried out and reviewed at regular intervals throughout the pregnancy.</li> <li>• Frequent changes of posture must be made to ensure that discomfort and any pain is minimised.</li> <li>• Any issues must be raised straight away in order to facilitate any further adjustments being made.</li> </ul>	<p align="center">M</p>	<p align="center">M</p>	<p align="center">M</p>						

<p><b>Risk Assessor(s) Name(s):</b></p>		<p align="center"><b>Risk Assessor(s) Signature(s):</b></p>	
<p><b>Authorised By:</b></p>	<p align="center"><b>Authoriser Signature:</b></p>		



<b>Date Conducted:</b>	<b>Date Review Required:</b>	<b>Date of Last Review:</b>
	<b>Date Review Required:</b>	<b>Date of Last Review:</b>
	<b>Date Review Required:</b>	<b>Date of Last Review:</b>

<b>Potential Severity of Harm</b>	<b>High</b> Death, paralysis, long term serious ill health.	<b>Medium</b>	<b>High</b>	<b>High</b>
	<b>Medium</b> An injury requiring further medical assistance or is a RIDDOR incident.	<b>Low</b>	<b>Medium</b>	<b>High</b>
	<b>Low</b> Minor injuries not resulting in any first aid or absence from work.	<b>Low</b>	<b>Low</b>	<b>Medium</b>
		<b>Low</b> The event is unlikely to happen.	<b>Medium</b> It is fairly likely it will happen.	<b>High</b> It is likely to happen.
	<b>Likelihood of Harm Occurring</b>			

<b>Risk Rating Definitions</b>	
<b>Low</b>	This is an acceptable level of risk. No further controls are required as the risk rating cannot be reduced any further. However, it is advised that continual monitoring occurs in order to ensure that no changes / deviation of control measures occur.
<b>Medium</b>	It is advised that further controls are implemented to reduce the risk rating to as low a level as possible. If the risk cannot be reduced to lower than a medium, then on site monitoring should occur to ensure that all stipulated controls are being adhered to.
<b>High</b>	This is an unacceptable risk rating. Urgent interim controls should be implemented to reduce the risk so far as is reasonably practicable. If the risk rating cannot be reduced to lower than a High, then a documented safe system of work should be implemented to control the activity. It may be necessary to seek further professional advice. Serious consideration should be given to the validity of carrying out the activity at all. Monitoring of the activity should occur.

# **Maternity/Adoption & Paternity Policy**

Reviewed: September 2022

**This policy applies to all employees, including Head Teachers/Principals, Teachers and all Support Staff.**

**This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Trust/Governing Body.**

**For the purposes of this policy Head Teachers/Principals will be referred to as Head Teacher and School/Academy will be referred to as school.**

## **1. Purpose**

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- 1.1 This policy outlines the entitlements covering maternity, adoption and maternity support (paternity) provisions, as well as the wider issues concerning working families such as parental leave. Shared Parental Leave provisions are dealt with separately.
- 1.2 This policy outlines an employee's entitlement to both leave and pay in respect of the above in accordance with their length of service with the school, their continuous service under the Modification Order and whether or not they wish to return to work once their leave comes to an end.

## **2. Health & Safety – Workplace Risk Assessment**

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- 2.1 An employee must inform the Head Teacher as soon as their pregnancy is confirmed to enable a workplace risk assessment to be carried at the earliest opportunity.
- 2.2 The Management of Health and Safety at Work Regulations 1999 requires employers to carry out a specific risk assessment based on the existing risk assessment that is in place, where employees of child bearing age or new or expectant employees may be at risk from a work process, working conditions or physical, chemical or biological agents.
- 2.3 This includes:
  - Physical Agents: Shock and vibrations, Movements and Postures, Manual Handling, Noise, Radiation etc.
  - Chemical Agents: Toxic Chemicals, Mercury, Lead, Substances absorbed through skin etc.
  - Biological Agents: Bacteria, Infectious Diseases etc.
  - Working Conditions: Facilities (including rest rooms), Mental and Physical fatigue, Stress (including post-natal depression), Working Alone, Travelling, Working at Height, Personal Protective Equipment etc.
- 2.4 If the duties of the job are likely to cause the employee harm, steps will be taken to remove or reduce the risk.
- 2.5 Specifically, consideration will be given to:
  - removing the employee from any duties that might pose a risk to their health and safety;
  - temporarily adjusting their working hours (if reasonable to do so) to avoid exposure to a risk or reduce the effects of a risk;
  - transferring the employee to an alternative job on comparable terms and conditions; as a last resort consider suspension from work on full pay until maternity leave commences if no suitable alternative work, or steps to remove or reduce the risk, is available. In such circumstances, advice should be sought from your HR Adviser;
  - where, the employee is advised by an approved medical practitioner to take absence from school, for example due to the risk of Rubella, the employee will be granted leave with full pay.
- 2.6 Any adjustments will be discussed with the employee in the first instance.
- 2.7 If the Head Teacher or employee considers that the general risk assessment is no longer valid or that there has been a significant change in circumstances or to the physical structure/layout of the school for example, then the employer will revisit and review the risk assessment accordingly.

### **3. Time Off for Antenatal Care, IVF Appointments & Pre-Adoption Leave**

#### **3.1 Antenatal Care:**

All pregnant employees are entitled to reasonable paid time off for appointments for antenatal care made on the advice of a GP, registered midwife or health visitor. Antenatal care includes:

- Appointments with the GP or registered Midwife
- Hospital appointments for scans or tests
- Relaxation Classes
- Parent-craft Classes
- Other appointments, including parenting classes made on the recommendation of the GP or registered Midwife

#### **3.2 Employees must:**

- provide as much notice as possible, of the date and time of appointments.
- arrange appointments at the beginning or the end of the school day, where possible
- Provide documentary evidence of the appointment, such as an appointment card etc.

3.3 The expectant partner/father will also be entitled to take unpaid time off work to attend up to 2 antenatal appointments with their partner.

#### **3.4 IVF Appointments:**

Employees should refer to the schools Leave of Absence Policy for entitlements regarding medical appointments for IVF.

An employee who, following IVF treatment, subsequently becomes pregnant, will be entitled to the same time off for ante-natal care as outlined above.

#### **3.5 Pre-Adoption Leave:**

There is no statutory right to paid time off for pre-adoption leave. Employees who are adopters or are a partner of the main adopter would be expected to arrange meetings and interviews outside of the working day or during school closure periods/annual leave.

*Employees must submit a written request for leave, providing as much notice as possible of the time and date of the appointment, along with documentation confirming the appointment they are scheduled to attend.*

#### **3.6 Surrogacy Arrangements:**

Both parents will be entitled to take unpaid time off to attend up to 2 antenatal appointments with the surrogate carrying the child.



## **4. Maternity/Adoption Leave**

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- 4.1 The tables contained in this section outline the amount of leave an employee can take in respect of Maternity/Adoption. There are different provisions for pay based on length of service. With the exception of pay, all other terms and conditions of employment will remain unchanged during the Maternity Leave Period.

## SECTION A: Maternity Leave Eligibility:

All employees are entitled to take up to 52 weeks' maternity leave:

- 26 weeks is known as 'Ordinary Maternity Leave' (OML) (which includes 2 weeks Compulsory Maternity Leave)
- 26 weeks is known as 'Additional Maternity leave' (AML)

Multiple births do not affect these entitlements.

Only the pregnant employee can take maternity leave. The partner may be entitled to Maternity Support ([Paternity leave](#)).

**Leave can start:**

- No earlier than the 11<sup>th</sup> week before the EWC, unless:
  - the baby is born prematurely, i.e. before maternity leave has commenced;
  - the employee is absent for pregnancy related reasons (wholly or partly) during the 4 weeks immediately prior to EWC.
- In such circumstances, leave and pay will automatically commence from **the day after** the child's birth/the day following the employees first day of absence.

## Adoption Leave Eligibility

All employees are entitled to take up to 52 weeks' adoption leave:

- 26 weeks of Ordinary Adoption Leave (OAL)
- 26 weeks of Additional Adoption Leave (AAL)

Multiple placements do not affect these entitlements.

Only 1 person in a couple can take adoption leave. The partner may be entitled to Adoption Support ([Paternity leave](#)).

**Leave can start:**

- On the date the child starts living with the employee
- OR
- when an employee has been matched with a child to be placed with them by a UK adoption agency
- up to 14 days before the expected placement date (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child is born, or the day after (if the employee has used a surrogate to have a child)

## SECTION B: Maternity Pay Eligibility

To qualify for SMP an employee must:

- have at least 26 weeks continuous service with the current employer (without a break) by the end of the 15<sup>th</sup> week before the EWC. This is known as the ‘Qualifying Week’.
- remain in employment before the beginning of the “Qualifying Week”.
- earn an average weekly wage equal to, or greater than, the lower earnings limit for National Insurance contributions.
- have complied with the necessary notification provisions at Section D.

The diagram below shows how to identify the “Qualifying Week”.

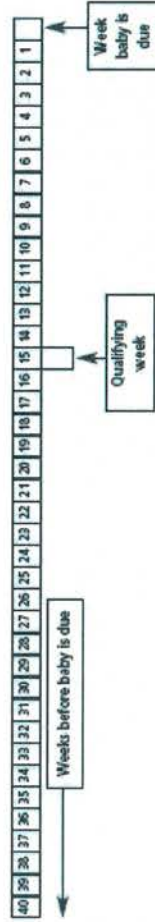


Diagram showing the qualifying week

## Adoption Pay Eligibility

To qualify for SAP employees must:

- have at least 26 weeks continuous service with the current employer (without a break) by the end of the week in which they were notified of a match with a child. N.B. this is not covered by the continuous service as per Modification Order.
- remain in employment by this time.
- earn an average weekly wage equal to, or greater than, the lower earnings limit for National Insurance contributions.
- Confirm that they are not in receipt of statutory Adoption Pay
- have complied with the necessary notification provisions at Section D.

**To qualify for OMP employees must:**

- have at least one year's continuous service with the current employer, local authority or other body contained within the Redundancy Modifications order at the beginning of the 11<sup>th</sup> week before the EWC,  
**AND**
- confirm in writing their intention to return to work after their maternity leave and complete:
  - 13 weeks service (for teachers) **OR**
  - 3 months service (for support staff)

(inclusive of school holidays, regardless of whether they return on a full time or part time basis).

**To qualify for OAP employees must:**

- have at least one year's continuous service with the current employer, local authority or other body contained within the Redundancy Modifications order at the date of matching,  
**AND**
- confirm in writing their intention to return to work after their adoption leave and complete:
  - 13 weeks service (for teachers) **OR**
  - 3 months service (for support staff)

(inclusive of school holidays, regardless of whether they return on a full time or part time basis).

**For Overseas Adoptions, employees must also:**

- have worked continuously for their current employer for at least 26 weeks by the time they receive 'official notification'. This is permission from a UK authority that the employee can adopt a child from abroad.
- sign [form SC6](#) if adopting a child with their partner to confirm the employee is not taking paternity leave or pay.

**Surrogacy arrangements:** to qualify for Statutory Adoption Pay, where a surrogate is being used, the employee must:

- have worked continuously for your employer for at least 26 weeks by the 15th week before the baby's due.
- confirm that they have or intend to apply for a [Parental Order](#)
- confirm that they expect the Order to be granted.

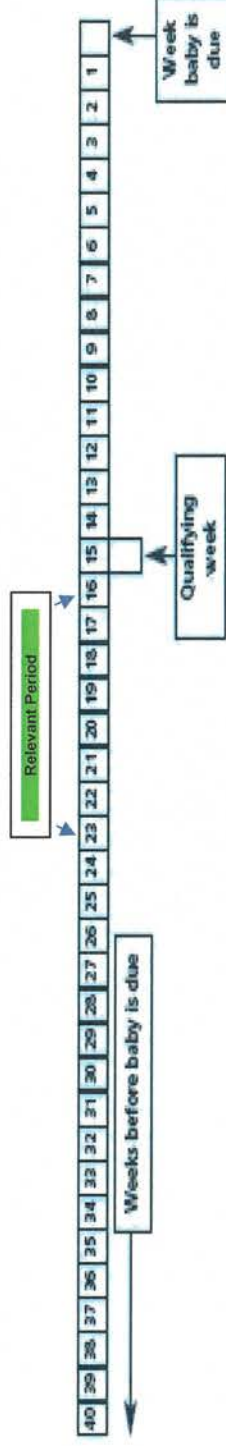
All the other conditions for qualifying for pay and leave are the same as for adoptive parents.

If the employee is genetically related to the child (i.e. the egg or sperm donor), the employee can choose to receive [Paternity leave and pay](#) instead. An employee cannot receive both adoption leave/pay and paternity leave/pay.



## SECTION C: Maternity & Adoption Pay

An employee may be eligible for one or a combination of statutory or occupational pay. The combined amount must not exceed the amount the employee would normally earn. The amount of SMP paid is based on an employee's average earnings during a period of at least 8 weeks before the end of the "Qualifying Week", this is the "Relevant Period"



### Statutory Maternity/Adoption Pay:

Statutory Maternity/Adoption Pay (SMP/ SAP) can be paid for up to 39 weeks (known as the Maternity Pay Period - MPP) as follows:

#### Teachers:

#### Support Staff:

#### Higher Rate SMP/SAP:

- Full Pay for the first 4 weeks of the MPP/APP
- The following 2 weeks - 90% of employees average weekly earnings, before tax

#### Higher Rate SMP/SAP

- Paid for the first 6 weeks of the MMP/APP - 90% of the employees average weekly earnings, before tax.

#### Lower Rate SMP/SAP (for the remaining 33 weeks of the MPP/APP):

- paid at a rate set by the Government for the relevant tax year or 90% of the employees average weekly earnings (whichever is lower).

#### Lower Rate SMP/SAP (for the remaining 33 weeks of the MMP/APP):

- paid at a rate set by the Government for the relevant tax year or 90% of the employees average weekly earnings (whichever is lower).

#### Occupational Maternity/Adoption Pay:

For eligible employees OMP/OAP is 12 weeks half pay, paid:

- over a 12 week period alongside the lower rate of SMP/SAP OR
- As a lump sum in the first available payroll after the employee returns to work.

For employees not intending to return to work with LCC (for maintained schools)/to work with their current employer for academies at the end of their maternity leave:

- payments following the first 6 weeks of maternity leave will be their entitlement to SMP/SAP only (currently 39 weeks in total).

- No OMP/OAP will be paid.

Employees who receive OMP/OAP but do not return to work with LCC/their current employer at all will be required to pay this back in full. If the employee returns to work but fails to complete the necessary 13 weeks/3 months service, they will be required to pay back a proportion of the OMP.

Where an employee returns to work before the end of the Maternity/Adoption Pay Period (MPP/APP) i.e. before 39 weeks, they will forfeit any outstanding SMP/SAP.

## SECTION D: Maternity Leave & Pay Notification

To qualify for Maternity Leave an employee must, no later than 15 weeks before the EWC confirm in writing to the Head Teacher:

- that they are pregnant
- their EWC
- the date they want their maternity leave to start (this can be no earlier than the 11<sup>th</sup> week before the EWC).
- an indication of whether they intend to return to work after their period of leave.

Employees must complete and submit:

- MAT01 Form
- MATB1 Certificate (this is proof of the pregnancy available from the employees doctor/midwife, available from 20 weeks before the due date.

Employees are encouraged to give notice of when they want their SMP to commence at the same time as giving notice for leave. Employees are required to give at least 28 days notice of the date they want their SMP to start.

The Employer must then confirm in writing, to the employee, their maternity leave start and end dates and whether they are entitled to OMP within 28 days of receiving this notification.

## Adoption Leave & Pay Notification

**For UK Adoptions:** the employee must inform the Head Teacher in writing, within 7 days of being notified by the Adoption Agency of a match with a child:

- that they wish to take adoption leave
- the date the child is to be placed with the employee
- the date they want their adoption leave to start
- Indicate whether they intend to return to work after their period of leave.

Employees must complete and submit:

- ADOPT01 Form
- Matching Certificate from the Adoption Agency

**For Overseas adoptions:** Notification should be given in 3 stages:

**Stage 1:** As soon as possible, the employee must inform the Head Teacher of:

- the date they received 'official notification' of a match with a child
- the estimated date on which the child is expected to enter the UK

**Stage 2:** within 28 days of receiving "official notification" **OR** within 28 days of the employee completing 26 weeks service, the employee must notify the Head Teacher of:

- The date they want leave to start (this cannot be before the child enters the UK)
- how much leave they wish to take.

**Stage 3:** within 28 days of the child entering the UK, the employee must complete the ADOPT02 form, stating:the actual date the child arrived the UK along with evidence:

- Provide official notification issued on behalf of the relevant UK Authority (to confirm the employee has been approved by them as being a suitable adoptive parent to adopt a child from overseas) **OR** a matching certificate
- Complete Form SC6 if adopting a child with their partner  
<https://www.gov.uk/government/publications/statutory-adoption-pay-and-leave-adopting-a-child-from-abroad-sc6>
- A declaration that the employee is claiming SAP and not SPP
-

<p><b>Adoption Leave &amp; Pay Notification cont:</b></p> <p>The school must confirm within 28 days of receiving notification, how much Statutory Adoption Pay the employee will receive, when it will start and stop.</p> <p>IF the child does not enter the UK on the expected date, the employee must inform the Head Teacher as soon as possible as they will not be entitled to SAL or SAP.</p> <p><b>Surrogacy arrangements:</b></p> <p>Where an employee uses a surrogate to have a baby, they must inform the Head Teacher at least 15 weeks before the expected week of birth when they wish their leave to start.</p> <p>The employee must have received a Parental Order, or intend to apply for one when the child is living with them (where one parent is genetically related to the child). Employees may be asked for a written statement ('statutory declaration') to confirm this within 6 months after the child's birth. <b>OR</b></p> <p>An adoption order to adopt the child (where there is no genetic relationship) and must use a registered adoption agency throughout the adoption process.</p> <p>In some cases a MATB1 form may be available to the employees. .</p>	<p>The employee must notify the Head Teacher of any change in circumstances that affects their right to receive maternity/adoption pay.</p> <p><b>Change of dates:</b></p> <p>If an employee wishes to change the notified maternity/adoption leave start date/placements date or the child's UK arrival date (overseas adoptions), they must give the Head Teacher:</p> <ul style="list-style-type: none"> <li>• at least 28 days notice of the revised date <b>OR</b></li> <li>• 28 days before the original state date, whichever is earlier.</li> </ul> <p>The revised date can be earlier or later than the original date, subject to the above provisions for premature birth or pregnancy related illness.</p> <p>If it is not possible to give the required notice, the employee must give notice as soon as reasonably practical. If an employee fails to comply with the relevant notification requirements it may not be possible to change the start date. If the employee does not have an acceptable reason for failing to comply with the notification requirements, the start date can be delayed.</p> <p>Employees must provide at least 8 weeks' notice if they want to change their return to work date.</p>
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**Employees who do not qualify for SMP or OMP:**

Employees who do not qualify for SMP or OMP may be entitled to **Maternity Allowance**, paid by Jobcentre Plus. Maternity Allowance may be payable for 39 weeks.

Employees who are unsure whether they are entitled to SMP, they should, in the first instance, contact their payroll provider.

For more information on eligibility and options for claiming Maternity Allowance visit [GOV.UK](http://GOV.UK) - Maternity Allowance.

**Employees who do not qualify for Adoption Pay:**

Employees will not qualify for Statutory Adoption Leave or Pay if they:

- arrange a private adoption, for example without permission from a UK authority or adoption agency
- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member or stepchild

Employees must receive a form SAP1 from the school detailing why they are not eligible for Statutory Adoption Pay.

Employees who do not qualify for SAL or SAP may, if they wish:

- Apply for unpaid leave in the form of a [career break](#); or
- Request annual leave or a short period of unpaid leave, in which case the normal procedure for requesting leave should be followed.
- Apply for Parental Leave.

**Withholding Maternity or Adoption Pay**

Maternity/Adoption Pay may be withheld if the employee:

- Is taken into police custody; or
- Continues working after childbirth or after the adoption; or
- Works for another employer or agency after childbirth or within the Maternity Pay Period/Adoption Pay Period; or
- Does not provide a Form MATB1 form/Matching Certificate or other formal documentation as specified in the tables above; or
- Gives late or no notification of their intention to take Maternity/Adoption Leave (unless there are mitigating circumstances, such as hospitalisation).

The employee must notify the Head Teacher of any change in circumstance that affects their right to received maternity/adoption pay.



- 4.2 Following submission of the relevant documents as detailed in the table above, the employee will then receive written confirmation of their Maternity/Adoption leave start date and the expected date of return to work (if the full entitlement to Maternity/Adoption leave is taken). This should be no later than 28 days from the date of notification.
- 4.3 If the required notification is not given, the employee may lose the right to start maternity/adoption leave on the chosen date, although this will not affect the ability to take maternity/adoption leave.
- NB.** Whilst employees no longer require 26 weeks continuous service to qualify for adoption leave, this period is still applicable in relation to when employees must provide the relevant notification.

## **5. Returning to Work: Maternity/Adoption/Paternity Leave**

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- 5.1 Employees returning to work at the end of their OML/OAL/SPL are entitled to return to the same job on the same terms and conditions.
- 5.2 If an employee returns to work at the end of their AML/AAL, they are entitled to return to the same job, but if that is not reasonably practicable, to another suitable job on comparable terms and conditions.
- 5.3 Employees taking the full Maternity/Adoption/Paternity leave entitlement are not required to provide further notification of returning to work, provided they intend to return on the date originally stated on the MAT01 form/ADOPT02 form. However, employees are encouraged to re-confirm their return date to ensure that the school are completely clear on when the employee wishes to return to work.
- 5.4 Where an employee wishes to return before the end of the Maternity/Adoption/Paternity Leave Period employees should notify the Head Teacher in writing, at least 21 days before the day on which they propose to return if this is before the end of any AML/APL period. Where less than 21 days notice is given, the Head Teacher can delay the return until after 21 days' notice has been received, or until the end of the full maternity/paternity leave period if this is earlier than 21 days.
- 5.5 Since arrangements may have been made to cover the employees' absence on Maternity/Paternity leave the employee is required to give as much notice as possible, where the return to work is concerned.

### **Delayed return due to sickness**

- 5.6 If the employee is unable to return to work at the end of their period of leave due to sickness, then Maternity/Adoption/Paternity leave will cease and normal sickness absence reporting arrangements will apply.

### **If the Employee Does Not Return to Work (with their current employer):**

- 5.7 An employee who decides not to return to work with their current employer, must notify their Head Teacher in writing of their decision, confirming their resignation. The resignation will take effect on the date the SML/SAL/SPL would have ended.
- 5.8 Where the employee does not return to work but has received OMP/OAP, they will be required to repay it in full.

### **Employees whose Fixed Term Contract ends during Maternity/Paternity Leave:**

- 5.9 Where a fixed term contract expires during the Maternity/Adoption/Paternity leave, the school must comply with the normal fixed term contract termination process. The reason for non-renewal must not be maternity related.

### **Employees who return to work and then resign**

- 5.10 Employees who return to work and subsequently resign from their post will be subject to their normal contractual notice provisions.
- 5.11 If the employee returns to work but fails to complete 3 months' service (Support Staff) or 13 weeks' service (Teaching Staff), they will be required to repay the OMP/OAP in full or a pro-rata portion of the 3 months/13 weeks half pay depending on the service completed.
- 5.12 If an employee is made compulsory redundant and is unable to return to work for the 3 months' (Support Staff) or 13 weeks (teaching staff), they will not be required to repay any OMP received during maternity leave, unless the employee unreasonably refuses an offer of suitable alternative employment.

## **6. Maternity/Adoption Support Leave & Pay (Paternity)**

## SECTION E: Maternity/Adoption Support Leave & Pay (Paternity Leave) Eligibility:

Employees are eligible for Maternity/Adoption Support (Paternity) Leave and Pay if they and their partner are:

- having a baby
- adopting a child
- having a baby through a surrogacy arrangement

### The employee must:

- Have at least 26 weeks continuous service with the current employer by the end of the 15<sup>th</sup> week before the EWC/the week in which the employee is matched with the child (UK adoptions) /the date the child enters the UK (Overseas adoptions) **AND**
- Be either:
  - The child's father;
  - The mother's spouse/partner/civil partner;
  - One of a couple jointly adopting a child;
  - An intended parent if using a surrogate to have a child;
- Have the main responsibility (apart from the responsibility of the mother/primary adopter for the upbringing of the child);
- Be taking time off work to help care for the child or to support the child's mother / primary adopter;
- Provide the relevant notice and evidence of the school of their intention to take Statutory Paternity Leave.

### Employees with less than 26 weeks service:

- Will not qualify for Maternity/Adoption Support (Paternity) Leave;
- Will be entitled to 2 weeks unpaid leave in accordance with the leave entitlement outlined below.

If the child born prematurely, the employee will still be eligible for leave based on the above criteria.

## **SECTION F: Maternity/Adoption Support (Paternity) Leave Entitlement**

- Up to 2 consecutive calendar weeks (regardless of whether a multiple birth/adoption is expected).
- Leave to be taken within 56 days from the date of birth/date the child entered the UK (for overseas adoptions) inclusive of school holidays.
- Leave must be taken in one go.

## **SECTION G: Maternity/Adoption Support (Paternity) Pay Entitlement**

- Qualifying employees are paid at their normal rate of pay for the first week of paternity leave and an optional second week of leave may be taken which will be payable at the Statutory Paternity Pay rate only.
- Statutory Paternity Pay (SPP) is a rate set by the Government for the relevant tax year or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

### **Employees with less than 26 weeks service:**

- Will not qualify for Maternity/Adoption Support (Paternity) Pay.

## **SECTION H: Notification**

At least 15 weeks prior to the EWC or no later than 7 days after the date on which they were notified by the adoption agency of a match with a child, the employee must:

- Complete the OPL02 form;
- Advise the date on which they wish their OPL to commence. Leave cannot start until the baby is born. The start and end dates are different if the employee is adopting;
- Indicate how much leave they want to take (i.e. 1 or 2 weeks).

In addition, employees should:

- Provide details of the EWC (for births) **OR** the date on which the adopter was notified of having been matched with the child (adoptions);
- the date the child is expected to be placed with the employee (or, if placement has already occurred, the date of the placement) (adoptions);
- the date on which the employee received the "official notification" of the placement (overseas adoptions);
- the date on which the child is expected to enter the UK (overseas adoptions).



**For Overseas adoptions:**

The employee must subsequently give their employer at least 28 days' advance notice of:

- when they want their paternity leave to start; and
- whether they wish to take one or two weeks' leave.

No later than 28 days after the date the child entered the UK, the employee must inform his or her employer of this date.

**Change of start date:**

The employee must provided at least 28 days' written notice of any change to their leave start date or, if that is not possible, as soon as reasonably practicable. If the baby is born prematurely, the leave is to be taken between the birth and 56 days after the birth.

If an employee fails to comply with the relevant notification requirements they may not be entitled to OPL, or its payment may be delayed.

An employee is not entitled to take paternity leave if they have exercised the right to paid time off to attend an adoption appointment prior to the commencement of the adoption placement in respect of the same child.

## **7. Miscarriage, Stillbirth or Neo-Natal Death**

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- 7.1 In the event that the employee has a miscarriage, before the 24<sup>th</sup> week of pregnancy, they will not be entitled to maternity leave or maternity pay. Any subsequent absence will be treated as sickness absence and normal sick pay provisions will apply.
- 7.2 If the employee has a stillbirth, after the beginning of the 24<sup>th</sup> week of pregnancy, they will be entitled to receive maternity leave and pay, which will commence on the day after the stillbirth occurred. Eligible employees will also be entitled to the same Maternity Support (Paternity) leave and pay as if the pregnancy had reached full term.
- 7.3 If the baby is born alive but dies later, the employee is entitled to full maternity leave and pay.

## **8. Breastfeeding**

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- 8.1 As part of its obligation under health and safety legislation the employer will consider reasonable measures to support mothers who wish to continue breastfeeding their baby/expressing milk following their return to work where reasonably practicable. Whilst there is no statutory requirement to provide facilities for this purpose, the employer is required to provide somewhere for a breastfeeding mother to rest and, where necessary, this should include somewhere to lie down.
- 8.2 On returning to work an employee should provide their employer with written notification that they are breastfeeding and ideally let their employer know before they return. The employee's line manager must then conduct a specific risk assessment.
- 8.3 The Head Teacher who may seek advice from their Health and Safety Adviser, regarding any appropriate assistance that can be offered to the employee.

## **9. Keeping In Touch Days (KIT)**

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- 9.1 KIT days are intended to help the employee keep in touch with the workplace during their maternity leave/adoption leave for example to allow the employee:
- to attend training
  - to attend away or development days with the team
  - Personal Development Reviews
  - Or to communicate significant changes within the school
- 9.2 An employee may undertake up to, but not exceed, 10 KIT days during their Maternity/Adoption leave period/without bringing their Maternity/Adoption leave to an end or affecting their pay.
- 9.3 KIT days can be worked separately or in a block and either as full or part days, by agreement between the employee and the school. Working for any part of a day will count as one day towards the 10 KIT days; however employees will only be paid for the hours worked.
- 9.4 The employee will be paid at their normal rate of pay for the hours/days worked as KIT days and this will be offset against their Maternity/Adoption pay. The hours worked should not exceed the employee's normal weekly contracted hours.

- 9.5 The Head Teacher is responsible for completing and certifying a KIT form for payment of the hours / days worked.
- 9.6 If the employee exceeds the 10 days by only one day, the full week of SMP will be forfeited (where applicable).
- 9.7 The school cannot require an employee to undertake KIT days and an employee does not have any entitlement to be offered them. The amount and type of work that is to be done should be mutually agreed between the employee and the Head Teacher, subject to the above provisions.
- 9.8 The provisions apply to the entire period of Maternity/Adoption pay except during the first 2 weeks after childbirth.
- 9.9 Where maternity or adoption leave is curtailed to undertake Shared Parental Leave, the entitlement for KIT days would be forfeited and Shared Parental Leave In Touch Days (SPLIT) would be applicable.

## **10. Reasonable Contact During Periods of Leave**

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- 10.1 The Head Teacher is entitled to make reasonable contact with the employee during their Maternity /Adoption leave, to enable them to be kept informed of developments/vacancies or changes within the school and to discuss plans for returning to work. How this is undertaken, and the extent to which an employee would like to be contacted should be discussed with the employee prior to the commencement of maternity leave. The level of contact will be minimal and would not be considered as work and would not count towards the 'Keeping in Touch' days.

## **11. Continuous Service**

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- 11.1 **Teachers:** Continuous service dates are not broken by approved periods of maternity/adoption leave whether paid or unpaid.
- 11.2 **Support Staff:** Maternity/Adoption leave shall be regarded as continuous service for the purposes of calculating a redundancy payment, occupational sick pay and annual leave entitlement. For employees who have had a break in local government service for maternity reasons, or reasons concerned with caring for children or other dependants, they will be entitled to have previous service taken into account in respect of occupational sick pay and maternity/ adoption leave provided that the break in service has not exceeded 8 years and that no permanent paid full time employment has intervened.

## **12. Pensions**

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- 12.1 For an employee who is a member of either the Teachers' Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS), pension contributions will continue to be deducted each month from their salary during the paid period of their maternity leave/adoption leave. Contributions will be based on the levels of pay applicable at the various stages of maternity leave.
- 12.2 When an employee enters a period of unpaid leave, it will not be possible to collect pension contributions.
- 12.3 Payment for KIT days will be pensionable.
- 12.4 Teachers' Pension Scheme

For members of the TPS, pension contributions cease at the end of the paid period of maternity / adoption leave, and membership of the scheme suspended. For further information regarding pensions, employees should contact:

Teachers' Pensions,  
Mowden Hall,  
Darlington,  
DL3 9EE or visit their website <https://www.teacherspensions.co.uk/public/contact-us.aspx> .

Alternatively members may contact the Employee Service Centre by telephone on 0300 3030222 or email at [escservicedesk@emss.org.uk](mailto:escservicedesk@emss.org.uk) .

#### 12.5 Local Government Pension Scheme – Support Staff

Members of the Local Government Pension Scheme are able to make up “missing” contributions so that the period of service concerned can be counted for pension purposes.. An employee wishing to make up their contributions must notify the Pensions Section of their decision by completing and returning the Maternity Leave or Adoption Absence Option form (please contact the Pensions Teams at County Hall for more information).

within 30 days of their return to work. The outstanding contributions can be paid either as a lump sum or, by agreement, in instalments.

### **13. Childcare Vouchers**

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13.1 *This section is only applicable to schools that offer a Child Care Voucher Scheme. Such schemes will only be open to new applicants until 30<sup>th</sup> October 2018. After this date, only those individuals who are members of the scheme will be able to access childcare vouchers, and for only as long as the employer continues to operate such a scheme.*

13.2 Child care vouchers are a “salary sacrifice” scheme. They are paid through the school and are a way of saving money on child care fees, as a percentage of the employee’s payment is exempt from income tax and National Insurance contributions.

13.3 The child care vouchers scheme is provided and administered by an external provider. Details of which can be found at [provide details].

13.4 If an employee already participates in the child care vouchers scheme, they will continue to be eligible to receive child care vouchers during their maternity leave, including the unpaid period and throughout their period of APL. Employees on adoption leave will be eligible during the period of SAP, including the last 13 weeks of AAL (which is unpaid).

### **14. Government Tax Free Childcare Scheme**

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For more information please visit: <https://www.gov.uk/get-tax-free-childcare>

### **15. Unpaid Parental Leave**

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15.1 Parental leave offers employees, who qualify, the right to take unpaid time off work to look after their child's welfare, e.g. to:

- spend more time with their children
- look at new schools
- settle children into new childcare arrangements
- spend more time with family – e.g. visiting grandparents
- remain with the child during a period of hospitalisation

15.2 Leave is to be taken as whole weeks, up to a maximum of 4 weeks, per year, per child. Parents of a child with a disability can take leave as whole weeks or single days. (For the purposes of parental leave, a child with a disability is one for whom disability living allowance has been awarded).

15.3 Entitlement is for a total of 18 weeks' leave for each qualifying child, and is applied as shown in the table below. Parental leave is applicable to each child; therefore if an employee has twins the leave entitlement would be doubled.

<b>Child</b>	<b>Entitlement</b>
For each child / adopted child	18 weeks up to their 18 <sup>th</sup> birthday/anniversary of their adoption
For each child who qualifies for Disability Living Allowance	18 weeks up to their 18 <sup>th</sup> birthday

#### 15.4 Qualifying Conditions

To qualify, employees must:

- have one year's continuous service (at the point at which the leave commences);
- should have or expect to have parental responsibility for the child and
- be named on the child's birth or adoption certificate

If the employee is separated from the spouse or partner and they don't live with the child, the right to parental leave is maintained if they retain formal parental responsibility for the child. Parental Leave is applicable to individual employees and is not to be transferred between parents.

#### 15.5 Requests for Parental Leave

Employees must provide least 21 days' notice of their intention to take Parental Leave. This request should be in writing, stating the dates on which the leave is to start and end. The Head Teacher may ask to see evidence to confirm that the employee is the parent or the person legally responsible for the child (it would however, not be considered reasonable to ask for proof each time the employee requests leave). Evidence may include:

- the child's birth certificate
- documents confirming the child's adoption or date of commencements for the adoption placement
- a child's entitlement to Disability Living Allowance

Requests for leave can be postponed by the school for up to six months, where the request would cause serious disruption to the school if the leave was taken at the time requested. However, leave cannot be postponed if it means an employee would no longer qualify for parental leave – e.g. postponing it until after the child's 18<sup>th</sup> birthday.

If leave is to be postponed, the school will:

- write explaining why, within 7 days of the original request
- suggest a new start date (this must be within 6 months of the requested start date)

If an employee wishes to take a period of Parental Leave immediately following their maternity leave, they must also provide the Head Teacher with at least 21 days' notice.

## **15.6 Returning to Work**

At the end of the Parental Leave period, where the period is of 4 weeks or less, the employee is entitled to return to the same job as before. If the Parental Leave period is for more than 4 weeks, the employee is entitled to return to the same job, or if it is not reasonably practicable, a similar job which has the same or better terms and conditions as the previous job.

## Maternity Leave and Pay Request Form – MAT01 Form

All employees are entitled to a maximum period of 52 weeks' maternity leave. Entitlement to pay varies at different stages during Maternity /Adoption leave - it is dependent on length of continuous service and compliance with notification dates and other defined conditions.

Please read carefully the Maternity/Adoption & Paternity Policy before completing and submitting this form to your Head Teacher. This form should be submitted 15 weeks prior to the Expected Week of Childbirth (EWC).

PERSONAL DETAILS		
SURNAME:	FIRST NAME(s):	
ADDRESS:		
SCHOOL / COLLEGE / ACADEMY:		
JOB TITLE:	PAYROLL REF:	EXPECTED DATE OF CHILDBIRTH:
CONTINUOUS SERVICE DATE:	Please attach MATB1 form if available	

DECLARATION		(please tick appropriate box(es))
<b>Eligibility for SMP</b>	I have 26 weeks' continuous service with the current employer by the end of 15 <sup>th</sup> week before my EWC	<input type="checkbox"/>
	I have less than 26 weeks' continuous service with the current employer by 15 <sup>th</sup> week before EWC	<input type="checkbox"/>
<b>Eligibility for OMP</b>	I have 52 weeks' continuous service with a local authority or other body contained within the Redundancy Modifications Order by the beginning of 11 <sup>th</sup> week before EWC	<input type="checkbox"/>
<b>MA only</b>	I acknowledge that I do not have sufficient continuous service to qualify for SMP or OMP and that I am eligible for Maternity Allowance only	<input type="checkbox"/>

### COMMENCEMENT OF MATERNITY LEAVE

I wish to commence my 26 weeks' Ordinary Maternity Leave on.....(date)

I wish to take Additional Maternity Leave for .....weeks

I expect to return to work on ..... (date)

### PLEASE TICK YOUR PREFERRED OPTION (one selection only)

I do not intend to return to work.

I wish to exercise my right to return to work. I wish to receive the 12 weeks' half pay OMP (if eligible), paid at the appropriate stage during my maternity leave but I agree to refund the 12 weeks' half pay in full should I fail to return to work and/or meet the service requirement following my return.

I wish to defer payment of the 12 weeks' OMP until after the birth of my baby. If I return to work I note that my OMP will be paid as a lump sum with the first available payroll. I agree to refund the money in full should I fail to meet the service requirement following my return.

Employee's Signature ..... Date .....

Head Teacher's Signature..... Date.....

### RETURNING TO WORK / RESIGNATION

In line with the terms of this Policy please notify your Head Teacher of the date you wish to return or the date of your resignation (giving the required notice period). **Your Head Teacher must notify Payroll Services of the actual date of return once agreed.**

## APPLICATION FOR ADOPTION LEAVE AND PAY – ADOPT02

I request adoption leave and pay under the Maternity/Adoption and Paternity Leave Policy.

PERSONAL DETAILS		
SURNAME:	FIRST NAME(s):	PAYROLL REF:
SCHOOL / COLLEGE / ACADEMY:		
JOB TITLE:	CONTINUOUS SERVICE DATE	
DATE OF ADOPTION PLACEMENT:	CHILD'S DATE OF BIRTH	

## ADOPTION LEAVE

- I wish to commence my 26 weeks Ordinary Adoption Leave on..... (date)
- I would also like to take Additional Adoption Leave for ..... weeks
- I expect to return to work on .....(date)

## UK ADOPTIONS

A copy of the matching certificate must be provided to the Head Teacher and forwarded to the EMSS.

## OVERSEAS ADOPTIONS

Date Child Entered the UK..... (This must be within 28 days of the child's date of entry)

## PLEASE COMPLETE ONE OF THE FOLLOWING SECTIONS

Please tick as appropriate

- I do **not** intend to return to work.
- I am **intending to return** to work. I agree to refund all of the 12 weeks half pay, should I fail to return to work. I wish to exercise my right to return to work.

(If eligible) I would like to receive my 12 weeks at half pay:

- a) distributed over 12 weeks
- b) paid as a lump sum in the first available payroll after my return to work

Employee's Signature ..... Date .....

Head Teacher's Signature..... Date.....



## Application for Maternity / Adoption Support Leave (incorporating Statutory Paternity Leave) OPL02

Please read the full information relating to Maternity / Adoption Support Leave in the Maternity/Adoption and Paternity Leave Policy before completing and submitting this form. Please print clearly if completing by hand.

Part 1: PERSONAL DETAILS			
<b>SURNAME:</b>		<b>FIRST NAMES:</b>	
<b>HOME ADDRESS:</b>			
<b>SCHOOL/ACADEMY:</b>			
<b>JOB TITLE:</b>		<b>EMPLOYMENT START DATE:</b>	<b>PAYROLL REF:</b>
<b>Expected birth date of child:</b>	<b>Actual birth date of child:</b>	<b>Date of adoption placement :</b>	<b>Date of original application (if varying date of leave / notifying other changed circumstances):</b>

DATES
<p><b>I wish to request that my maternity / adoption support leave:</b></p> <p><b>commences on:</b> _____ <b>and ends on:</b> _____</p>

**OPL Week 1:** All employees are entitled to one week's leave at full pay regardless of length of service. This is a local condition of service and supersedes the first week of Ordinary Paternity Leave.

**OPL Week 2:** Subject to meeting certain criteria as defined in the Maternity/Adoption Leave Policy and Procedure (incorporating Statutory Paternity Pay) employees may be eligible for a further week's leave payable at the Statutory Paternity Pay rate.

A maximum of two consecutive calendar weeks only may be taken. These two weeks are known as Ordinary Paternity Leave and must be taken within 56 days of the child's actual date of birth / original expected date of birth if the child is born early / date of adoption placement.

**Part 2: Eligibility Criteria – Statutory Paternity Pay**

I confirm that I will have been continuously employed by the school for at least 26 weeks by the end of the 15<sup>th</sup> week before the week the child is/was due to be born or before the week of the adoption placement.

Tick box:

I also declare that I am: **Tick as appropriate**

The child's father:

The mother's spouse:

The mother's partner:

The mother's civil partner:

One of a couple jointly  
adopting a child:

• I do not meet any of the criteria listed in Part 2 above. I accept that I am therefore only eligible for one week's leave paid at full pay.

• I meet the criteria in Part 2 for a second week's leave at statutory paternity pay rate only

Employee's Signature.....Date .....

I agree to this request and confirm that to the best of my knowledge the details are correct.

Head Teacher's Signature .....

Date .....

Please forward completed application to (where the school buys into the relevant service):

EMSS, Schools HR Team, County Hall, Glenfield, Leicester, LE3 8SR 15 weeks before the expected week of birth or 7 days after date of adoption matching notification

## NOTIFICATION THAT EMPLOYEE HAS UNDERTAKEN KEEPING IN TOUCH DAYS (KIT)

Form to be completed by Head Teacher and returned to the EMSS Service Desk or Payroll Provider.

EMPLOYEE	
PAYROLL REFERENCE	
JOB TITLE	
SCHOOL / ACADEMY	
ESTABLISHMENT / BASE	
DATE EMPLOYEE UNDERTOOK WORK	
HOURS OF WORK TO BE PAID FOR	
IDENTIFY WHETHER THIS IS KIT or SPLIT ENTITLEMENT	

Signed (Head Teacher): ..... Date: .....

Print Name: .....

Signed (Employee): ..... Date: .....

Print Name: .....

**MATERNITY LEAVE OF ABSENCE -  
RETURN TO WORK CONFIRMATION**

**Employee's Full Name**

**Home Address**

**Job Title**

**School / Academy**

My baby was born on: \_\_\_\_\_

**Please select relevant option below:**

I will be returning to work on: \_\_\_\_\_

**OR**

I wish to exercise my right to take a period of Additional Maternity Leave and will return to work on:

\_\_\_\_\_

**OR**

I wish to take a period of Additional Maternity Leave and will notify you as soon as possible of my intention to return but no later than 21 days before my intended return date.

**OR**

I do not wish to return to work and hereby give \_\_\_\_\_ months' contractual notice of my resignation to take

effect on: \_\_\_\_\_

**Employee's Signature:**

**Date:**

**Please complete and return this form to your Head Teacher in the first instance.**

**Your Head Teacher (where an academy buys into that service) will in turn forward the form to the EMSS, Schools HR Team, County Hall, Glenfield, Leicester, LE3 8SR for processing.**

**Failure to return this form before your return date may result in a delay in pay, contractual or other administrative matters associated with your maternity leave being processed in time and may ultimately lead to postponement of your return date.**



# **Parental Bereavement Leave**

## **Guidance**

Adopted: September 2022

## 1. Purpose

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- 1.1 This document applies to all staff including the Head Teacher/Principal.
- 1.2 The purpose of this document is to set out the statutory entitlements for Parental Bereavement Leave and Pay for eligible employees and to outline the school's approach to managing and supporting employees who have suffered the bereavement of their child. This guidance can be used when the entitlements in the Leave of Absence policies have been exhausted.

## 2. Leave Eligibility

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- 2.1 There is no statutory minimum length of service required for employees to qualify for Parental Bereavement Leave, however employees must provide the relevant notice for taking leave.
- 2.2 Parental Bereavement Leave can only be taken if the employee satisfies one of the following criteria:
  - they are parent of the child/baby - either biological, adoptive (and the adoption was not disrupted) or parent of a child born to a surrogate, or
  - they are the partner of the child/baby's parent,

or

  - the child was living with the employee at their home for at least 4 continuous weeks, ending with the date of death, **and**
  - the employee had day to day responsibility for the child's care during that time.
- 2.3 Where an employee (or their partner was being paid to look after the child, they will not qualify for leave or pay unless they were:
  - a foster parent being paid a fee or allowance by a local authority,
  - reimbursed for expenses related to caring for the child,
  - getting payments under the terms of a will or trust for the child or baby's care.
- 2.4 Eligibility for Parental Bereavement Leave will be for each child for which the employee is bereaved. This includes stillbirths, from the 24<sup>th</sup> week of pregnancy, up until the child reaches 18 years of age.

## 3. Leave Entitlement

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- 3.1 For each child that has passed away, an employee will be entitled two weeks' parental bereavement leave.
- 3.2 An employee may take this leave, either as:
  - a single block of two weeks; or
  - two separate blocks of one week at different times.
- 3.3. Leave may not be taken as individual days.

- 3.4 A week is the equivalent number of days that an employee normally works in a week.
- 3.5 Leave may be taken at any time within the 56-week period, beginning with the date of the child's death. This arrangement recognises that an employee may wish to take leave at times which they may find particularly difficult, for example, the first anniversary of the child's death or on the child's birthday.

## **4. Pay Eligibility and Entitlement**

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- 4.1 To qualify for statutory Parental Bereavement, Pay, employees must:
- Have at least 26 weeks' continuous service by the week in which the death of the child occurs, and
  - be paid weekly average earnings over the lower earnings limit (£120 as at April 2020) during the 8 weeks up to the week before the bereavement occurs,
  - still be in employment on the date of the bereavement, and
  - provide the correct notice
- 4.2 Statutory Parental Bereavement Pay will be paid at the statutory rate of £151.20 per week (from April 2020), or 90% of average weekly earnings where this is lower.

## **5. Parental Bereavement Leave and Other Statutory Leave**

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- 5.1 Where an employee is currently on statutory leave (for example, maternity leave or paternity leave) when the death of the child occurs, Parental Bereavement Leave must commence once that leave has ended, however, the bereavement leave does not have to be taken immediately after. This includes if the statutory leave is for another child.
- 5.2 Where an employee's Parental Bereavement Leave is interrupted by the start of another type of statutory leave, they can take the remaining entitlement to Parental Bereavement Leave:
- (a) after the end of the other period of statutory leave, and
  - (b) this must be taken in a single consecutive period.

Where an employee chooses, to take their remaining entitlement to parental bereavement leave after the end of the other period of statutory leave, they must provide separate notice in respect of that remaining entitlement.

- 5.3 The remaining Parental Bereavement Leave must still be taken within 56 weeks of the date of the child's death.

## **6. Notification Requirements**

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- 6.1 An employee must provide notice of their intention to take parental bereavement leave, using the Application for Leave of Absence form, specifying:
- the date of the child's death,

- the date on which the employee would like the period(s) of absence to begin, and
  - whether the employee intends that period of absence to be a period of one or two weeks' parental bereavement leave.
- 6.2 An employee taking leave **within 56 days** of the bereavement must advise their manager of their intention to take leave either:
- on their first day of absence from work, or where this is not possible
  - as soon as is reasonably practicable to do so.
- 6.3 An employee who intends to their parental leave (or part of their parental leave) to commence **after 56 days** of the bereavement, must provide one weeks' notice of their intention to take leave.
- 6.4 Employees do not need to provide proof of the child's death or still birth.

## **7. Cancelling Parental Bereavement Leave.**

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- 7.1 An employee may cancel any bereavement leave they have requested, for example, if they wish to take this leave at an alternative time, as follows:
- Where leave is requested to commence within the first 56 days of the child's death, the employee must inform the school of their wish to cancel/reschedule this leave before any leave is taken.
  - Where the leave is requested to commence after 56 days from the date of the child's death, the employee must provide at least one weeks' notice of their intention to cancel/reschedule this leave.
- 7.2 Parental bereavement leave that has already commenced may not be cancelled.

## **8. Right to Return to Work Following Parental Bereavement Leave.**

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- 8.1 An employee who returns to work after a period of parental bereavement leave will be entitled to return to the same job in which they were employed prior to the leave, providing this was:
- (a) an isolated period of parental bereavement leave, or
  - (b) the last of two or more consecutive periods of statutory leave which **did not** include:
    - a period of parental leave of more than 4 weeks; or
    - a period of statutory leave (such as maternity/paternity/shared parental leave) which when added to any other periods of statutory leave taken in relation to the same child as the parental bereavement leave, totals more than 26 weeks,
- 8.2 Where an employee returns to work following a period of more than 26 weeks, is entitled to return to the job in which they were employed before the absence, or, if not reasonably



practicable, to another job which is both suitable and appropriate for the employee to do in the circumstances.

## **9. Supportive Measures**

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- 9.1 The school recognises that the death of a child will be an extremely devastating and traumatic life event. The school are therefore committed to ensuring that its employees are fully supported during this difficult time.
- 9.2 Employees and managers should ensure that regular communication, appropriate to the circumstances, to discuss any support that may assist the employee while they are absent and when they return to work.
- 9.3 Employees may wish to access the Employee Wellbeing Service on (insert email address).
- 9.4 Other support agencies that an employee may find useful are listed below:
- [www.thelauracentre.org.uk](http://www.thelauracentre.org.uk)
  - [www.bliss.org.uk](http://www.bliss.org.uk)
  - [www.sands.org.uk](http://www.sands.org.uk)
  - [www.lullabytrust.org.uk](http://www.lullabytrust.org.uk)
  - [www.childbereavementuk.org](http://www.childbereavementuk.org)
  - [cruse.org.uk](http://cruse.org.uk)
  - [hopeagain.org.uk](http://hopeagain.org.uk)

## **10. Sickness Following Bereavement**

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- 10.1 Where the employee is not well enough to work following the bereavement, or other difficult situation that has occurred, normal sickness reporting and medical certification procedures will apply, and the absence will be considered to as sickness absence.

## Appendix A: Application for Parental Bereavement Leave

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**Section A** (Application): To be completed by the employee and forwarded to [Head Teacher/delegated person] to complete **Section B** (Authorisation).

### To be completed by the employee:

1. Personal Details		
Employee Name:		
School / Location:		
Date of the bereavement:		
2. Duration of leave requested		
From Date:	To Date:	Number of Days/ Hours Requested:
3. Authorisation		
Signature:		Date:
Email:	Telephone No:	

### To be completed by Manager

1. Employee Details		
Name:		
School/ Location:		
Date of the bereavement:		
2. Leave Requested		
From Date:	To Date:	Number of Days/ Hours:
3. Leave to be Paid / Unpaid		
Paid	<input type="checkbox"/>	Unpaid <input type="checkbox"/>
4. Form authorised by:		
Print Name:		Date:
Signature:		
Email:	Telephone No:	

# Flexible Working Policy

Reviewed: September 2022

The procedure detailed below applies to all employees who qualify to make a request to work flexibly under the statutory right to request flexible working. It provides a fair and consistent method of dealing with flexible working requests.

For Academies: This policy will be implemented in accordance with the Trust's Scheme of Delegation and Articles of Association. The constitution of formal panels will be determined by the Trust's Scheme of Delegation.

This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Trust/Governing Body.

## 1. Definition of 'Flexible Working'

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- 1.1 The term 'flexible working' describes a range of working patterns for example, job sharing, part-time working and home working. Under the Flexible Working Regulations, an employee can request to change:
- the number of hours they work,
  - the times that they work, and/or
  - their place of work, e.g. to work from home, where the duties of the job will permit this type of working.

## 2. Eligibility Criteria

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- 2.1 The statutory right to request flexible working applies to **all** employees who, at the time of application:
- have been continuously employed for at least 26 weeks,
  - not have submitted an application to work flexibly under the statutory scheme within the previous 12 months.

## 3. Application Process

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- 3.1 An employee wishing to formally request a change to their working arrangements must provide the following information in writing, using the Flexible Working Application Form:
- the date the application is being made and confirmation that the request is being made under the statutory right to request flexible working,
  - the change in working arrangements being requested (including whether the change is requested on a permanent or temporary basis),
  - the date on which the employee would like the proposed change to become effective,
  - details of how the new working pattern may impact on the school and how, in their opinion, this can be managed, or any negative impacts can be mitigated,
  - whether the request is in relation to the Equality Act 2010 (e.g. as a reasonable adjustment for a disability),
  - whether a previous flexible working application has been made by the employee and, if so, when.

## 4. Timings and Process

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- 4.1 The employee will submit their completed application form to their manager. On receipt of the request, the manager will send a letter of acknowledgement to the employee inviting them to discuss the request **as soon as possible, but usually within 28 days**. This discussion does not need to be face-to-face and can take place by telephone if the employee is in agreement.
- 4.2 The consideration process, including the outcome of any appeal, **must be completed within 3 months of the request being received in writing** by the manager. This time limit can be extended, if needed providing all parties are in agreement.



4.3 The employee may be accompanied by a work colleague or Trade Union representative.

## **5. Contractual Change**

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5.1 Any change to the employee's terms and conditions will be on a permanent basis unless agreed otherwise.

5.2 A variation to contract letter will be issued to the employee. This variation to contract letter must be signed by the employee and a copy returned to the school for their records.

## **6. Grounds for Declining a Request**

---

6.1 Applications can only be declined for one or more of the following business reasons:

- Burden of additional cost ,
- Detrimental effect on the School's ability to meet 'customer' demands (e.g. inability to reorganise an employee's timetable or work schedule without having an adverse impact on colleagues/pupils),
- Inability to reorganise work amongst existing staff,
- Inability to recruit additional staff,
- Detrimental impact on quality (e.g. on teaching and learning,
- Detrimental impact on performance,
- Insufficiency of work during the periods the employee proposes to work,
- Planned structural changes.

## **7. Right of Appeal**

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7.1 An employee has the right to appeal against the decision if their request for flexible working request has been declined. Employees will be made aware of their right of appeal at the time they are provided with the outcome of their application.

7.2 All appeals will be dealt with in line with the School's Appeal Policy.

7.3 The appeal will be heard and completed within 3 months of the date on which the employee submitted their flexible working application, unless an extension has been agreed with the employee and confirmed in writing, outlining the reasons for the delay.

## Flexible Working Application Form

<b>Name:</b>	
<b>Job Title:</b>	

<p><b>Are you making this request under the statutory right to request flexible working? YES/NO</b></p> <p><b>Have you made a flexible working request in the past 12 months? YES/NO</b></p> <p><b>Date of last flexible working request submitted:</b></p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>Describe your current working pattern (days/hours/times worked):</b></p>          <p>(Please continue a separate sheet of paper if necessary)</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>Describe the working pattern you would like to work in future (days/hours/times worked):</b></p>          <p>(Please continue a separate sheet of paper if necessary)</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p><b>When would you like the new working pattern to commence?</b></p>          
----------------------------------------------------------------------------------------------------------------

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**Impact of the new working pattern.**

The proposed working pattern will affect the school and my colleagues as follows:

(Please continue a separate sheet of paper if necessary)

**Accommodating the new working pattern.**

The effect on the school and my colleagues can be dealt with as follows:

(Please continue separate sheet of paper if necessary)

**I understand that, if agreed, this request will result in a permanent change to my terms and conditions of employment unless agreed otherwise.**

<b>Signed:</b>	
<b>Date:</b>	

# **MOVING AND HANDLING OF PEOPLE**

Reviewed: September 2022



## **What you must do to comply**

- There must be a risk assessment in place carried out by a competent person. This must be recorded and reviewed as and when changes take place or at least annually.
- You must identify any measures that can be put into place to reduce risk.
- You must liaise with other professionals e.g. Occupational Therapist and Physiotherapist
- You must attend annual moving and handling training from a recognised provider.
- A Care Plan must be put into place in consultation with parents/carers and/ or Health professionals and any other professionals involved and regularly updated to check validity
- Any equipment must be documented in the care plan and serviced and maintained in accordance with Lifting Operation Lifting Equipment Regulations

## **What you should do**

- Staff should regularly communicate with a member of the Senior Management Team to ensure early identification of any problems should they arise to enable changes in control measure to take place.
- Staff should make early communication with professionals when changes occur.
- All staff should be involved in the risk assessment process.
- Nominated staff should communicate regularly with the parent/carer.

Special Schools classified by type of provision and facilities available.  
(Community Special)

Severe Learning Difficulties, Moderate Learning Difficulties with or without residential opportunities on educational grounds.

## **1. INTRODUCTION**

- 1.1 This policy is provided to ensure: -
- a. Education staff have a clear understanding of their role in undertaking risk assessment of manual handling tasks involving people, and
  - b. Education staff undertake assessments of need involving manual handling operations of pupils which take account of manual handling regulations and safe practice, and
  - c. Staff providing manual handling services provided by the Education Department have a clear understanding of their role and the Department's expectations of them in carrying out manual handling tasks.

## **2. STATEMENT OF INTENT**

- 2.1 The management of risk in the handling of people is integral to safe practice, from the point of view of staff, and pupils alike.
- 6.1 The main points to focus on are the elimination of manual lifting of pupils and hazardous manual handling operations.
- 6.2 The Department is committed to supporting safe practice wherever possible and this policy is provided as guidance in the area of manual handling of pupils.
- 6.3 The Department will ensure that adequate and sufficient training is available to all Education staff involved either in the risk assessment of manual handling operations or in the actual provision of such services.
- 6.4 The Department will support any risk reduction measures identified by the Risk Assessor where it is judged practicable to do so.

## **3. SCOPE**

This policy applies to all employees of the Education Department who work with pupils where manual handling is part of the assessed need. Staff should also be aware of the Manual Handling Operations Regulations 1992 (as amended).

## **4. EXAMPLES OF MANUAL HANDLING TASKS**

- 6.1 The following are illustrative of the type of tasks, which involve manual handling.

This is not an exhaustive list.

- \* lifting all of a person
- \* supporting a substantial part of the person's weight (e.g. leg)
- \* assisting rolling in bed
- \* assisting sitting up from a lying position
- \* assisting sitting up in bed
- \* assisting with personal hygiene in bed/chair
- \* assisting to seated position on side of bed
- \* assisting transfer from bed to chair/commode/wheelchair
- \* pushing wheelchair/commode
- \* assisting standing out of chair
- \* assisting on/off the toilet/commode
- \* assisting in/out of bath
- \* assisting in/out of shower
- \* supporting person to walk
- \* assisting in/out of car

- \* assisting from floor level (to include service users who have fallen)
- \* using hoists/slings and other moving and handling equipment

## **5. RISK ASSESSMENT**

- 5.1 School staff or other professionals undertake the role of "Risk Assessor" every time they carry out an assessment of need or review of a pupil who needs assistance with mobility.
- 5.2 School staff or other professionals working directly with the pupil; undertake the role of "Risk Assessor" every time they accept to provide manual handling services to a pupil.
- 5.3 The Risk Assessor has a duty to carry out a formal risk assessment on all hazardous manual handling activities. This involves ensuring that all relevant information is obtained and acted upon.
- 5.4 In the case of other professionals:
- \* all relevant information should be entered on the "Request for Services" form in order that education staff and other professionals can arrange for the provision of the service in a safe manner.
  - \* referrals should be made to Occupational Therapists, Physiotherapists or Nurses for advice where specialist equipment or more than one person is considered necessary to carry out the task safely.

## **6. CONTROL MEASURES**

- 6.1 It is the Risk Assessor's responsibility to identify any measures that can be put in place to reduce risk to staff and pupils when carrying out a manual handling procedure. In some situations, it may not be possible to implement all such measures immediately, for example:-
- a. equipment, once delivered, may prove in practice to be inappropriate;
  - b. the pupil's ability/mobility may deteriorate and the moving and handling procedure previously agreed may no longer be appropriate;
  - c. the working environment may preclude safe practice.
- 6.2 As soon as staff become aware of such difficulties, they should:-
- a. in all other cases refer the matter to the Headteacher LA maintained schools and establishments for a re-assessment of

- need and agree the implementation of control measures to reduce risk in the interim,
- b. in the case of day schools or residential schools implement control measures to reduce risk, undertake a new Risk Assessment, identify and implement further risk reduction measures (liaising with professionals from other agencies, as appropriate), this may include off site visits.

6.3 The type of control measures used, which will be dependant upon the nature of the manual handling difficulty, may include:-

- \* providing additional staff to assist the pupil
- \* using a sliding board/handling sling/moving belt/bed lever
  
- \* advising staff to use other more appropriate moving techniques
- \* providing care to pupils with limited mobility e.g. using a wheelchair.

All the above are temporary control measures, pending a Risk Assessment.

## **7. CONCLUSION**

This Manual Handling of People Risk Assessment policy is written in accordance with relevant legislation and within the framework of best practice. The content will be subject to review, as and when required, and on the advice of the Department's Health and Safety Advisor.

## **ORGANISATION**

In the event of difficulties or advice being necessary the Department Occupational Therapist and or the Physiotherapist may become involved, they would: -

- \* attend appropriate OT Manual Handling and Risk Assessment training
- \* complete a Specific Risk Assessment form and amend Care Plan for the staff and the pupil
- \* copy the Specific Risk Assessment form and amended Care Plan for the staff and the pupil
- \* arrange for the provision of any necessary equipment if deemed the responsibility of the LA and identify/inform service and maintenance arrangements
- \* inform relevant health colleagues of the need for any necessary equipment if deemed their responsibility
- \* carry out a review of the risk assessment (minimum frequency in line with Departmental policy) or



supply the Review Officer with all the relevant information

The Departmental Review Officer is Kim Booth. She will need to: -

- \* attend appropriate Manual Handling and risk assessment training
- \* review school provision against the information supplied on the Service request form and, if applicable, the Specific Risk Assessment form
- \* refer any change in the pupil's needs to school staff and/or other professionals for a re-assessment

### **The Headteacher**

- \* needs to have knowledge of Manual Handling Regulations
- \* ensures the provision of adequate and up-to-date training to all staff
- \* undertakes a manual handling risk assessment at the earliest opportunity to ensure information supplied on the Service Request form/ Care Plan is accurate or when it is known the information is unavoidably incomplete
- \* identifies and deploys appropriately trained staff to suit the required task, ensuring they are informed of any risk reduction measures and, if applicable, have available any non-mechanical, standard aids (such as moving belt, sliding sheet, etc.) identified as necessary for the safe completion of the task.

# **MANUAL HANDLING OPERATIONS**

Reviewed: September 2022

## **MANUAL HANDLING OPERATIONS**

**Following Risk Assessment and in accordance with the Manual Handling Regulations 1992, and Lifting Operation and Lifting Equipment Regulations 1998, a practice approach in order to prevent musculo – skeletal injuries and enable safe practice will be undertaken by the management of...**

All staff will, at induction or change of circumstances and at least annually, undertake and receive instruction in Back Injury Prevention and the use of appropriate equipment.

### **Health screening:**

#### **Pre-employment:**

As this job has a high handling remit of an unpredictable nature, all staff will be questioned at interview to ascertain the pre-existence of a health condition that may be exacerbated by the job or preclude them from employment or that will indicate where specific adaptations may be required to enable them to undertake their role.

#### **Existing staff:**

The handling capacity of staff already in post, will be assessed and taken into consideration following training to reduce the risk of injury. Health related issues will be referred confidentially to the appropriate occupational health professional. Staff will declare existing medical conditions that may preclude them from carrying out their full role safely.

#### **Sickness Absence:**

Following sickness absence a return to work assessment may be required to ascertain fitness for the job. This will also identify to management where a phased return or adapted work is required.

### **Equipment: Factors to consider**

**Insurance** - responsibility of School/LA

**Purchase** – the Headteacher will provide a named person to liaise with the purchaser following risk assessment to provide appropriate equipment. Only authorised equipment to be used in the handling of pupils.

**Repair and Maintenance** –Documentation and schedules required as to who – named person, what, where and when – frequency, equipment is serviced, in the event of breakdown, loss or damage. As per manufacturers instructions and in-house best practice standards for safety checks.

**Cleaning and laundry** – In accordance with any local Infection Control Policy, the named person for risk assessments will ensure that there are procedures in place with the relevant documentation, to enable the correct care of the shared slings and equipment thus preventing cross infection, and damage to the slings that may render them unsafe for use.

**Training** – All staff at induction and change of circumstances and at regular intervals will receive training, instruction and supervision on the safe use of equipment.

**Appropriateness** – (the right tool for the job). To ensure that the correct piece of equipment is used for safe handling, the named person responsible for risk assessment will identify and record what is appropriate and how it should be used.

**Documentation** – Training schedules for each piece of equipment and individual records for each member of staff will be kept and updated. Safe operating procedures for all equipment will be available, as will manufacturers instructions.

**NB:** Care must be taken that using a hoist or aid does not introduce a new hazard, offer potential for misuse or not suit the environment in which it is used.

**Factors to consider:**

Does the pupil need to be moved?

Is the method written in the operational notes?

Is a mechanical hoist or aid available?

Are there enough people available to help?

Are they trained?

If YES proceed ..... **REVIEW IF CONDITIONS CHANGE**

**Individual Employee Training:**

Basic induction programme will include instruction on how to avoid injury, protecting oneself and the safe handling of the pupil.

Safe handling will include procedures for when lifting cannot be avoided. Basic assessment instruction will include factors to consider in all handling situations:



**Loads** – (pupil/object) – consider: Weight, size, ease of grip, stability etc.

**Operators** – consider – Posture, age, fitness, pregnant, clothing, footwear, previous injury etc.

**Task** – consider – Method, need to lift, twist, change grip, repetition rate, distance etc.

**Environment** – consider – Space, obstructions, steps, surface etc.

Safe handling techniques and principles of safe handling will be included at induction training and subsequent follow-up sessions, to ensure continuation of good practice.

**Factors to consider:**

When assessing pupil mobility the member of staff has to also consider what the pupil can do for him/herself:

- Ability to co-operate?
- Comprehension?
- Skin condition?
- Sight/Hearing?
- Medical restrictions?
- Level of independence/dependence?

This information will be available to the member of staff when the responsible person completes pre-entry assessment of the pupil's mobility. This information is then updated by risk assessment before any lifting is undertaken.

*'Data will be processed in line with the requirements and protections set out in the General Data Protection Regulation'*

### **INDIVIDUAL PUPIL PRE-ENTRY RISK ASSESSMENT**

In order to reduce risk to the member of staff, mobility information will be requested on entry to the school or on return from absence of each pupil. This information will enable the responsible person to assess the level of risk and to evaluate the appropriate handling needs of each individual pupil.

### **RISK ASSESSMENT DOCUMENTS**

The following sheets give an example of risk assessment documentation and how a task can be prioritised and how it can be improved, either immediately or within a long-term plan.

# RISK ASSESSMENT RECORDS

Forest Way School  
Individual Manual Handling Risk Assessment  
Part A

Student's Name:	Age:	Date:	Initial Assessor:
Locations:		Medical Condition:	
		Relevant Medication:	

	Abilities	Equipment
Communication		
Functional Ability/Mobility		
Standing/Sitting		
Personal Care		
Transfers (See Care Plan)		Swimming sling:
		Sling:

Risk Assessments will be reviewed annually when students change classes or sooner if circumstances change.

All staff involved in the manual handling of the above student should familiarise themselves with the full risk assessment, safe systems of work and care plan before signing Part D to confirm this.

Date for reassessment	Detail any changes since last assessment	Assessor name and date.




Forest Way School  
Individual Manual Handling Risk Assessment  
Part B

Student's Name: \_\_\_\_\_

Physical Hazards	Yes	No	Action Plan
Could student's height cause a problem?			
Could student's weight cause a problem?			
Does the student have swollen, fixed, flaccid limbs?			
Any orthopaedic considerations?			
Does the student have poor state of feet?			
Is their skin condition poor?			
Is the student difficult to hold?			
Is the student in pain when moving?			
Is the student hearing impaired?			
Is the student visually impaired?			
Does the student communicate using speech?			
Does the student experience seizures?			
Does the student experience involuntary movements?			

Is the student unstable/un co-ordinated?			
Are there attachments to consider? e.g gastrostomies, nasogastric tube, false limbs			

Notes:

Forest Way School  
Individual Manual Handling Risk Assessment  
Part B

Student's Name: \_\_\_\_\_

Psychological Hazards	Yes	No	Action Plan
Is the student uncooperative / non compliant?			
Is the student unpredictable?			
Does the student find it hard to follow instructions?			
Is the student anxious?			
Does the student display challenging behaviour?			

Environmental Hazards	Yes	No	Action Plan
Is the space restricted?			
Is the lighting adequate?			
Is the temperature uncomfortable?			
Is the ventilation poor?			
Are there constraints on posture due to the room layout/design?			
Is the changing bed/chair wrong height?			
Are there risks of trips/falls?			
Is the environment noisy?			

Other factors			
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Notes:

Forest Way School  
Individual Manual Handling Safe Systems of Work &  
Care Plan\_ Part C

Student's Name: \_\_\_\_\_

Fully Mobile Yes/No	Minimal assistance required Yes/No	Walks with aids Yes/No
Can stand but unable to walk Yes/No	Restricted use in all limbs Yes/No Extensor thrusts Yes/No	Gastrostomy Yes/No

List the methods used, precautions taken, number of staff involved, frequency of task and appropriate equipment used. Detail hoist type and sling used.

Tasks / Transfers	Precautions/Methods/Staffing/Equipment
On/off changing bed	
Changing bed to wheelchair/toilet/potty	
Sitting balance	
Bathing/showering	
Walking (inside/outside)	
Stairs/steps	
Dressing	
Chair to floor	
Swimming pool	



Ball Pool	
Chair to bean bag	
On/off transport	
Other	
Other	
Other	

Forest Way School

Individual Manual Handling Safe System of Work & Care Plan  
Part C

Student's Name: \_\_\_\_\_

**Individual Capabilities of Staff**

Do any tasks require unusual height/strength?	
Do any tasks put the member of staff at risk if pregnant?	
Do any tasks put the member of staff at risk if she has recently had a baby?	
Do any tasks put the member of staff at risk if they have any previous injuries? eg surgery	
Do any tasks put the member of staff at risk if they have any health problems?	
Any other considerations	



# Social Media Guidance

Adopted: September 2022



This guidance applies to all staff, including Head Teachers / Principals, Teachers and all Support Staff regardless of whether they are permanent, fixed term, casual or agency or volunteers. It provides guidance on what measures are to be taken to ensure the safe use of social media and defines what is considered to be inappropriate conduct when using social media/internet sites for both professional and personal purposes.

Breaches of this guidance may be dealt with via the schools disciplinary policy or where it is appropriate will be referred to the police.

For the purposes of this guidance Head teachers/Principals will be referred to as Head teacher and School/Academy will be referred to as school.

#### **Documents to support this Guidance:**

In addition, this Guidance should also be read in conjunction with the school's Code of Conduct /General Data Protection Regulations and Online Safety Policy.

In addition, schools should also take account of any current and relevant legislation.

## **Purpose**

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The primary purpose of this guidance is to clarify how all employees should conduct themselves when using all forms of social media whether this is done through the school's media or personal media, in work time or in an individual's own time. The aim being to minimise the risk employees may place themselves and pupils in when they choose to write about their work or matters relating to the school and/or their personal lives.

This in turn will minimise situations where safeguarding concerns could arise, employees' integrity or professional standing could be undermined, professional relationships with colleagues and pupils are compromised or the school [and / or the Local Authority (for Maintained Schools)] brought into disrepute.

Additionally, adhering to the Guidance reduces the risk of employees inadvertently contravening sections of the Data Protection Act or falling foul of any breaches of confidentiality, privacy, libel, defamation, harassment and copyright laws.

Whilst this Guidance is not intended to prevent employees from using social media sites, it does aim to make employees aware of the risks they could face whilst doing so and highlight what is deemed to be unacceptable when sharing information about their professional and/or personal life. Employees should be encouraged to report any concerns that they have regarding content placed by employees on social media sites to the Head teacher.

When an employee(s) wishes to create a work-related social media site they must discuss this with and obtain the relevant approval from the Head teacher. Creators of these groups are responsible for monitoring the content of the site and ensuring that it is appropriate and not in breach of any of the terms in this Guidance.

#### **Application of the Guidance**

The Social Media Guidance will be managed by either the Head Teacher or another manager. If the matters are regarding the Head Teacher, then the Chair of Governors will be responsible for overseeing this Guidance.

### **What is Social Media?**

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For the purposes of this Guidance, the term social media is used to describe a type of interactive website or online tool that allows parties to communicate or interact with each other in some way by sharing information, opinions, knowledge and interests and to share data in a public forum or to participate in social networking, resulting in a number of different activities.

Social Media activities include, but are not limited to:

- Maintaining a profile page on social / business networking sites such as Facebook, Twitter, WhatsApp or LinkedIn
- Writing or commenting on a blog, whether it is your own or the blog of another person / informational site.
- Taking part in discussions on web forums or message boards such as YouTube.
- Leaving product or service reviews on business websites or customer review websites.
- Taking part in online polls.
- Uploading multimedia on networking sites such as You Tube, Instagram, WhatsApp Twitter and Tumblr.
- Liking, re-tweeting and commenting on posts of your own, another person or other social media account.

Many other forms of social media also exist which are not listed in this Guidance. Employees need to be aware that this area is constantly changing and they are reminded of their continued responsibility to keep up to date with developments and review their privacy settings on a regular basis when using social media sites.

## The Use of Social Media

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The school recognises that employees will use social media in a personal capacity. However, it is important that employees understand that they are personally responsible for all comments, images or information that they post on line. Therefore all employees must ensure that when posting any information, images or making comments, they do not:

- **Bring the School into disrepute.** E.g. by making derogatory or defamatory comments, either directly or indirectly, about the school, colleagues, individuals, pupils or parents etc that could negatively impact on the schools reputation or cause embarrassment. This includes posting images or links to inappropriate content or using inappropriate language.
- **Breach confidentiality.** E.g, revealing confidential information owned by the school relating to its activities, finances, employees or pupils.
- **Undertake any behaviour which may be considered discriminatory, or as bullying and/or harassment of any individual.** E.g, making offensive or derogatory comments (either directly or indirectly) relating to sex, gender, race, disability, sexual orientation, religion, belief or age; using social media to bully (“Cyberbullying”) another individual; or posting images that are discriminatory or offensive or linking to such content.

As with all personal internet use, employees using social media sites must also observe the specific requirements of the documents named at the beginning of this policy.

## Employee Responsibilities

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Employees are personally responsible for the content that they publish on social media sites, including “Likes” (on Facebook)/“re-tweets” (on Twitter), Snapchat, Instagram, LinkedIn, Yammer, WhatsApp etc. Employees should assume that everything that is written is permanent and can be viewed by anyone at any time. It is fair and reasonable to take disciplinary action against employees for inappropriate use of social media, including use of social media conducted outside of working hours.

Employees must observe and note the following listed guidance (which is not exhaustive).

- Employees should assume that everything can be traced back to them personally as well as to their colleagues, the school, pupils and parents.
- To avoid any conflict of interest, employees must ensure that personal social networking sites are set to private and pupils are never listed as approved contacts. An exception to this may be if the child is the employee’s own child, relative, or family friend.

- Information must not be posted that would disclose the identity of pupils or could in any way be linked to a pupil(s). This includes photographs or videos of pupils or their homes.
- Pupils must not be discussed on social media sites.
- Employees should not post information on sites including photographs and videos that could bring the School [or the Local Authority] into disrepute.
- Employees must not represent their own views/opinions as being those of the school [or the Local Authority].
- Employees must not divulge any information that is confidential to the school [the Local Authority] or a partner organisation.
- Potentially false, derogatory, offensive or defamatory remarks directly or indirectly towards the School, [the Local Authority], employees, pupils, pupils' relatives, the school [or Local Authority] suppliers and partner organisations should not be posted on social media sites.
- Employees must ensure content or links to other content does not interfere with their work commitments, or be on an inappropriate content.
- Employees must not either endorse or criticise service providers used by the school [or the Local Authority] or develop on-line relationships which create a conflict of interest.
- Employees must not upload, post, forward or post a link to any pornographic material (that is, writing, pictures, films and video clips of a sexually explicit or arousing nature).
- When posting on social media sites employees must observe the requirements of the Equality Act and the Human Rights Act and must not use any offensive, obscene, derogatory, discriminatory language which may also cause embarrassment to school the Local Authority, employees, pupils, pupils' relatives, Council suppliers and partner organisations.
- Employees must never impersonate another person.
- Employees must not upload, forward or post a link which is likely to: create any liability for the School (whether criminal or civil), breach copyright law or other affect intellectual property rights, or which invades the privacy of any person.

**Think before you post.** There is no such thing as a private social media site. Social networking platforms/ Chat Rooms and discussion forums etc are in the public domain and it is not always possible to be sure what is being viewed, shared or archived, even if material is posted on a closed profile or group. There can be no reasonable expectation that posts will remain private and will not be passed on to other people, intentionally or otherwise.



## **Disciplinary Action**

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Employees should be aware that the use of social media sites in a manner contrary to this guidance, including if others implicate you in a breach of any of the points listed within this document may result in disciplinary action and in serious cases may be treated as gross misconduct, which itself could lead to summary dismissal.

In certain circumstances, such misuse may constitute a criminal offence or otherwise give rise to legal liability against employees and the school. Such cases will be referred to the police (and, where necessary the nominated safeguarding lead at the County Council) to investigate further.

Employees who become aware of any use of social media by other members of staff in breach of this guidance must to report the matter to the Head teacher.

## **Social Media Security**

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Employees should be mindful when placing information on social media sites that this information is visible to a large audience and could identify where they work and with whom, thereby increasing the opportunity for identify fraud, false allegations and threats. In addition it may be possible through social media sites for children or vulnerable adults to be identified, which could have implications for their security. Employees should therefore be mindful that they:

- Do not reveal personal or private information about themselves such as date of birth, address details and bank details etc. Posting such information could increase the risk of identity theft.
- Remember that there is the scope for causing offence or unintentionally causing embarrassment, for example if pupils find photographs of their teacher which may cause embarrassment and/or damage to professional reputation and that of the School.
- Be mindful that posting images, comments or joining on line campaigns may be viewed by colleagues, parents, ex-pupils etc.
- Ensure that where you do post comments make a clear statement that any comments expressed are your own and not those of the school.

Finally, consideration should be given to the information posted on social media sites and employees are advised to use appropriately the security settings on such sites in order to assist in limiting the concerns above.



## Monitoring the Use of Social Media Websites

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Employees should be aware that any use of social media websites (whether or not accessed for work purposes) may be monitored and, where breaches of this Guidance are found, action may be taken under the Disciplinary policy.

The School considers that valid reasons for checking an employee's internet usage include suspicions that the employee has:

- been using social media websites when he/she should be working; or
- acted in a way that is in breach of the rules set out in this Guidance.

# Supporting Disabled Employees

Adopted: September 2022

**This document applies to all employees, including Headteachers/Principals, Teachers and all Support Staff employed at this school.**

The school is committed to removing structural, organisational and physical barriers that an individual with a disability may encounter during the course of their employment. As a result, this guidance has been formally adopted in order to assist the Headteacher and those with line management responsibilities to effectively support employees who have a disabling condition whilst at work.

It is recognised that where an individual feels valued and comfortable in their work environment they are more likely to disclose information about their own personal situation. By encouraging an open and supportive culture within this school it is anticipated that this will result in improved support for individual employees and prevent longer term issues arising.

For the purposes of this guidance Headteachers/Principals and Line Managers will be referred to as the Line Manager and School/Academy will be referred to as school.

## 1. The Law

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- 1.1 The Equality Act 2010 states that employers must make reasonable adjustments to the workplace or working conditions in order to support disabled employees to carry out their roles effectively and to prevent potential discrimination.
- 1.2 The term “disability” can be used to describe a condition which may not automatically be considered as a disability, for example, diabetes, asthma, back problems or mental health conditions such as anxiety or depression. Other conditions such as cancer, multiple sclerosis (MS) and HIV are automatically included in law as disabling conditions. It is not possible to provide a comprehensive list of all of the impairments that might lead to a person considering themselves to be disabled. This is because the legal definition is very broad and not always easy to apply.
- 1.3 The legal definition of a disability under the Equality Act 2010 is stated as:

“a physical or mental impairment that has a **'substantial'** and **'long-term'** negative effect on an individual's ability to undertake normal daily activities.”

### ***What does 'substantial' and 'long-term' mean?***

- 'substantial' is more than minor or trivial, e.g. it takes much longer than it usually would to complete a daily task like getting dressed
  - 'Long-term' means it will affect the individual or is likely to affect them for at least a year (12 months or more).
- 1.4 Discrimination may be defined as either direct discrimination, indirect discrimination, harassment or victimisation. It may occur at any point during employee relationship (including during recruitment processes), for example:

#### **Direct Discrimination:**

- An employee is treated less favourably than another due to them having a protected characteristic (NB. there must be a real or hypothetical comparator who has been treated more preferentially).

<b>Indirect Discrimination</b>	<ul style="list-style-type: none"> <li>•Where an employer applies a provision, criterion or practice to all (e.g. company policy) which may inadvertently put someone with a protected characteristic at a disadvantage.</li> </ul>
<b>Harassment</b>	<ul style="list-style-type: none"> <li>•Subjecting an employee to unwanted conduct/behaviour relating to a protected characteristic.</li> </ul>
<b>Victimisation</b>	<ul style="list-style-type: none"> <li>•Subjecting an employee to a detriment because they have done a "protected act" i.e. making an allegation/claim of unlawful discrimination.</li> </ul>

## 2. The Role Of the Line Manager

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- 2.1 The Line manager is responsible for creating an open and supportive environment in which all employees can undertake their role effectively, meet their objectives and performance targets and enjoy a good work life balance. This includes employees who are considered to have a disability and who may sometimes require the school to make changes or “reasonable adjustments” to enable them to achieve their full potential.
- 2.2 As a line manager it is important that options for reasonable adjustments are considered in conjunction with the employee and other sources of support, such as HR, Occupational Health or Access to Work. A list of support agencies can be found in Appendix A.
- 2.3 It is the responsibility of the line manager (or Chair of Governors/Trustees, as the Line Manager, in cases relating to the Head teacher) to ensure that any reasonable adjustments are put in place and monitored to ensure they are effect at removing the barriers that exist for the employee.

## 3. When To Consider Reasonable Adjustments

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- 3.1 Reasonable adjustments must be made to support both disabled job applicants and existing employees to ensure they can overcome any substantial disadvantages they may face during the recruitment process and subsequently during the course of their employment.
- 3.2 Reasonable adjustments should be considered:
  - During Recruitment and Selection processes, for example.
    - in respect of how the application is completed,
    - how the job criteria are applied,
    - enabling applicants to use adaptive software for recruitment exercises or ensuring the venue is accessible.
  - When a new appointment is made and the employee has declared a disability. In such cases it is any adjustments should be actioned in preparation for the employee’s start date.
  - Where an existing employee has declared a disability and has requested reasonable adjustments or reasonable adjustments have been recommended by a third party,
  - Where it might reasonably be expected that an employee is disabled and adjustments may be required to assist them to undertake their role.
  - When an employee with a disability undertakes learning and development opportunities.



- When an employee with a disability has a change of role, working environment or conditions.
- During the application of any policies or processes, e.g. when managing an employee via the absence management policy, performance management policy, the disciplinary policy and so on.

## 4. Organising Reasonable Adjustments

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- 4.1 Once a reasonable adjustment has been identified it is essential that this is implemented as soon as possible. Failure to do so could result in an employee being unfairly and possibly unlawfully disadvantaged. In such cases the employee could then bring a claim for less favourable treatment (discrimination) because of their disability.
- 4.2 On occasion, and dependent on the circumstances the school and the employee may be able to arrange adjustments that meet the employee's requirements without the involvement of an outside agencies, for example, by considering flexibility around contractual hours, start/finish times or the working environment.
- 4.3 On other occasions a referral to other agencies may be beneficial in order to gain additional support and advice on what adjustments should be considered for example via:
- An employee's GP/Specialist/Medical provider to obtain further information/advice on the employees medical condition (this requires the employees consent).
  - Occupational Health to gain further advice on an individual's medical condition along with recommendations on potential adjustments that may assist an employee to operate effectively in their role (referred via HR).
  - Access to Work. This scheme, run by the Department for Work and Pensions, can provide funding to facilitate adjustments in the workplace. An assessor will usually visit the employee and head teacher in the workplace and carry an assessment of the employee's needs (this is an employee led service). Further information is available at: [www.gov.uk/access-to-work](http://www.gov.uk/access-to-work)
  - Health, Safety & Wellbeing Service to undertake workplace risk assessments, stress assessments and to discuss any proposals for adjustments. Such adjustments may benefit both the employee, other staff, pupils and visitors. (0116 305 7552 or [colin.jones@leics.gov.uk](mailto:colin.jones@leics.gov.uk))
  - Property Services to consider proposals regarding the modification of buildings and/or their surroundings. Property services must be consulted to confirm feasibility. (0116 305 5000 or [propertyhelpdesk@leics.gov.uk](mailto:propertyhelpdesk@leics.gov.uk))
  - Other agencies - see list of specialist agencies and organisations (Appendix A).

This list is not exhaustive and only serves as an example of some adjustments that may be required.

- 4.4 Once agreed 'reasonable adjustments' should be progressed as soon as possible. An indicative period of 3 months to establish whether the reasonable adjustment is working for both the employee and employer is usual. It is important that during this period regular monthly reviews take place with the employee. Dependent upon the circumstances, in some cases adjustments may need to be permanent.



## 5. What is Reasonable?

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5.1 A decision about what is “reasonable” is' will depend on each situation. The employer needs to consider carefully if the adjustment:

- will remove or reduce the disadvantage for the person with the disability,
- is practical to implement,
- could harm the health and safety of others,
- is affordable – this may need to be discussed with a Governing Body where costs are involved (most adjustments cost very little or nothing and are often a matter of flexibility or changing an approach to a working practice).

5.3 When determining whether or not an adjustment is reasonable it is useful to consider the following:

### **How much does the reasonable adjustment cost?**

Where there is a cost in making the reasonable adjustment consideration should be given to:

- How expensive the adjustment is in relation to the school as a whole. A decision to not make a reasonable adjustment where this is based on costs alone may be difficult to defend and the cost of the adjustment may be preferable to a potentially higher pay out awarded by an Employment Tribunal. In some cases money may be reclaimed from Access to Work.
- Whether the adjustment would benefit other people as well as the disabled employee, for example clearer signage, better lighting, slopes and handrails and automatic doors. Whilst the adjustment may require an initial monetary investment it may benefit many people.

### **How effective is the proposed reasonable adjustment?**

A reasonable adjustment may only be considered reasonable if it actually reduces the disadvantage or removes the barriers that the employee with the disability is facing.

### **How practical is it?**

In some cases the type of adjustment required may not be practical because of other circumstances e.g. if it requires structural work to a listed building. This may mean the adjustment is not possible, although each case would need to be considered individually.

In some cases consideration should be given to different types of work the individual could undertake and may involve the redeployment or the transfer of the employee to an alternative work location.

The amount of disruption that an adjustment would cause to service delivery will affect whether or not it is considered reasonable. Where a proposed reasonable adjustment causes too much disruption to service delivery it may be more appropriate to consider alternative duties as an adjustment for the employee.

Full consideration should be given to all potential adjustments and whether or not they are practical to implement. Managers are advised to contact to their HR Adviser when considering options.

### **Does it pose a Health and Safety risk?**

It is important to consider whether a reasonable adjustment poses a genuine health and safety risk to all employees, not just those who have a disability. If an adjustment poses an unacceptable risk to the health and safety of any employee then it may never be considered reasonable. However, before a decision is made to refuse an adjustment on health and safety grounds it is recommended that advice is sought from:

- The school's Health and Safety Adviser
- An HR Adviser
- School Governors/Trustees
- Occupational Health Advisers

Whilst requests for adjustments can be refused on health and safety grounds very few adjustments pose real risks.

## **6. Examples of Reasonable Adjustments**

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### **6.1 Examples of reasonable adjustments include:**

- Flexible working arrangements, e.g. considering a phased return to work in terms of hours worked, gradually increasing the hours until full contractual hours are reached. Additionally consider a phasing in of work responsibilities.
- A reduction of working hours on a temporary or permanent basis
- Additional training or mentoring
- Minor physical adjustments such as: additional lumbar support, an ergonomic mouse, installing handrails or ramps.
- Specialist equipment (possibility of funding through Access to Work)
- Adaptive software such as "speech to text" packages can remove barriers to using ICT.
- Adaptations to the premises (following advice from external agencies)
- Redeployment into an alternative role,
- Allowing the employee to take Disability-Related Special Leave for reasons connected with rehabilitation, assessment, treatment or servicing of necessary equipment or disability aids,
- Allowing a longer timescale for review of reasonable adjustments (e.g. modifications to working pattern or provision of special equipment),
- Where the employee is subject to an HR process, consider the matter on a case-by-case basis and consider adjustments to the process as appropriate to the situation,

This list is not exhaustive.

- 6.2 It is difficult to specify the amount of variation required as each individual is different. Advice should be obtained from HR Services and Occupational Health before reasonable adjustments are implemented.

## 7. When An Employee Has Not Declared A Disability

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- 7.1 Some employees may not disclose they have a disability for a number of reasons, this may be because:
- They do not consider that they have a disability
  - They do not consider that they require any reasonable adjustments
  - They may be worried about the reaction of the school
  - They fear harassment, bullying or resentment from colleagues as a result of their disability.
- 7.2 The line manager should be aware of any signs in an individual that may be linked to disability e.g.:
- Poor attendance or repeated sickness absence attributed to the same condition.
  - Deterioration of performance at work
  - Changes in behaviour, for example an employee may become angry, withdrawn, tearful, forgetful or aggressive
  - Persistent lateness
  - They appear to be in pain
  - They are absent from work on medical grounds
- 7.3 It is important for line managers to recognise when an employee appears to be or is experiencing difficulties at work which may be attributed to a disability. Communication with the employee is vital and line managers should offer any support and implement changes as appropriate to enable the employee to carry out their role effectively.
- 7.4 Having a good understanding of the way in which individual employees generally perform and behave will ensure that line managers are able to identify any changes in their behaviour or performance. In such cases this can then lead to a conversation about what reasonable adjustments could be made.



## FACTSHEET - Tips On Supporting Disabled Employees

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- **Don't make assumptions** about what support an employee might need. The line manager will need to discuss any specific needs or adjustments with the employee.
- **Engage with people.** Focussing on definitions and diagnosis is unlikely to be helpful as labelling conditions may lead to preconceptions as to what a person can or cannot do. The most productive approach is to talk to the person to get a clear understanding of what they can do rather than what they can't.
- **Identifying early signs of distress.** Employers have a duty of care to their employees and must ensure that consideration is given to the health and wellbeing of all employees. Look out for changes in a person's usual behaviour, poor performance, tiredness and increased sickness absence. The line manager or colleagues may notice/comment on an increased use of alcohol, drugs or smoking. Regular supervisions or informal chats about progress will provide opportunities to talk with the employee and establish if there are any problems an employee may be experiencing.
- **Try to engage with someone even if they're reluctant to talk.** Try to encourage open and transparent discussions. It is important to be clear that the discussion will be confidential, except in specific circumstances, for example, where issues may have a health and safety risk.
- **Managing other employees.** Be aware of the impact one employee's disability could have on the rest of the school, whether as a result of reasonable adjustments that have been made or because of a person's particular symptoms or behaviour while unwell. Line managers must ensure that gossip or bullying is dealt with promptly and effectively. It is the employer's responsibility under the Equalities Act to ensure that staff are not being bullied or harassed on account of a disability.
- **Communicate in an open, matter of fact way.** Line Managers should agree with the employee what they wish colleagues to be told/not be told about their personal situation. Line managers should not be afraid to talk about this openly with the employee.
- **Keep in touch during sickness absence.** Line Managers often fear that contact with someone who is off sick will be viewed as harassment. However, the overwhelming view from employees who are absent due to a physical or mental health condition or illness is that they wish to keep in touch in some way. Where an individual has stated that they do not wish to engage directly with the school, an alternative contact can be agreed such as a Trade Union Official or family member or partner.
- **Adjust work in the early days after an extended spell of absence** to promote full recovery and to ease the individual back into productive employment. Consider phased returns if appropriate.
- **Consider buddying with another employee or having a mentor** so that the person returning can also talk to someone who isn't their immediate line manager.
- **Support plans for employees with mental ill health should be reviewed and amended as appropriate** – see example "Disability Agreement" in Appendix B.
- **Refer to other sources of support,** there are a range of agencies that specialise in supporting people in work, see Appendix A.



## Appendix A: Accessing further support and advice

<b>Access to Work</b>	Telephone: 0800 121 7479    Textphone: 0800 121 7579 Apply on-line: <a href="http://www.gov.uk/access-to-work">www.gov.uk/access-to-work</a>
<a href="#">Action Deafness</a>	Tel.: 011 253 3200 24/7 line: 07947714040 or 07528551162 Email: <a href="mailto:enquiries@actiondeafness.org.uk">enquiries@actiondeafness.org.uk</a> Website: <a href="http://www.actiondeafness.org.uk">www.actiondeafness.org.uk</a>
Age UK Leicester (plus shire) and Rutland	Tel.: 0116 299 2233 Email: <a href="mailto:enquiries@ageukleics.org.uk">enquiries@ageukleics.org.uk</a> Website: <a href="http://www.ageuk.org.uk">www.ageuk.org.uk</a>
Autism Alliance	Website: <a href="http://www.autism-alliance.org.uk">www.autism-alliance.org.uk</a>
British Deaf Association	Website: <a href="http://www.bda.org.uk">www.bda.org.uk</a>
<a href="#">Carers of Leicestershire and Support Project (CLASP)</a>	Tel.: 0116 251 0999 Email: <a href="mailto:enquiries@thecarerscentre.org.uk">enquiries@thecarerscentre.org.uk</a> Website: <a href="http://www.claspthecarerscentre.org.uk">www.claspthecarerscentre.org.uk</a>
<b>Dyslexia Action</b>	Tel.: 0300 303 2019 Email: <a href="mailto:leicester@dyslexiaaction.org.uk">leicester@dyslexiaaction.org.uk</a> Website: <a href="http://www.dyslexiaaction.org.uk">www.dyslexiaaction.org.uk</a>
Job Centre Plus	For details on how to contact visit: <a href="https://www.gov.uk/contact-jobcentre-plus">https://www.gov.uk/contact-jobcentre-plus</a>
<a href="#">Leicestershire Action for Mental Health Project (LAMP)</a>	Tel.: 0116 255 6286 Website: <a href="http://www.lampadvocacy.co.uk">www.lampadvocacy.co.uk</a>
<a href="#">Leicestershire Centre for Integrated Living</a>	Tel.: 0116 222 5005                      Minicom: 0116 222 5007 Email: <a href="mailto:admin@lcil.org.uk">admin@lcil.org.uk</a> Website: <a href="http://www.lcil.org.uk">www.lcil.org.uk</a>
<a href="#">Leicestershire Ethnic Elderly Advocacy Project (LEEAP)</a>	Tel.: 0116 275 5515 Email: <a href="mailto:leap@btconnect.com">leap@btconnect.com</a>
<a href="#">Leicestershire, Leicester and Rutland Headway - Brain Injury Services</a>	Tel.: 0116 273 9763 Email: <a href="mailto:headway@headwayleicester.org.uk">headway@headwayleicester.org.uk</a> Website: <a href="http://www.headwayleicester.org.uk">www.headwayleicester.org.uk</a>
<a href="#">Mencap - Leicestershire</a>	Website: <a href="http://www.mencap.org.uk">www.mencap.org.uk</a>
Mind	Website: <a href="http://www.mind.org.uk">www.mind.org.uk</a>
<a href="#">Mosaic: shaping disability services</a>	Tel: 0116 2318720 Website: <a href="http://www.mosaic1898.co.uk/">www.mosaic1898.co.uk/</a>
RNIB	Website: <a href="http://www.rnib.org.uk">www.rnib.org.uk</a>
The National Autistic Society	Website: <a href="http://www.autism.org.uk/Professionals/employers">www.autism.org.uk/Professionals/employers</a>
<a href="#">VISTA (Royal Leics and Rutland Society for the Blind)</a>	Tel.: 0116 249 8839                      Minicom: 0116 273 8204 Email: <a href="mailto:info@vistablind.org.uk">info@vistablind.org.uk</a> Website: <a href="http://www.vistablind.org.uk">www.vistablind.org.uk</a>
Samaritans of Leicester, Leicestershire & Rutland	Tel.: 0116 123    or 0330 094 5717 Website: <a href="http://www.samaritans.org">www.samaritans.org</a>
Urgent Mental Health help	0808 800 3302 <a href="http://www.leics.part.nhs.uk">www.leics.part.nhs.uk</a> <a href="https://www.greatmentalhealthlr.nhs.uk/what-changes-are-being-proposed/introducing-a-central-access-point/">https://www.greatmentalhealthlr.nhs.uk/what-changes-are-being-proposed/introducing-a-central-access-point/</a>

## Appendix B: Disability Agreement

On occasion it may be useful for the manager and employee to put together a Disability Agreement. The purpose of this agreement is to document all of the relevant support and reasonable adjustments that have been put in place to support the individual whilst at work. In completing this agreement advice may also be sought from the employees medical practitioner, Occupational Health or Access to Work.

Such agreements may be used to support both employees with mental and physical disabilities. Examples of adjustments and support to be considered as part of this agreement include:

- providing specially adapted equipment (like a chair, desk or computer),
- adaptations to the school building (such as handrails, ramps or clearer signage around the building),
- temporary adjustments to duties or working patterns,
- changes to break times or
- time off for medical appointments.

The agreement should be signed by all parties and should be regularly reviewed. This will ensure that appropriate support is in place and the employee does not have to explain their requirements every time their line manager changes, or they change roles within their organisation.

## Example Disability Agreement

<b>Employee's name:</b>	
<b>Job title:</b>	
<b>Department:</b>	
<b>Line manager's name:</b>	

This is a record of adjustments agreed between [employee's name] and [line manager's name].

The purpose of this plan is to:

- ensure that both the employee and the manager have a record of what has been agreed;
- act as a starting point for discussion when the employee changes job, is relocated or is assigned a new manager within the organisation;
- provide the employee and their manager with a structure to use when regularly reviewing and updating information about adjustments; and
- plan for when the employee is unwell and needs additional support because of their disability or condition.

This plan is a living record and will be reviewed and updated as appropriate with the agreement of the employee and the manager:

- at any regular one-to-one meeting;
- at a return-to-work meeting following a period of sickness absence;
- at six-monthly and/or annual performance management appraisals;
- before a change of job, duties or work location, or the introduction of new ways of working; or
- before or after any change in circumstances for either the employee or the organisation.

**Employee:**

**How my disability or condition impacts me at work:**

The following reasonable adjustments have been implemented in line with ( Access to Work agreement/Occupational Health Advice if relevant):	Date(s) implemented:



**Wellness at work - employees who have fluctuating disabilities or conditions**

On a "good day" my disability or condition has the following impact on me at work:

When I am feeling unwell (i.e. a "not so good" or "bad" day), the following symptoms are indications that I may not be well enough to be at work:

**Emergency contacts**

If I am not well enough to be at work, I am happy for my line manager to contact any of the following emergency contacts in the order of preference indicated below:

**First contact**

**Second contact**

Name:

Name:

Relation to me:

Relation to me:

Telephone number:

Telephone number:

Mobile telephone number:

Mobile telephone number:

Email:

Email:

I will let you know if there are changes to my condition that affect my work and/or if the agreed adjustments are not working. We will then meet privately to discuss any further adjustments or changes that should be made.

If you notice a change in my performance, behaviour or attendance at work or feel that these adjustments are not working, I am happy to meet you privately to discuss alternatives.



**Line manager:**

**Keeping in touch**

If you are absent from work on sick leave or for a reason relating to your disability or condition for more than  days and have followed the usual procedures for notifying the organisation of your absence, I will keep in contact with you in the following way:

How will contact be made? (email, telephone, text, letter, etc) & by whom?

How often? (daily, weekly, monthly)

When? (preferred day, preferred time)

**Conversations while you are on sick leave**

We have agreed that the topics that we will discuss while you are absent include:

- how you are feeling;
- what I can do to help;
- how your current work will be dealt with;
- the possibility of a planned phased return to work; and
- a return to work date.

[add/delete as appropriate]

**Return to work**

When you are ready to return to work after a period of sickness or disability-related absence of more than  days, we will meet to review this plan and make any necessary changes. At this return-to-work meeting we will also discuss:

- any current work issues;
- a phased return or back-to-work plan;
- what to tell the team; and
- any assessments to review existing adjustments (such as by [Access to Work](#), your GP or occupational health) and identify new adjustments that might be needed.

[add/delete as appropriate]

An up-to-date copy of this form will be retained by the employee and line manager.

A copy of this form may also be given to a new or prospective line manager with the prior consent of the employee. If the employee changes job, is relocated or is assigned a new manager, the new manager should accept the adjustments outlined in this plan, so long as they remain reasonable, despite the change in circumstances, and ensure that they continue to be implemented. The plan may need to be reviewed and amended at a later date but unless there is any change in circumstances that might affect the reasonableness of the adjustments, this should not happen until both the employee and the new manager have worked together for a reasonable period of time.

The organisation will ensure that individuals' personal data, including data relating to their health, is handled in accordance with its [data protection policy](#) /policy on processing special categories of personal data. Any breach of confidentiality will be treated very seriously.

<b>Employee's signature</b>	
<b>Date</b>	
<b>Employer's signature</b>	
<b>Date</b>	