

YOUR WEEKLY BULLETIN OF WIT AND WONDER



## NO! NO! NO!

Can you tuck your wallet in a drawer until February?



## ABSENCE MAKES HR GROW BOLDER

How a frequently off teacher won her claim at tribunal.



## MONDAY, MONDAY

You can trust that day...for starting the diet/gym/mindfulness/tax return...

## PUT YOUR MONEY AWAY

Well, if **Dry January** or **Veganuary** or **Quit Smoking January** isn't enough penance for you after all your Christmas excesses... how about trying **No Spend January**?

Honestly - if you're not beating yourself up enough yet this January, **#NoSpendJanuary** is for you!

IGNORE the January sales, SCROLL PAST all those tempting offers on your phone or tablet and DO NOT BUY A FRAPPUCCINO in town because you DO NOT NEED IT.

I am conflicted about this movement, spearheaded by the likes of impressive Nicola Richardson, 35, from Darlington. According to a feature on the BBC website, the teacher and mum of two doesn't spend ANYTHING in January except on life-sustaining necessities.

"Even the food shop I try and get as low as possible," she says. "Everyone has two or three meals they can make from Christmas leftovers - and there's food in the cupboards and freezer."

Yes. I made Christmas pudding curry just last night, and my Twiglet and Mulled Wine Surprise fed four of us over the weekend.



And when I run out of food I haven't *actually* run out of food, of course. I'm just being silly. It's right there in the full cupboard behind my empty cupboard!

Nicola runs a personal finance blog on YouTube so I'd say her motivation to eke out the budget in cash envelopes is higher than most. She's going to be getting many more hits and followers out of it and *that* won't harm her advert revenue one bit. She and her husband are also part of the FIRE movement. It stands for Financial Independence, Retire Early.

Or it could just reference all the normal folk, staggering ineptly through the bleak midwinter, cheering themselves with a frothy coffee they can ill-afford, who'd quite like to set light to smug Nicola and her movement.

BUT, here's the other part of me. I **agree** with this prudent planning! Of *course* I agree with it. Nicola is admirable to avoid all that spurious online shopping and very wise to save her money and free herself from debt by fifty.

Don't you just loathe the people who are so aggravatingly RIGHT?

**Are you doing #NoSpendJanuary? Or some other penance? Please let us know how you're getting on, over on our Facebook page.**

# SHOULDERING THE BLAME

And speaking of sensible decisions - and otherwise - brings me to the case of *Mrs A Grant-Ryder v The Governing Body of the Maelor School and others 2021* and the treatment of a teacher with frequent absences.

Mrs Grant-Ryder was employed as a drama teacher from 1991 until her dismissal in December 2019. In 2013/14 Mrs Grant-Ryder developed late-onset asthma, a condition that she asserts was made worse by the conditions of the classrooms in which she worked and the use of aerosols at the school. Consequently, Mrs Grant-Ryder had frequent short-term absences related to her asthma.

The school tried to find ways to alleviate her condition such as moving her to different classrooms, reiterating the schools 'no aerosols' policy to pupils and parents, and providing her with a different bathroom to use so she would be less likely to come into contact with sprays. Despite these measures, Mrs Grant-Ryder continued to have absences related to her asthma and was taken through stages 1 and 2 of the school's Absence Management Policy. Her last asthma-related absence occurred during the 2017/18 academic year. After this, she was absent in 2018/19 to recover from a planned shoulder operation, and on two separate occasions when a chair she was sitting on collapsed, but she had no further absences related to her asthma.

In June 2019, a stage 3 absence hearing was held to further consider Mrs Grant-Ryder's attendance record and agree on a way forward. After this hearing, a committee of school governors unanimously decided Mrs Grant-Ryder should be dismissed due to insufficient improvement in her levels of attendance. Mrs Grant-Ryder appealed the decision but was unsuccessful. She subsequently filed a claim against the school for discrimination and unfair dismissal.

The Employment Tribunal (ET) stated it was "incumbent upon" the school to consider the following factors when making their decision to dismiss:

- Mrs Grant-Ryder's most recent attendance records and the "lack of any asthma-related absences" in the 2018/19 academic year;
- The likelihood of frequent asthma-related absences recurring in the future;
- Up to date medical evidence.

Judge Povey stated there was "an inherent unfairness" in dismissing Mrs Grant-Ryder when it appeared that her asthma, which had been the main cause of her poor attendance, was under control and would not cause frequent short-term absences in the future. The decision to dismiss was based on the presumption that Mrs Grant-Ryder's attendance would not improve but the ET found that this conclusion "conflated" her asthma-related absences with her shoulder-related absences and was not "reasonably tenable" in light of the evidence available to the school at the time. The claim of unfair dismissal was therefore upheld.

The ET also upheld Mrs Grant-Ryder's claim of disability discrimination and failure to make reasonable adjustments. A remedy hearing was scheduled for a later date.

This case reminds employers that when deciding whether or not to dismiss someone for ill-health it is important to have up to date medical evidence and to ensure all possible reasonable adjustments have been considered. When determining the likelihood of increased attendance, employers should also examine the reasons for an employee's absence, rather than just the number of absences.

EVENTS SEASON

2021

FEB 2  
HR Hangout -  
Challenges for  
HR in 2022



# OLD YEAR'S RESOLUTIONS



There's something odd about the way we use the calendar to prop up our willpower. Researchers in America have ranked the following as the most favoured days for starting a new diet or healthy lifestyle:

- New Year's Day
- Your birthday
- Your anniversary
- New school term day

Does a resolution count if you make it halfway through January? I'm not sure.

Any given Monday!

These launchpad dates are known as temporal landmarks and can apparently aid our willpower, so it's *not* just a case of putting off your calorie counting or Couch to 5K start until Monday - there's evidence to back up your choice.

Probably.

I was going to research it a bit more but I'm really up to my eyeballs in other stuff to do, so I'll definitely look into it on Monday...

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