



# Sickness Absence Policy

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Committee Approval	HR and Ops 19/01/2021	Board approval	10/2/2021



## ST. JOHN PAUL II MULTI-ACADEMY COMPANY SICKNESS ABSENCE POLICY AND PROCEDURE

### DEFINITIONS

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

- i. All the Individual schools within the St John Paul II Multi Academy means the academy named at the beginning of this Sickness Absence Policy and Procedure and includes all sites upon which the academy undertaking is, from time to time, being carried out.
- ii. **'Academy Company'** means the company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.
- iii. **'Board'** means the board of Directors of the Academy Company.
- iv. **'Chair'** means the Chair of the Board or the Chair of the Local Governing body (LGB) of the individual school appointed from time to time, as appropriate.
- v. **'Companion'** means a willing work colleague not involved in the substance of the employee's performance issues under review by this Sickness Absence Policy and Procedure, or an accredited trade union representative or an official employed by a trade union who will be expected to make themselves available for the periods of time necessary to meet timescales under this Sickness Absence Policy and Procedure.
- vi. **'Diocesan Schools Commission'** means the education service provided by the diocese, which may also be known, or referred to, as the Diocesan Education Service.
- vii. **'Directors'** means directors appointed to the Board of the Academy Company.
- viii. **'Local Governing body'** means the body carrying out the employment functions of the Academy Company and such term may include the Board of Directors and a LGB Committee of the individual school.
- ix. **'Local Governing body'** means the members appointed and elected to the Local Academy Committee of the individual school, from time to time.



- x. **'Local Governing body'** means the group of LGB members appointed and elected to carry out specified functions in relation to the individual school as delegated by the Academy Company.
- xi. **'Vice-Chair'** means the Vice-Chair of the Board or the Vice-Chair of the LGB of the MAC or individual school elected from time to time, as appropriate.
- xii. **'LGB'** means a Chair of a LGB of a school within the St John Paul II Multi Academy elected from time to time, as appropriate.

## 1. SCOPE OF PROCEDURE

- 1.1 This Sickness Absence Policy and Procedure applies to you if you are an employee at the Academy (hereinafter referred to as an **"employee"** or **"you"**). It does not apply to agency workers, consultants or self-employed contractors.
- 1.2 The purpose of this procedure is to establish a framework for the effective management of staff sickness absence taking into account both the welfare of employees and the requirements of the Academy to deliver an effective education to its pupils.
- 1.3 The Academy wishes 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.
- 1.4 The Academy Company delegates its authority in the manner set out in this policy.
- 1.5 For the avoidance of doubt, this policy may be used concurrently with the Academy's Capability Policy and Procedure and Disciplinary Policy and Procedure.
- 1.6 In this policy **"working day"** means any day on which you would ordinarily work if you were a full time employee. In other words, it will be different for teaching and non-teaching staff but will not be different on the basis of whether an employee is full-time or part-time.
- 1.7 The Academy is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this policy.
- 1.8 This policy does not form part of any employee's contract of employment and the Academy may wish to amend it at any time.



## 2. GENERAL PRINCIPLES

2.1 The Academy Company expects the individual schools to (amongst other things):

- 2.1.1 never ignore sickness absence;
- 2.1.2 always monitor attendance;
- 2.1.3 ensure that short term absences do not go unnoticed;
- 2.1.4 take swift, supportive action if the absence is work related;
- 2.1.5 keep accurate, up to date, employee attendance records;  
handle attendance problems promptly and sensitively, in a supportive manner;
- 2.1.6 develop and maintain an atmosphere that encourages people to come to work;
- 2.1.7 deal with each person as an individual; and
- 2.1.8 treat all staff fairly.
- 2.1.1  
0 Keep the Academy Trust informed of the School's sickness absence rate
- 2.1.1  
1 Seek support and advice from it's HR provider. Occupational Health and the Diocesan Schools Commission, as appropriate.

## 3. INFORMAL APPROACH

- 3.1 Prior to invoking the formal steps set out in this procedure you and/or your line manager may (where appropriate and practical) initiate an informal discussion regarding your absence from work.
- 3.2 Depending on the circumstances and cause of your absence, an informal discussion may lead to you agreeing strategies with you to help improve and maintain attendance levels. In agreeing to a strategy informally you are entitled if you wish to include your companion in the informal discussion process.
- 3.3 The Academy is not procedurally required to implement an informal approach to investigating the reason for your absence and it is your responsibility to follow the appropriate procedure in informing the Academy of the reason for your absence and to fulfil your obligations as set out below.

## 4. EMPLOYEE'S OBLIGATIONS

4.1 Employees are expected to (amongst other things):

- 4.1.1 comply with the Academy's sickness notification procedure;
- 4.1.2 ensure medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work;
- 4.1.3 take and follow the medical advice and treatment offered;
- 4.1.4 keep in regular touch (consistent with your medical condition) and inform the principal, or nominated person (or Chair in the case of sickness absence of the principal), of any significant developments affecting the period of absence; and
- 4.1.5 attend medical appointments promptly.



- 4.1.6 Inform the line manager immediately of any side effects associated with your health condition and/or medication that could have an impact on your suitability to work with children.

## 5. SICKNESS NOTIFICATION PROCEDURE

- 5.1 Individuals must phone either absence line or nominated member of staff, within their individual school or central team by 8am
- 5.2 For sickness absence of up to seven calendar days, employees are required to complete a self-certification form to cover every day of absence, including half days. Once a return to work meeting is completed, a copy of the self-certification form should be retained on the employee's personnel file.
- 5.3 A doctor's Statement of Fitness for Work (a "**doctor's statement**") must be provided by all employees where sickness absence lasts beyond 7 calendar days. The doctor's statement must state that you are not fit for work and the reason(s) why.
- 5.4 The doctor's statement must be forwarded to the Principal, or nominated person, to reach them on or before the eighth day of absence.
- 5.5 If more than one doctor's statement is required for any period of absence, you must keep the Principal, or nominated person, informed of developments on a weekly basis. The Principal, or other nominated person, is also entitled to make reasonable contact with you during your sickness absence, whether or not you have complied with the requirement to make weekly contact. The purpose of maintaining such contact (whether on a weekly or reasonable basis) during such period of sickness absence is to ensure that the educational needs of the Academy are fulfilled, to give you the opportunity to indicate if there are any ways in which the Academy 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 School.
- 5.5 The requirement that you maintain weekly contact during any period of sickness absence may be relaxed by the School if a doctor's statement indicates that such contact would hamper your return to work or, alternatively, by agreement between you and the School.
- 5.6 If your doctor provides you with a certificate stating that you "may be fit for work", you should inform your Line Manager or other nominated person immediately. The School will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return-to-work discussion (see paragraph 6). If appropriate measures cannot be taken, you will remain on sick leave and the School will set a new date to review the situation within 3-4 weeks.
- 5.7 Where we are concerned about the reason for your absence, or frequent short-term absence, 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.



## 6. RETURN TO WORK DISCUSSIONS

- 6.1 After **every** period of absence, your Line Manager must carry out your return-to-work interview within three days of your return to work, and must include the following:
- 6.1.1 the reasons for your absence;
  - 6.1.2 whether the appropriate notification has been completed;
  - 6.1.3 your fitness to work; whether there are any issues which require particular support from the School; and
  - 6.1.4 an opportunity for you to raise any concerns or questions you may have, and to bring any relevant matters to the Academy's attention.
- 6.2 A record of this return to work discussion should be placed on your personnel file.
- 6.3 Your line manager may use the return to work discussion as an opportunity to bring you up to date with developments within the School during your absence.
- 6.4 Because of the nature of your medical condition, you may prefer not to discuss the reasons for absence with your Line Manager and, in that case, you may hold the return to work discussion with a member of the senior leadership team or HR.
- 6.5 Where your doctor has provided a certificate stating that you "may be fit for work", your Line Manager will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.

## 7. OCCUPATIONAL HEALTH REFERRAL

- 7.1 The Academy may, at any time it considers appropriate, refer you to Occupational Health (at the School's expense) for an assessment of, but not limited to:
- 7.1.1 your health;
  - 7.1.2 the impact of your health on your attendance at the individual school;
  - 7.1.3 the impact of your health on your fitness to perform the duties required by your employment;
  - 7.1.4 the impact of your health on your ability to attend formal meetings or interviews under any other procedure particularly in the light of the guidance at page 20 of the Health and Work Handbook produced by the Faculty of Occupational Medicine, Royal College of General Practitioners, Society of Occupational Medicine; and
  - 7.1.5 the steps the School could take to help improve your health and/or attendance and facilitate your return to work.



- 7.2 A referral to Occupational Health is a supportive measure and you are expected to cooperate fully where such a referral is made. You will be asked to agree that any report produced in connection with any such examination may be disclosed to the Academy and that the Academy may discuss the contents of any report with its advisers and the relevant doctor.
- 7.3 Notwithstanding Paragraph 7.2 above, if you decide not to engage in an Occupational Health referral the Academy will have no option but to proceed to make decisions in respect of your sickness absence without the benefit of 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. However, in exceptional circumstances, the Academy Company can appoint an external reviewer, but prior approval will be required from the Chair of the Board/CSEL.



<b>Employee Level</b>	<b>Absence Reviewer (Stage 1 &amp; 2)</b>	<b>Final Absence Reviewer</b>	<b>Appeal Manager (re Written Warnings)</b>	<b>Appeal Manager (re Dismissal)</b>
Principal	Chair or a non-staff Director/ LGB member (other than the Vice-Chair) nominated by the Chair	Directors'/ LGB Absence Panel appointed by the Chair	A non-staff Director/ LGB member (other than the Chair or Vice-Chair) nominated by the Vice-Chair	Directors'/ Appeal Panel, nominated by the Vice- Chair
Other Leadership Spine/Central Staff	Principal / Head of School / Vice Principal / CSEL,COO	Chair or a non-staff LGB member nominated by the Chair	A non-staff Director/ LGB member nominated by the Vice-Chair	Directors'/ Appeal Panel nominated by the Vice Chair
Other Teaching Staff	(1) A member of the Leadership Team (other than the Principal) appointed by the Principal or in the event that (1) above cannot be complied with, (2) A person nominated by the Principal	Principal / Head of School / Vice Principal	Chair or a non-staff Director/ LGB member nominated by the Chair	Directors'/ Appeal Panel nominated by the Vice Chair
Other Support Staff	A person appointed by the Principal	Principal / Head of School / Vice Principal	Chair or a non-staff Director/ LAC member nominated by the Chair	Directors'/ Appeal Panel

( \* ) Appeal Panel should consist of three LGB members/Directors

**NB: In law, only the Academy Company, as the employer of staff, has the power to terminate employment, so the Academy Company will need to ensure that it has delegated this power to the Final Absence Reviewer in accordance with the table above. Where the Academy Company amends the table above, it will need to ensure that it has delegated its power to dismiss to the panel of persons and/or the individual that it appoints as the Final Absence Reviewer.**





## **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 unconnected.
- 9.2 Managerial problems are created by the frequency of the absences and the reasons behind the absences. It can only be addressed effectively through proper monitoring systems and effective management action.



## Bradford Triggers

- 50 points informal
- 200 points written warning
- 300 points final written warning
- 500 points is dismissal

### 10. LONG TERM ABSENCE

10.1 Long-term absence is where an employee is absent from work for a considerable number of weeks or months as the result of a serious health problem. It can normally be distinguished from persistent intermittent absence in that it tends to be continuous and usually can be traced to an underlying medical condition.

#### Trigger

10.2 The employee is absent for 4 weeks or more continuously (long term).

### 11. FORMAL ABSENCE REVIEW MEETINGS (Stage 1)

11.1 Where a Formal Absence Review Meeting (Stage 1) has been triggered in accordance with paragraphs 9 or 10, above, the school will appoint an Absence Reviewer in accordance with paragraph 8. The Absence Reviewer will write to you inviting you to a Formal Absence Review Meeting, including the time, date and place of the meeting. You will, unless it is impractical to do so, be given at least 5 working days' notice of such meeting. At the same time as sending you the letter inviting you to the meeting, the Absence Reviewer will also send you a copy of the Absence Report which they have prepared and which shall:

- 11.1.1 set out your absences from work indicating your reasons given for the absence;
- 11.1.2 set out any suggestions made by you or the school to make reasonable adjustments to working arrangements that could reduce your absence or assist your return to work;
- 11.1.3 set out any concerns about your sickness absence and the basis for those concerns or otherwise advise why the meeting is being called;
- 11.1.4 state that one of the possible outcomes of the procedure could be termination of your employment where this applies.

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

- 11.2.1 present any medical evidence in your possession;
  - 11.2.2 make reasonable suggestions about managing your return to work including any phased return to work, change or reduction of duties and/or working hours; and
  - 11.2.3 Make suggestions of other reasonable adjustments that could be made to help facilitate your return to work.
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## 12. FORMAL RESPONSES

12.1 The Absence Reviewer will confirm the outcome of the Formal Absence Review Meeting in writing within 5 working days of the date of such meeting. The Absence Reviewer may, in addition to making an Occupational Health referral, make the following formal responses:

### 12.1.1 Reasonable adjustments to working arrangements

These will vary on a case by case basis depending on the medical condition identified.

### 12.1.2A First Written Caution

18.1.2.1 In the context of a persistent intermittent absence, this is a caution that, if your Bradford Score is 200 within the next 6-months, your case will be referred to a 2<sup>nd</sup> Formal Absence Review Meeting.

18.1.2.2 In the context of a long term sickness absence, this is a caution that if you are not fully back to work within 4-12 working weeks, there will be a Formal Absence 2<sup>nd</sup> Formal Absence Review Meeting. The precise number of working weeks will be set by reference to the available medical evidence.

### 12.1.3A Final Written Caution

12.1.3.1 In the context of a persistent intermittent absence, this is a caution that, if your Bradford Score is 300 within the next 6-months, your case will be referred to a 2<sup>nd</sup> Formal Absence Review Meeting.

12.1.3.2 In the context of long term sickness absence, this is a caution that if you are not fully back to work within 4-12 working weeks, you will be referred to the Final Absence Reviewer in accordance with paragraph 8, which could lead to dismissal. The precise number of working weeks will be set by reference to the available medical evidence.

12.2 The Final Absence Reviewer may (in addition to the responses available to the Absence Reviewer) make the following responses:

### 12.2.1 Dismissal with Notice

In coming to such a decision in relation to a case of **persistent intermittent absence**, the Final Absence Reviewer will consider:

- 12.2.1.1 the total absence and pattern of absence;- potential Bradford score 500
  - 12.2.1.2 the available medical prognosis;
  - 12.2.1.3 advice from Occupational Health;
  - 12.2.1.4 the reasons advanced for the absence;
  - 12.2.1.5 how long the employee has worked for the Academy;
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- 12.2.1.6 the additional demands the persistent intermittent absence has generated for other employees and the Academy;
- 12.2.1.7 whether other reasonable adjustments have been considered; and
- 12.2.1.8 whether other reasonable adjustments have been made and, if so, whether they were effective.

1822.2 In coming to such a decision in relation to a case of **long term absence** the Final Absence Reviewer will consider:

- 12.2.2.1 The available medical prognosis;
- 12.2.2.2 Advice from Occupational Health;
- 12.2.2.3 Is complete recovery likely and, if so, when?;
- 12.2.2.4 How long the employee has worked for the Academy ;
- 12.2.2.5 The additional demands the absence has generated for other employees and the School;
- 12.2.2.6 Whether alternative employment or a transfer is available, suitable and acceptable;
- 12.2.2.7 Whether ill-health retirement has been explored;
- 12.2.2.8 Whether other reasonable adjustments have been considered; and
- 12.2.2.9 Whether other reasonable adjustments have been made and, if so, whether they were effective.

12.2.3 In a case where your employment is terminated, the Final Absence Reviewer will recommend to the Academy Company that your employment is terminated in accordance with your contract of employment, and the Academy Company will take appropriate steps to terminate your employment.

12.3 In the event that your employment is terminated in accordance with paragraph 12.2 above:

18.3.1 If your contract of employment contains a garden leave clause, the Board may exercise that clause so that you are not required to attend the School during your notice period but remain employed and so bound by the terms of your contract of employment until the expiry of the notice period; or

18.3.2 If your contract of employment contains a payment in lieu of notice clause, the School may exercise that clause to bring your contract to an end with immediate effect.

12.4 You may appeal against a First Written Caution or a Final Written Caution within 5 working days of being sent the relevant caution.

12.5 You may appeal against a dismissal with notice within 10 working days of being sent the notification of termination.

12.6 Any appeal letter lodged in accordance with Paragraphs 16.4 or 16.5, above, must be made in writing, setting out the full grounds of your appeal in detail to the Appeal Manager.

12.7 The fact of the appeal does not delay the commencement of any period under any caution or of any notice period. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

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12.8 Any appeal should normally be heard within 20 working days of the Appeal Manager receiving your appeal letter.

12.9 The appeal manager is not required to hear oral evidence and may rely on written evidence.

12.10 If the appeal manager does decide to hear oral evidence you will be given the opportunity to comment on it either by (a) attending the meeting or (b) reviewing the notes of the oral evidence after the meeting (if you were not present at the meeting where such oral evidence was given). In the event of (b) you must provide any response to the notes of the oral evidence within 5 working days of receipt of the same.

12.11 The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 working days of the date of the Appeal Meeting. The decision of the Appeal Manager is final and there will be no further right of appeal. The outcomes of the Appeal Meeting are that:

12.11.2 the Appeal Manager may uphold the decision of the Final Absence Reviewer; or

12.11.3 the Appeal Manager may uphold the employee's appeal, overturn the decision of the Final Absence Reviewer and refer the matter back to the Final Absence Reviewer for reconsideration.

### **13. DIRECTORS'/ LGB PANELS**

13.1 Directors'/ LGB' Absence and Appeal Panels shall comprise three non-staff Directors/ LGB members not previously involved in the matter and shall not comprise of the Chair or Vice-Chair unless there are insufficient numbers of non-staff Directors/LGB members not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Directors'/ LGB' Absence or Appeal Panel.

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

### **14. COMPANION**

14.1 If you are the subject of any Formal Absence Review Meeting and subsequent appeals, you may be accompanied by a Companion.

14.2 Your companion may be either a trade union representative or a colleague. You must let the relevant Reviewer or Manager know who your Companion will be at least one working day before the relevant meeting.

14.3 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.

14.4 Your Companion can address the meeting in order to:



- 14.4.1 put forward your case;
- 14.4.2 make representations;
- 14.4.3 sum up your case; and
- 14.4.4 ask questions on your behalf.

14.5 Your Companion can also confer with you during the meeting.

14.6 Your Companion has no right to:

- 14.6.1 answer questions on your behalf;
- 14.6.2 address the meeting if you do not wish it; or
- 14.6.3 prevent you from explaining your case.

14.7 Where you have identified your Companion and they have confirmed in writing to the relevant Reviewer or Manager that they cannot attend the date or time set for the meeting, the relevant Reviewer or Manager will postpone the meeting for no more than five working days from the date set by the School to a date or time agreed with your Companion provided that it is reasonable in all the circumstances. Should your Companion subsequently be unable to attend the Formal Absence Review Meeting, it may be held in their absence or written representations will be accepted.

## 15. TIMING OF MEETINGS

15.1 Meetings under this procedure may:

- 21.1.1 need to be held when you were timetabled to teach;
- 15.1.2 exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation;
- 15.1.3 be held after the end of the Academy day;
- 15.1.4 not be held on days on which you would not ordinarily work; and
- 15.1.5 be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

## 16. VENUE FOR MEETINGS

The relevant Reviewer or Manager can hold the meeting off the school site to minimise any distress to the employee.

## 17. ASSISTANCE

In all cases involving any cautions in relation to the Principal or to a person on the Leadership Spine, or to 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. REVIEW OF THIS PROCEDURE

This procedure produced by the Catholic Education Service (CES) for use in Catholic Voluntary Academies in England, was amended in September 2013 and updated in June 2016 following consultation with the national trade unions. It may be adapted, as appropriate, for use in joint Church academies subject to the approval of the CES on referral by the relevant Catholic diocese.

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