

Managing Sickness Absence Policy

- Policy Statement
 - 1.1. This School expects excellent levels of attendance at work and is committed to supporting the wellbeing of everyone. The School acknowledges that there may be circumstances when an employee is unable to attend work. If this happens, the employee will be treated fairly and sensitively.
 - 1.2. The policy sets out how the School will manage sickness absence. Further guidance is available in the Managing Sickness Absence How to Guide and this must also be referred to. Please note that the section numbering in the Managing Sickness Absence policy and the Managing Sickness Absence How to Guide are not aligned.
- Scope
 - 1.3. This policy applies to:
 - Teachers including Leadership, Upper Pay Range, Main Pay Range, and Unqualified Teachers
 - Support staff
 - 1.4. This policy does not apply to:
 - Volunteers
 - Contractors
 - Agency Workers
 - 1.5. This policy is non contractual and does not form part of any employee's terms and conditions, except where references are made to sick pay entitlements which are contractual.
 - 1.6. This policy refers to EHCC and Burgundy Book provisions; schools that have adopted different terms and conditions will need to make relevant adjustments.
 - 1.7. Employees that have been subject to a TUPE into the School may be excluded from this policy where they have transferred under a contractual policy. In such cases, the employee should refer to their own contractual policies and procedures. Otherwise they will be subject to this policy.
 - 1.8. This policy on occasion refers to employees with less or more than two years' service. Where this is the case, this refers to continuous service with the same employer.
 - 1.9. Employees with less than two years' employer continuous service may be subject to a shortened procedure as detailed in Appendix One.

1.10. Employees are actively encouraged to contact their professional association/ trade union representative at the earliest opportunity to obtain advice and support at any point during this procedure.

1.11. The School expects all parties to maintain confidentiality throughout the application of the policy.

- **Short-term Sickness Absence**

1.12. **Definition:** Short-term sickness absence is a period or periods of sickness absence that are not continuous and are normally short term in duration. The absences may be for related or unrelated reasons. The impact of the absence is that an employee is unable to attend work regularly and consistently.

1.13. **Policy Stages and principles**

1.14. The possible stages are:

- informal stage
- formal stage one
- formal stage two
- formal stage three - may result in dismissal
- appeal after each formal stage.

1.15. There is a shortened procedure for employees with less than two years' employer continuous service as detailed in [Appendix One](#).

1.16. As a general principle the manager will seek to use the informal stage prior to progressing to the formal stages.

1.17. In exceptional circumstances, it may be appropriate to start at the formal stage without using the informal stage (up to and including stage three). The manager should seek advice from Education Personnel Services in such cases.

1.18. The employee must be given a reasonable period of time to achieve the required improvement before moving to the next stage of the policy.

1.19. An employee may have a disability classified by the Equality Act 2010. In such cases, the Reasonable Adjustment guidance should be reviewed before progressing to the informal or formal stages of the policy.

1.20. **Trigger Points**

1.21. A trigger point is a measure set by the School to monitor absence levels, the types of absence and absence trends.

1.22. Further guidance on setting trigger points is provided in the Managing Sickness Absence How to Guide.

1.23. A short-term absence trigger point in this School is considered as follows:

- 6 working days/shifts* over two or more occasions in the previous 12-month period OR whenever the level, frequency or pattern of absence causes a concern due to operational impact.

1.24. A long-term absence trigger is considered as follows:

- 28 calendar days or more on one occasion*

**pro-rata for employees who work part time or in their first year of service*

1.25. The School can exclude an absence for the purposes of the absence triggers and any action being taken under this policy at that time. This is a management decision. Each case will be treated separately and no precedents will be set.

1.26. Return-to-work interview

1.27. The manager must contact the employee and complete a return-to-work interview following each occasion of sickness absence.

- Informal Stage for Short-term sickness absence

1.28. Reference must be made to the Managing Sickness Absence How to Guide for the full procedural information.

1.29. Informal Stage

1.30. The manager should speak to the employee by having an informal discussion known as a managerial support discussion. Depending on the circumstances, this could become a series of informal discussions.

1.31. Right of Representation

1.32. The employee is not usually accompanied at any discussions within the informal stage of the policy. There may be circumstances when the employee asks to be accompanied and consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process.

1.33. Outcome of informal stage

1.34. The manager undertaking the managerial support discussion(s) must decide on the outcome.

1.35. A record must be made of each discussion. The manager must share the record with the employee. A copy must be kept on the employee's personnel file

Formal Stage for short-term sickness absence

1.36. Reference must be made to the Managing Sickness Absence How to Guide for the full procedural information.

- Formal Stage

1.37. At each formal stage of the policy, the employee must be invited to attend a meeting/ hearing.

1.38. Meetings/hearing arrangements

1.39. The employee must receive in writing the invitation to the meeting/ hearing.

1.40. The letter must give the employee **7 working days'** notice of the meeting/ hearing.

1.41. Formal Record of the meeting/hearing

1.42. A formal record must be taken during the meeting/ hearing. This may be made by audio recording the meeting/ hearing or by a note taker. It is the School's responsibility to make the appropriate arrangements.

1.43. If an audio recording takes place, a copy of the recording must be retained by the School. The School must comply with all relevant retention and storage requirements.

1.44. For governor hearings in maintained schools, there remains a legal requirement to have a written record of the meeting of the Governor Panel.

1.45. Alternative Date

1.46. The School expects that the employee and their representative will make all reasonable efforts to attend the first scheduled meeting/ hearing date and time

1.47. If it is not possible, the employee may propose an alternative date and/ or time. This should be within **5 working days** of the original meeting/ hearing.

1.48. The meeting/ hearing will be rescheduled.

1.49. Sharing of information

1.50. The manager and employee are required to exchange all relevant papers and supporting evidence in advance of the meeting/ hearing. Management documents will be supplied with the invitation letter.

1.51. The employee or their representative must submit all relevant papers and supporting evidence to arrive with the chair at least **3 working days** before a meeting/ hearing.

1.52. Right of Representation

1.53. The employee has the right to be accompanied at a formal meeting by a trade union representative or a work colleague.

1.54. Attending formal meetings/hearings

1.55. If the employee is not well enough to attend the meeting / hearing, it may be deferred until they are able to attend. A meeting/ hearing will not be deferred indefinitely because the employee is unable to attend.

1.56. Outcome of a formal meeting/hearing

1.57. The chair of the formal stage meeting/ hearing must fully consider all evidence presented and decide on an outcome.

1.58. A written warning may be issued and this can be:

- a first written warning of 12 months; OR
- a final written warning of between 12 – 24 months

- **For employees with less than two years' employer continuous service:** a final written warning of between 12 – 24 months.

1.59. At a stage three hearing the employee may be dismissed on the grounds of medical capability. An employee with less than two years' employer continuous service may be dismissed on the grounds of medical capability at any formal stage.

1.60. The chair must confirm the outcome in writing within **5 working days** of the meeting/ hearing. A copy of the outcome letter and any warning must be placed on the employee's personnel file.

1.61. If the outcome is dismissal, any sums owing to the School from the employee will normally be deducted from their final pay.

1.62. **Review meetings**

1.63. Following the formal stage meeting/ hearing the manager must hold scheduled review meetings with the employee.

1.64. **Managing the formal stages**

1.65. The manager can progress to the next formal stage and re-enter at the appropriate point if:

- the employee does not achieve the required improvement.
- there is further absence which may be for a different reason.
- if an improvement is not sustained for a 12-month period following a formal stage one meeting
- if an improvement is not sustained for a 12 - 24 month period following a formal stage two meeting
- the employee has been subject to repeated informal or formal action over a long period, that has not resulted in the required sustained improvement.
- the employee has not been successfully redeployed and/ or has refused a reasonable offer of alternative employment.

1.66. It may be appropriate to start at a formal stage (up to and including stage three) should period or periods of short-term sickness absence follow a period of long-term absence that has been subject to regular reviews. Advice should be sought from Education Personnel Services where this is being considered.

- **Appeal Stage**

1.67. Reference must be made to the Managing Sickness Absence How to Guide for the full procedural information.

1.68. **Appeal Stage**

1.69. The employee has the right to appeal against the outcome of a formal meeting/ hearing. If the employee has less than 2 years' employer continuous service, they do not have the right of appeal against a warning issued (they only have the right of appeal if the outcome is a dismissal).

1.70. **Right of appeal**

- 1.71. The employee must submit their appeal in writing within **10 working days** following receipt of the written outcome of the formal meeting/ hearing. This must include the full reasons for the appeal.
- 1.72. Following an appeal of a formal stage three hearing, there is no further right of internal appeal.
- 1.73. **Appeal meeting**
- 1.74. The employee must be invited to attend a meeting. The letter must give the employee **7 working days'** notice of the meeting.
- 1.75. **Meeting arrangements**
- 1.76. The principles of the [formal stage meeting/ hearing arrangements](#) will apply.
- 1.77. **Formal Record of the meeting**
- 1.78. The principles of a [formal record of the meeting/ hearing](#) will apply.
- 1.79. **Alternative date**
- 1.80. The principles of [alternative date](#) will apply.
- 1.81. **Sharing of information**
- 1.82. The principles of [sharing of information](#) will apply.
- 1.83. **Right of Representation**
- 1.84. The principles of the [formal stage right of representation](#) will apply.
- 1.85. **Outcome of the appeal hearing**
- 1.86. The chair must fully consider all evidence presented and decide on an outcome.
- 1.87. The outcome cannot impose a higher sanction than issued at the formal meeting/ hearing.
- 1.88. The chair must advise the employee of the outcome at the appeal meeting unless otherwise agreed. The outcome must be confirmed in writing within **5 working days** of the meeting.
- 1.89. A copy of the outcome letter must be placed on the employee's personnel file.
- Long-term sickness absence
- 1.90. Reference must be made to the Managing Sickness Absence How to Guide for the full procedural information.
- 1.91. **Definitions:**
- 1.92. **Long-term sickness absence** - occurs when an employee is unable to return to work over an extended period due to an underlying medical condition or conditions.
- 1.93. **A long-term sickness period** may be broken up with short, unsuccessful attempts to return to work in which case it would continue to be managed under the long-term sickness absence process.

1.94. **Health conditions without sickness absence** - occur when an employee's underlying medical condition has an impact on their ability to fulfil the full duties of their role but may not affect their attendance at work. Such cases can be managed under this **long-term sickness absence** section. These concerns may originate as a performance concern, but further review might indicate they are more appropriately managed using the Managing Sickness Absence policy.

1.95. **Policy Stages and principles**

1.96. The possible stages are:

- absence review stage.
- formal stage three meeting - may include a mutual agreement discussion and may result in dismissal.
- appeal - only following a formal stage three meeting.

1.97. A formal decision about the employee's future employment must not be taken at the absence review stage. Such decisions must be made at a formal stage three meeting.

1.98. It may be appropriate to start at the formal stage three meeting should a period of long-term sickness absence follow a period of short-term absence that has been subject to a stage two formal review. Advice should be sought from Education Personnel Services where this is being considered.

1.99. **Absence review stage**

1.100. The School should speak to the employee by having an absence review discussion. Depending on the circumstances, this could become a series of discussions. A record must be made of each discussion.

1.101. As part of the initial absence review discussions the school should consider any [extenuating circumstances](#) before starting any other part of the process.

1.102. **Right of representation**

1.103. The principles of the [informal stage right of representation](#) will apply.

1.104. **Formal Stage 3 meeting**

1.105. The principles of the [formal stage](#) will apply.

1.106. **Formal record of stage 3 meeting**

1.107. The principles of a [formal record of the meeting/ hearing](#) will apply.

1.108. **Alternative date**

1.109. The principles of [alternative date](#) will apply.

1.110. **Sharing of information**

1.111. The principles of [sharing of information](#) will apply.

1.112. **Right of Representation**

1.113. The principles of the [formal stage right of representation](#) will apply.

1.114. **Attending a formal meeting**

- 1.115. The principles of [attending a formal meeting/ hearing](#) will apply.
- 1.116. **Outcome of the formal meeting**
- 1.117. The principles of [outcome of the formal meeting/ hearing](#) will apply.
- 1.118. **Appeal**
- 1.119. The employee has the right to appeal against the outcome of a formal stage three meeting only of the long-term sickness absence section of this policy.
- 1.120. The principles of the [appeal stage](#) will apply.
- Other Policy requirements
- 1.121. Reference must be made to the Managing Sickness Absence How to Guide for further information relating to the following sections.
- Confidentiality
- 1.122. It is expected that all parties involved in the managing sickness absence process will maintain confidentiality as appropriate. This is both within and outside of the School (including social media).
- 1.123. If any party does not maintain confidentiality action may be taken under the Disciplinary policy.
- Right of representation
- 1.124. Employees are actively encouraged to contact their professional association/ trade union representative at the earliest opportunity to obtain advice and support at any point during this procedure.
- 1.125. The employee is not usually accompanied at any discussions within the informal stage of the policy. There may be circumstances when the employee asks to be accompanied and consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process.
- 1.126. The employee has the right to be accompanied at a formal meeting by a trade union representative or a work colleague.
- 1.127. It is the employee's responsibility to:
- arrange their own representative.
 - liaise with their representative to agree the formal meeting/ hearing or appeal meeting date and time.
 - advise management of the representative's details.
- 1.128. There is no right to legal representation at any stage of this policy.
- Sick pay
- 1.129. Details of sick pay entitlements are detailed in an employee's terms and conditions of employment.

1.130. Where the employee's terms and conditions refer to 'normal' pay, this includes the employee's contracted hours, and, if applicable to their role, shift allowance, market supplements, first aid payment, Home Working Allowance and any enhancements paid on their contracted hours due to work undertaken at night or on a Sunday. It does not include sleep-in or standby payments if they were due to work these but could not, due to sick leave.

- Reporting sickness absence

1.131. An employee must report their absence to the School as soon as possible and prior to their normal start time.

- Recording sickness absence

1.132. The School is responsible for recording the start and end dates of the absence to ensure that the payroll provider or payroll system is updated. This is essential to ensure that the employee is paid correctly.

- Keeping in touch during sickness absence

1.133. The School and the employee are required to engage in and maintain appropriate contact during periods of sickness absence.

- Statement of fitness for work certificate

1.134. A Statement of Fitness for Work certificate is required for sickness absences of more than 7 calendar days. A medical practitioner will provide the employee with a Statement of Fitness for Work certificate. The employee must retain the original and provide a **copy** of the Statement of Fitness for Work certificate to the School in a timely manner. The manager will ensure that the copy certificate is received and kept on file.

1.135. If the employee does not provide a Statement of Fitness for Work certificate when requested, they may lose their occupational sick pay entitlement. Action may also be taken under the Disciplinary policy.

- Medical appointments

1.136. An employee must obtain consent from the School if they are required to attend a medical appointment during work time.

1.137. The employee is not entitled to paid time off to attend planned dentist, doctor or hospital appointments. Where possible, such appointments should be taken in the employee's own time unless it is covered by another leave provision.

- Operations

1.138. **Planned operations**

1.139. An employee is responsible for notifying the School in advance of a planned operation

1.140. Emergency operations

1.141. If an employee has an emergency operation, they or a relative/ friend must notify the School at the earliest opportunity.

- Health advice and referral to Occupational Health/medical practitioner

1.142. The manager may seek advice from Occupational Health/a medical practitioner at the earliest opportunity for advice on an employee's health situation and to determine whether a referral to Occupational Health/a medical practitioner is required. In most cases, managers should be able to make decisions about workplace adjustments and support needed for employees without the need for a referral to Occupational Health. Managers can also seek advice on workplace adjustments and support

1.143. If an employee does not co-operate with the referral, any assessment or decision taken will be based on the information available.

- Phased return to work

1.144. A phased return involves a temporary adjustment or adjustments to an employee's role. There is no automatic right to a phased return. A phased return will depend on the nature of the sickness absence and the employee's needs.

- Reasonable adjustments

1.145. Adjustments should be considered to support an employee to remain at work to avoid sickness absence.

1.146. The School and the employee will work together to identify and consider any reasonable adjustments.

1.147. Adjustments to support an employee to remain at work

1.148. Adjustments can be considered to support an employee to remain at work to avoid sickness absence. Adjustments may be of a temporary or permanent nature. Any adjustments must be discussed with the employee before implementing.

1.149. Permanent adjustments

1.150. Where Occupational Health/ medical practitioner recommend a permanent adjustment, the School must consider whether it is a reasonable adjustment which can be made.

1.151. If the adjustment cannot be made, this will be managed under a formal stage three hearing.

- Redeployment

1.152. Redeployment can be considered at any stage in this policy and:

- must not be used as a sanction.
- should result in satisfactory attendance in the new role.
- is subject to a suitable opportunity being available.

- Working whilst off sick

1.153. An employee may have more than one role/ or another employer. Due to the difference in the nature of the two roles, the employee may be on sickness absence from one role whilst still being able to work in the other role.

1.154. Where an employee is off sick from a role, they must not work in a second role, either for the School or another employer, during the normal working hours of the first role.

1.155. Where an employee has two (or more) roles with their employer, all roles are treated the same by HMRC. This means that Statutory Sick Pay (SSP) is paid on all roles for that employer. If an employee continues to work in one role, but is off sick in another, SSP cannot be paid at all. Where a school uses the IBC for payroll, if an employee submits an absence through ESS on one role, this is automatically applied to all roles held with that employer (for example all roles held in HCC community schools and HCC directorates are all under one employer). This means that SSP and Occupational Sick Pay is paid on all roles. The employee must contact the IBC if they are absent from one role but not others, to ensure their records are accurate. Failure to do so may result in an overpayment of SSP and/or reduction in pay in all roles to half/nil pay in accordance with the sick pay scheme. Schools that use other payroll providers should contact their payroll provider where the above applies.

- Extenuating circumstances

1.156. Extenuating circumstances must be considered before taking any formal action under this policy.

1.157. Once a period of absence has been determined as an extenuating circumstance:

- that period of absence cannot later be redefined unless clear evidence to the contrary emerges at a later date
- the absence cannot be taken into consideration when assessing total days absence over a given period of time.

1.158. There are specified exclusions where extenuating circumstances do not apply. These are listed in the Managing Sickness Absence How to Guide.

1.159. **Health and Safety**

1.160. Any Health and Safety issues must be dealt with in accordance with the relevant Health & Safety procedures.

1.161. **Pregnancy-related absence**

- 1.162. A pregnancy-related absence must be excluded when reviewing the employee's absence record.
- 1.163. An employee may have pregnancy related sickness during the last four weeks before the expected week of childbirth. This will automatically trigger the start of the employee's maternity leave.
- 1.164. **Disability-related absence**
- 1.165. The School must take a disability into account when considering an employee's absence.
- 1.166. **Industrial Injury**
- 1.167. **Definition:** An industrial injury occurs when an employee becomes unable to attend work by reason of an accident, injury or industrial disease sustained in the course of their employment with the school (and not being wholly or mainly due or seriously aggravated by the employee's own serious and culpable negligence or misconduct).
- 1.168. It is the Headteacher's responsibility to decide whether a period of sickness absence is as a result of an industrial injury. Further explanation is given in the Industrial Injury How to Guide.
- 1.169. Absence as a result of an industrial injury must still be managed in accordance with this sickness absence policy.
- 1.170. **Industrial Injury Sick pay (EHCC):** Under the EHCC collective agreement, entitlement to sick pay is defined by the NJC Terms and Conditions for Local Government Services National Agreement ('the Green Book'). Details of the sick pay scheme can be found here:
<https://extra.hants.gov.uk/employee/policy-guidance/sickness/sickness-pay>
- 1.171. **Industrial Injury Sick pay (Teachers):** Entitlement to pay is defined by Conditions of Service for School Teachers in England and Wales (the 'Burgundy Book'). See paragraph 9.1 'Absences arising from accidents, injury or assault at work'.
- 1.172. **Personal accident scheme (EHCC):** The Personal Accident Scheme provides benefits in respect of accidents occurring in the course of employment for employees on EHCC terms and conditions. Under Part D of this scheme, Employees on EHCC terms and conditions that are absent through industrial injury for longer than 6 months can claim for loss of earnings.
- 1.173. If an employee that has less than 5 years' employer continuous service at the start of a period of sickness, has a prolonged period of absence, then they may contractually reduce to half or nil pay before they can claim under the Personal Accident Scheme. In these circumstances the Council will ensure the employee does not have a pay reduction before they can claim under the Personal Accident Scheme. This is a non-contractual benefit and may be reviewed or withdrawn at any time.
- Instructions to leave work on health grounds

- 1.174. In exceptional circumstances, an employee may be instructed to leave work where they:
- present as unwell or
 - have a condition which causes concern and poses a risk to them and/or others or they are unfit to carry out their duties.
- 1.175. The employee will remain at home and receive their entitlement to occupational sick pay until it is appropriate for them to return.
- 1.176. **Medical suspension**
- 1.177. In some circumstances, medical suspension may be necessary. Medical suspension decisions must only be taken by the Headteacher, or Chair of Governors in a case involving the Headteacher. This must be on the basis of medical advice.
- 1.178. Suspension can only be lifted by the Chair of Governors or the full governing body.
- 1.179. The Headteacher must seek immediate advice from Education Personnel Services before making any decision to suspend the employee.
- Mutual agreement
- 1.180. As an alternative to a formal stage meeting/ hearing, the School and the employee may discuss a mutual agreement. The contract of employment may be ended by mutual agreement between the employee and the School.
- 1.181. There is no right to appeal a mutual agreement as it is entered into with the consent of both parties.
- Ill-Health Retirement
- 1.182. To be considered for Ill health retirement, the employee must be in a pension scheme and be under the Normal Retirement Age.
- 1.183. Where an assessment of whether an employee meets the criteria for ill health benefits has been stated, but is not yet complete, action to progress under formal stages of this procedure will normally be temporarily suspended pending the outcome of this decision. An assessment has been started once the employee has applied for ill health retirement benefits under the Teacher Pension Scheme, or the Approved Medical Practitioner has been requested by the employer to assess an employee under the LGPS.
- 1.184. Employees in the Local Government Pension Scheme (LGPS): If an employee has applied for Ill Health Retirement, has been unsuccessful, and is appealing this decision under the Individual Dispute Resolution Procedure (IDRP) stage 1, then the following will apply:
- When a formal stage 3 meeting (short-term absence), or final case review (long-term absence) is convened, the panel will make a decision

whether or not there are reasonable grounds for dismissal of the employee on the grounds of ill-health capability

- That decision, and the reasons for it will be communicated to the employee however, that decision will not take effect until the outcome of the IDRP is known.
- Where the outcome of the IDRP stage 1 is to not award Ill Health Retirement benefits, the panel's decision will be re-communicated to the employee along with contractual notice. Where the outcome of the IDRP stage 1 is to award Ill Health Retirement benefits the panel's decision will no longer apply and the next steps will be communicated to the employee.

- 1.185. For clarity, the above steps only apply to appeals under the IDRP stage one where benefits have not been awarded at all. It does not apply where the employee is appealing the tier of benefits that have been awarded, nor to the appeals under IDRP stage two.
- 1.186. Employees in the Teachers Pension Scheme: Appeals under the dispute resolution procedures for these schemes will not impact on any actions taken under this policy.
- 1.187. **Sickness during annual leave**
- 1.188. **For Support Staff who do not work term time only** – if an employee is sick during a period of annual leave, they are entitled to have their annual leave entitlement reinstated.
- 1.189. The principles of recording sickness absence will apply.
- 1.190. **Sickness and accrual of annual leave**
- 1.191. **For Support Staff who do not work term time only** – annual leave will continue to accrue during sickness absence including during periods of half or nil pay.
- 1.192. **Formal action – professional association/trade union representative**
- 1.193. Where there are concerns involving a professional association/ trade union representative, schools must notify and seek advice from Education Personnel Services before taking formal action.

- Appendix One - Managing sickness absence for employees with less than two years' employer continuous service
- 1.194. Reference must be made to the Managing Sickness Absence How to Guide for further information relating to this section.
- 1.195. **Short-term Absence**
- 1.196. **Policy Stages:**
- 1.197. The possible stages are:
- informal stage
 - formal stage – may result in dismissal
 - appeal only against a dismissal.
- 1.198. **Informal stage**
- 1.199. The principles of the [informal stage](#) will apply.
- 1.200. **Formal stage**
- 1.201. The principles of the [formal stage](#) will apply.
- 1.202. **Appeal stage**
- 1.203. The principles of the [appeal stage](#) will apply. An employee only has the right of appeal against a dismissal decision. There is no right of appeal against a warning.
- 1.204. **Long-Term sickness absence**
- 1.205. The principles of [Long-term sickness absence](#) will apply.

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