

SICKNESS MANAGEMENT POLICY



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1. PURPOSE OF THE POLICY AND PROCEDURE

- 1.1. Within this policy 'we' and 'us' means the Federation.
- 1.2. We, as a caring employer, recognise our responsibility for the health, safety and welfare of our staff in conjunction with other Federation policies. This policy places emphasis on proactive support for staff in the event of ill health difficulties. We are both sympathetic and consistent in our management of absence and recognise that, within a consistent framework, each case must be treated individually.
- 1.3. It is the responsibility of management to monitor absence and to respond effectively to actual and potential problems. We have standards for attendance of staff as we do for students. It is the responsibility of the Executive Principal, Vice Principals, Team Leaders and Team Managers to ensure these standards are achieved and to raise awareness of the effect of sickness absence levels on the quality and continuity of teaching and learning, and other aspects of the effectiveness of the work of the Federation.
- 1.4. In addition, all staff with line management have a clear obligation to identify and address problems in the work environment and/or job factors that may be contributing to staff absence.
- 1.5. This policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.6. We will monitor and record staff sickness absence, including identifying areas where our work, in particular the continuity of teaching and learning, is being affected by absence levels.
- 1.7. This policy and procedure takes account of the guidance set out in DfE Circular 4/99 Physical and Mental Fitness to Teach of Teachers and of Entrants to Initial Teacher Training.
- 1.8. This policy applies to all [employees](#). It does not apply to [agency workers](#), [consultants](#) or [self-employed contractors](#).
- 1.9. This policy does not form part of any employee contract of employment and we may amend it at any time.
- 1.10. Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.11. We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.

- 1.12. Managers have a specific responsibility to ensure the fair application of this policy, and all members of staff are responsible for supporting colleagues and ensuring its success.
- 1.13. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence. Moreover, if the sickness absence procedures are not followed as set out in this policy, then payments under the occupational sick pay scheme may be stopped and absenteeism could be considered under the Federation Staff Disciplinary Policy.

2. DEFINITIONS

- 2.1. Short-term absences, irrespective of whether they are uncertified or certified by a G.P. can occur where there is no obvious evidence of a single underlying medical condition (i.e. where the reasons for the absences appear unrelated).
- 2.2. As a guideline, the following will normally be regarded as short-term absences and will act as a trigger for the manager to take action if they have not done so before:
 - A total of 5% absence in a rolling 12 month period.
 - Where a combination of odd days, longer periods and patterns of absence causes concern.
- 2.3. The above are guidelines only. Senior leaders should monitor all staff attendance and take appropriate action as soon as they believe there is a problem.
- 2.4. Long-term sickness absence will normally be characterised by an underlying medical condition resulting in continual absence of 20 working days or more. We recognise that alternatively there could be short-term absences caused by a long-term underlying medical condition.

3. DISABILITIES

- 3.1. We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (as set out within this policy), particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- 3.2. If employees consider that they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager, the HR Manager or the designated SLT lead for HR.

4. SICKNESS ABSENCE REPORTING PROCEDURE

- 4.1. If you are unexpectedly delayed or are absent for sickness or other unexpected absence, you have a responsibility to inform the relevant setting using the following procedure:
 - 4.1.1. An employee in the Federation who is prevented by illness or injury from reporting for duty shall notify their line manager and the cover team on the FIRST DAY OF ABSENCE before 7.30am. Phone the cover line on 01572 772566 and leave a message on the answerphone, or email cover@catmosecollege.com/
 - 4.1.2. The following details should be provided:
 - The nature of their absence.
 - The expected length of their absence from work.
 - Name and contact details.
 - Any outstanding or urgent work that requires attention.
 - Work for students where possible, as applicable.
 - 4.1.3. Should staff find they are unable to return on or before the stated date, a further telephone call must be made.
- 4.2. Managers should ensure that:
 - Any sickness absence that is notified to them is recorded and reported to the cover team.
 - Arrangements are made, where necessary, to cover work and to inform colleagues and clients (whilst maintaining confidentiality).

5. EVIDENCE OF INCAPACITY

- 5.1. All employees must complete a self-certification form detailing the reason for absence for any period of sickness absence up to seven days and for the first seven days of any longer absence, unless covered by a medical certificate. The self-certification form must be completed immediately on returning to duty and forwarded to the Payroll Manager in Central Services.
- 5.2. For absences of more than a week (including Saturdays and Sundays) and at appropriate intervals covering the period of sickness consecutively, staff must obtain a certificate from their doctor (a "Statement of Fitness for Work") stating that they are not fit for work and the reason(s) why. This should be forwarded to the Payroll Manager as soon as possible. If the employee's absence continues, further medical certificates must be provided to cover the whole period of absence.
- 5.3. If an employee's doctor provides a certificate stating that the employee "may be fit for work" they should inform the Payroll Manager immediately. We will discuss with the employee any additional measures that may be needed to facilitate their return to work, taking account of their doctor's advice. This may take place at a return-to-work interview as described within this policy. If appropriate measures cannot be taken, employees will remain on sick leave and we will set a date to review the situation.
- 5.4. Where we are concerned about the reason for absence, where there are frequent short-term absences or where the employee is within a monitoring period following an absence meeting at Stages 1, 2 or 3, we may require a medical certificate for each absence regardless of duration. In such circumstances, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.
- 5.5. Absence on account of sickness on the day before or day following a public or extra-statutory holiday must be supported by a self-certificate or medical certificate regardless of length of period of sickness.

6. UNAUTHORISED ABSENCE

- 6.1. Uncertified absences will be unpaid.
- 6.2. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence and will be unpaid. Cases of unauthorised absence will be dealt with under the Federation Staff Disciplinary Policy.
- 6.3. If an employee does not report for work and has not telephoned to explain the reason for their absence, they can expect to hear from their line manager, the HR Manager or a senior leader. This may be followed up in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

7. SICK PAY ENTITLEMENT

- 7.1. Subject to an employee's compliance with the notification requirements and other obligations in this policy, if employees are unable to work because they are ill, they may be entitled to receive sick pay in accordance with the terms outlined in their contract of employment.
- 7.2. Payment of salary when absent on account of illness, injury or other disability will be inclusive of any statutory sick pay entitlement.

8. KEEPING IN CONTACT DURING SICKNESS ABSENCE

- 8.1. Employees who are absent on sick leave should expect to be contacted from time to time by their line manager, the HR Manager and/or the designated SLT lead, in order to discuss the employee's well-being, expected length of continued absence from work and any of their work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.
- 8.2. The line manager, HR Manager or senior member of staff may arrange to talk with or visit any absent colleague within 5 working days of the first day of absence to discuss the absence and to consider support and assistance if the absence is likely to continue. At this point an appropriate communication plan will be agreed between the line manager, HR Manager or Senior Leader and employee.
- 8.3. Where employees have any concerns while absent on sick leave, whether about the reason for their absence or their ability to return to work, they should feel free to contact their line manager, the HR Manager and/or the designated SLT lead at any time.

9. MEDICAL EXAMINATION DURING PERIOD OF ABSENCE

- 9.1. We may, at any time in operating this policy, require an employee to consent to a medical examination by our occupational health provider and/or a doctor nominated by us at our expense.
- 9.2. The employee will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.
- 9.3. Where monitoring indicates a long-term absence or a developing long-term ill-health problem, the senior leader would normally recommend that the member of staff visit the Federation's occupational health provider. This is intended to establish the state of the employee's health and receive an opinion on the expectations for a sustained return to work. This should be done even if the colleague remains off work.

- 9.4. The employee will be asked to consent to a referral to the occupational health provider.
- 9.5. A senior leader or HR Manager will contact the employee to allay any concerns the employee may have. The manner in which this is done is extremely important and home visits should only be undertaken by mutual consent. Primarily the aim is to maintain contact with the employee and check their current position whilst keeping them informed of the sickness management process.
- 9.6. When it seems clear that the employee is going to be absent for a specified period of time or when a terminal illness has been diagnosed, the Executive Principal will need to assess the situation. In either circumstance it may be that no further action will be necessary apart from maintaining a level of contact with the employee.
- 9.7. In the event of a difference in medical opinion as to the employee's fitness for work, the matter shall, at our request or that of the employee, be submitted to an independent medical referee chosen jointly by us and the employee.

10. REIMBURSEMENT OF COST OF DOCTOR'S STATEMENTS

- 10.1. Where the Directors or the Executive Principal require a doctor's statement from an employee for a period of absence of less than 8 days, the employer shall, on provision of a receipt, reimburse the employee if a charge is made for the statement.

11. RETURN TO WORK DISCUSSION

- 11.1. When an employee returns to work following a two calendar week period of sickness absence, the HR Manager or the employee's line manager will normally meet with the employee, normally within 5 working days of the return to work. The purpose of this meeting is to determine the reason for the absence and the nature of it and, where appropriate, offer assistance and support. This meeting may also take place if there has been a shorter period of absence following a hospital admission which may mean a discussion concerning reasonable adjustments to work is appropriate.
- 11.2. Where an employee's doctor has provided a certificate stating that they "may be fit for work" we will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate the employee's return to work, taking account of their doctor's advice
- 11.3. During the return to work meeting, the reason for the absence will be discussed, the likelihood of any recurrence and whether any reasonable adjustments are required.

12. RETURNING TO WORK FROM LONG-TERM SICKNESS ABSENCE

- 12.1. We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure, we will, where appropriate and possible, support returns to work by:
- obtaining medical advice;
 - making reasonable adjustments to the workplace, working practices and working hours;
 - considering redeployment; and/or
 - agreeing a return-to-work programme.

13. ILLNESS OR INJURY ARISING FROM WORK

- 13.1. Any accident arising out of or in the course of employment with the Federation must be reported and recorded in accordance with the procedures laid down by us. The accident will be subject to investigation and report by an employee authorised by us for the purpose.
- 13.2. Where an employee seeks medical advice about an illness which is suspected or alleged to have resulted from the nature of their employment, the employee must report relevant information to the Executive Principal at the first opportunity.
- 13.3. In the case of the first, and any subsequent absence due to industrial disease or accident, an employee shall submit, at any time during such absence if so required by us, to a medical examination by a registered medical practitioner nominated by the Federation. In the event that the Federation's doctor is not satisfied that the absence is due to an industrial disease or accident, the employee shall have right of appeal to an independent medical referee.

14. FALSE INFORMATION

- 14.1. If staff submit any false information as to their incapacity, it will be dealt with in accordance with the Federation Staff Disciplinary policy.
- 14.2. The provision of any false information could result in disciplinary action being taken, including the possibility of dismissal. If an employee is absent from duty due to illness it will be our reasonable assumption that they cannot fulfil duties at another employer; nor be fit to participate in other activity during the time of illness which might have a similar level of exertion as their duty might incur. Exceptions to this detail exist and it would be at the determination of the employer to lay out which illnesses might preclude the employee from such activity.
- 14.3. If, at any time, an employee's line manager or a senior leader considers that the employee has taken or is taking sickness absence when they are not unwell, they may refer matters to be dealt with under the Federation Staff Disciplinary Policy.

15. SICKNESS ABSENCE MEETINGS PROCEDURE

- 15.1. We may apply this procedure whenever we consider it necessary, including, for example, short-term and long-term absences as defined within this policy, and/or if the employee has discussed matters at a return-to-work interview that require investigation.
- 15.2. We will put in writing any concerns about an employee's sickness absence and the basis for those concerns, or otherwise advise why the meeting is being called. A reasonable opportunity for the employee to consider this information before the meeting will be provided.
- 15.3. Attendance reviews and first formal reviews will be held by either the designated senior leader for HR or the HR Manager.
- 15.4. Employees must take all reasonable steps to attend a sickness absence meeting. Failure to do so without good reason may be treated as misconduct, and the matter may be referred to be dealt with under the Federation Staff Disciplinary Policy.
- 15.5. If the employee or their companion is unable to attend at the time specified, they should immediately inform the senior leader or HR Manager who will seek to agree an alternative time.
- 15.6. Employees should supply medical evidence to support their return to work in advance of any attendance meeting.
- 15.7. A meeting may be adjourned if the senior leader or HR Manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 15.8. Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to the employee in writing within 5 working days of a sickness absence meeting (unless this timescale is not practicable, in which case it will be provided as soon as is practicable).

16. RIGHT TO BE ACCOMPANIED AT MEETINGS

- 16.1. Employees may bring a companion to any meeting or appeal meeting under this procedure.
- 16.2. The companion should be either a trade union representative or a workplace colleague. Their details must be given to the senior leader or HR Manager in good time before it takes place.
- 16.3. Employees are allowed reasonable time off from duties to act as a companion, without loss of pay. However, they are not obliged to act as a companion and may decline a request if they so wish.
- 16.4. We may, at our discretion, permit other companions (for example, a family member) where this will help overcome particular difficulties, e.g. those caused by a disability, or a difficulty understanding English.

16.5. A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf. The companion does not have the right to address the meeting if the employee does not wish it, or prevent the employer from explaining their case, or prevent any other person at the meeting from making their contribution. Employees may confer privately with their companion at any time during a meeting.

17. STAGE 1 - ATTENDANCE REVIEW MEETING

17.1. A confidential attendance review meeting between a senior leader or the HR Manager and employee should be arranged as soon as a sickness problem is recognised.

17.2. Unless it is impractical to do so, we will give employees five working days' written notice of the date, time and place of a sickness absence meeting at Stage 1.

17.3. The aims of the attendance review meeting are to:

- signal that the employee's time off is a cause for concern;
- discuss the reasons for absence;
- allow the employee to inform the senior leader if there is an underlying medical problem;
- where the employee has been absent on a number of occasions, determine the likelihood of further absences;
- where the employee is on long-term sickness absence, determine how long the absence is likely to last;
- give the employee an opportunity to explain other reasons for sickness, e.g. domestic difficulties, work, stress, alcohol or drug related problems etc.;
- consider whether medical advice is required for example through a referral to the occupational health provider;
- consider what, if any, measures might improve their health and/or attendance.
- agree a way forward, action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure;
- advise the employee of the employment implications of their absence if there is not a substantial and sustained improvement;
- schedule the first formal review which will take place under Stage 2 of this policy.

17.4. Where appropriate, support should be offered such as assistance with making arrangements for treatment, special leave, and temporary reasonable adjustments to working hours, or access to occupational health support.

17.5. Following the attendance review meeting, the employee should be allowed reasonable time to demonstrate an improvement in their attendance. As a general guidance this monitoring period would normally be for 8 weeks, although there may be occasions when a shorter/longer monitoring period would be reasonable.

17.6. If after the review period, the individual's attendance record has improved following the attendance review meeting, it will be explained to the employee that if the improvement is not sustained going forward, a first formal review will be scheduled.

18. STAGE 2 - FIRST FORMAL REVIEW MEETING

18.1. Depending on the matters discussed at the first stage of the sickness absence procedure, or where the individual's attendance record has not sufficiently improved following the attendance review meeting, the senior leader or HR Manager should set up a first formal review meeting with the employee.

18.2. Unless it is impractical to do so, we will give employees five working days' written notice of the date, time and place of a sickness absence meeting at Stage 2, if different to the date and time set at the attendance review meeting in Stage 1.

18.3. The aims of the first formal review are to:

- discuss the reasons for and impact of the ongoing absence(s) where the individual's attendance record has not sufficiently improved following the attendance review meeting;
- where employees are on long-term sickness absence, discussing how long their absence is likely to last;
- identify any underlying reasons for the lack of improvement;
- where an employee has been absent on a number of occasions, discussing the likelihood of further absences;
- if it has not been obtained, considering whether medical advice is required;
- if medical advice has been obtained, considering the advice that has been given, the prognosis for recovery within a reasonable length of time and whether further advice is required. Such referrals are undertaken in parallel with any formal action, not instead of it.
- consider possible redeployment opportunities and whether any reasonable adjustments can reasonably be made to assist in redeploying the employee (although the appropriateness of this is likely to be minimal in short-term persistent sickness cases);
- consider the employee's ability to return to/remain in their job in view both of their capabilities and our business needs and any adjustments that can reasonably be made to their job to enable the employee to do so;
- consider whether in all the circumstances the employer can be expected to wait for the employee to return to work (see above);
- where employees are able to return from long-term sick leave (whether to their position or a redeployed position) agreeing a return-to-work programme;
- agree the action/s that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning the employee that they are at risk of dismissal;
- advise the employee of the employment implications of their absence and warn the employee that if there is not a substantial and sustained

improvement, a contractual review will take place in line with Stage 3 of this policy, at which a determination to dismiss may be made.

- inform the employee that their attendance will be closely monitored over an agreed time period.

- 18.4. The employee may be given notice of the contractual review meeting at this stage, or at a later stage during the monitoring period.
- 18.5. During the monitoring period the senior leader may require that any period of absence of one day or more is covered by a medical certificate.
- 18.6. At the first formal review, reasons for absence should continue to be explored, together with any action it may be possible for management to take in terms of work issues. The senior leader or HR Manager may feel it appropriate to refer the matter to the Federation's occupational health adviser, but this is not always necessary. Such referrals are undertaken in parallel with any formal action, not instead of.
- 18.7. A series of outcomes will be agreed at the first formal review meeting and these should be confirmed to the employee, in writing, by the senior leader or HR Manager, within 5 working days of the meeting. Where appropriate, the senior leader or HR Manager may decide to reconvene the first formal review meeting in order to consider further evidence and advice.

19. STAGE 3 - CONTRACTUAL REVIEW MEETING

- 19.1. Where an employee has been warned that they are at risk of dismissal, they may be invited to a contractual review meeting.
- 19.2. Unless it is impractical to do so, employees will be given 10 working days' notice written notice of the date, time and place of a contractual review meeting.
- 19.3. By this stage the employee would have been given every opportunity to improve their attendance to an acceptable level. If all previous efforts have failed, the employer has a duty to consider termination of the contract of employment on the grounds that the employee is unable to meet their contractual obligations to work.
- 19.4. A date for the contractual review meeting will normally be set at the preceding first formal review meeting. Normally 8 working weeks' notice of the contractual review meeting will be given, but in any case there must have been long enough time to establish the likely prognosis.
- 19.5. The Federation's occupational health adviser should be asked as to whether a further review of progress is necessary before any prognosis of the employee's future state of health can be given.
- 19.6. The employee should be given 10 working days' notice of the contractual review meeting and be advised of their right to be represented by a recognised trade union or work colleague. The letter should outline the employee's sick record to date and inform them that as a result of the review a decision may be made to terminate the

contract of employment. The letter will invite the employee to submit any further medical evidence that may support their return to work.

- 19.7. In advance of the meeting, the employee will be provided with a summary of relevant information regarding their attendance record and a copy of any relevant documents that will be considered by the Executive Principal during the contractual review.
- 19.8. The contractual review will normally be chaired by the Executive Principal. Where the Executive Principal conducted previous meetings under the procedure, the dismissal panel will consist of three Directors other than the Chair of Directors, one of whom will be nominated to chair the meeting. The chair of the meeting will be advised on procedural matters and matters of precedent by a human resources representative.
- 19.9. The purpose of the meeting is to:
- review the meetings that have taken place and matters discussed with the employee;
 - where the employee remains on long-term sickness absence, to consider whether there have been any changes since the last meeting under Stage 2 of the procedure, either as regards their possible return to work or opportunities for return or redeployment;
 - to consider the medical advice received and the prognosis for recovery;
 - where the advice is not encouraging, to explain the implications for the employee's colleagues and the service;
 - determine the likely duration of the absence or continuation of the condition;
 - check the potential for redeployment/job redesign or any other reasonable adjustments that may need to be considered;
 - check the appropriateness of ill-health retirement;
 - consider any further matters that the employee wishes to raise;
 - consider whether there is a reasonable likelihood of the employee returning to work or achieving the desired level of attendance in a reasonable time;
 - consider the possible termination of the employee's employment on the grounds of incapacity.
- 19.10. Where a full return is expected but not within the near future, where the prognosis is indeterminable, or where there is an underlying medical condition causing persistent short-term sickness, the chair must assess whether in all the circumstances the employee's continued absence is tolerable. Where a determination to dismiss is made, this will be on the grounds of incapability (or in the case of non-teaching staff, a dismissal may be made on the grounds of incapacity, with the required pay in lieu of notice).
- 19.11. The employee must be informed in writing of the outcome of the contractual review meeting within 5 working days, and advised of their right to appeal against dismissal. Appeals must be made in writing to the Chair of Directors within 10 working days of receipt of the written outcome of the contractual review.

20. APPEAL

- 20.1. Employees may appeal against the outcome of any stage of this procedure and they may bring a companion to an appeal meeting, as defined within this policy.
- 20.2. An appeal should be made in writing, stating the full grounds of appeal, to the Chair of Directors within 10 working days of the date on which the decision was sent to the employee.
- 20.3. The Chair of Directors will write to the employee giving details of the appeal hearing. Unless it is not practicable this will normally take place within 10 working days of receipt of the employee's appeal.
- 20.4. The employee will be advised in writing of their right to be accompanied at the appeal hearing by a trade union representative or work colleague.
- 20.5. The Chair of Directors (or another Director) plus two other Directors will hear the appeal. A representative from the Federation's human resources advisors will also attend to advise the panel on procedural matters and of precedent.
- 20.6. In cases of dismissal, the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.
- 20.7. The employee will be provided with written details of any new information which comes to light before an appeal meeting. They will also be given a reasonable opportunity to consider this information before the meeting.
- 20.8. Depending on the circumstances, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- 20.9. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.
- 20.10. The Director chairing the appeal will communicate their decision, which will be final, in writing to the employee within 10 working days of the appeal hearing. This decision must be reported to the full governing body. There will be no further right of appeal.