Sickness Absence Policy and Procedure

ST CLARE
Catholic Multi Academy Trust

Adopted by St Clare Trust Board: June 2025
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ST CLARE CATHOLIC MULTI-ACADEMY TRUST

SICKNESS ABSENCE POLICY AND PROCEDURE

The Trust has developed key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

This Sickness Absence Policy and Procedure has been approved and adopted by St Clare Catholic Multi-Academy Trust for use in all its academies.

DEFINITIONS

In this Sickness Absence Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

i. 'Academy' means any academy operated by St Clare Catholic Multi-Academy Trust and includes all sites upon which the Academy undertaking is, from time to time, being carried out.

ii. 'Board' means the board of Directors of the Trust.

iii. 'Chair' means the Chair of the Board as appointed from time to time.

iv. 'Clerk' means the Clerk to the Board as appointed from time to time.

v. 'Companion' means a willing work colleague, or a trade union official, an accredited representative of a trade union or other professional association of which the employee is a member, who should be available for the periods of time necessary to meet the timescales under this Sickness Absence Policy and Procedure.

vi. 'Diocesan Schools Commission' means the education service provided by the Diocese of Hallam which may also be known, or referred to, as the Diocesan Education Service.

vii. 'Directors' means directors appointed to the Board from time to time.

viii. 'Governor' means governors appointed to the Local Academy Committee from time to time.

ix. 'Head teacher' means the most senior teacher in the Academy who is responsible for its management and administration. Such teacher may also be referred to as the Head of School or Principal.

x. 'Local Academy Committee' means the body carrying out the employment functions of the Trust in relation to the Academy and such term may include the Board or the Local Academy Committee.

xi. 'Trust' means St Clare Catholic Multi-Academy Trust, which is the company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.

xii. 'Vice-Chair' means the Vice-Chair of the Board as elected from time to time.

xiii. 'Working Day' means any day on which you would ordinarily work if you were a full-time employee. In other words, 'Working Day' may apply differently to teaching and non-teaching staff. However, part-time, and full-time staff will not be treated differently for the purposes of implementing this Sickness Absence Policy and Procedure.

xiv. 'Working Week' means any week during which you would ordinarily work.

1. SCOPE

1.1 This Sickness Absence Policy and Procedure applies to you if you have a contract of employment with the Trust or a school within the Trust (hereinafter referred to as an "employee" or "you"). Self-employed workers, volunteers and agency workers are not covered by this policy. Regular attendance at work is an implied term within every employee's contract of employment. However, it is recognised that employees, on occasion, will experience ill health and be absent from work.

1.2 The purpose of this Sickness Absence Policy and Procedure is to establish a framework for the effective management of staff sickness absence considering both the wellbeing of employees and the requirements of the Trust to deliver an effective education to its pupils. In implementing this Sickness Absence Policy and Procedure, the aim is to promote honest and constructive discussions and regular attendance at work.

1.3 All discussions and sensitive medical and personal information about staff members' sickness and other absences will be treated confidentially by all parties concerned. This data will be collected, used, and stored in line with the Data Protection Act 2018. Please refer to our privacy notice for staff members for more detail on how data will be processed. An employee is entitled to have access, by arrangement, to their staff file and to request the deletion of time-expired records in line with the provisions of the General Data Protection Regulation and the Data Protection Act 2018.

1.4 The Trust delegates its authority in the manner set out in this policy.

1.5 When implementing this policy and procedure, the Trust should have regard to: The Health and Safety at Work Act 1974, the Trust's Health and Safety Policy and Procedure, Equality Act 2010, and Working Time Regulations 1998.

1.6 Where references are made to other policies within this policy document, they can be found on the Trust's intranet, here: Policies – St Clare Catholic Multi Academy Trust (stclarecmat.org.uk).

1.7 The Trust is committed to providing a supportive working environment for all employees. The Trust is also committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this policy. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the Academy community, which includes all the schools within the Trust.

1.8 Reasonable adjustments to this procedure may be considered in appropriate cases, depending on the specific circumstances. Any modifications to this procedure will be discussed with the employee and a record of the modifications will be kept on staff file. Consideration will be given to any difficulties which an employee may be experiencing, and the Trust will provide reasonable support and assistance to help the employee to overcome them. Such support and assistance may include, where appropriate, the Trust will seek medical or other advice regarding the effective management of any sickness absence.

1.8 The Trust will support staff who receive a terminal diagnosis to ensure that they are able to meet this challenging time without financial loss. Terminally ill staff will not be subject to ill health dismissal due to their condition. The Trust will ensure that the family have a point of contact to support them.

1.9 The procedures within this Sickness Absence Policy and Procedure encourage employees to share their mental health concerns in the knowledge that the Trust will provide appropriate support when the employee seeks help. All Trust staff have access to Education Support, a charity providing counselling services to everyone working within the education sector. Employees experiencing mental health challenges will have access to appropriate reasonable adjustments and Occupational Health referrals as set out in this Policy and Procedure.

1.10 All personal and sensitive personal data obtained during the application of this Sickness Absence Policy and Procedure will be handled confidentially, in accordance with the Trust's Data Protection Policy and GDPR regulations.

Responsibilities

Head Teacher

The Head teacher is responsible for making sure that:

- This sickness and absence policy is applied consistently across our schools and that it is in line with equality legislation.
- All staff are aware of this policy and their responsibilities.
- Own line management responsibilities within this policy for those staff that report into their role.

Line managers

Line managers have day-to-day responsibility for the application of this policy.

If employees have questions about this policy, they should refer to their line manager in the first instance.

Line managers are responsible for:

- Supporting staff and managing ill-health matters confidentially and sensitively, and in line with the Data Protection Act 2018
- Return to work meetings.
- Promoting positive working arrangements, including monitoring workload and maintaining effective communication with staff
- Monitoring staff absence and following the procedures on managing staff absence if 'trigger points' are reached within section 9.3.
- Liaising with payroll promptly if a staff member's pay needs to be adjusted due to their absence
- Giving due regard to equality legislation and taking any disability requirements into consideration

2. GENERAL PRINCIPLES

The Trust will:

2.1 Never ignore sickness absence
2.2 Monitor sickness absence
2.3 Ensure that short term absences do not go unnoticed

2.4 Take swift, supportive action if the absence is work related
2.5 Keep accurate, up to date, employee attendance records
2.6 Handle attendance problems promptly and sensitively, in a supportive manner
2.7 Develop and maintain an atmosphere that encourages people to come to work
2.8 Ensure that employee wellbeing is monitored and that an atmosphere is developed in which employee wellbeing is given due importance
2.9 Deal with each person as an individual
2.10 Treat all staff fairly and consistently
2.11 Keep the Academy's sickness absence rate under review
2.12 Seek support and advice from its HR provider, Occupational Health, and the Diocesan Schools Commission, as appropriate.

3. INFORMAL APPROACH

3.1 Prior to initiating the formal steps set out in this Policy and Procedure, where a pattern of absence or frequency of absence is a cause for concern your line manager or the Head teacher will have an informal discussion with you about your absence from work.

Where the absence relates to the Head teacher, this meeting will be with the Chair of the LAC.

3.2 Depending on the circumstances and the cause of your absence, an informal discussion may lead to agreeing assistance and support to help improve and maintain your attendance levels. This may include a referral to Occupational Health.

3.3 Following an informal discussion, you will be provided with a note of the discussion, within 5 working days and you will have an opportunity to provide written comments on the note of the meeting prior to it being included on your staff file. The note of the meeting will include details of any approaches agreed with you to help improve and maintain your attendance.

3.4 The Trust is not procedurally required to implement an informal approach to investigating the reason for your absence although the Trust acknowledges that it is good practice to do so. It is your responsibility to follow the appropriate procedure for informing the Trust of the reason for your absence and to fulfil your obligations as set out in Section 4 below. Periods of absence that are managed using an informal approach count towards the review points set out in Sections 9 and 10.

4. EMPLOYEE'S OBLIGATIONS

Employees are expected to:

4.1 Attend work when fit to do so.
4.2 Comply with the Trust's sickness notification procedure.
4.3 Seek medical advice, accept treatment, and follow health professionals' guidance about lifestyle recommendations to facilitate a return to work or minimise sickness absence.
4.4 Keep in regular touch (consistent with the time periods on your Fit Notes) and inform the Head teacher or nominated person (or where the absence relates to the Head teacher, the LAC Chair), of any developments impacting the period of absence.
4.5 Attend all medical appointments, (including Occupational Health appointments as required).
4.6 Inform the Head teacher (or where the absence relates to the Head teacher, the LAC Chair) immediately of any side effects associated with your health condition and/or medication that could have an impact on your suitability to undertake your role or where relevant work with children. A risk assessment will be completed to protect you and others, to mitigate any risks that are identified.
4.7 Keep your emergency contact details up to date.

5. SICKNESS NOTIFICATION PROCEDURE

5.1 As soon as you are aware that you will be absent from work, you must contact the Academy/Trust in accordance with the terms of your Contract of Employment and absence reporting procedure for your school/Trust. If you do not report for work and you have not explained the reason for your absence you can expect to be contacted by either telephone, email, letter or text by your line manager or other nominated individual who will enquire after your health. Specific procedures for reporting sickness absence are found in the Appendix.

5.2 You should contact the Academy/Trust personally and not ask third parties (such as members of your family or friends) to inform the Academy/Trust on your behalf. This is because the Academy/Trust cannot be certain of the identity of the third party and whether they are acting in your interests. In exceptional circumstances where you are physically incapable of communicating with the Academy/Trust yourself, (for example due to being hospitalised), it may be necessary for the Academy/Trust to rely on a third-party's explanation for your absence.

5.3 Brief details of the reason for your absence and, if possible, some indication of a likely return to work date should be shared during this contact. Any handover regarding current work will help the Academy/Trust make appropriate cover arrangements. You should ensure that the Academy/Trust is kept informed of your expected return to work date.

5.4 If your absence is the result of an accident or an injury sustained at work this information must be shared with your line manager or Head teacher. You should indicate if the incident has been reported, when it was reported and to whom.

5.5 If you remain unfit for work after three successive Working days you must contact the Head teacher or nominated person on the fourth day of absence and advise them of the likely duration of your continued absence according to any medical advice you may have received.

5.6 Details of self-certification needed as part of the process can be found for academy/Trust can be found at

Appendix 1. A 'Fit Note'*must be provided by all staff and sent to your line manager/Head teacher or other nominated person from the 8th calendar day of sickness (when counting days for this purpose, Saturdays and Sundays are included). Its contents will be considered carefully when deciding what the next steps should be. Where a Fit Note* indicates that you are fit for work but with adjustments, you will be invited to meet with the Head teacher, your line manager or other nominated person to discuss what adjustments are needed and can be made. Where it is not possible to meet the suggested adjustments, you will remain on sickness absence until it is possible to make the adjustments or until adjustments are no longer required.

*With effect from July 2022, a Fit Note can be signed by any of the following registered and practising health professionals: Doctor, Nurse, Pharmacist, Physiotherapist or Occupational Therapist.

5.7 If more than one Fit Note is required for any period of absence, you must keep the Head teacher, or nominated person, updated about your health in accordance with the frequency of the doctor's statement. The line manager, Head teacher or other nominated person, may make reasonable contact with you during your sickness absence, in addition to your contact. The purpose of maintaining contact during periods of sickness absence is to ensure that the educational needs of the Academy/Trust are fulfilled, to give you the opportunity to indicate if there are any ways in which the Trust may be able to support you and to give you the opportunity (if you wish) to be kept up to date with developments at the Academy/Trust.

5.8 If you require information about sick pay entitlements, please refer to the relevant provisions in the Burgundy Book or the Green Book as appropriate. The payroll team can be contacted by emailing: payroll@stclarecmt.org.uk.

6. RETURN TO WORK DISCUSSIONS

6.1 After **each** period of absence your line manager (or other appointed person) will welcome you back to work withinthree Working days of your return and m may discuss with you (depending on the circumstances) some/all the following:

(a) the reasons for your absence;
(b) whether the appropriate notification was provided;
(c) your fitness to work; and
(d) whether you need any support from the Trust which may include, an occupational health referral, risk assessments, reasonable adjustments.

6.2 A record of this return-to-work discussion will be placed on your staff file, and you will be provided with an opportunity to provide written comments on this record prior to it being included in your staff file and a copy given to you.

6.3 Your line manager (or other appointed person) may use the return-to-work discussion as an opportunity to bring you up to date with developments within the Academy/Trust during your absence.

6.5 You may prefer not to discuss the reasons for your absence, with your line manager (or other appointed person) and, in this case, you may hold the return-to-work discussion with a member of the senior leadership team identified by the Head teacher. If you have any preference in relation to the identity of the member of the senior leadership team, for example, because you would prefer to have the discussion with somebody of the same sex, such a request will not be unreasonably refused.

6.6 All return-to-work discussions will be supportive and will seek to manage any issues that might lead to future absence.

6.7 It should be noted that a return-to-work discussion will be held following every period of absence regardless of its duration. If a review point has been reached as outlined in Sections 9 or 10 a return-to-work discussion will still be held, and the employee will be informed within this discussion that they will receive an invitation to a Formal Absence Review Meeting.

6.8 In some cases for example, if you have been absent for a long period and/or need adjustments to support your return to work, it may be appropriate to arrange for a return-to-work discussion to take place before the day of your return. This may include considering a planned phased return to work.

7. OCCUPATIONAL HEALTH REFERRAL

7.1 The Trust may, at any time it considers appropriate, refer you to Occupational Health for an assessment of your health and:

(a) its impact on your attendance at work
(b) its impact on your fitness to perform the duties required by your employment
(c) its impact on your ability to attend formal meetings or interviews
(d) what reasonable steps the Trust could take to improve your health and/or attendance, particularly where the Occupational Health assessment concludes that the condition is work related.

7.2 A referral to Occupational Health is a supportive measure and you are expected to participate fully where such a referral is made. Occupational Health appointments will be scheduled during working time, where possible. The process for occupational health referral, consent, etc at each academy will be found in the academy appendix. Referrals will be made in accordance with the Access to Medical Reports Act 1988.

7.3 Before making any decision to dismiss you on notice under this Sickness Absence Policy and Procedure the Trust will have referred you for at least one Occupational Health assessment. Where several assessments have been made the Trust will usually consider the most recent assessment but will consider any progress/change in circumstances between each one.

7.4 Notwithstanding Section 7.3 above, if you decide not to engage in an Occupational Health referral the Trust will decide based upon what information it has access to ie without medical advice.

8. ABSENCE REVIEWER, FINAL ABSENCE REVIEWER AND APPEAL MANAGER

The table below sets out the persons to be appointed, where possible, throughout the stages of the sickness absence review procedure depending on the person who is/has been absent from work due to sickness:

Employee	***Absence Reviewer***	***Final Absence Reviewer***	***Appeal Manager***	***Appeal Manager***
Trust Chief Executive Officer	A Foundation Director (other than the Chair or Vice-Chair) appointed by the Vice-Chair	Directors' Absence Panel appointed by the Vice-Chair	A Foundation Director (other than the Chair) appointed by the Vice-Chair	Directors' Appeal Panel, appointed by the Vice-Chair
Executive staff, other than the Chief Executive Officer	Chief Executive Officer	Directors' Absence Panel appointed by the Vice-Chair	A Foundation Director (other than the Chair) appointed by the Vice-Chair	Directors' Appeal Panel, appointed by the Vice-Chair
Trust central team (support staff)	Line Manager	Chief Executive Officer	A Foundation Director (other than the Chair) appointed by the Vice-Chair	Directors' Appeal Panel, appointed by the Vice-Chair
Head teacher including Executive Head teachers	Chief Executive Officer	Governors' Absence Panel appointed by the Vice-Chair of the Local Academy Committee	A Foundation Director (other than the Chair or Vice-Chair of the LAC) appointed by the Vice-Chair of the LAC	Directors' Appeal Panel, appointed by the Vice-Chair of the LAC
Other Leadership Spine	Head teacher	Governors' Absence Panel appointed by the Chair of the Local Academy Committee	Chief Executive Officer (or HR Director)	Governors' Appeal Panel appointed by the Vice-Chair of the Local Academy Committee
Other Teaching Staff	Head teacher or a sufficiently senior member of staff appointed by the Head teacher	Governors' Absence Panel appointed by the Chair of the Local Academy Committee	Chief Executive Officer (or HR Director)	Governors' Appeal Panel appointed by the Chair of the Local Academy Committee
Other Support Staff	Head teacher or a sufficiently senior member of staff appointed by the Head teacher	Governors' Absence Panel appointed by the Chair of the Local Academy Committee	Chief Executive Officer (or HR Director)	Governors' Appeal Panel appointed by the Chair of the Local Academy Committee

9. PERSISTENT INTERMITTENT ABSENCE

9.1 Persistent intermittent sickness absence can be defined as frequent short-term absences from work that are normally sporadic and attributable to minor ailments, in many cases such periods of absence are unconnected. If periods of persistent intermittent sickness absence are for the same illness, a referral to Occupational Health may be required.

9.2 Education provision is impacted by the frequency of persistent intermittent absences. The reasons behind persistent intermittent absences will always be investigated as absences can only be managed by monitoring and effective management.

Persistent intermittent Absence Review Points

9.3 When the following review points are reached, the Trust will consider whether a Formal Absence Review Meeting is required. Decisions will made on an individual basis and a Formal Absence Review Meeting will not take place automatically as soon as a review point is reached, reference can be made to section 1.9.

(a) Sickness absence of 10 or more Working days in any 12-month period, accrued over 3 or more periods of absence.

(b) Sickness absence of 6 or more Working days in any 4-month period accrued over 2 or more periods of absence.

(c) Two periods of sickness absence of 4 or more Working days in any 12-month period.

(d) Any levels of absence which show a trend will be investigated e.g. Friday to Monday absences, monthly dates (e.g. last Friday every month) and any other notable pattern. Reviews will explore where there are any relevant potential underlying health issues may be the cause of patterns eg menstrual, fertility issues and the menopause.

10. LONG TERM ABSENCE

10.1 Long-term absence, is defined as an absence lasting at least 4 calendar weeks due to serious health or planned medical procedure and is continuous. It can be due to an underlying medical condition. The employee will have access to occupational health services including counselling. These will be sign posted by the school.

Long Term Absence Review Points

10.2 Any long-term absence of 4 Working Weeks or more will normally lead to a Formal Absence Review Meeting, but each case will be considered individually. Where a Fit Note identifies that you will be absent from work for a period of 4 working weeks, any Formal Absence Review Meeting will be held towards the end of the certified period of absence.

11. FORMAL ABSENCE REVIEW MEETINGS

11.1 Where a Formal Absence Review Meeting is due to take place in accordance with Sections 9.3 or 10.2 above, the Trust will appoint an Absence Reviewer in accordance with Section 8. The Absence Reviewer will write to you inviting you to a Formal Absence Review Meeting.

You can be accompanied by a work colleague or trade union representative in accordance with Section v. on page 2 of this policy.

You will be given at least 10 working days' written notice of this meeting. With this letter you will receive a copy of the absence report, and this will include:

(a) details of your absences from work indicating the reasons given for the absence
(b) summary of any reasonable adjustments that have been considered or implemented with a view to reducing your absence or assisting your return to work
(c) copies of self-certificates , Fit Notes and any medical reports including those from an Occupational Health provider.

11.2 The letter will summarise the possible outcomes of this meeting. At Stage 3 of the process this will include the possibility of the termination of your employment, due to ill health capability.

11.3 At a Formal Absence Review Meeting you will have the opportunity to:

(a) Present any relevant medical evidence
(b) Request reasonable adjustments eg including any phased return to work, flexible working, change or reduction of duties and/or working hours NB any reduction in hours worked will be paid on a pro rata basis.

11.4 Any evidence you wish to present at a Formal Absence Review Meeting should be provided to the Absence Reviewer at least two working days prior to the meeting.

11.5 Formal Absence Review Meetings may be adjourned if further information is required by the Absence Reviewer. You will be given at least 10 Working days' written notice of any reconvened meeting, and you should provide any evidence you wish to present at the reconvened meeting at least 2 Working days prior to the meeting.

12. FORMAL RESPONSES

12.1 The Absence Reviewer will send you a copy of the notes of the Formal Absence Review Meeting and will confirm the outcome of the Formal Absence Review Meeting in writing within 5 Working days of the date of this meeting. The Absence Reviewer may, in addition to making an Occupational Health referral, make the following formal responses:

(a) <u>No action is required</u>

The Absence Reviewer may conclude that no action is required, and your absence will continue to be monitored.

(b) <u>Reasonable adjustments to working arrangements</u>

These will vary on a case-by-case basis depending on your circumstances, how practical they are to implement and the type of role you are returning to. Please note that reasonable adjustments can be made/reviewed at Stage 1 and Stage 2.

(c) Where a Stage 1 or 2 Absence review letter is issued

There will be an interim progress review with your line manager or Head teacher to discuss your attendance record and to check that any reasonable adjustments are in place, what medical support you have received and what improvements this has had. Amendments to reasonable adjustments/support can be discussed, where practical, if what has been implemented has not had any impact or has not been practical. The timing of the interim review will be set halfway through the review period or at a time that is appropriate in the circumstances prior to the next formal absence review.

(d) Stage 1 Absence Letter

Persistent Intermittent Absences

(i) Following a Formal Absence Review Meeting for persistent intermittent absences this letter will state that if you are absent from work for two or more working days (need not to be consecutive) in the next six months you may be invited, subject to the circumstances, to a further Formal Absence Review Meeting where you may be at risk of being issued with a Stage 2 Absence Letter.

(ii) Progression through the stages will be considered on a case-by-case basis. The two or more working days absence do not need to be consecutive. A Stage 1 Absence Letter may, if appropriate, be accompanied by an action plan which provides details of any improvements necessary to achieve satisfactory levels of attendance and the timescale for improvement including details of any support or training to be provided.

Long Term Absence

(i) For long-term sickness absence this letter will state that if you have not returned to work within 4-12 Working Weeks there may be a further Formal Absence Review Meeting. The period will depend upon the availability of medical evidence. At the next Formal Absence review Meeting. The Absence Reviewer may, in addition to making an Occupational Health referral, issue you with another Stage 1 Absence Letter or a Stage 2 Absence Letter, or may determine that no further action is required.

(ii) If you have returned to work by the time of the Formal Absence Review Meeting, the Stage 1 Absence Letter will acknowledge this and will state that if you are absent from work for one or more working weeks in the next six months you may be invited to a further Formal Absence Review Meeting where you may be at risk of being issued with a Stage 2 Absence Letter.

(e) Stage 2 Absence Letter

Persistent Intermittent Absence

(i) The Stage 2 letter will state that if you are absent from work in the next six months you may be referred to a Final Absence Review meeting and that this could lead to the termination of your employment. A Stage 2 Absence Letter may, if appropriate, include an action plan which provides details of any improvements necessary to achieve satisfactory levels of attendance and the timescale for improvement. Details of any reasonable adjustments, support, or training to be provided. This will be summarised within this letter.

Long Term Absence

(ii) This letter will state that if you have not returned to work to work within 4-12 working weeks you may be referred to a Final Absence meeting. Which could lead to the termination of your employment for ill health capability. The period will depend upon the available medical evidence. If you have returned to work by the time of the Formal Absence Review Meeting, the Stage 2 Absence Letter will acknowledge this and will state that if you are absent from work for one or more working week in the next six months you may be referred to a Final Absence Review Meeting which could lead to the termination of your employment.

Stage 3 Final Review Meeting

12.2 The Trust will appoint a Final Absence Reviewer in accordance with Section 8. The Final Absence Reviewer will invite you to a Final Absence Review Meeting. You will be given at least 10 Working days' written notice of such meeting. You will be sent an updated absence report summarising the information listed in Section 11.1 and will include an up-to-date Occupational Health an assessment. The letter will state that a possible o outcome of the Final Absence Review Meeting could be the termination of your employment.

12.3 Any evidence you wish to present at the Final Absence Review Meeting should be provided to the Final Absence Reviewer at least two working days prior to the meeting.

12.4 A Final Absence Review Meeting may be adjourned if further information is required by the Final Absence Reviewer. You will be given at least 5 Working days' written notice of any reconvened meeting, and you should provide any evidence you wish to present at any reconvened meeting at least two Working days prior to the meeting.

12.5 You will be sent a copy of the notes of the Final Absence Review Meeting and the outcome of this meeting will be confirmed in writing, within 5 w working days of it taking place. The outcome of the Final Absence Review Meeting could be to de-escalate to Stage 2, with a further review period and possible further adjustments or that your contract of employment is terminated due to ill health capability.

Dismissal with Notice

Persistent Intermittent Absence the Final Absence Reviewer will consider:

(i) The total absence and pattern of absence.
(ii) The available medical prognosis.
(iii) Advice from Occupational Health.
(iv) The reasons provided for the absence.
(v) How long the employee has worked for the Trust.
(vi) Is this a key role and the ease of recruiting cover.
vii) How long can the Academy/Trust effectively function without the employee's contribution?
(viii) The additional demands the persistent intermittent absence has created for other employees within the Academy/Trust.
ix) What reasonable adjustments/flexible working interventions were considered and put in place. What was the impact of these on attendance?
xi) What other support was offered by the Academy/Trust and the impact this had on attendance.
(xii) Has the employee followed medical advice, take any action or made any lifestyle changes to improve their health, and improve their attendance

Long Term Absence the Final Absence Reviewer will consider:

(i) The available medical prognosis.
(ii) Advice from Occupational Health.
(iii) The prospect of return to work.
(iv) How long the employee has worked for the Trust .
(v) Is the job a key/specialist role and the ease of recruiting cover.
(vi) The additional demands the absence has created for other employees of the Academy/Trust.
(vii) Whether alternative employment is available and suitable.
(viii) Where you are a member of a pension scheme, if Ill-health retirement criteria have been explored/met
(ix) What reasonable adjustments or flexible working practices were considered or implemented and the impact this has had on the ability to return to work; impact on colleagues and the role undertaken.

12.6 Where your employment is terminated, the Final Absence Reviewer will recommend to the Trust that your employment is terminated. The Board will ratify the decision.

12.7 Where your employment is terminated at Stage 3:

(a) If your contract of employment has a garden leave clause, the Trust may exercise that clause so that you are not required to attend the Academy/Trust during your notice period but remain employed. You will be bound by the terms of your contract of employment until the expiry of the notice period. Where appropriate, the purpose of garden leave is to ensure an effective handover and sign posting to facilitate cover.

(b) If your contract of employment has a payment in lieu of notice clause, the Trust may implement that clause to bring your contract to an end with immediate effect.

13. APPEAL

13.1 You may appeal against a Stage 1 Absence Letter or a Stage 2 Absence Letter by writing to hr@stclarecmat.org.uk within 10 working days of the date of receipt of the relevant letter.

13.2 You may appeal against an ill health capability dismissal by writing to hr@stclarecmat.org.uk within 10 working days of receiving the notification of termination in writing.

13.3 Any appeal letter registered in accordance with Sections 13.1 or 13.2 above should identify the basis of your appeal this may be for example (for illustration purposes only):

(a) that the action taken was unfair.
(b) that this Sickness Absence Policy and Procedure was applied incorrectly or unfair.
(c) that new medical evidence has come to light which was not available when the relevant decision was made by the Absence Reviewer or the Final Absence Reviewer.
(d) that the sanction was too harsh.

13.4 An appeal request will not delay the commencement of any period covered by an Absence Letter or any notice period.

13.5 An appeal will normally be heard within 20 working days of the Trusts HR team receiving your appeal letter. You should provide any evidence you intend to present at your appeal, at least 2 working days before the Appeal meeting.

13.6 You will be provided with it at least 10 Working days' notice prior to the Appeal Meeting and you will be given the opportunity to comment on the Absence Report during the Appeal Meeting. If you choose not to attend the Appeal Meeting, you will be given an opportunity to put forward a written submission responding to the absence report being considered by the Appeal Panel.

13.7 If you are submitting new information to the Appeal panel this should be sent to the Trusts HR team before the Appeal meeting within 3 Working days of the appeal date. The Appeal panel will consider all the evidence provided in reaching their decision.

13.8 The outcome of the Appeal will be confirmed in writing to you within 5 Working days of the date of the meeting. The decision of the Appeal panel is final. The potential outcomes of the Appeal Meeting are:

(a) the decision of the Absence Reviewer or Final Absence Reviewer (as appropriate) and any sanction imposed will be upheld; or
(b) the Appeal Manager may uphold the employee's appeal and reduce the sanction to a Stage 2 or
(c) the Appeal Manager may uphold the employee's appeal and decide that an additional period of monitoring and/or adjustments being put in place.

13.9 Should your appeal against dismissal be successful, you will be reinstated with no break in your continuous service and your absence will continue to be monitored.

14. DIRECTORS' AND GOVERNORS' PANELS

14.1 Directors' Absence and Appeal Panels shall comprise three non-staff Directors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff Directors not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Directors' Absence or Appeal Panel but only if they have not previously been involved in the matter.

14.2 In the exceptional event that there are insufficient numbers of Directors available to participate in a Directors' Absence or Appeal Panel, the Trust may appoint associate members solely to participate in the appropriate Directors' Absence or Appeal Panel on the recommendation of the Diocesan Schools Commission.

14.3 Governors' Absence and Appeal Panels shall comprise three non-staff Governors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff Governors not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Governors' Absence or Appeal Panel but only if they have not previously been involved in the matter.

14.4 In the exceptional event that there are insufficient numbers of Governors available to participate in a Governors' Absence or Appeal Panel, the Trust may appoint Governors from another academy in the Trust to the appropriate Governors' Absence or Appeal Panel.

15. COMPANION

15.1 You may be accompanied at any return-to-work discussion, informal discussion, Formal Absence Review or Final Absence Review and at any subsequent Appeal Meeting. Who can be a companion is identified on page 2, section v.

15.2 You must let the relevant Reviewer or Manager know who your companion will be at least two working days before the relevant meeting.

15.3 If you have any needs, for example, because you have a disability, you can be accompanied by a suitable helper.

15.4 Your Companion can address the meeting to:

(a) put your case;
(b) sum up your case;
(c) respond on your behalf to any view expressed at the meeting; and
(d) ask questions on your behalf.
(e) Your Companion can also confer with you during the meeting.

15.5 Your Companion should not:

(a) answer questions on your behalf;
(b) address the meeting if you do not wish it; or
(c) prevent you from responding

15.6 Where your companion cannot attend the date or time set for the meeting, the relevant meeting will be postponed for a period not more than five working days from the date set by the Trust. Should your Companion subsequently be unable to attend the rearranged meeting, you will be asked to find a substitute, alternatively you can choose to provide a written submission instead.

16. TIMING OF MEETINGS

15.1 The aim is that meetings under this Sickness Absence Policy and Procedure will be held at mutually convenient times, but depending on the circumstances, meetings may:

(a) need to be held when you were timetabled to teach (if that is appropriate to your role);
(b) exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation (if that is appropriate to your role);
(c) exceptionally be held after the end of the academy day;
(d) not be held on days on which you would not ordinarily work;

(e) be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

15.2 Where an employee is persistently unable or unwilling to attend a meeting without good cause, the relevant manager will decide based upon the evidence that is available at the time.

16. VENUE AND FORMAT OF MEETINGS

The relevant reviewer or manager can hold the meeting off the academy site at the request of the employee. Any reasonable request to do so will not be unreasonably refused. If the employee is unable to attend a meeting in person due to illness, alternative arrangements will be made where this is possible. The use of written submissions and/or technology may also, assist with this eg Zoom or Microsoft Teams.

17. ASSISTANCE

In all cases involving the Head teacher or a person on the Leadership Spine, or the potential or actual dismissal of any other member of staff, the Diocesan Schools Commission may send a representative to advise the Absence Reviewer, the Final Absence Reviewer, or the Appeal Manager.

18 UNAUTHORISED ABSENCE/FALSE INFORMATION

18.1 Unauthorised absence will be managed via the Trust's Disciplinary Policy and Procedure and could result in disciplinary action up to and including dismissal.

18.2 The provision of any false information will be managed by the Trust's Disciplinary Policy and Procedure and may result in disciplinary action up to and including dismissal.

The Trust's Disciplinary Policy can be found on the St Clare CMAT intranet.

Appendix 1

Procedures for reporting absence, self -certification and occupational health referral at [insert name of school]

Reporting sickness absence

Note here your procedures, covering:

Who should members of staff notify? How (e.g. phone number, etc)
What time should notification be made (if possible)?
Members of staff expected to notify ongoing absence in accordance with frequency of fit notes.
What should a member of staff do if they become unwell during the school day?

Self-certification

Note here your procedures, covering:

Self-certificates are to be completed from day 1 of absence up to calendar day 7 .
Non-working days are included in this count. From day 8 a Fit Note is to be provided. *
How do members of staff self-certify (e.g. is there a form? Where is it found? Who does it go to?)

Referral to occupational health

Note here your procedures, covering:

How will consent be sought? (E.g. Is there a standard letter or form? Attach it as an additional appendix)
Who will make an occupational health referral?
How will the report be shared and discussed?

*fit notes can be signed by the following registered and practising health professionals:

- Doctor
- Nurse
- Pharmacist
- Physiotherapist
- Occupational Therapist

Available Support: It is important for anyone who has a health condition to access information and support. The links below may be helpful for accessing this from one of many external agencies available.
Access to work can help you get or stay in work if you have a physical or mental health condition or disability. The support you get will depend on your needs and through Access to Work, you can apply for: • a grant to help pay for practical support with your work • support with managing your mental health at work • money to pay for communication support at job interviews Access to Work: get support if you have a disability or health condition: What Access to Work is - GOV.UK (www.gov.uk)
Dementia / Alzheimer's www.alz.org www.alzheimers.org.uk
Equality Act 2010 - Equality Act 2010 (legislation.gov.uk)
Fit Notes – www.gov.uk/government/collections/fit-note
Macmillan Cancer Support – are a Cancer care charity which provides advice support and information about cancer to anyone who needs it. You can find out what support and information is available via their website. Macmillan Cancer Support | The UK's leading cancer care charity
Mind UK- provide advice support and information about mental health. Their website is available to access via the link below.www.mind.org.uk
Menopause: menopausesupport.co.uk – Supporting You Through Change www.womens-health-concern.org
Neurodiversity The ADHD Foundation British Dyslexia Association Employment Autism National Autistic Society www.autism.org.uk
Stroke/Brain Injury The Brain Charity
Talking Therapies – https://www.shsc.nhs.uk/services/sheffield-talking-therapies-formerly-iapt
Wellbeing Charter (DfE document) www.gov.uk/guidance/education-staff-wellbeing-charter
Teachers Pensions - www.teacherspensions.co.uk
South Yorkshire Pensions- www.sypensions.org.uk