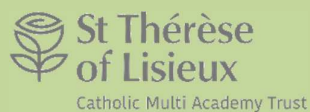




HR Service

Diocese of Nottingham Catholic Multi-Academy Trusts

Sickness Absence Policy and Procedure



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Sickness Absence Policy and Procedure

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This Sickness Absence Policy and Procedure has been subject to consultation with the Recognised Trade Unions. It was approved and adopted by the CMAT as detailed below:

Policy Approved by:	Date of Approval
Board of Directors – Our Lady of Lourdes Catholic Multi Academy Trust	10.2.22
Board of Directors – St Therese of Lisieux Catholic Multi Academy Trust	14.12.21
Board of Directors – St Ralph Sherwin Catholic Multi Academy Trust	13.1.22
Board of Directors – St Thomas Aquinas Catholic Multi Academy Trust	13.12.21

It will be reviewed after 24 months in consultation with the Recognised Trade Unions.

Signed by Director of the CMAT:

Signed by CEO:

DEFINITIONS

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

- i. 'CMAT' means the Catholic Multi Academy Trust, that is the company responsible for the management of the Central Team and the Academies and, for all purposes, means the employer of staff within the Central Team and the Academies.
- ii. 'Board' means the board of Directors of the CMAT who are responsible for carrying out the employment functions of the CMAT.
- iii. 'Central Team' means all staff employed in the Central Office functions of the CMAT.
- iv. 'Chair' means the Chair of the Board of the CMAT as appointed from time to time.
- v. 'Companion' means a willing work colleague, a trade union official, an accredited representative of a trade union or other professional association of which the employee is a member.
- vi. 'Diocesan Education Service' means the education service provided by the diocese in which the CMAT is situated, which may also be known, or referred to, as the Diocesan School Commission.
- vii. 'Directors' means directors appointed to the Board of the CMAT from time to time.
- viii. 'Headteacher' means the most senior teacher in the School who is responsible for its management and administration. Such teacher may also be referred to as the Head of School or Executive Headteacher.
- ix. 'School' means the Academy named at the beginning of this Policy and Procedure and includes all sites upon which the Academy undertaking is, from time to time, being carried out.
- x. 'Vice-Chair' means the Vice-Chair of the Board of the CMAT as appointed from time to time.
- xi. 'Working Day' means any day on which an employee would ordinarily work if they were a full-time employee. In other words, 'Working Day' will 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 Policy and Procedure.
- xii. 'Working Week' means any week in which you would ordinarily work.

I. SCOPE AND PURPOSE

- I.1 This Sickness Absence Policy and Procedure applies to you if you are an employee at the CMAT (hereinafter referred to as an “employee” or “you”). TUPE will be applied to an employee and the relevant parts of the Policy where the employee has protected contractual entitlements with preferential terms which have been transferred as a result of a formal TUPE process. Regular attendance at work is a term of every employee’s contract of employment. However, it is recognised that employees will, on occasion, have an acceptable health reason to be absent from work.
- I.2 The purpose of this Sickness Absence Policy and Procedure is to establish a framework for the effective management of staff sickness absence taking into account both the wellbeing of employees and the requirements of the CMAT 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.
- I.3 An employee is entitled to have access, by arrangement, to their personnel 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.
- I.4 The CMAT delegates its authority in the manner set out in this policy.
- I.5 When implementing this policy and procedure, the CMAT will have regard to the CMAT’s Health and Safety Policy and Procedure in relation to any overlapping health and safety consideration(s) that may arise.
- I.6 This policy and procedure may be used concurrently with any other applicable policy and procedure but its application will not prejudice the outcome of any other policies and procedures. Where an employee is already subject to one of the CMAT’s policies there will not be any automatic delay or pause in the conduct of that policy as a result of an employee’s sickness absence. In such circumstances, the CEO (or in cases where the absence relates to the CEO, the Chair) will, having sought advice from HR, decide whether or not one of the procedures should be suspended, taking into account any available medical advice. The decision of the CEO (or the Chair where appropriate) shall be final.
- I.7 The CMAT is committed to providing a supportive working environment for all employees. The CMAT 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 CMAT community which includes those working in all of the Schools within the CMAT and in the Central Team and acting, at all times, in accordance with the provisions of the Equality Act 2010.

- 1.8 This Sickness Absence Policy and Procedure offers opportunities to ensure justice for teachers, support staff and pupils alike and has the potential for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge to self and others, personal growth and openness.
- 1.9 Reasonable adjustments to this procedure may be considered in appropriate cases, depending on the specific circumstances, for example where the employee has a disability or is diagnosed with a terminal illness. All modifications to this procedure will be discussed with the employee and a record of the modifications will be made.
- 1.10 The procedures contained in this Sickness Absence Policy and Procedure allow employees to raise mental health concerns in the knowledge that the CMAT will provide appropriate support when the employee seeks help. Employees experiencing mental health challenges will have access to appropriate reasonable adjustments, phased returns, Occupational Health referrals as set out in this Sickness Absence Policy and Procedure. Employee can also access the Employee Assistance Programme (EAP) -see section 18 below.
- 1.11 Consideration will be given to any difficulties which an employee may be facing, and the CMAT will provide reasonable support and assistance to help the employee to overcome them. Such support and assistance may include, where appropriate, the CMAT seeking medical or other advice regarding the effective management of any sickness absence.
- 1.12 On exceptional occasions, a decision may be taken to medically suspend an employee. This decision should be made by the Headteacher/CEO/Chair as applicable following advice from the CMAT HR Team. The employee will be paid in accordance with statutory entitlements unless either of the following apply:
- the employee refuses other suitable work from the CMAT without good reason, or
 - the employee is not available when needed for suitable alternative work

Absence whilst on medical suspension will not be counted as sickness absence for the purpose of this policy.

Further information on medical suspension is available via the gov.uk link below:

<https://www.gov.uk/medical-suspensions-from-work>

- 1.13 All personal and sensitive personal data obtained during the operation of this Sickness Absence Policy and Procedure will be handled with the utmost integrity and confidentiality and in accordance with the CMAT Data Protection Policy.

2. GENERAL PRINCIPLES

The CMAT will:

- never ignore sickness absence;
- always monitor sickness absence;
- ensure that short term absences do not go unnoticed;
- take swift, supportive action if the absence is work related;
- keep accurate, up to date, employee attendance records;
- handle attendance problems promptly and sensitively, in a supportive manner;
- develop and maintain an atmosphere that encourages people to come to work;
- ensure that employee wellbeing is monitored and that an atmosphere is developed in which employee wellbeing is given due importance;
- deal with each person as an individual;
- treat all staff fairly and consistently
- keep the sickness absence rates of staff working in the CMAT's Schools and in the Central Team under review;
- seek support and advice from the HR team, Occupational Health and the Diocesan Education Service, as appropriate.
- will provide training for managers dealing with the management of sickness absence so that they are familiar with the procedures to ensure this Policy and Procedure can be applied in a fair and consistent manner.

3. INFORMAL APPROACH

- 3.1 Prior to invoking the formal steps set out in this Policy and Procedure an employee and/or their Line Manager or the Headteacher should (where appropriate and practicable) initiate an informal discussion regarding the employee's absence from work with a view to facilitating their attendance at work and providing assistance and support where necessary. Where the absence relates to the Headteacher, the meeting will be with the CEO.
- 3.2 Depending on the circumstances and cause of the employee's absence, an informal discussion may lead to agreeing strategies with them to help improve and maintain their attendance levels. This may include a referral to Occupational Health.

- 3.3 Following an informal discussion, the employee will be provided with a note of the discussion and they will have an opportunity to provide written comments on the note of the meeting prior to it being included on their personnel file. The note of the meeting will include details of any strategies agreed with the employee to help improve and maintain their attendance along with a timescale for improvement and a review of their progress.
- 3.4 The CMAT is not procedurally required to implement an informal approach to investigating the reason for an employee's absence although the CMAT acknowledges that it is good practice to do so and it will expect an informal approach to be followed in the majority of cases. It is the employee's responsibility to follow the appropriate procedure with regard to informing the CMAT of the reason for their absence and to fulfil their obligations as set out in Paragraph 4 below. It should be noted that periods of absence that are dealt with using an informal approach count towards the review points set out in Paragraphs 9 and 10.

4. EMPLOYEE'S OBLIGATIONS

- 4.1 Employees are expected to:
- (a) attend work when fit to do so;
 - (b) comply with the CMAT's sickness notification procedure;
 - (c) seek medical advice and treatment and, where appropriate, is received as quickly as possible in order to facilitate a return to work;
 - (d) take and follow the medical advice and treatment offered;
 - (e) keep in regular touch (consistent with their medical condition) and inform the Headteacher (or person nominated by the Headteacher such as their Line Manager) or their Line Manager for members of the Central Team (or where the absence relates to the CEO, the Chair), of any significant developments affecting the period of absence;
 - (f) attend all medical appointments (including Occupational Health appointments as required);
 - (g) inform the Headteacher or, for the Central Team, the employee's Line Manager immediately of any side effects associated with their health condition and/or medication that could have an impact on their suitability to work with children.

5. SICKNESS NOTIFICATION PROCEDURE

- 5.1 As soon as an employee is aware that they will be absent from work, they must contact the School/CMAT in accordance with the terms of their Contract of Employment (and/or the Staff Handbook or equivalent document). If an employee does not report for work and has not explained the reason for their absence then the employee should expect to be contacted by either telephone, email, letter or text by their Line Manager or other nominated individual who will want to enquire after the employee's health.
- 5.2 The employee should contact the School/CMAT personally and not ask third parties (such as members of their family or friends) to inform the School/CMAT on their behalf. This is because the School/CMAT cannot be certain of the identity of the third party and whether they are acting in the employee's interests. In exceptional circumstances where the employee is physically incapable of communicating with the School/CMAT themselves, (for example due to being hospitalised), it may be necessary for the School/CMAT to rely on a third-party's explanation for the employee's absence.
- 5.3 Brief details of the reason for an employee's absence and, if possible, some indication of a likely return to work date should be given during this contact. The position in relation to current workload should be discussed in order to help the School/CMAT make appropriate cover arrangements. The employee should ensure that the School/CMAT is kept informed of their expected return to work date.
- 5.4 If the employee's absence is the result of an accident or an injury sustained at work then this information must be made known. The employee should indicate if the incident has been reported, when it was reported and to whom.
- 5.5 If the employee is still unfit for work after three successive Working Days they must contact, the Headteacher or nominated person on the fourth working day of their absence and advise them of the likely duration of their continued absence according to any medical advice they have received.
- 5.6 A doctor's Statement of Fitness for Work (a "doctor's statement") must be provided by all staff and sent to the Headteacher or other nominated person from the 8th calendar day of sickness (when counting days for this purpose Saturdays and Sundays are included). A doctor's statement is advisory, and its contents will be considered carefully when determining what action to take pursuant to this Sickness Absence Policy and Procedure. Where a doctor's statement indicates that an employee is fit for work but with adjustments, the employee will be asked to meet with the Headteacher, their Line Manager or other nominated person to discuss what adjustments can be made. Where it is not possible to make any of, or all of, the suggested adjustments, the employee will be asked to seek further advice from their doctor and/or the CMAT HR Team will, with the employee's consent, seek advice from Occupational Health.

- 5.7 If more than one doctor's statement is required for any period of absence, the employee must keep the Headteacher, their Line Manager or other nominated person, informed of developments on a weekly basis. The Headteacher, Line Manager or other nominated person, is also entitled to make reasonable contact with the employee during their sickness absence, whether or not the employee has 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 School/CMAT are fulfilled, to give the employee the opportunity to indicate if there are any ways in which the CMAT may be able to support them and to give the employee the opportunity (if they wish it) to be kept up to date with developments at the School/CMAT.
- 5.8 The requirement that an employee maintain weekly contact during any period of sickness absence may be relaxed by the CMAT if a doctor's statement indicates that such contact would hamper their return to work or their recovery or, alternatively, by agreement between the employee and the CMAT.
- 5.9 Further information relating to sick pay entitlements can be found in the relevant provisions in the Burgundy Book (for teaching staff) or the Green Book (for support staff). Employees can contact the CMAT HR Team for more information.

6. RETURN TO WORK DISCUSSIONS

- 6.1 After **every** absence the employee's Line Manager (or other appointed person) will hold a return to work meeting to welcome them back to work within three Working Days of their return and to discuss with them:
- (a) the reasons for their absence;
 - (b) whether the appropriate notification was provided;
 - (c) their fitness to work; and
 - (d) whether there are any issues which require particular support from the CMAT which may include a phased return to work, risk assessments, reasonable adjustments or a referral to Occupational Health .
- 6.2 A record of this return to work discussion will be placed on the employee's personnel file and they will be provided with an opportunity to provide written comments on the record of the return to work discussion prior to it being included in their personnel file.
- 6.3 The employee's Line Manager (or other appointed person) may use the return to work discussion as an opportunity to bring them up to date with developments within the School/CMAT during their absence.

- 6.4 Normally a return to work meeting will only be a short discussion, however this will depend on the circumstances and the nature of and reasons for the absence.
- 6.5 Because of the nature of an employee's medical condition they may prefer not to discuss the reasons for their absence with their Line Manager (or other appointed person) and, in that case, they may hold the return to work discussion with a member of the Senior Leadership Team identified by the Headteacher or, in the case of a member of the Central Team, with a member of the CMAT Executive Team identified by the CEO. If the employee has any preference in relation to the identity of the member of the Senior Leadership Team/CMAT Executive Team, for example because they 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 address 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 Paragraphs 9 or 10 a return to work discussion will still be held and the employee will be told in this discussion to expect an invitation to a Formal Absence Review Meeting.
- 6.8 If the employee has been absent for a long period, it may be appropriate to arrange for a return to work discussion to take place before the date of their return. A phased return to work may be planned in this meeting along with any reasonable adjustments. You may bring a Companion to this meeting. A phased return will usually last from 4-6 weeks. During a phased return the employee will build up their hours of work, responsibilities and duties gradually.

7. OCCUPATIONAL HEALTH REFERRAL

- 7.1 An employee's Headteacher or Line Manager (for members of the Central Team) may, at any time they consider appropriate, ask the HR team to refer the employee, with their consent, to Occupational Health for an assessment of their health and:
- (a) its impact on their attendance at work
 - (b) its impact on their fitness to perform the duties required by their employment;
 - (c) its impact on their ability to attend formal meetings and/or interviews under any other procedure;
 - (d) what reasonable steps the CMAT could take to improve the employee's 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 the employee is expected to cooperate fully where such a referral is made. The employee's consent will be sought before the referral is made. Occupational Health appointments will be scheduled during working time, where possible
- 7.3 Before making any decision to dismiss an employee on notice under this Sickness Absence Policy and Procedure the CMAT will have referred them for at least one Occupational Health assessment and will usually consider the most recent assessment.
- 7.4 Notwithstanding Paragraph 7.3 above, if an employee decide not to engage in an Occupational Health referral the CMAT will have no option but to proceed to make decisions without the benefit of medical advice.

8. ABSENCE REVIEWER, FINAL ABSENCE REVIEWER AND APPEAL MANAGER

8.1 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 Level	Absence Reviewer	Final Absence Reviewer	Appeal Manager (re Absence Letters)	Appeal Manager (re Dismissal)
School support staff (other than School Business Manager)	A person appointed by the Headteacher	Directors' Panel	CEO	Directors' Appeal Panel
Teaching Staff (other than Headteacher, staff on Leadership spine or reserved posts)	Headteacher or (1) another member of the Leadership Team or, in the event that (1) above cannot be complied with, (2) a person appointed by the Headteacher	Directors' Panel	CEO	Directors' Appeal Panel
Leadership Spine – non reserved post and School Business Manager	Headteacher	Directors' Panel	A Director	Directors' Appeal Panel
Headteacher (and other reserved posts)	CEO	Directors' Panel	A Director	Directors' Appeal Panel
Staff in Central Team (other than Executive Team)	Line Manager	Directors' Panel	A Director	Directors' Appeal Panel
CMAT Executive Team (other than CEO)	CEO	Directors' Panel	A Director	Directors' Appeal Panel
CEO	Chair of the CMAT Board or a Director nominated by the Chair of the CMAT Board	Directors' Panel	A Director (other than the Chair) nominated by the Vice Chair of the CMAT Board	Directors' Appeal Panel

- 8.2 The Diocesan Director of Education must be advised when the formal absence procedure is implemented for any of the following posts:
- CEO
 - Headteacher (including acting and executive headteachers)
 - A person on the Leadership spine
 - Executive posts within the CMAT central teams.
 - Any other reserved posts or
 - where the case involves the potential or actual dismissal of any other member of staff.

In such cases the Diocesan Education Service may send a representative to advise the Absence Reviewer, the Final Absence Reviewer or the Appeal Manager.

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. If periods of persistent intermittent sickness absence are for the same illness, a referral to Occupational Health may be required.
- 9.2 Frequent persistent intermittent absences can create a significant managerial issue within the School or Central Team. The reasons behind persistent intermittent absences will always be investigated as such absences can only be addressed effectively through proper monitoring systems and effective management action.

Review Points

- 9.3 When the following review points are reached, the CMAT will consider whether a Formal Absence Review Meeting is required. Decisions will be taken on an individual basis by the Line Manager who should also contact the CMAT HR Team to ensure consistency of treatment across the CMAT and a Formal Absence Review Meeting will not take place automatically as soon as a review point is reached. The review points are as follows:
- (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 days in any 12 month period.
 - (d) Any levels of absence which show a trend or pattern e.g. Friday – Monday absences, monthly dates (e.g. last Friday every month) and any other notable patterns.

10. LONG TERM ABSENCE

- 10.1 Long-term absence (which is usually defined as an absence lasting at least 4 calendar weeks) is where an employee is absent from work for a considerable number of weeks or months as the result of a serious health problem or planned medical procedure. It can normally be distinguished from persistent intermittent absence in that it tends to be continuous and is usually as a result of an underlying medical condition.

Review Points

- 10.2 Any long-term absence lasting 4 Working Weeks or more will normally lead to a Formal Absence Review Meeting but each case will be looked at individually and an absence lasting 4 Working Weeks will not automatically lead to a Formal Absence Review Meeting.

11. FORMAL ABSENCE REVIEW MEETINGS

- 11.1 Where a Formal Absence Review Meeting is due to take place in accordance with Paragraphs 9.3 or 10.2 above, or following the issuing of a previous Absence Letter (see section 12 below), the CMAT will appoint an Absence Reviewer in accordance with Paragraph 8. The Absence Reviewer will write to the employee inviting them to a Formal Absence Review Meeting. The invitation will include the reason why the meeting has been called listing any applicable Review Points or stating that the employee has not met the attendance standards required in an earlier Absence Letter (the date of which will be provided). The employee will be given at least 10 working days' notice of such a meeting. The employee may be accompanied at the Formal Absence Review Meeting by a Companion who is an accredited representative of a Trade Union or other professional association of which the employee is a member, or a willing work colleague. At the same time as sending the employee the letter inviting them to the Formal Absence Review Meeting, the Absence Reviewer will also send the employee a copy of the Absence Report which they have prepared and which shall:

- (a) provide details of the employee's sickness related absences from work indicating the reasons given for the absence;
- (b) provide details of any suggestions made by them or the CMAT about any reasonable adjustments that could be made to the employee's working arrangements with a view to reducing their absence or assisting their return to work;

- (c) include copies of doctor's statements and all medical reports, including those obtained from Occupational Health. Any request to access an employee's medical records/reports will only be made by the CMAT HR Team and will be made in accordance with the Access to Medical Records Act 1988. Such a request would only be to assist in the assessment of the employee's medical condition and the employee's consent will be obtained before any such request is made. Medical records will only be accessed by the Occupational Health provider.

- 11.2 In the letter inviting the employee to the Formal Absence Review Meeting it will state that one of the possible outcomes of this Policy and Procedure could be the termination of their employment where this is appropriate. This will only be a possible outcome in respect of a Final Absence Review Meeting.

- 11.3 At a Formal Absence Review Meeting the employee will have the opportunity to:
 - (a) present any medical evidence they think is relevant;
 - (b) make reasonable suggestions with regard to managing their return to work including any phased return to work, flexible working, change or reduction of duties and/or working hours
 - (c) make suggestions of other reasonable adjustments that could be made.

- 11.4 Any written evidence the employee wishes to present at a Formal Absence Review Meeting should be provided to the Absence Reviewer at least three Working Days prior to the meeting.

- 11.5 Formal Absence Review Meetings may be adjourned if further information is required by the Absence Reviewer. The employee will be given at least 10 Working Days' written notice of any reconvened meeting and will be sent details of any further information received which will be considered at the reconvened meeting. The employee should provide any evidence they wish to present at any reconvened meeting to the Absence Reviewer at least 3 Working Days prior to the meeting.

12. FORMAL RESPONSES

12.1 The Absence Reviewer will send the employee 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 the meeting. The Absence Reviewer may, in addition to making an Occupational Health referral, make the following formal responses:

(a) No action is required

The Absence Reviewer may conclude that no action is required, and no further action will be taken pursuant to this Policy and Procedure.

(b) Reasonable adjustments to working arrangements

These will vary on a case by case basis depending on the medical condition identified. It should be noted that reasonable adjustments may be made alongside a Stage 1 Absence Letter and/or a Stage 2 Absence Letter.

(c) Stage 1 Absence Letter;

- (i) In the context of a Formal Absence Review Meeting called in response to persistent intermittent absences this is a letter stating that if the employee is absent from work for two or more Working Days in the next six months they may be invited to a further Formal Absence Review Meeting where they may be at risk of being issued with a Stage 2 Absence Letter. It should be noted that 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.
- (ii) In the context of a long term sickness absence this is a letter stating that if the employee is not fully back to work within 4-12 Working Weeks there may be a further Formal Absence Review Meeting. The precise number of Working Weeks will be set by reference to the available medical evidence. At this further Formal Absence Review Meeting the Absence Reviewer may, in addition to making an Occupational Health referral, issue the employee with a further Stage 1 Absence Letter or a Stage 2 Absence Letter, or may determine that no further action is required. If the employee is already fully back to work by the time of the Formal Absence Review Meeting, the Stage 1 Absence Letter will acknowledge this and will state that if the employee is absent from work for one or more Working Weeks in the next six months, they may be invited to a further Formal Absence Review Meeting where they may be at risk of being issued with a Stage 2 Absence Letter.

(d) Stage 2 Absence Letter

- (i) In the context of a Formal Absence Review Meeting called in response to persistent intermittent absence this is a letter stating that if the employee is absent from work at all in the next six months, they may be referred to the Final Absence Reviewer who will invite them to a Final Absence Review Meeting which could lead to their dismissal. A Stage 2 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. The CMAT will not issue a Stage 2 Absence Letter before the employee has been issued with a Stage 1 Absence Letter.
- (ii) In the context of long term sickness absence, this is a letter stating that if the employee is not fully back to work within 4-12 working weeks, they may be referred to the Final Absence Reviewer who will invite the employee to a Final Absence Review Meeting which could lead to their dismissal. The precise number of Working Weeks will be set by reference to the available medical evidence. If the employee is already fully back to work by the time of the Formal Absence Review Meeting, the Stage 2 Absence Letter will acknowledge this and will state that if the employee is absent from work for one or more Working Weeks in the next six months, they may be invited to a Final Absence Review Meeting which could lead to their dismissal. The CMAT will not issue a Stage 2 Absence Letter before the employee has been issued with a Stage 1 Absence Letter

12.2 Where a Final Absence Review Meeting is due to take place, the CMAT will appoint a Final Absence Reviewer in accordance with Paragraph 8. The Final Absence Reviewer will write to the employee inviting them to a Final Absence Review Meeting. The employee will be given at least 10 Working Days' written notice of such a meeting. At the same time as sending the employee the letter inviting them to the Final Absence Review Meeting, the Final Absence Reviewer will also send them a copy of an updated Absence Report containing the information listed in Paragraph 11.1 which will be updated, if possible, to include an up to date Occupational Health assessment. The letter inviting the employee to the Final Absence Review Meeting will state that one of the possible outcomes of the Final Absence Review Meeting could be the termination of their employment.

12.3 Any evidence the employee wishes to present at the Final Absence Review Meeting should be provided to the Final Absence Reviewer at least three 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. The employee will be given at least 10 Working Days' written notice of any reconvened meeting and they should provide any evidence they wish to present at any reconvened meeting to the Final Absence Reviewer at least three Working Days prior to the meeting.

12.5 The Final Absence Reviewer will send the employee a copy of the notes of the Final Absence Review Meeting and will confirm the outcome of the Final Absence Review Meeting in writing within 5 Working Days of the Date of such a meeting. The Final Absence Reviewer may, (in addition to the responses available to the Absence Reviewer), make the following formal responses:

(a) Dismissal with Notice

In coming to such a decision in relation to a case of **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 (where available);
- (iv) the reasons provided for the absence;
- (v) the impact of the employee's absence upon service delivery;
- (vi) the additional demands the persistent intermittent absence has generated for other employees of the School/CMAT;
- (vii) whether other reasonable adjustments or flexible working have been considered;
- (viii) whether other reasonable adjustments have been made and, if so, whether they were effective;
- (ix) whether adequate support was offered by the School/CMAT;
- (x) any evidence presented by the employee.

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

- (i) the available medical prognosis;
- (ii) advice from Occupational Health (where available);
- (iii) is complete recovery likely and, if so, when?
- (iv) the impact of the employee's absence upon service delivery;
- (v) the additional demands the absence has generated for other employees of the School/CMAT;
- (vi) whether alternative employment or a transfer is available, suitable and acceptable (with salary protection considered on a case by case basis in accordance with the CMAT rules);
- (vii) whether ill-health retirement has been explored (where appropriate);

- (viii) whether other reasonable adjustments or flexible working have been considered;
- (ix) whether other reasonable adjustments have been made and, if so, whether they were effective;
- (x) any evidence presented by the employee

12.6 In a case where the employee's employment is terminated, the 'Directors' Panel, acting in the role of Final Absence Reviewer, will make the decision that the employee's employment is terminated in accordance with their contract of employment. Appropriate steps will then be taken by the CMAT HR Team to terminate the employee's employment. Any appropriate alternatives to dismissal will always be considered by the Final Absence Reviewer and discussed with the employee.

12.7 In the event that the employee's employment is terminated in accordance with Paragraph 12.5(a) above:

- (a) If the employee's contract of employment contains a garden leave clause the CMAT may exercise that clause so that they are not required to attend the School/Central Offices during their notice period but remain employed and so bound by the terms of their contract of employment until the expiry of the notice period; **or**
- (b) If the employee's contract of employment contains a payment in lieu of notice clause the CMAT may exercise that clause to bring the employee's contract to an end with immediate effect otherwise the contractual notice period will apply.

13. APPEALS

13.1 The employee may appeal against a Stage 1 Absence Letter or a Stage 2 Absence Letter by completing and returning the Appeal Registration Form to the CMAT HR Manager within 10 Working Days of the date of the relevant letter in accordance with the CMAT's Appeal Procedure.

13.2 The employee may appeal against a dismissal with notice by completing and submitting an Appeal Registration Form to the CMAT HR Manager within 10 working days of the date of the notification of termination in accordance with the CMAT's Appeal Procedure.

- 13.3 The employee's Appeal Registration Form must set out the grounds of their appeal in detail. When preparing their appeal, the employee may wish to consider the following grounds:
- (a) that action taken was unfair;
 - (b) that this Sickness Absence Policy and Procedure was applied defectively or unfairly;
 - (c) that new 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 overly harsh in all the circumstances.
- 13.4 The fact of the appeal will not delay the commencement of any period of time covered by an Absence Letter or of any notice period.
- 13.5 Any appeal will normally be heard within 20 working days of the HR Manager receiving the employee's Appeal Registration Form. The employee will be given at least 10 Working Days' notice of an Appeal Meeting and they should provide any evidence they wish to present at their Appeal to the Appeal Manager at least 3 Working Days prior to the Appeal Meeting.
- 13.6 Written or oral evidence can be considered at an Appeal Meeting. If written evidence is to be relied upon, the employee will be provided with it at least 5 Working Days prior to the Appeal Meeting and, if they attend the Appeal Meeting, they will be given a reasonable opportunity to comment on it during the meeting. If the employee does not attend the Appeal Meeting, they will be given an opportunity to provide written responses to any evidence presented.
- 13.7 If oral evidence is heard, the employee will be given an opportunity to comment on it either by (a) attending the Appeal Meeting or (b) reviewing the notes of that oral evidence after the Appeal Meeting (if the employee was not present at the Appeal Meeting where such oral evidence was given). In the event of (b) the employee must provide any response to the notes of the oral evidence within 5 Working Days of being provided with the same. The Appeal Manager will consider all of the evidence provided in order to determine whether the relevant decision was fair and reasonable.
- 13.8 The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to the employee within 5 Working Days of the date of the Appeal Meeting or the receipt of the employee's responses to the notes of the oral evidence provided to them in accordance with Paragraph 12.14 above (as appropriate). The decision of the Appeal Manager is final and there will be no further right of appeal. The potential outcomes of the Appeal Meeting are that:

- (a) the Appeal Manager may uphold the decision of the Absence Reviewer or the Final Absence Reviewer (as appropriate) and any sanction imposed by the Absence Reviewer or Final Absence Reviewer will be upheld; **or**
- (b) the Appeal Manager may uphold the employee's appeal and impose a lesser sanction to that imposed by the Absence Reviewer or Final Absence Reviewer (as appropriate); **or**
- (c) the Appeal Manager may uphold the employee's appeal and conclude that any sanction imposed by the Absence Reviewer or Final Absence Reviewer (as appropriate) should be withdrawn and that no further action should be taken pursuant to this Sickness Absence Policy and Procedure.

13.9 Should an appeal against dismissal be successful, the employee will be reinstated with no break in their continuous service.

14. DIRECTORS' PANELS

- 14.1 Directors' Absence and Appeal Panels shall comprise three Directors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of Directors not previously involved in the matter in which case the Chair and/or Vice-Chair may be appointed to a Director's 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 CMAT may appoint associate members solely to participate in the appropriate Directors' Absence or Appeal Panel on the recommendation of the Diocesan Education Service.

15. COMPANION

- 15.1 The employee may be accompanied by a Companion at any Formal Absence Review Meeting or Final Absence Review Meeting and at any subsequent Appeal Meeting. They may also be accompanied by a Companion at a return to work meeting following a long absence to discuss a phased return (as detailed in section 6.8). In exceptional cases, for example in relation to work related stress absence, the CMAT may agree to a request by the employee that they are accompanied by a Companion at an informal meeting. The final decision on this will rest with the person holding the meeting in conjunction with the CMAT HR Team.

- 15.2 The employee must let the relevant Absence Reviewer or Manager know who their Companion will be at least one Working Day before the relevant meeting.
- 15.3 If the employee have any particular reasonable need, for example, because they have a disability, they can also be accompanied by a suitable helper.
- 15.4 The employee's Companion can address the meeting in order to:
- (a) put the employee's case;
 - (b) sum up the employee's case;
 - (c) respond on the employee's behalf to any view expressed at the meeting; and
 - (d) ask questions on the employee's behalf
- 15.5 The employee's Companion can also confer with the employee during the meeting.
- 15.6 The employee's Companion has no right to:
- (a) answer questions on the employee's behalf;
 - (b) address the meeting if the employee does not wish it; or
 - (c) prevent the employee from explaining their case.
- 15.7 Where the employee has identified their Companion and the employee has confirmed in writing to the relevant Absence Reviewer or Manager that the Companion cannot attend the date or time set for the meeting, the relevant meeting will be postponed for a period not in excess of five Working Days from the date set by the CMAT to a date and time agreed with the employee's Companion. Should the employee's Companion subsequently be unable to attend the rearranged Meeting, it may be held in the Companion's absence or written representations will be accepted.

16. TIMING OF MEETINGS

- 16.1 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 an employee was timetabled to teach (if that is appropriate to their role);
 - (b) normally not be held during planning, preparation and administration time if this does not impact on lesson preparation (if that is appropriate to their role);
 - (c) exceptionally be held after the end of the employee's working day;
 - (d) not be held on days on which the employee would not ordinarily work;
 - (e) be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

- 16.2 Where an employee is persistently unable or unwilling to attend a meeting without good cause, the relevant Absence Reviewer or Manager will make a decision based on the evidence available.

17. VENUE FOR MEETINGS

- 17.1 The relevant Absence Reviewer or Manager can hold the meeting off the School/Central Offices site to minimise any distress to the employee. Any reasonable request to do so will not be unreasonably refused.
- 17.2 Meetings may also be held virtually.
- 17.3 If the employee is unable to attend a meeting in person due to illness, alternative arrangements will be made where this is possible.
- 17.4 Any manager who has arranged to visit an employee at home, for example to undertake a welfare visit, will be accompanied by a member of the CMAT HR Team or, where this is not possible, by another manager/employee. If a member of the CMAT HR Team is visiting an employee's home, they will also be accompanied by another CMAT employee.

18. UNAUTHORISED ABSENCE/FALSE INFORMATION

- 18.1 Unauthorised absence will normally be dealt with under the CMAT's Disciplinary Policy and Procedure and could result in disciplinary action.
- 18.2 The provision of any false information will be dealt with under the CMAT's Disciplinary Policy and Procedure and could result in disciplinary action which may include dismissal.

19. EMPLOYEE ASSISTANCE PROGRAMME

- 19.1 The Employee Assistance Programme (EAP) offers employees access to free 24/7 confidential telephone counselling support on any personal, work or family issue. on the freephone telephone number – 0808 168 2143.
- 19.2 Every CMAT employee can phone the service for ad-hoc in the moment support 24 hours a day, 7 days a week. If it is clinically appropriate, an employee will be referred by the service for contracted counselling. Each employee is entitled to receive an agreed number of contracted telephone counselling or face-to-face counselling sessions.

20. MONITORING AND REVIEW

The implementation and impact of this Policy will be monitored to ensure consistency of application and adherence to Equalities legislation.